

1 AN ACT relating to grooming.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 2, 3, 4, and 5 of this Act, "grooming behavior" means a course of*
6 *conduct directed at a minor that is intended to establish an emotional connection with*
7 *a minor through manipulation, trust-building, or influence to:*

8 *(1) Facilitate future acts of sexual conduct; or*

9 *(2) Normalize or desensitize the minor to acts of sexual conduct;*

10 *even if no in-person meeting or act of sexual conduct is completed. This conduct may*
11 *occur online or in person, through third parties, or by other indirect methods to*
12 *facilitate the manipulation of a minor.*

13 ➔Section 2. KRS 161.120 is amended to read as follows:

14 (1) Except as described in KRS 161.795, the Education Professional Standards Board
15 may revoke, suspend, or refuse to issue or renew; impose probationary or
16 supervisory conditions upon; issue a written reprimand or admonishment; or any
17 combination of those actions regarding any certificate issued under KRS 161.010 to
18 161.100, or any certificate or license issued under any previous law to
19 superintendents, principals, teachers, substitute teachers, interns, supervisors,
20 directors of pupil personnel, or other administrative, supervisory, or instructional
21 employees for the following reasons:

22 (a) Being convicted of, or entering an "Alford" plea or plea of nolo contendere to,
23 notwithstanding an order granting probation or suspending imposition of any
24 sentence imposed following the conviction or entry of the plea, one (1) of the
25 following:

26 1. A felony;

27 2. A misdemeanor under KRS Chapter 218A, 508, 509, 510, 522, 525,

1 529, 530, or 531; or

2 3. A misdemeanor involving a student or minor.

3 A certified copy of the conviction or plea shall be conclusive evidence of the
4 conviction or plea;

5 (b) Having sexual contact as defined in KRS 510.010~~[(7)]~~ with a:

6 1. Current student;

7 2. Former student within two (2) years of the student's graduation or
8 otherwise ceasing to be enrolled as a student, unless the applicant or
9 certificate holder can prove by a preponderance of the evidence that
10 no grooming behavior occurred while the former student was a
11 current student or minor; or

12 3. Minor.

13 Conviction in a criminal proceeding shall not be a requirement for
14 disciplinary action;

15 (c) Committing any act that constitutes fraudulent, corrupt, dishonest, or immoral
16 conduct. If the act constitutes a crime, conviction in a criminal proceeding
17 shall not be a condition precedent to disciplinary action;

18 (d) Demonstrating willful or careless disregard for the health, welfare, or safety
19 of others;

20 (e) Physical or mental incapacity that prevents the certificate holder from
21 performing duties with reasonable skill, competence, or safety;

22 (f) Possessing, using, or being under the influence of alcohol, which impairs the
23 performance of duties;

24 (g) Unlawfully possessing or unlawfully using a drug during the performance of
25 duties;

26 (h) Incompetency or neglect of duty;

27 (i) Making, or causing to be made, any false or misleading statement or

- 1 concealing a material fact in obtaining issuance or renewal of any certificate;
- 2 (j) Failing to report as required by subsection (3) of this section;
- 3 (k) Failing to comply with an order of the Education Professional Standards
- 4 Board;
- 5 (l) Violating any state statute relating to schools or the teaching profession;
- 6 (m) Violating the professional code of ethics for Kentucky school certified
- 7 personnel established by the Education Professional Standards Board through
- 8 the promulgation of administrative regulation;
- 9 (n) Violating any administrative regulation promulgated by the Education
- 10 Professional Standards Board or the Kentucky Board of Education; or
- 11 (o) Receiving disciplinary action or having the issuance of a certificate denied or
- 12 restricted by another jurisdiction on grounds that constitute a violation of this
- 13 subsection.
- 14 (2) The Education Professional Standards Board shall respond to complaints against a
- 15 certificate holder by the following process:
- 16 (a) 1. Except as provided in subparagraph 2. of this paragraph, within thirty
- 17 (30) calendar days of the receipt of a completed complaint, board staff
- 18 shall conduct an initial review to determine whether there is sufficient
- 19 evidence that a violation may have occurred and shall provide notice of
- 20 the initial determination to the certificate holder within seven (7)
- 21 business days that shall include the complete copy of the report and all
- 22 underlying relevant documents and records. If the complaint alleges
- 23 unauthorized electronic communication as defined in KRS 160.145,
- 24 sexual contact, or other sexual misconduct, the identity of a complainant
- 25 that is not the superintendent and any identifying information of the
- 26 minor involved in the complaint shall remain confidential.
- 27 2. When a complaint alleges unauthorized electronic communication, as

1 defined in KRS 160.145, sexual contact, or other sexual misconduct, the
2 board staff shall have one hundred twenty (120) days to conduct the
3 initial review required by subparagraph 1. of this paragraph;

4 (b) Upon receipt of the notice, the certificate holder shall have thirty (30)
5 calendar days to respond or provide a rebuttal to any complaint that was
6 determined to contain sufficient evidence that a violation may have occurred.
7 The response period shall be extended an additional thirty (30) calendar days
8 upon the certificate holder's written request submitted to the board;

9 (c) Within ten (10) business days of the receipt of the certificate holder's response
10 or the end of the response period established in paragraph (b) of this
11 subsection, board staff shall conduct another review of the complaint to
12 determine if sufficient evidence exists to support a violation. If the board staff
13 determines that the evidence is:

14 1. Insufficient, then the board staff shall recommend dismissal and shall
15 notify the certificate holder and the complainant of the recommendation
16 within seven (7) business days of the determination; or

17 2. Sufficient, then the board staff shall have seven (7) business days to
18 notify the certificate holder and the complainant of the determination.
19 Notice to the complainant shall only state that further proceedings will
20 occur;

21 (d) Upon a determination that sufficient evidence exists to support a possible
22 violation, within the notice required under paragraph (c)2. of this subsection,
23 board staff shall initiate an in-person or virtual conference with the certificate
24 holder to share information and to determine if an agreed resolution can be
25 recommended to the board concerning the alleged violation. The conference
26 shall be scheduled within thirty (30) calendar days of the determination. The
27 certificate holder may decline the conference. If the conference does not occur

1 due to the certificate holder's failure to respond within the thirty (30) calendar
2 days, the required conference shall be considered waived. The certificate
3 holder may have an attorney present at the conference;

4 (e) Upon the conclusion of the thirty (30) calendar days conference period, the
5 board shall act on the complaint within thirty (30) calendar days. If the board
6 fails to act on the complaint within the thirty (30) calendar days, then the
7 complaint shall be considered dismissed. The board shall consider the entirety
8 of the complaint with any associated response or recommended agreed
9 resolution to determine:

- 10 1. Dismissal, conditional dismissal upon completion of training,
11 admonishment, further investigation, or initiation of a hearing;
- 12 2. Approval of the recommended agreed resolution; or
- 13 3. A deferral if:
 - 14 a. The content of the complaint is subject to ongoing:
 - 15 i. Criminal investigation or proceedings;
 - 16 ii. Child abuse, dependency, or neglect investigation by an
17 authorized state agency; or
 - 18 iii. Teacher tribunal process as provided in KRS 161.790; or
 - 19 b. The deferral is agreed to by the certificate holder; and

20 (f) The provision of a confirmation of receipt from the board to the certificate
21 holder whenever the certificate holder submits a response or correspondence
22 to the board.

23 (3) (a) The superintendent of each local school district shall report in writing to the
24 Education Professional Standards Board the name, address, phone number,
25 Social Security number, and position name of any certified school employee
26 in the employee's district whose contract is terminated or not renewed, for
27 cause except failure to meet local standards for quality of teaching

1 performance prior to the employee gaining tenure; who resigns from, or
2 otherwise leaves, a position under threat of contract termination, or
3 nonrenewal, for cause; who is convicted in a criminal prosecution; or who
4 otherwise may have engaged in any actions or conduct while employed in the
5 school district that might reasonably be expected to warrant consideration for
6 action against the certificate under subsection (1) of this section. The duty to
7 report shall exist without regard to any disciplinary action, or lack thereof, by
8 the superintendent, and the required report shall be submitted within thirty
9 (30) calendar days of the event giving rise to the duty to report.

10 (b) The district superintendent shall inform the Education Professional Standards
11 Board in writing of the full facts and circumstances leading to the contract
12 termination or nonrenewal, resignation, or other absence, conviction, or
13 otherwise reported actions or conduct of the certified employee, that may
14 warrant action against the certificate under subsection (1) of this section, and
15 shall forward copies of all relevant documents and records in his or her
16 possession.

17 (c) The Education Professional Standards Board shall provide the superintendent
18 confirmation of receipt of any report submitted by the superintendent within
19 seven (7) business days and shall provide the superintendent with notice of:

- 20 1. Whether or not board staff determine that there is sufficient evidence in
21 the report that a violation may have occurred; and
- 22 2. Any board action taken against the certificate holder who is the subject
23 of the report.

24 (d) The Education Professional Standards Board may consider reports and
25 information received from other sources.

26 (e) The certified school employee shall be given a copy of any report provided to
27 the Education Professional Standards Board by the district superintendent or

1 other sources. The employee shall have the right to file a written rebuttal
2 pursuant to subsection (2) of this section to the report which shall be placed in
3 the official file with the report.

4 (4) A finding or action by a school superintendent or tribunal does not create a
5 presumption of a violation or lack of a violation of subsection (1) of this section.

6 (5) The board may issue a written admonishment to the certificate holder if the board
7 determines, based on the evidence, that a violation has occurred that is not of a
8 serious nature. A copy of the written admonishment shall be placed in the official
9 file of the certificate holder. The certificate holder may respond in writing to the
10 admonishment within thirty (30) calendar days of receipt and have that response
11 placed in his or her official certification file. Alternatively, the certificate holder
12 may file a request for a hearing with the board within thirty (30) calendar days of
13 receipt of the admonishment. Upon receipt of a request for a hearing, the board
14 shall set aside the written admonishment and set the matter for hearing pursuant to
15 the provisions of KRS Chapter 13B within thirty (30) calendar days of receipt of the
16 request.

17 (6) (a) In accordance with the timeline specified in this section, the Education
18 Professional Standards Board shall schedule and conduct a hearing in
19 accordance with KRS Chapter 13B:

- 20 1. Upon determining that a complaint warrants possible revoking,
21 suspending, refusing to renew, imposing probationary or supervisory
22 conditions upon, issuing a written reprimand, or any combination of
23 these actions regarding any certificate;
- 24 2. After denying an application for a certificate, upon written request filed
25 within thirty (30) calendar days of receipt of the letter advising of the
26 denial; or
- 27 3. After issuing a written admonishment, upon written request for a

1 hearing filed within thirty (30) calendar days of receipt of the written
2 admonishment.

3 (b) If after the hearing required under paragraph (a) of this subsection is
4 scheduled and the certificate holder or applicant believes the hearing is not
5 timely, the certificate holder or applicant may submit a request for an
6 expedited hearing, and the hearing shall be conducted within sixty (60)
7 calendar days of the request.

8 (c) Upon request, a hearing may be public or private at the discretion of the
9 certified employee or applicant.

10 (d) The hearing shall be conducted before a hearing officer secured by the board
11 pursuant to KRS 13B.030 and the board may:

- 12 1. Employ hearing officers;
- 13 2. Contract with another agency for hearing officers;
- 14 3. Contract with private attorneys through personal service contracts; or
- 15 4. Secure a hearing officer from the Attorney General's office.

16 (e) The hearing shall afford the certificate holder all the rights secured under KRS
17 Chapter 13B.

18 (7) The Education Professional Standards Board or its chair may take emergency action
19 pursuant to KRS 13B.125. Emergency action shall not affect a certificate holder's
20 contract or tenure rights in the school district.

21 (8) If the Education Professional Standards Board substantiates that sexual contact
22 occurred between a certified employee and a student or minor, the employee's
23 certificate may be revoked or suspended with mandatory treatment of the employee
24 as prescribed by the Education Professional Standards Board. The Education
25 Professional Standards Board may require the employee to pay a specified amount
26 for mental health services for the student or minor which are needed as a result of
27 the sexual contact.

- 1 (9) At any time during the investigative or hearing processes, the board may enter into
2 an agreed order or accept an assurance of voluntary compliance with the certificate
3 holder.
- 4 (10) The board may reconsider, modify, or reverse its decision on any disciplinary
5 action.
- 6 (11) Suspension of a certificate shall be for a specified period of time, not to exceed two
7 (2) years.
- 8 (a) At the conclusion of the specified period, upon demonstration of compliance
9 with any educational requirements and the terms set forth in the agreed order,
10 the certificate shall be reactivated.
- 11 (b) A suspended certificate is subject to expiration and termination.
- 12 (12) Revocation of a certificate is a permanent forfeiture. The board shall establish the
13 minimum period of time before an applicant can apply for a new certificate.
- 14 (a) At the conclusion of the specified period, and upon demonstration of
15 compliance with any educational requirements and the terms set forth in the
16 agreed order, the applicant shall bear the burden of proof to show that he or
17 she is again fit for practice.
- 18 (b) The board shall have discretion to impose conditions that it deems reasonably
19 appropriate to ensure the applicant's fitness and the protection of public
20 safety. Any conditions imposed by the board shall address or apply to only
21 that time period after the revocation of the certificate.
- 22 (13) An appeal from any final order of the Education Professional Standards Board shall
23 be filed in Franklin Circuit Court or the Circuit Court of the county in which the
24 certificate holder was employed when the incident occurred in accordance with
25 KRS Chapter 13B which provides that all final orders of an agency shall be subject
26 to judicial review.
- 27 ➔Section 3. KRS 160.390 is amended to read as follows:

1 (1) The superintendent shall devote himself exclusively to his duties. He shall exercise
2 general supervision of the schools of his district, examine their condition and
3 progress, and keep himself informed of the progress in other districts. He shall
4 prepare or have prepared all budgets, salary schedules, and reports required of his
5 board by the Kentucky Board of Education. He shall advise himself of the need of
6 extension of the school system of the district, shall receive and examine reports
7 from teachers and other school officers, and shall make reports from time to time as
8 required by the rules of his board or as directed by the board. He shall be
9 responsible to the board for the general condition of the schools. He shall be
10 responsible for all personnel actions including hiring, assignments, transfer,
11 dismissal, suspension, reinstatement, promotion, and demotion and reporting the
12 actions to the local board.

13 (2) The superintendent shall, as a condition for employment within a local school
14 district, prohibit any employee of the local school district from sexual contact as
15 defined in KRS 510.010 with any:

16 (a) Current student;

17 (b) Former student within two (2) years of the student's graduation or
18 otherwise ceasing to be enrolled as a student in the local school district,
19 unless the employee or prospective employee provides sufficient proof to
20 satisfy the superintendent that no grooming behavior occurred while the
21 former student was a current student or minor; or

22 (c) Minor.

23 (3) All personnel actions by the superintendent as described in subsection (1) shall be
24 recorded in the minutes of the local board of education at the next meeting after the
25 action is taken and shall not be effective prior to receipt of written notice of the
26 personnel action by the affected employee from the superintendent.

27 ➔Section 4. KRS 160.1596 is amended to read as follows:

- 1 (1) (a) For purposes of this section, a member of the board of directors of a public
2 charter school shall be considered an officer under KRS 61.040 and shall,
3 within sixty (60) days of final approval of an application, take an oath of
4 office as required under KRS 62.010.
- 5 (b) Within seventy-five (75) days of the final approval of an application, the
6 board of directors and the authorizer shall enter into a binding charter contract
7 that establishes the academic and operational performance expectations and
8 measures by which the public charter school will be evaluated.
- 9 (c) The executed charter contract shall become the final authorization for the
10 public charter school. The charter contract shall include:
- 11 1. The term of the contract;
 - 12 2. The agreements relating to each item required under KRS 160.1592(3)
13 and 160.1593(3), as modified or supplemented during the approval
14 process;
 - 15 3. The rights and duties of each party;
 - 16 4. The administrative relationship between the authorizer and the public
17 charter school;
 - 18 5. The allocation of state, local, and federal funds, and the schedule to
19 disburse funds to the public charter school by the authorizer;
 - 20 6. The process the authorizer will use to provide ongoing oversight,
21 including a process to conduct annual site visits;
 - 22 7. The specific commitments of the public charter school authorizer
23 relating to its obligations to oversee, monitor the progress of, and
24 supervise the public charter school;
 - 25 8. The process and criteria the authorizer will use to annually monitor and
26 evaluate the overall academic, operating, and fiscal conditions of the
27 public charter school, including the process the authorizer will use to

1 oversee the correction of any deficiencies found in the annual review;

2 9. The process for revision or amendment to the terms of the charter
3 contract agreed to by the authorizer and the board of directors of the
4 public charter school;

5 10. The process agreed to by the authorizer and the board of directors of the
6 public charter school that identifies how disputes between the authorizer
7 and the board will be handled;

8 11. A requirement that all employees or contractors of a public charter
9 school refrain from sexual contact as defined in KRS 510.010 with
10 any:

11 a. Current student;

12 b. Former student within two (2) years of the student's graduation
13 or otherwise ceasing to be enrolled as a student in the local
14 school district, unless the employee, prospective employee, or
15 contractor provides sufficient proof to satisfy the board of
16 directors or school administrator responsible for personnel
17 matters that no grooming behavior occurred while the former
18 student was a current student or minor; or

19 c. Minor; and

20 12. [11.] Any other terms and conditions agreed to by the authorizer and the
21 board of directors, including pre-opening conditions. Reasonable
22 conditions shall not include enrollment caps or operational requirements
23 that place undue constraints on a public charter school or are
24 contradictory to the provisions of KRS 160.1590 to 160.1599 and
25 161.141. Such conditions, even when incorporated in a charter contract,
26 shall be considered unilaterally imposed conditions.

27 (d) 1. The performance provisions within a charter contract shall be based on a

1 performance framework that sets forth the academic and operational
2 performance indicators, measures, and metrics to be used by the
3 authorizer to evaluate each public charter school. The performance
4 framework shall include at a minimum indicators, measures, and metrics
5 for:

- 6 a. Student academic proficiency;
- 7 b. Student academic growth;
- 8 c. Achievement gaps in both student proficiency and student growth
9 for student subgroups, including race, sex, socioeconomic status,
10 and areas of exceptionality;
- 11 d. Student attendance;
- 12 e. Student suspensions;
- 13 f. Student withdrawals;
- 14 g. Student exits;
- 15 h. Recurrent enrollment from year to year;
- 16 i. College or career readiness at the end of grade twelve (12);
- 17 j. Financial performance and sustainability; and
- 18 k. Board of directors' performance and stewardship, including
19 compliance with all applicable statutes, administrative regulations,
20 and terms of the charter contract.

- 21 2. The performance framework shall allow the inclusion of additional
22 rigorous, valid, and reliable indicators proposed by a public charter
23 school to augment external evaluations of its performance. The proposed
24 indicators shall be consistent with the purposes of KRS 160.1590 to
25 160.1599 and 161.141 and shall be negotiated with the authorizer.
- 26 3. The performance framework shall require the disaggregation of student
27 performance data by subgroups, including race, sex, socioeconomic

1 status, and areas of exceptionality.

2 4. The authorizer shall be responsible for collecting, analyzing, and
3 reporting to the state board all state-required assessment and
4 achievement data for each public charter school it oversees.

5 (e) Annual student achievement performance targets shall be set, in accordance
6 with the state accountability system, by each public charter school in
7 conjunction with its authorizer, and those measures shall be designed to help
8 each school meet applicable federal, state, and authorizer goals.

9 (f) The charter contract shall be signed by the chair of the governing board of the
10 authorizer and the chair of the board of directors of the public charter school.
11 An approved charter application shall serve as a charter contract for the public
12 charter school.

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

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

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

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

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

1 each public charter school.

2 (6) Notwithstanding the formula for allocating district funds under KRS 160.345(8)
3 and any other statute governing a district's funding of schools, unless an authorizing
4 district agrees to provide a larger sum of funding in the charter contract, after local
5 capital outlay funds that are restricted in use pursuant to KRS 157.420(4) and funds
6 under KRS 157.440(1)(b) and 157.621 necessary to meet debt service obligations
7 on bonds or other financing mechanisms for new construction and renovation
8 projects for school facilities are excluded, and before any other funds are budgeted
9 for district use, a district shall transfer to each of the public charter schools located
10 within the district:

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

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

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

24 (b) On a proportionate per pupil basis:

- 25 1. Education funds allocated to the school district pursuant to KRS
26 157.440(1)(a) and (2)(a), or pursuant to any applicable federal statute;
27 and

- 1 2. All taxes and payments in lieu of taxes transferred to the district of
2 location or levied and collected by the district of location; and
- 3 (c) On a proportionate per pupil transported basis, transportation funds calculated
4 pursuant to KRS 157.360(2)(c) and 157.370 and distributed to the district of
5 location, unless the school district provides transportation to students
6 attending the public charter school under written terms agreed upon by the
7 district and the public charter school in either the charter contract or, if the
8 district is not the public charter school's authorizer, a separate agreement.
- 9 (7) (a) If transportation funds are transferred under this section to a public charter
10 school, then the public charter school receiving those funds shall provide
11 transportation services to the enrolled students residing within the district of
12 location.
- 13 (b) If funds designated for providing additional services to specific students are
14 transferred under this section, then the public charter school receiving those
15 funds shall provide those services in the same manner as the district of
16 location.
- 17 (c) If transportation services are not provided by the public charter school and no
18 written agreement to provide transportation services with the district of
19 location exists, then no transportation funds shall be transferred and the
20 district of location shall not be responsible for providing transportation to the
21 public charter school's students.
- 22 (8) Notwithstanding the identification of funds to be transferred in this section, a
23 collaborative among local school boards authorizing a public charter school may
24 negotiate among the local boards and a charter applicant to identify the amount of
25 funds to be transferred to the public charter school. The agreement shall be detailed
26 in the charter contract.
- 27 (9) (a) For the calculation of amounts under subsections (6) and (7) of this section

1 during the first school year of operation of a public charter school in a school
2 district, beginning with the start of instruction:

- 3 1. The public charter school's average daily attendance shall be calculated
4 based on a projection of the public charter school's enrollment and the
5 district's overall average daily attendance;
- 6 2. The public charter school's aggregate daily attendance of students
7 transported shall be calculated based on a projection of the public
8 charter school's enrollment and transportation plan and the district's
9 overall aggregate daily attendance of students transported; and
- 10 3. The amounts attributable to each individual student's attendance at the
11 public charter school shall be calculated based on a projection of the
12 public charter school's enrollment and demographics and the district's
13 overall enrollment and demographics.

14 (b) The calculations shall be adjusted in January of the first school year of
15 operation to reflect the first semester's actual data. Subsequent years of
16 operation shall be calculated using actual data from the prior school year.

17 (10) (a) Funds identified for transfer under this section shall be transferred by a district
18 of location to each of the public charter schools located within the district.
19 However, up to three percent (3%) of the funds identified under this section
20 for transfer to a public charter school may be retained by an authorizer as an
21 authorizer fee.

22 (b) If the authorizer of a public charter school does not include the local board of
23 education of the district of location, then the district of location shall transfer
24 the authorizer fee to the public charter school's authorizer.

25 (c) If the Kentucky Board of Education requires the authorization of a public
26 charter school on appeal from an authorizer, the board shall receive twenty-
27 five percent (25%) of the authorizing fee for the duration of joint oversight

1 required by KRS 160.1595.

2 (11) Funds identified for transfer by a district of location to a public charter school under
3 this section shall be transferred throughout the school year according to a schedule
4 determined by the state board. The scheduled dates shall be within thirty (30) days
5 of the dates of state disbursement of funds to school districts. Failure to transfer
6 required funds shall, for every five (5) days late, result in a fine to the violator of
7 not less than five percent (5%) of the total funds per funding period to be
8 transferred. Fines imposed shall be transferred to the public charter school affected
9 by the delay.

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

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

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

24 (15) If a public charter school closes for any reason, the assets of the school shall be
25 distributed first to satisfy outstanding payroll obligations for employees of the
26 school, then to the creditors of the school, then to the district of location or
27 authorizing districts if authorized by a collaborative of local boards of education. If

1 the assets are insufficient to satisfy outstanding obligations, the authorizer shall
2 petition to Circuit Court of the county in which the public charter school is located
3 to prioritize the distribution of assets.

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

5 (a) Establish the process to be used to evaluate the performance of a charter
6 school authorizer, based upon the requirements of KRS 160.1590 to 160.1599
7 and 161.141, and the actions to be taken in response to failures in
8 performance; and

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

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

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

- 17 1. Closed during or after the academic year; or
18 2. Had the contract nonrenewed or revoked;

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

22 (c) The number of applications received, the number reviewed, and the number
23 approved;

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

27 (e) The authorizing duties and functions performed by the authorizer during the

1 previous academic year.

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

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

9 (a) Courses of study for the different grades and kinds of common schools
10 identifying the common curriculum content directly tied to the goals,
11 outcomes, and assessment strategies developed under KRS 158.645,
12 158.6451, and 158.6453 and distributed to local school districts and schools.

13 The administrative regulations shall provide that:

- 14 1. If a school offers American sign language, the course shall be accepted
15 as meeting the foreign language requirements in common schools
16 notwithstanding other provisions of law;
- 17 2. If a school offers the Reserve Officers Training Corps program, the
18 course shall be accepted as meeting the physical education requirement
19 for high school graduation notwithstanding other provisions of law;
- 20 3. Every public middle and high school's curriculum shall include
21 instruction on the Holocaust and other cases of genocide, as defined by
22 the United Nations Convention on the Prevention and Punishment of the
23 Crime of Genocide, that a court of competent jurisdiction, whether a
24 court in the United States or the International Court of Justice, has
25 determined to have been committed by applying rigorous standards of
26 due process; and
- 27 4. Beginning in the 2025-2026 school year, cursive writing shall be

1 included as a course of study in all elementary schools and shall be
2 designed to ensure proficiency in cursive writing by the end of grade
3 five (5);

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

7 (c) The acquisition and use of educational equipment for the schools as
8 recommended by the Council for Education Technology;

9 (d) The minimum requirements for high school graduation in light of the
10 expected outcomes for students and schools set forth in KRS 158.6451. The
11 minimum requirements shall not include achieving any postsecondary
12 readiness indicator as described in KRS 158.6455 or any minimum score on a
13 statewide assessment administered under KRS 158.6453. Student scores from
14 any assessment administered under KRS 158.6453 that are determined by the
15 department's technical advisory committee to be valid and reliable at the
16 individual level shall be included on the student transcript. The department's
17 technical advisory committee shall submit its determination to the
18 commissioner of education and the Legislative Research Commission;

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

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

26 (f) Taking and keeping a school census, and the forms, blanks, and software to be
27 used in taking and keeping the census and in compiling the required reports.

1 The board shall create a statewide student identification numbering system
2 based on students' Social Security numbers. The system shall provide a
3 student identification number similar to, but distinct from, the Social Security
4 number, for each student who does not have a Social Security number or
5 whose parents or guardians choose not to disclose the Social Security number
6 for the student;

7 (g) Sanitary and protective construction of public school buildings, toilets,
8 physical equipment of school grounds, school buildings, and classrooms. With
9 respect to physical standards of sanitary and protective construction for school
10 buildings, the Kentucky Board of Education shall adopt the Uniform State
11 Building Code;

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

24 (i) A vision examination by an optometrist or ophthalmologist that shall be
25 required by the Kentucky Board of Education. The administrative regulations
26 shall require evidence that a vision examination that meets the criteria
27 prescribed by the Kentucky Board of Education has been performed. This

- 1 evidence shall be submitted to the school no later than January 1 of the first
2 year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a
3 public school, public preschool, or Head Start program;
- 4 (j) 1. Beginning with the 2010-2011 school year, a dental screening or
5 examination by a dentist, dental hygienist, physician, registered nurse,
6 advanced practice registered nurse, or physician assistant that shall be
7 required by the Kentucky Board of Education. The administrative
8 regulations shall require evidence that a dental screening or examination
9 that meets the criteria prescribed by the Kentucky Board of Education
10 has been performed. This evidence shall be submitted to the school no
11 later than January 1 of the first year that a five (5) or six (6) year-old
12 child is enrolled in a public school.
- 13 2. A child shall be referred to a licensed dentist if a dental screening or
14 examination performed by anyone other than a licensed dentist identifies
15 the possibility of dental disease;
- 16 (k) The transportation of children to and from school;
- 17 (l) The fixing of holidays on which schools may be closed and special days to be
18 observed, and the pay of teachers during absence because of sickness or
19 quarantine or when the schools are closed because of quarantine;
- 20 (m) The preparation of budgets and salary schedules for the several school
21 districts under the management and control of the Kentucky Board of
22 Education;
- 23 (n) A uniform series of forms and blanks, educational and financial, including
24 forms of contracts, for use in the several school districts;
- 25 (o) The disposal of real and personal property owned by local boards of
26 education; and
- 27 (p) The development and implementation of procedures, for all students who are

homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do the following:

1. Awarding and accepting of credit, including partial credit, for all coursework satisfactorily completed by a student while enrolled at another school;
2. Allowing a student who was previously enrolled in a course required for graduation the opportunity, to the extent practicable, to complete the course, at no cost to the student, before the beginning of the next school year;
3. Awarding a diploma, at the student's request, by a district from which the student transferred, if the student transfers schools at any time after the completion of the student's second year of high school and the student is ineligible to graduate from the district to which the student transfers, but meets the graduation requirements of the district from which the student transferred; and
4. Exempting the student from all coursework and other requirements imposed by the local board of education that are in addition to the minimum requirements for high school graduation established by the Kentucky Board of Education pursuant to paragraph (d) of this subsection in the district to which the student transfers, if the student transfers schools at any time after the completion of the student's second year of high school and the student is ineligible to graduate both from the district to which the student transfers and the district from which the student transferred.

(2) Any private, parochial, or church school may **be certified upon application to the board by the school and upon a showing that the school:**

(a) Voluntarily **complies**~~[comply]~~ with curriculum, certification, and textbook

standards established by the Kentucky Board of Education; and

(b) Requires, as a condition for employment within the school, a prohibition of any employee of the school from sexual contact as defined in KRS 510.010 with any:

1. Current student;

2. Former student within two (2) years of the student's graduation or otherwise ceasing to be enrolled as a student in the school, unless the employee or prospective employee provides sufficient proof to satisfy the governing board or school administrator responsible for personnel matters that no grooming behavior occurred while the former student was a current student or minor; and

3. Minor

~~[and be certified upon application to the board by such schools].~~

(3) Any public school that violates the provisions of KRS 158.854 shall be subject to a penalty to be assessed by the commissioner of education as follows:

- (a) The first violation shall result in a fine of no less than one (1) week's revenue from the sale of the competitive food;
- (b) Subsequent violations shall result in a fine of no less than one (1) month's revenue from the sale of the competitive food;
- (c) "Habitual violations," which means five (5) or more violations within a six (6) month period, shall result in a six (6) month ban on competitive food sales for the violating school; and
- (d) Revenue collected as a result of the fines in this subsection shall be transferred to the food service fund of the local school district.