

1 AN ACT relating to public school facilities.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 162 IS CREATED TO
4 READ AS FOLLOWS:

5 **(1) *For the purposes of this section:***

6 **(a) *"Biological sex" and "school" have the same meaning as in KRS 158.189;***

7 ***and***

8 **(b) *"Restroom facilities" means a room containing at least one (1) functioning***
9 ***toilet or urinal and shall include nearby sinks and mirrors that are designed***
10 ***to be used by people using the toilet or urinal.***

11 **(2) *For each school building that is designed to serve more than one hundred (100)***
12 ***students, at least ninety five percent (95%) of the restroom facilities in the school***
13 ***building shall be designated by the school administration to be for a specific***
14 ***biological sex pursuant to KRS 158.189.***

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

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

22 (a) Courses of study for the different grades and kinds of common schools
23 identifying the common curriculum content directly tied to the goals,
24 outcomes, and assessment strategies developed under KRS 158.645,
25 158.6451, and 158.6453 and distributed to local school districts and schools.
26 The administrative regulations shall provide that:

27 1. If a school offers American sign language, the course shall be accepted

- 1 as meeting the foreign language requirements in common schools
2 notwithstanding other provisions of law;
- 3 2. If a school offers the Reserve Officers Training Corps program, the
4 course shall be accepted as meeting the physical education requirement
5 for high school graduation notwithstanding other provisions of law;
- 6 3. Every public middle and high school's curriculum shall include
7 instruction on the Holocaust and other cases of genocide, as defined by
8 the United Nations Convention on the Prevention and Punishment of the
9 Crime of Genocide, that a court of competent jurisdiction, whether a
10 court in the United States or the International Court of Justice, has
11 determined to have been committed by applying rigorous standards of
12 due process; and
- 13 4. Beginning in the 2025-2026 school year, cursive writing shall be
14 included as a course of study in all elementary schools and shall be
15 designed to ensure proficiency in cursive writing by the end of grade
16 five (5);
- 17 (b) Courses of study or educational experiences available to students in all middle
18 and high schools to fulfill the prerequisites for courses in advanced science
19 and mathematics as defined in KRS 158.845;
- 20 (c) The acquisition and use of educational equipment for the schools as
21 recommended by the Council for Education Technology;
- 22 (d) The minimum requirements for high school graduation in light of the
23 expected outcomes for students and schools set forth in KRS 158.6451. The
24 minimum requirements shall not include achieving any postsecondary
25 readiness indicator as described in KRS 158.6455 or any minimum score on a
26 statewide assessment administered under KRS 158.6453. Student scores from
27 any assessment administered under KRS 158.6453 that are determined by the

- 1 department's technical advisory committee to be valid and reliable at the
2 individual level shall be included on the student transcript. The department's
3 technical advisory committee shall submit its determination to the
4 commissioner of education and the Legislative Research Commission;
- 5 (e) The requirements for an alternative high school diploma for students with
6 disabilities whose individualized education program indicates that, in
7 accordance with 20 U.S.C. sec. 1414(d)(1)(A):
- 8 1. The student cannot participate in the regular statewide assessment; and
 - 9 2. An appropriate alternate assessment has been selected for the student
10 based upon a modified curriculum and an individualized course of
11 study;
- 12 (f) Taking and keeping a school census, and the forms, blanks, and software to be
13 used in taking and keeping the census and in compiling the required reports.
14 The board shall create a statewide student identification numbering system
15 based on students' Social Security numbers. The system shall provide a
16 student identification number similar to, but distinct from, the Social Security
17 number, for each student who does not have a Social Security number or
18 whose parents or guardians choose not to disclose the Social Security number
19 for the student;
- 20 (g) Sanitary and protective construction of public school buildings, toilets,
21 physical equipment of school grounds, school buildings, and classrooms. With
22 respect to physical standards of sanitary and protective construction for school
23 buildings, the Kentucky Board of Education shall adopt the Uniform State
24 Building Code ***and shall abide by Section 1 of this Act;***
- 25 (h) Medical inspection, physical and health education and recreation, and other
26 regulations necessary or advisable for the protection of the physical welfare
27 and safety of the public school children. The administrative regulations shall

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

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

17 (j) 1. Beginning with the 2010-2011 school year, a dental screening or
18 examination by a dentist, dental hygienist, physician, registered nurse,
19 advanced practice registered nurse, or physician assistant that shall be
20 required by the Kentucky Board of Education. The administrative
21 regulations shall require evidence that a dental screening or examination
22 that meets the criteria prescribed by the Kentucky Board of Education
23 has been performed. This evidence shall be submitted to the school no
24 later than January 1 of the first year that a five (5) or six (6) year-old
25 child is enrolled in a public school.

26 2. A child shall be referred to a licensed dentist if a dental screening or
27 examination performed by anyone other than a licensed dentist identifies

- 1 the possibility of dental disease;
- 2 (k) The transportation of children to and from school;
- 3 (l) The fixing of holidays on which schools may be closed and special days to be
- 4 observed, and the pay of teachers during absence because of sickness or
- 5 quarantine or when the schools are closed because of quarantine;
- 6 (m) The preparation of budgets and salary schedules for the several school
- 7 districts under the management and control of the Kentucky Board of
- 8 Education;
- 9 (n) A uniform series of forms and blanks, educational and financial, including
- 10 forms of contracts, for use in the several school districts;
- 11 (o) The disposal of real and personal property owned by local boards of
- 12 education; and
- 13 (p) The development and implementation of procedures, for all students who are
- 14 homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do
- 15 the following:
- 16 1. Awarding and accepting of credit, including partial credit, for all
- 17 coursework satisfactorily completed by a student while enrolled at
- 18 another school;
- 19 2. Allowing a student who was previously enrolled in a course required for
- 20 graduation the opportunity, to the extent practicable, to complete the
- 21 course, at no cost to the student, before the beginning of the next school
- 22 year;
- 23 3. Awarding a diploma, at the student's request, by a district from which
- 24 the student transferred, if the student transfers schools at any time after
- 25 the completion of the student's second year of high school and the
- 26 student is ineligible to graduate from the district to which the student
- 27 transfers, but meets the graduation requirements of the district from

1 which the student transferred; and

2 4. Exempting the student from all coursework and other requirements
3 imposed by the local board of education that are in addition to the
4 minimum requirements for high school graduation established by the
5 Kentucky Board of Education pursuant to paragraph (d) of this
6 subsection in the district to which the student transfers, if the student
7 transfers schools at any time after the completion of the student's second
8 year of high school and the student is ineligible to graduate both from
9 the district to which the student transfers and the district from which the
10 student transferred.

11 (2) (a) At the request of a local board of education or a school council, a local school
12 district superintendent shall request that the Kentucky Board of Education
13 waive any administrative regulation promulgated by that board. Beginning in
14 the 1996-97 school year, a request for waiver of any administrative regulation
15 shall be submitted to the Kentucky Board of Education in writing with
16 appropriate justification for the waiver. The Kentucky Board of Education
17 may approve the request when the school district or school has demonstrated
18 circumstances that may include but are not limited to the following:

19 1. An alternative approach will achieve the same result required by the
20 administrative regulation;
21 2. Implementation of the administrative regulation will cause a hardship on
22 the school district or school or jeopardize the continuation or
23 development of programs; or
24 3. There is a finding of good cause for the waiver.

25 (b) The following shall not be subject to waiver:

26 1. Administrative regulations relating to health and safety;
27 2. Administrative regulations relating to civil rights;

- 1 3. Administrative regulations required by federal law; and
- 2 4. Administrative regulations promulgated in accordance with KRS
- 3 158.6451, 158.6453, 158.6455, and this section, relating to measurement
- 4 of performance outcomes and determination of successful districts or
- 5 schools, except upon issues relating to the grade configuration of
- 6 schools.
- 7 (c) Any waiver granted under this subsection shall be subject to revocation upon
- 8 a determination by the Kentucky Board of Education that the school district or
- 9 school holding the waiver has subsequently failed to meet the intent of the
- 10 waiver.
- 11 (3) Any private, parochial, or church school may voluntarily comply with curriculum,
- 12 certification, and textbook standards established by the Kentucky Board of
- 13 Education and be certified upon application to the board by such schools.
- 14 (4) Any public school that violates the provisions of KRS 158.854 shall be subject to a
- 15 penalty to be assessed by the commissioner of education as follows:
- 16 (a) The first violation shall result in a fine of no less than one (1) week's revenue
- 17 from the sale of the competitive food;
- 18 (b) Subsequent violations shall result in a fine of no less than one (1) month's
- 19 revenue from the sale of the competitive food;
- 20 (c) "Habitual violations," which means five (5) or more violations within a six (6)
- 21 month period, shall result in a six (6) month ban on competitive food sales for
- 22 the violating school; and
- 23 (d) Revenue collected as a result of the fines in this subsection shall be
- 24 transferred to the food service fund of the local school district.