

AN ACT relating to adult education.

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

Section 1. KRS 164.0064 is amended to read as follows:

(1) *The Kentucky Adult Education Program within the Council on Postsecondary Education shall promulgate administrative regulations to:*

*(a) Select, develop, and manage at least one (1) training and testing program aligned with the College and Career Readiness Standards for Adult Education, or any other similar standards adopted by the federal Office of Career, Technical, and Adult Education, to serve as the High School Equivalency Testing program for the purpose of allowing students to receive a High School Equivalency Diploma;*

*(b) Recognize at least two (2) tests, if available, aligned with the College and Career Readiness Standards for Adult Education, or any other standards adopted by the federal Office of Career, Technical, and Adult Education, to serve as qualifying tests which upon the passing of any of them, shall entitle students to receive a High School Equivalency Diploma; and*

*(c) Establish the necessary policies to administer this subsection.*

*(2) On the effective date of this Act, any high school equivalency diploma previously recognized or issued by the Commonwealth shall be considered retroactively as a High School Equivalency Diploma.*

*(3) Upon issuance, a High School Equivalency Diploma shall not be invalidated by any subsequent changes in test selection under subsection (1) of this section.*

*(4)* For purposes of any public employment, a High School Equivalency Diploma or a regular high school diploma obtained through participation in the external diploma program shall be considered equal to a high school diploma issued under the provisions of KRS 158.140.

(a) A High School Equivalency Diploma shall be issued without charge upon

successfully passing the test given by the Kentucky Adult Education Program's approved testing centers in conformance with requirements of the High School Equivalency Testing program~~[General Educational Development Testing Service of the American Council on Education]~~. A fee may be assessed by the Kentucky Adult Education Program for the issuance of a duplicate High School Equivalency Diploma and for issuance of a duplicate score report. All fees collected for duplicate diplomas and score reports shall be used to support the adult education program.

(b) A High School Equivalency Diploma shall be issued upon passing a test that is recognized by the Kentucky Adult Education Program under subsection (1) of this section, but a fee may be assessed by the Kentucky Adult Education Program if the test was not taken in connection with the High School Equivalency Testing program. All fees collected shall be used to support the Kentucky Adult Education Program.

(c) As an alternative to receiving a High School Equivalency Diploma, persons who are eighteen (18)~~[twenty-five (25)]~~ years or older may obtain a high school diploma through participation in the external diploma program. The diploma shall be issued upon achieving one hundred percent (100%) mastery on the competencies established by the American Council on Education. The Kentucky Adult Education Program may enter into agreements with local school districts to confer the high school diploma on successful participants in the external diploma program.

(5)~~(2)~~ The Kentucky Adult Education Program is authorized to contract annually with an institution of higher education or other appropriate agency or entity for scoring High School Equivalency Testing program~~[the GED]~~ examinations~~[essay]~~.

➔Section 2. KRS 164.0062 is amended to read as follows:

The General Assembly recognizes the critical condition of the educational level of Kentucky's adult population and seeks to stimulate the attendance at, and successful completion of, programs that provide a High School Equivalency Diploma. Incentives shall be provided to full-time employees who complete a **High School Equivalency Testing**~~[high school equivalency diploma]~~ program within one (1) year and their employers.~~[ For purposes of this section "equivalent diploma" means a high school equivalency diploma issued after successful completion of the General Educational Development tests.]~~

- (1) The Kentucky Adult Education Program within the Council on Postsecondary Education shall promulgate administrative regulations to establish the operational procedures for this section. The administrative regulations shall include but not be limited to the criteria for:
  - (a) A learning contract that includes the process to develop a learning contract between the student and the adult education instructor with the employer's agreement to participate and support the student;
  - (b) Attendance reports that validate that the student is **enrolled and** studying for the High School Equivalency Diploma during the release time from work;
  - (c) Final reports that qualify the student for the tuition discounts under subsection (2)(a) of this section and that qualify the employer for tax credits under subsection (3) of the section.
- (2) (a) An individual who has been out of secondary school for at least three (3) years, develops and successfully completes a learning contract that requires a minimum of five (5) hours per week to study for the **High School Equivalency Testing program**~~[high school equivalency diploma]~~ tests, and passes the tests shall earn a tuition discount of two hundred fifty dollars (\$250) per semester for a maximum of four (4) semesters at one (1) of Kentucky's public postsecondary institutions.

- (b) The program shall work with the postsecondary institutions to establish notification procedures for students who qualify for the tuition discount.
- (3) An employer who assists an individual to complete his or her learning contract under the provisions of this section shall receive a state tax credit against the income tax imposed by KRS 141.020 or 141.040, and the limited liability entity tax imposed by KRS 141.0401, with credit ordering as provided in KRS 141.0205 for a portion of the released time given to the employee to study for the tests. The application for the tax credit shall be supported with attendance documentation provided by the Kentucky Adult Education Program and calculated by multiplying fifty percent (50%) of the hours released for study by the student's hourly salary, and not to exceed a credit of one thousand two hundred fifty dollars (\$1250).

➔Section 3. KRS 15.382 is amended to read as follows:

A person certified after December 1, 1998, under KRS 15.380 to 15.404 shall, at the time of becoming certified, meet the following minimum qualifications:

- (1) Be a citizen of the United States;
- (2) Be at least twenty-one (21) years of age;
- (3) **Possess a high school diploma or a High School Equivalency Diploma**~~Be a high school graduate or have successfully completed a General Education Development (G.E.D.) examination~~];
- (4) Possess a valid license to operate a motor vehicle;
- (5) Be fingerprinted for a criminal background check;
- (6) Not have been convicted of any felony;
- (7) Not be prohibited by federal or state law from possessing a firearm;
- (8) Have received and read the Kentucky Law Enforcement Officers Code of Ethics as established by the council;
- (9) Have not received a dishonorable discharge, bad conduct discharge, or general discharge under other than honorable conditions, if having served in any branch of

- the Armed Forces of the United States;
- (10) Have passed a medical examination as defined by the council by administrative regulation to determine if he can perform peace officer duties as determined by a validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall pass the medical examination, appropriate to the agency's job task analysis, of the employing agency. All agencies shall certify passing medical examination results to the council, which shall accept them as complying with KRS 15.315 to 15.510;
  - (11) Have passed a drug screening test administered or approved by the council by administrative regulation. A person shall be deemed to have passed a drug screening test if the results of the test are negative for the use of an illegal controlled substance or prescription drug abuse. Any agency that administers its own test that meets or exceeds this standard shall certify passing test results to the council, which shall accept them as complying with KRS 15.315 to 15.510;
  - (12) Have undergone a background investigation established or approved by the council by administrative regulation to determine suitability for the position of a peace officer. If the employing agency has established its own background investigation that meets or exceeds the standards of the council, as set forth by administrative regulation, the agency shall conduct the background investigation and shall certify background investigation results to the council, which shall accept them as complying with KRS 15.315 to 15.510;
  - (13) Have been interviewed by the employing agency;
  - (14) Not have had certification as a peace officer permanently revoked in another state;
  - (15) Have taken a psychological suitability screening administered or approved by the council by administrative regulation to determine the person's suitability to perform peace officer duties as determined by a council validated job task analysis. However, if the employing agency has its own validated job task analysis, the

person shall take that agency's psychological examination, appropriate to the agency's job task analysis. All agencies shall certify psychological examination results to the council, which shall accept them as complying with KRS 15.315 to 15.510;

(16) Have passed a physical agility test administered or approved by the council by administrative regulation to determine his suitability to perform peace officer duties as determined by a council validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall take the physical agility examination of the employing agency. All agencies shall certify physical agility examination results to the council, which shall accept them as demonstrating compliance with KRS 15.315 to 15.510; and

(17) Have taken a polygraph examination administered or approved by the council by administrative regulation to determine his suitability to perform peace officer duties. Any agency that administers its own polygraph examination as approved by the council shall certify the results that indicate whether a person is suitable for employment as a peace officer to the council, which shall accept them as complying with KRS 15.315 to 15.510.

➔Section 4. KRS 15.3971 is amended to read as follows:

(1) A person certified as a court security officer after June 26, 2007, under KRS 15.380 to 15.404 shall, at the time of becoming certified, meet the following minimum qualifications:

- (a) Be a citizen of the United States;
- (b) Be at least twenty-one (21) years of age;
- (c) Possess a high school diploma or a High School Equivalency Diploma~~Be a high school graduate or have successfully completed a General Educational Development (GED) examination~~;
- (d) Possess a valid license to operate a motor vehicle;

- (e) Be fingerprinted for a criminal background check;
- (f) Not have been convicted of any felony;
- (g) Not be prohibited by federal or state law from possessing a firearm;
- (h) Have received and read the Kentucky Law Enforcement Officers Code of Ethics, as established by the council;
- (i) Have not received a dishonorable discharge, a bad conduct discharge, or general discharge under other than honorable conditions if he or she served in any branch of the Armed Forces of the United States;
- (j) Have passed a drug screening test administered or approved by the council by administrative regulation. A person shall be deemed to have passed a drug screening test if the results of the test are negative for the use of an illegal controlled substance or prescription drug abuse. Any agency that administers its own test that meets or exceeds this standard shall certify passing test results to the council, which shall accept them as complying with KRS 15.380 to 15.404;
- (k) Have undergone a background investigation established or approved by the council by administrative regulation to determine suitability for the position of a court security officer. If the employing agency has established its own background investigation that meets or exceeds the standards of the council, as set forth by administrative regulation, the agency shall conduct the background investigation and shall certify background investigation results to the council, which shall accept them as complying with KRS 15.380 to 15.404;
- (l) Have been interviewed by the employing agency;
- (m) Have taken a psychological suitability screening administered or approved by the council by administrative regulation to determine the person's suitability to perform court security officer duties; and

- (n) Have taken a polygraph examination administered or approved by the council by administrative regulation to determine his or her suitability to perform court security officer duties. Any agency that administers its own polygraph examination as approved by the council shall certify the results that indicate whether a person is suitable for employment as a court security officer to the council, which shall accept them as complying with KRS 15.380 to 15.404.
- (2) A court security officer employed on or before June 26, 2007, shall comply with the requirements of subsection (1) of this section within six (6) months of June 26, 2007.
- (3) A peace officer who has previously attended law enforcement basic training and met the certification requirements of KRS 15.380 and 15.382 shall not be required to meet the requirements of this section to be appointed a court security officer, but shall meet the requirements of KRS 15.386(3).

➔Section 5. KRS 15.540 is amended to read as follows:

- (1) An agency hiring a telecommunicator after July 15, 2006, shall certify to the Department of Criminal Justice Training before admission to the telecommunicator training program that the telecommunicator:
  - (a) Is a citizen of the United States and has reached the age of majority;
  - (b) Possesses a high school diploma or a High School Equivalency Diploma~~Is a high school graduate or has received a general equivalency diploma (GED)~~;
  - (c) Has not been convicted of a felony or other crimes involving moral turpitude as determined by submission of each applicant's fingerprints to the information systems section of the Department of Kentucky State Police and to the Federal Bureau of Investigation identification division, and by such other investigations as required by the hiring agency;
  - (d) Has taken a psychological suitability screening administered or approved by the Kentucky Law Enforcement Council to determine his or her suitability to



perform the duties of a telecommunicator. Any agency that administers its own suitability screening shall certify the results to the department;

- (e) Has taken a polygraph examination administered or approved by the Kentucky Law Enforcement Council to determine his or her suitability to perform the duties of a telecommunicator. Any agency that administers its own polygraph examination shall certify the results to the department; and
  - (f) Has passed a drug screening administered or approved by the Kentucky Law Enforcement Council. A person shall be deemed to have passed a drug screening if the results are negative for the use of an illegal controlled substance or prescription drug abuse. Any agency that administers its own screening shall certify passing results to the department.
- (2) Provisions of the Open Records Act, KRS 61.870 to 61.884, to the contrary notwithstanding, the applicant's home address, telephone number, date of birth, Social Security number, and results of any background investigation, psychological suitability screening, and polygraph examination conducted under this section shall not be subject to disclosure.

➔Section 6. KRS 18A.201 is amended to read as follows:

Beginning on July 12, 2006, the requirement of two (2) years of experience related to one (1) or more transportation engineering programs for the job classification of Transportation Engineering Assistant I shall not apply as an experience requirement for the classification. Any applicant who has obtained a high school diploma ***or received a High School Equivalency Diploma***~~[, equivalency certificate, or a passing score on the General Educational Development (GED) examination]~~ shall be deemed to have met the educational requirements necessary for the Transportation Engineering Assistant I classification and shall be allowed to take the relevant written examination for the classification.

➔Section 7. KRS 18A.204 is amended to read as follows:

The requirement of a high school diploma or a High School Equivalency Diploma, ~~equivalency certificate, or a passing score on the General Educational Development (GED) test~~ in the Highway Equipment Operator series shall not apply to employees hired prior to July 1, 1999.

➔Section 8. KRS 61.906 is amended to read as follows:

In order to qualify for a commission as a special law enforcement officer under KRS 61.900 to 61.930, an individual must present satisfactory evidence of compliance with the following conditions and requirements:

- (1) No person shall be eligible for a commission who:
  - (a) Has been dishonorably discharged from the Armed Forces of the United States;
  - (b) Has been convicted in any jurisdiction of any felony or of any crime involving moral turpitude for which he has not received a full pardon;
  - (c) Has been convicted of any other offense or offenses more than five (5) times within the previous three (3) years;
  - (d) Has by any court of competent jurisdiction been declared mentally disabled by reason of an intellectual disability or disease and has not been restored; or
  - (e) Suffers from habitual drunkenness or from narcotics addiction or dependence, or from any physical defect or deficiency which the secretary determines to materially impair the applicant's ability to perform the duties of a special law enforcement officer.
- (2) Every person to be eligible for a commission shall:
  - (a) Have reached his twenty-first birthday;
  - (b) Provide, on forms supplied by the secretary, such information pertaining to himself as may reasonably be requested thereon, including, but not limited to his: name; age; date of birth; current address and employment; prior addresses and employment for the past ten (10) years; aliases, if any; arrest

and conviction record, if any; Social Security number; fingerprints; photographs; and general physical description. The accuracy of such information shall be attested by the applicant and his attestation shall be notarized by one authorized to administer oaths;

- (c) Be of good moral character;
- (d) Provide references from two (2) reputable residents of the Commonwealth who are not related to him and who have known him well for a period of not less than three (3) years, attesting to his good character;
- (e) Pay the fees provided in KRS 61.908; and
- (f) Provide evidence satisfactory to the secretary that he meets the following requirements:
  - 1. Is a graduate of an accredited high school or of an equivalent technical or vocational training or education program satisfactory to the secretary; or holds a High School Equivalency Diploma~~[a G.E.D. certificate]~~; provided, however, that all special local peace officers formally commissioned under KRS 61.360 and with unexpired commissions on December 31, 1976, shall be deemed to have met the requirements of this subsection;
  - 2. Has successfully completed not fewer than eighty (80) hours of training in a program approved by the council and dealing comprehensively with the subjects of criminal law and the law of arrest, search and seizure; or has been employed as a full-time sworn public peace officer for a period of not less than one (1) year within the past five (5) years, and has never been discharged for cause from employment as a sworn public peace officer; or has been employed in a full-time capacity as a military policeman engaged in law enforcement for the United States Armed Forces for a period of not less than one (1) year within the past five (5)

years; or has successfully completed a written, oral and practical examination approved by the council and dealing comprehensively with the subject matter of criminal law and the law of arrest, search and seizure; and

3. Demonstrates, in written and practical examinations approved by the council, knowledge of and proficiency in firearms safety, range firing, the moral and legal aspects of firearms use, and first aid. Provided, however, that all special local peace officers formally commissioned under KRS 61.360 and with unexpired commissions on December 31, 1976, shall be deemed to have met the requirements of these subsections.

➔Section 9. KRS 95.951 is amended to read as follows:

As of July 14, 1992, no person shall be originally appointed or employed as a police officer or an auxiliary police officer by a city, urban-county, or charter county government in the Commonwealth unless he:

- (1) Is at least twenty-one (21) years of age; and
- (2) Is a high school graduate, has received a High School Equivalency Diploma [general equivalency diploma (G.E.D.)], or has received a high school diploma through participation in the external diploma program.

➔Section 10. KRS 141.0205 is amended to read as follows:

If a taxpayer is entitled to more than one (1) of the tax credits allowed against the tax imposed by KRS 141.020, 141.040, and 141.0401, the priority of application and use of the credits shall be determined as follows:

- (1) The nonrefundable business incentive credits against the tax imposed by KRS 141.020 shall be taken in the following order:
  - (a) 1. For taxable years beginning after December 31, 2004, and before January 1, 2007, the corporation income tax credit permitted by KRS

- 141.420(3)(a);
2. For taxable years beginning after December 31, 2006, the limited liability entity tax credit permitted by KRS 141.0401;
- (b) The economic development credits computed under KRS 141.347, 141.381, 141.384, 141.400, 141.401, 141.402, 141.403, 141.407, 141.415, 154.12-2088, and 154.27-080;
- (c) The qualified farming operation credit permitted by KRS 141.412;
- (d) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
- (e) The health insurance credit permitted by KRS 141.062;
- (f) The tax paid to other states credit permitted by KRS 141.070;
- (g) The credit for hiring the unemployed permitted by KRS 141.065;
- (h) The recycling or composting equipment credit permitted by KRS 141.390;
- (i) The tax credit for cash contributions in investment funds permitted by KRS 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;
- (j) The coal incentive credit permitted under KRS 141.0405;
- (k) The research facilities credit permitted under KRS 141.395;
- (l) The employer High School Equivalency Testing program~~[GED]~~ incentive credit permitted under KRS 164.0062;
- (m) The voluntary environmental remediation credit permitted by KRS 141.418;
- (n) The biodiesel and renewable diesel credit permitted by KRS 141.423;
- (o) The environmental stewardship credit permitted by KRS 154.48-025;
- (p) The clean coal incentive credit permitted by KRS 141.428;
- (q) The ethanol credit permitted by KRS 141.4242;
- (r) The cellulosic ethanol credit permitted by KRS 141.4244;
- (s) The energy efficiency credits permitted by KRS 141.436;
- (t) The railroad maintenance and improvement credit permitted by KRS 141.385;

- (u) The Endow Kentucky credit permitted by KRS 141.438;
  - (v) The New Markets Development Program credit permitted by KRS 141.434;
  - (w) The food donation credit permitted by KRS 141.392;
  - (x) The distilled spirits credit permitted by KRS 141.389; and
  - (y) The angel investor credit permitted by KRS 141.396.
- (2) After the application of the nonrefundable credits in subsection (1) of this section, the nonrefundable personal tax credits against the tax imposed by KRS 141.020 shall be taken in the following order:
- (a) The individual credits permitted by KRS 141.020(3);
  - (b) The credit permitted by KRS 141.066;
  - (c) The tuition credit permitted by KRS 141.069;
  - (d) The household and dependent care credit permitted by KRS 141.067; and
  - (e) The new home credit permitted by KRS 141.388.
- (3) After the application of the nonrefundable credits provided for in subsection (2) of this section, the refundable credits against the tax imposed by KRS 141.020 shall be taken in the following order:
- (a) The individual withholding tax credit permitted by KRS 141.350;
  - (b) The individual estimated tax payment credit permitted by KRS 141.305;
  - (c) For taxable years beginning after December 31, 2004, and before January 1, 2007, the corporation income tax credit permitted by KRS 141.420(3)(c);
  - (d) The certified rehabilitation credit permitted by KRS 171.3961 and 171.397(1)(b); and
  - (e) The film industry tax credit allowed by KRS 141.383.
- (4) The nonrefundable credit permitted by KRS 141.0401 shall be applied against the tax imposed by KRS 141.040.
- (5) The following nonrefundable credits shall be applied against the sum of the tax imposed by KRS 141.040 after subtracting the credit provided for in subsection (4)

of this section, and the tax imposed by KRS 141.0401 in the following order:

- (a) The economic development credits computed under KRS 141.347, 141.381, 141.384, 141.400, 141.401, 141.402, 141.403, 141.407, 141.415, 154.12-2088, and 154.27-080;
- (b) The qualified farming operation credit permitted by KRS 141.412;
- (c) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
- (d) The health insurance credit permitted by KRS 141.062;
- (e) The unemployment credit permitted by KRS 141.065;
- (f) The recycling or composting equipment credit permitted by KRS 141.390;
- (g) The coal conversion credit permitted by KRS 141.041;
- (h) The enterprise zone credit permitted by KRS 154.45-090, for taxable periods ending prior to January 1, 2008;
- (i) The tax credit for cash contributions to investment funds permitted by KRS 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;
- (j) The coal incentive credit permitted under KRS 141.0405;
- (k) The research facilities credit permitted under KRS 141.395;
- (l) The employer High School Equivalency Testing program~~[GED]~~ incentive credit permitted under KRS 164.0062;
- (m) The voluntary environmental remediation credit permitted by KRS 141.418;
- (n) The biodiesel and renewable diesel credit permitted by KRS 141.423;
- (o) The environmental stewardship credit permitted by KRS 154.48-025;
- (p) The clean coal incentive credit permitted by KRS 141.428;
- (q) The ethanol credit permitted by KRS 141.4242;
- (r) The cellulosic ethanol credit permitted by KRS 141.4244;
- (s) The energy efficiency credits permitted by KRS 141.436;
- (t) The ENERGY STAR home or ENERGY STAR manufactured home credit

- permitted by KRS 141.437;
- (u) The railroad maintenance and improvement credit permitted by KRS 141.385;
  - (v) The railroad expansion credit permitted by KRS 141.386;
  - (w) The Endow Kentucky credit permitted by KRS 141.438;
  - (x) The New Markets Development Program credit permitted by KRS 141.434;
  - (y) The food donation credit permitted by KRS 141.392; and
  - (z) The distilled spirits credit permitted by KRS 141.389.
- (6) After the application of the nonrefundable credits in subsection (5) of this section, the refundable credits shall be taken in the following order:
- (a) The corporation estimated tax payment credit permitted by KRS 141.044;
  - (b) The certified rehabilitation credit permitted by KRS 171.3961 and 171.397(1)(b); and
  - (c) The film industry tax credit allowed in KRS 141.383.

➔Section 11. KRS 151B.131 is amended to read as follows:

As used in KRS 151B.131 to 151B.134, unless the context requires otherwise:

- (1) "Board" means the Board of the Kentucky Center for Education and Workforce Statistics established in KRS 151B.134(1);
- (2) "De-identification" means a process for removing identity information so the education data and workforce data can be analyzed without disclosing the identity of the individuals or employers whose data are being utilized;
- (3) "Education data" means the following data relating to student performance from early childhood learning programs through postsecondary education:
  - (a) College and career readiness;
  - (b) Course and grade;
  - (c) Degree, diploma, or credential attainment;
  - (d) Demographic;
  - (e) Educator;



- (f) Enrollment;
  - (g) Financial aid;
  - (h) High School Equivalency Diploma~~[school equivalency diploma]~~;
  - (i) Remediation;
  - (j) Retention;
  - (k) State and national assessments;
  - (l) Transcripts;
  - (m) Vocational and technical education information; and
  - (n) Any other data impacting education deemed necessary by the office;
- (4) "Kentucky Longitudinal Data System" is a statewide data system that contains education data and workforce data;
- (5) "Office" means the Office for Education and Workforce Statistics established in KRS 151B.132(1); and
- (6) "Workforce data" means data relating to:
- (a) Certification and licensure;
  - (b) Employer information;
  - (c) Employment status;
  - (d) Geographic location of employment;
  - (e) Job service and training information to support enhanced employment opportunities;
  - (f) Wage information; and
  - (g) Any other data impacting the workforce deemed necessary by the office.

➔Section 12. KRS 158.145 is amended to read as follows:

- (1) The General Assembly hereby finds that:
- (a) Little progress has been made in reducing the state's student dropout rate;
  - (b) The number of school dropouts in Kentucky is unacceptable;
  - (c) The factors, such as lack of academic success, poor school attendance, lack of

parental support and encouragement, low socioeconomic status, poor health, child abuse, drug and alcohol addictions, alienation from school and community, and other factors that are associated with an increased probability of students dropping out of school, occur long before the end of compulsory school age;

- (d) Students who drop out of school before graduation are less likely to have the basic capacities as defined in KRS 158.645 and the skills as defined in KRS 158.6451;
  - (e) The number of school dropouts seriously interferes with Kentucky's ability to develop and maintain a well-educated and highly trained workforce;
  - (f) The effects of students dropping out of school can be felt throughout all levels of society and generations in increased unemployment and underemployment, reduced personal and family incomes, increased crime, decreased educational, social, emotional, and physical well-being, and in increased needs for government services; and
  - (g) The positive reduction in school dropouts can only be achieved by comprehensive intervention and prevention strategies.
- (2) The General Assembly declares on behalf of the people of the Commonwealth the following goals to be achieved by the year 2006:
- (a) The statewide annual average school dropout rate will be cut by fifty percent (50%) of what it was in the year 2000. All students who drop out of a school during a school year and all students who have not graduated, fail to enroll in the school for the following school year, and do not transfer to another school, shall be included in the statewide annual average school dropout rate, except as provided in KRS 158.6455(1)(b);
  - (b) No school will have an annual dropout rate that exceeds five percent (5%);  
and

- (c) Each county will have thirty percent (30%) fewer adults between the ages of sixteen (16) and twenty-four (24) without a high school diploma or a High School Equivalency Diploma~~[GED]~~ than the county had in the year 2000.

➔Section 13. KRS 158.146 is amended to read as follows:

- (1) No later than December 30, 2000, the Kentucky Department of Education shall establish and implement a comprehensive statewide strategy to provide assistance to local districts and schools to address the student dropout problem in Kentucky public schools. In the development of the statewide strategy, the department shall engage private and public representatives who have an interest in the discussion. The statewide strategy shall build upon the existing programs and initiatives that have proven successful. The department shall also take into consideration the following:
- (a) Analyses of annual district and school dropout data as submitted under KRS 158.148 and 158.6453;
- (b) State and federal resources and programs, including, but not limited to, extended school services; early learning centers; family resource and youth service centers; alternative education services; preschool; service learning; drug and alcohol prevention programs; School-to-Careers; High Schools that Work; school safety grants; and other relevant programs and services that could be used in a multidimensional strategy;
- (c) Comprehensive student programs and services that include, but are not limited to, identification, counseling, mentoring, and other educational strategies for elementary, middle, and high school students who are demonstrating little or no success in school, who have poor school attendance, or who possess other risk factors that contribute to the likelihood of their dropping out of school; and
- (d) Evaluation procedures to measure progress within school districts, schools,

and statewide.

- (2) No state or federal funds for adult education and literacy, including but not limited to funds appropriated under KRS 164.041 or 20 U.S.C. secs. 9201 et seq., shall be used to pay for a high school student enrolled in an alternative program operated or contracted by a school district leading to a certificate of completion or a **High School Equivalency Diploma**~~[General Educational Development (GED) diploma]~~.
- (3) The department, with assistance from appropriate agencies, shall provide technical assistance to districts requesting assistance with dropout prevention strategies and the development of district and schoolwide plans.
- (4) The department shall award grants to local school districts for dropout prevention programs based upon available appropriations from the General Assembly and in compliance with administrative regulations promulgated by the Kentucky Board of Education for this purpose. Seventy-five percent (75%) of the available dropout funds shall be directed to services for at-risk elementary and middle school students, including, but not limited to, identification, counseling, home visitations, parental training, and other strategies to improve school attendance, school achievement, and to minimize at-risk factors. Twenty-five percent (25%) of the funds shall be directed to services for high school students identified as likely to drop out of school, including, but not limited to, counseling, tutoring, extra instructional support, alternative programming, and other appropriate strategies. Priority for grants shall be awarded to districts that average, over a three (3) year period, an annual dropout rate exceeding five percent (5%).
- (5) The department shall disseminate information on best practices in dropout prevention in order to advance the knowledge for district and school level personnel to address the dropout problem effectively.

➔Section 14. KRS 158.6455 is amended to read as follows:

It is the intent of the General Assembly that schools succeed with all students and receive

the appropriate consequences in proportion to that success.

- (1) (a) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate administrative regulations in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A to establish a system for identifying successful schools. The Kentucky Board of Education shall identify reports, paperwork requirements, and administrative regulations from which high performing schools shall be exempt.
- (b) The Kentucky Board of Education shall recognize schools that exceed their improvement goal and have an annual average dropout rate below five percent (5%). A student shall be included in the annual average dropout rate if the student was enrolled in the school of record for at least thirty (30) days during the school year prior to the day he or she was recorded as dropping out of school. A student shall not be included in a school's annual average dropout rate if:
1. The student is enrolled in a district-operated or district-contracted alternative program leading to a certificate of completion or a **High School Equivalency Diploma**~~[General Educational Development (GED) diploma]~~; or
  2. The student has withdrawn from school and is awarded a **High School Equivalency Diploma**~~[General Educational Development (GED) diploma]~~ by October 1 of the following school year.
- (c) A student enrolled in a district-operated or district-contracted alternative program shall participate in the appropriate assessments required by the assessment program established in KRS 158.6453.
- (2) (a) After the academic standards are revised and a new student assessment

program is developed pursuant to KRS 158.6453, the Kentucky Board of Education shall create an accountability system to classify districts and schools.

- (b) The accountability system shall include:
    - 1. The results of program assessments of arts and humanities, practical living skills and career studies, and writing programs;
    - 2. Student assessment results;
    - 3. School improvement results; and
    - 4. Other factors deemed appropriate by the board.
  - (c) The board shall determine how student assessment and program assessment data from the 2011-2012 and 2012-2013 school years shall be used and reported within the new accountability system.
  - (d) Prior to promulgating administrative regulations to revise the accountability system, the board shall seek advice from the School Curriculum, Assessment, and Accountability Council; the Office of Education Accountability; the Education Assessment and Accountability Review Subcommittee; and the National Technical Advisory Panel on Assessment and Accountability.
- (3) A student's test scores shall be counted in the accountability measure of:
- (a)
    - 1. The school in which the student is currently enrolled if the student has been enrolled in that school for at least a full academic year as defined by the Kentucky Board of Education; or
    - 2. The school in which the student was previously enrolled if the student was enrolled in that school for at least a full academic year as defined by the Kentucky Board of Education; and
  - (b) The school district if the student is enrolled in the district for at least a full academic year as defined by the Kentucky Board of Education; and
  - (c) The state if the student is enrolled in a Kentucky public school prior to the

beginning of the statewide testing period.

- (4) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate an administrative regulation in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A to establish appropriate consequences for schools failing to meet their accountability measures. The consequences shall be designed to improve the academic performance and learning environment of identified schools and may include but not be limited to:
  - (a) A review and audit process under subsection (5) of this section to determine the appropriateness of a school's or district's classification and to recommend needed assistance;
  - (b) School and district improvement plans;
  - (c) Eligibility to receive Commonwealth school improvement funds under KRS 158.805;
  - (d) Education assistance from highly skilled certified staff under KRS 158.782;
  - (e) Evaluation of school personnel; and
  - (f) Student transfer to successful schools.
- (5) The Kentucky Board of Education shall promulgate an administrative regulation in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A establishing the guidelines for conducting program reviews and audits.
- (6) All students who drop out of school during a school year shall be included in a school's annual average school graduation rate calculation, except as provided in subsection (1)(b) of this section.
- (7) After receiving the advice of the Education Assessment and Accountability Review Subcommittee, the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory

Panel on Assessment and Accountability, the Kentucky Board of Education may promulgate by administrative regulation, in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A, a system of district accountability that includes establishing a formula for accountability, goals for improvement over a two (2) year period, rewards for leadership in improving teaching and learning in the district, and consequences that address the problems and provide assistance when the district fails to achieve its goals set by the board. The board shall revise the district accountability system based on the revised assessment program, including program and student assessments, to be implemented in the 2011-2012 school year as required in KRS 158.6453.

- (8) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate administrative regulations in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A, to establish a process whereby a school shall be allowed to appeal a performance judgment which it considers grossly unfair. Upon appeal, an administrative hearing shall be conducted in accordance with KRS Chapter 13B. The state board may adjust a performance judgment on appeal when evidence of highly unusual circumstances warrants the conclusion that the performance judgment is based on fraud or a mistake in computations, is arbitrary, is lacking any reasonable basis, or when there are significant new circumstances occurring during the biennial assessment period which are beyond the control of the school.

➔Section 15. KRS 158.842 is amended to read as follows:

- (1) As used in KRS 158.840 to 158.844, unless the context requires otherwise:
- (a) "Concepts" means mathematical ideas that serve as the basis for understanding mathematics;



- (b) "Mathematics" means the curriculum of numbers and computations, geometry and measurements, probability and statistics, and algebraic ideas;
- (c) "Mathematics coach" means a mathematics leader whose primary responsibility is to provide ongoing support for one (1) or more mathematics teachers. The role of the coach is to improve mathematics teaching practices by working with teachers in their classrooms, observing and providing feedback to them, modeling appropriate teaching practices, conducting workshops or institutes, establishing learning communities, and gathering appropriate and useful resources;
- (d) "Mathematics diagnostic assessment" means an assessment that identifies a student at risk of failure in mathematics or a student with major deficits in numeracy and other mathematical concepts and skills;
- (e) "Mathematics intervention program" means an intensive instructional program that is based on valid research and is provided by a highly trained teacher to specifically meet individual students' needs;
- (f) "Mathematics leader" means any educator with a specialization in mathematics who:
  - 1. Serves in a supervisory capacity, such as mathematics department chair, school-based mathematics specialist, or district mathematics supervisor or coordinator; or
  - 2. Regularly conducts or facilitates teacher professional development, such as higher education faculty or other mathematics teachers;
- (g) "Mathematics mentor" means an experienced mathematics coach who typically works with beginning or novice teachers only. The responsibilities and roles of the mentor are the same as those of the coach;
- (h) "Numeracy" means the development of the basic concepts which include counting, place value, addition and subtraction strategies, multiplication and

division strategies, and the concepts of time, money, and length. To be numerate is to have and be able to use appropriate mathematical knowledge, concepts, skills, intuition, and experience in relationship to every day life;

- (i) "Relationships" means connections of mathematical concepts and skills within mathematics; and
  - (j) "Skills" means actions of mathematics.
- (2) The Committee for Mathematics Achievement is hereby created for the purposes of developing a multifaceted strategic plan to improve student achievement in mathematics at all levels of schooling, prekindergarten through postsecondary and adult. At a minimum the plan shall address:
- (a) Challenging curriculum that is aligned prekindergarten through postsecondary, including consensus among high school teachers and postsecondary education faculty about expectations, curriculum, and assessment;
  - (b) Attitudes and beliefs of teachers about mathematics;
  - (c) Teachers' knowledge of mathematics;
  - (d) Diagnostic assessment, intervention services, and instructional strategies;
  - (e) Shortages of teachers of mathematics, including incentives to attract strong candidates to mathematics teaching;
  - (f) Statewide institutes that prepare cadres of mathematics leaders in local school districts, which may include highly skilled retired mathematics teachers, to serve as coaches and mentors in districts and schools;
  - (g) Cohesive continuing education options for experienced mathematics classroom teachers;
  - (h) Closing the student achievement gap among various student subpopulations;
  - (i) Curriculum expectations and assessments of students among the various school levels, prekindergarten, primary, elementary, middle, and high school;
  - (j) Content standards for adult education centers providing mathematics

curricula;

- (k) Introductory postsecondary education mathematics courses that are appropriate to the wide array of academic programs and majors;
- (l) Research to analyze further the issues of transition from high school or High School Equivalency Testing~~[GED]~~ programs to postsecondary education mathematics; and
- (m) The early mathematics testing program under KRS 158.803.

Other factors may be included in the strategic plan as deemed appropriate by the committee to improve mathematics achievement of Kentucky students.

- (3) In carrying out its responsibility under subsection (2)(f) of this section, the committee shall:

- (a) Design a statewide professional development program that includes summer mathematics institutes at colleges and universities, follow-up, and school-based support services, beginning no later than June 1, 2006, to prepare teams of teachers as coaches and mentors of mathematics at all school levels to improve student achievement. Teachers shall receive training in diagnostic assessment and intervention. The statewide initiative shall be funded, based on available funds, from the Teachers' Professional Growth Fund described in KRS 156.553. The design shall:

1. Define the curricula focus;
2. Build on the expertise of specific colleges and universities;
3. Place emphasis on mathematics concepts, skills and relationships, diagnostic assessment, intervention services, and instructional strategies;
4. Identify quality control measures for the delivery of each institute;
5. Establish evaluation procedures for the summer institutes and the other professional development components;
6. Provide updates and networking opportunities for coaches and mentors

- throughout the school year; and
7. Define other components within the initiative that are necessary to meet the goal of increasing student achievement in mathematics;
- (b) Require schools and districts approved to have participants in the mathematics leader institutes to provide assurances that:
1. The district and schools have, or will develop, local mathematics curricula and assessments that align with state standards for mathematics;
  2. There is a local commitment to build a cadre of mathematics leaders within the district;
  3. The district and participating schools will provide in-school support for coaching and mentoring activities;
  4. The mathematics teachers are willing to develop classroom assessments that align with state assessments; and
  5. Students who need modified instructional and intervention services will have opportunity for continuing education services beyond the regular school day, week, or year; and
- (c) In addition to the conditions specified in paragraph (b) of this subsection, the committee shall make recommendations to the Kentucky Department of Education and the Kentucky Board of Education for criteria to be included in administrative regulations promulgated by the board which define:
1. Eligible grant recipients, taking into consideration how this program relates to other funded mathematics initiatives;
  2. The application process and review;
  3. The responsibilities of schools and districts, including but not limited to matching funds requirements, released or extended time for coaches and mentors during the school year, continuing education requirements for

teachers and administrators in participating schools, data to be collected, and local evaluation requirements; and

4. Other recommendations requested by the Kentucky Department of Education.

- (4) The committee shall initially be composed of twenty-five (25) members as follows:
  - (a) The commissioner of education or his or her designee;
  - (b) The president of the Council on Postsecondary Education or his or her designee;
  - (c) The president of the Association of Independent Kentucky Colleges and Universities or his or her designee;
  - (d) The executive director of the Education Professional Standards Board or his or her designee;
  - (e) The secretary of the Education and Workforce Development Cabinet or his or her designee;
  - (f) A representative with a specialty in mathematics or mathematics education who has expertise and experience in professional development, especially with coaching and mentoring of teachers, from each of the nine (9) public postsecondary education institutions defined in KRS 164.001. The representatives shall be selected by mutual agreement of the president of the Council on Postsecondary Education and the commissioner of education;
  - (g) Two (2) adult education instructors selected by the vice president for Kentucky Adult Education;
  - (h) Two (2) elementary, two (2) middle, and two (2) high school mathematics teachers, appointed by the board of the statewide professional education association having the largest paid membership with approval from their respective local principals and superintendents of schools; and
  - (i) Three (3) school administrators, with one (1) each representing elementary,

middle, and high school, appointed by the board of the statewide administrators' association having the largest paid membership with approval from their respective local superintendents of schools.

When the Center for Mathematics created under KRS 164.525 becomes operational, the executive director of the center shall be added to the committee, which shall then be composed of twenty-six (26) members. Appointments to the committee shall be made no later than thirty (30) days following March 18, 2005, and the first meeting of the committee shall occur no later than thirty (30) days following appointment of the members.

- (5) A majority of the full membership shall constitute a quorum.
- (6) Each member of the committee, other than members who serve by virtue of their positions, shall serve for a term of three (3) years or until a successor is appointed and qualified, except that the initial appointments shall be made in the following manner: six (6) members shall serve a one (1) year term, six (6) members shall serve a two (2) year term, and eight (8) members shall serve a three (3) year term.
- (7) A temporary chair of the committee shall be appointed prior to the first meeting of the committee through consensus of the president of the Council on Postsecondary Education and the commissioner of education, to serve ninety (90) days after his or her appointment. Prior to the end of the ninety (90) days, the committee shall elect a chair by majority vote. The temporary chair may be a nominee for the chair by majority vote. Thereafter, a chair shall be elected each calendar year. An individual may not serve as chair for more than three (3) consecutive years. The chair shall be the presiding officer of the committee, and coordinate the functions and activities of the committee.
- (8) The committee shall be attached to the Kentucky Department of Education for administrative purposes. The commissioner of education may contract with a mathematics-trained professional to provide part-time staff support to the

committee. The commissioner of education and the president of the council shall reach consensus in the selection of a person to fill the position. The person selected shall have a graduate degree, a mathematics major, and teaching or administrative experience in elementary and secondary education. The person shall not be a current employee of any entity represented on the committee. The department shall provide office space and other resources necessary to support the staff position and the work of the committee.

- (9) The committee, under the leadership of the chair, may organize itself into appropriate subcommittees and work structures to accomplish the purposes of the committee.
- (10) Members of the committee shall serve without compensation but shall be reimbursed for necessary travel and expenses while attending meetings at the same per diem rate promulgated in administrative regulation for state employees under provisions of KRS Chapter 45. Funds shall be provided school districts to cover the cost of substitute teachers for those teachers on the committee at each district's established rate for substitute teachers.
- (11) If a vacancy occurs within the committee during its duration, the board of the statewide professional education association having the largest paid membership or the board of the statewide administrators association having the largest paid membership or the president of the Council on Postsecondary Education, as appropriate, shall appoint a person to fill the vacancy.
- (12) The committee shall:
  - (a) Present a draft strategic plan addressing the requirements in subsection (1) of this section and other issues that arose during the work of the committee to the Education Assessment and Accountability Review Subcommittee no later than August 2005;
  - (b) Present the strategic plan for improving mathematics achievement to the

Interim Joint Committee on Education by July 15, 2006, which shall include any recommendations that require legislative action; and

- (c) Provide a final written report of committee activities to the Interim Joint Committee on Education and the Legislative Research Commission by December 1, 2006.
- (13) The committee shall have ongoing responsibility for providing advice and guidance to policymakers in the development of statewide policies and in the identification and allocation of resources to improve mathematics achievement. In carrying out this responsibility, the committee shall periodically review the strategic plan and make modifications as deemed appropriate and report those to the Interim Joint Committee on Education.
- (14) The committee shall collaborate with the Center for Mathematics to ensure that there is ongoing identification of research-based intervention programs for K-12 students who have fallen behind in mathematics, rigorous mathematics curricula that prepare students for the next level of schooling, research-based professional development models that prepare teachers in mathematics and pedagogy, and strategies for closing the gap between high school or *the High School Equivalency Testing program*~~[GED]~~ and postsecondary mathematics preparation.

➔Section 16. KRS 159.010 is amended to read as follows:

- (1) (a) Except as provided in KRS 159.030 and paragraphs (b) and (c) of this subsection, each parent, guardian, or other person residing in the state and having in custody or charge any child who has entered the primary school program or any child between the ages of six (6) and sixteen (16) shall send the child to a regular public day school for the full term that the public school of the district in which the child resides is in session or to the public school that the board of education of the district makes provision for the child to attend. A child's age is between six (6) and sixteen (16) when the child has



reached his or her sixth birthday and has not passed his or her sixteenth birthday.

- (b) 1. Effective with the 2015-2016 school year, a local board of education may, upon the recommendation of the superintendent, adopt a district-wide policy to require, except as provided in KRS 159.030, each parent, guardian, or other person residing in the district and having in custody or charge any child who has entered the primary school program or any child between the ages six (6) and eighteen (18) to send the child to a regular public school for the full term of the district in which the child resides or to the public school that the district makes provisions for the child to attend.
2. All children residing in the district, except as provided in KRS 159.030, shall be subject to the local board's compulsory age policy.
3. A district shall impose the same compulsory age requirement for all students residing in the district, even if the district has entered a contract to permit some students to attend school in another public school district that has not adopted a policy under this paragraph.
4. A local board of education adopting a policy under this paragraph shall certify to the Kentucky Department of Education that the district has, or will have, programs in place to meet the needs of potential dropouts. Implementation of the policy shall be contingent on notice of approval by the department.
- (c) When fifty-five percent (55%) of all local school districts have adopted a policy in accordance with paragraph (b) of this subsection, all local school districts shall be required to adopt the compulsory attendance requirements under paragraph (b) of this subsection. This requirement shall be effective with the school year that occurs four (4) years after the fifty-five percent

(55%) threshold is met.

- (2) An unmarried child between the ages of sixteen (16) and eighteen (18) who resides in a district that has not adopted a policy under subsection (1)(b) of this section who wishes to terminate his or her public or nonpublic education prior to graduating from high school shall do so only after a conference with the principal or his or her designee, and the principal shall request a conference with the parent, guardian, or other custodian. Written notification of withdrawal must be received from his parent, guardian, or other person residing in the state and having custody or charge of him. The child and the parent, guardian, or other custodian shall be required to attend a one (1) hour counseling session with a school counselor on potential problems of nongraduates.
- (3) A child's age is between sixteen (16) and eighteen (18) when the child has reached his sixteenth birthday and has not passed his eighteenth birthday. Written permission for withdrawal shall not be required after the child's eighteenth birthday. Every child who is a resident in this state is subject to the laws relating to compulsory attendance, including the compulsory attendance requirements of a school district under subsection (1)(b) of this section. Neither the child nor the person in charge of the child shall be excused from the operation of those laws or the penalties under them on the ground that the child's residence is seasonable or that his or her parent is a resident of another state.
- (4) Each school district shall contact each student between the ages of sixteen (16) and eighteen (18) who has voluntarily withdrawn from school under subsection (2) of this section within three (3) months of the date of withdrawal to encourage the student to reenroll in a regular program, alternative program, or **High School Equivalency Testing**~~[GED preparation]~~ program. In the event the student does not reenroll at that time, the school district shall make at least one (1) more attempt to reenroll the student before the beginning of the school year following the school

year in which the student terminated his or her enrollment.

➔Section 17. KRS 160.180 is amended to read as follows:

- (1) As used in this section, "relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law.
- (2) No person shall be eligible to membership on a board of education:
  - (a) Unless he has attained the age of twenty-four (24) years; and
  - (b) Unless he has been a citizen of Kentucky for at least three (3) years preceding his election and is a voter of the district for which he is elected; and
  - (c) Unless he has completed at least the twelfth grade or has been issued a **High School Equivalency Diploma**~~[GED certificate]~~ or has received a high school diploma through participation in the external diploma program and he is elected after July 13, 1990; and
  - (d) An affidavit signed under penalty of perjury certifying completion of the twelfth grade or the equivalent as determined by passage of the twelfth grade equivalency examination held under regulations adopted by the Kentucky Board of Education has been filed with the nominating petition required by KRS 118.315; or
  - (e) Who holds a state office requiring the constitutional oath or is a member of the General Assembly; or
  - (f) Who holds or discharges the duties of any civil or political office, deputyship, or agency under the city or county of his residence; or
  - (g) Who, at the time of his election, is directly or indirectly interested in the sale to the board of books, stationery, or any other property, materials, supplies, equipment, or services for which school funds are expended; or
  - (h) Who has been removed from membership on a board of education for cause; or
  - (i) Who has a relative as defined in subsection (1) of this section employed by the

school district and is elected after July 13, 1990. However, this shall not apply to a board member holding office on July 13, 1990, whose relative was not initially hired by the district during the tenure of the board member.

- (3) If, after the election of any member of the board, he becomes interested in any contract with or claims against the board, of the kind mentioned in paragraph (g) of subsection (2) of this section, or if he moves his residence from the district for which he was chosen, or if he attempts to influence the hiring of any school employee, except the superintendent of schools or school board attorney, or if he does anything that would render him ineligible for reelection, he shall be subject to removal from office pursuant to KRS 415.050 and 415.060.
- (4) A board member shall be eligible for reelection unless he becomes disqualified.
- (5) The annual in-service training requirements for all school board members in office as of December 31, 2014, shall be as follows:
  - (a) Twelve (12) hours for school board members with zero to three (3) years of experience;
  - (b) Eight (8) hours for school board members with four (4) to seven (7) years of experience; and
  - (c) Four (4) hours for school board members with eight (8) or more years of experience.

The Kentucky Board of Education shall identify the criteria for fulfilling this requirement.

- (6)
  - (a) For all board members who begin their initial service on or after January 1, 2015, the annual in-service training requirements shall be twelve (12) hours for school board members with zero to eight (8) years of experience and eight (8) hours for school board members with more than eight (8) years of experience.
  - (b) Training topics for school board members shall include:

1. Three (3) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation annually for members with zero to three (3) years' experience;
2. Two (2) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation annually for members with four (4) to seven (7) years' experience; and
3. One (1) hour of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation biennially for members with eight (8) or more years' experience.

The Kentucky Board of Education shall identify criteria for fulfilling this requirement.

➔Section 18. KRS 161.011 is amended to read as follows:

- (1) (a) "Classified employee" means an employee of a local district who is not required to have certification for his position as provided in KRS 161.020; and  
(b) "Seniority" means total continuous months of service in the local school district, including all approved paid and unpaid leave.
- (2) The commissioner of education shall establish by January, 1992, job classifications and minimum qualifications for local district classified employment positions which shall be effective July 1, 1992. After June 30, 1992, no person shall be eligible to be a classified employee or receive salary for services rendered in that position unless he holds the qualifications for the position as established by the commissioner of education.
- (3) No person who is initially hired after July 13, 1990, shall be eligible to hold the position of a classified employee or receive salary for services rendered in such position, unless he holds at least a high school diploma or high school certificate of completion or **High School Equivalency Diploma**~~[GED certificate]~~, or he shows progress toward obtaining a **High School Equivalency Diploma**~~[GED]~~. To show

progress toward obtaining a High School Equivalency Diploma~~[GED]~~, a person shall be enrolled in a High School Equivalency Testing~~[GED]~~ program and be progressing satisfactorily through the program, as defined by administrative regulations promulgated by the Council on Postsecondary Education.

- (4) Local school districts shall encourage classified employees who were initially hired before July 13, 1990, and who do not have a high school diploma or a High School Equivalency Diploma~~[GED]~~ certificate to enroll in a program to obtain a High School Equivalency Diploma~~[GED]~~.
- (5) Local districts shall enter into written contracts with classified employees. Contracts with classified employees shall be renewed annually except contracts with the following employees:
  - (a) An employee who has not completed four (4) years of continuous active service, upon written notice which is provided or mailed to the employee by the superintendent, no later than May 15, that the contract will not be renewed for the subsequent school year. Upon written request by the employee, within ten (10) days of the receipt of the notice of nonrenewal, the superintendent shall provide, in a timely manner, written reasons for the nonrenewal.
  - (b) An employee who has completed four (4) years of continuous active service, upon written notice which is provided or mailed to the employee by the superintendent, no later than May 15, that the contract is not being renewed due to one (1) or more of the reasons described in subsection (7) of this section. Upon written request within ten (10) days of the receipt of the notice of nonrenewal, the employee shall be provided with a specific and complete written statement of the grounds upon which the nonrenewal is based. The employee shall have ten (10) days to respond in writing to the grounds for nonrenewal.
- (6) Local districts shall provide in contracts with classified employees of family

resource and youth services centers the same rate of salary adjustment as provided for other local board of education employees in the same classification.

- (7) Nothing in this section shall prevent a superintendent from terminating a classified employee for incompetency, neglect of duty, insubordination, inefficiency, misconduct, immorality, or other reasonable grounds which are specifically contained in board policy.
- (8) The superintendent shall have full authority to make a reduction in force due to reductions in funding, enrollment, or changes in the district or school boundaries, or other compelling reasons as determined by the superintendent.
  - (a) When a reduction of force is necessary, the superintendent shall, within each job classification affected, reduce classified employees on the basis of seniority and qualifications with those employees who have less than four (4) years of continuous active service being reduced first.
  - (b) If it becomes necessary to reduce employees who have more than four (4) years of continuous active service, the superintendent shall make reductions based upon seniority and qualifications within each job classification affected.
  - (c) Employees with more than four (4) years of continuous active service shall have the right of recall positions if positions become available for which they are qualified. Recall shall be done according to seniority with restoration of primary benefits, including all accumulated sick leave and appropriate rank and step on the current salary schedule based on the total number of years of service in the district.
- (9) Local school boards shall develop and provide to all classified employees written policies which shall include but not be limited to:
  - (a) Terms and conditions of employment;
  - (b) Identification and documentation of fringe benefits, employee rights, and procedures for the reduction or laying off of employees; and

- (c) Discipline guidelines and procedures that satisfy due process requirements.
- (10) Local school boards shall maintain a registry of all vacant classified employee positions that is available for public inspection in a location determined by the superintendent and make copies available at cost to interested parties. If financially feasible, local school boards may provide training opportunities for classified employees focusing on topics to include but not be limited to suicide prevention, abuse recognition, and cardiopulmonary resuscitation (CPR). If suicide prevention training is offered it may be accomplished through self-study review of suicide prevention materials.
- (11) The evaluation of the local board policies required for classified personnel as set out in this section shall be subject to review by the Department of Education while it is conducting district management audits pursuant to KRS 158.785.

➔Section 19. KRS 161.044 is amended to read as follows:

- (1) The Kentucky Board of Education shall promulgate administrative regulations governing the qualifications of teachers' aides in the common schools. All teachers' aides working in kindergarten or with entry level students in primary classes and all instructional teachers' aides initially employed after July 1, 1986, except those with current teacher certification, shall have a high school diploma or a High School Equivalency Diploma~~[general equivalency diploma]~~.
- (2) "Noninstructional teacher's aide" means an adult who works under the direct supervision of the teaching staff in performing noninstructional functions such as clerical duties, lunch room duties, leading pupils in recreational activities, aiding the school librarian, preparing and organizing instructional material and equipment and monitoring children during a noninstructional period. Noninstructional teachers' aides employed on a full-time basis shall possess skills necessary to perform their duties and shall meet the requirements established in KRS 161.011 and 160.380(6).
- (3) Within the administrative regulations established by the Kentucky Board of



Education, a local district may employ teachers' aides in supplementary instructional and noninstructional activities with pupils. While engaged in an assignment as authorized under the administrative regulations, and as directed by the professional administrative and teaching staff, these personnel shall have the same legal status and protection as a certified teacher in the performance of the same or similar duties.

- (4) Local districts shall give preference to applicants for the position of teacher's aide who have regular or emergency teacher certification.
- (5) Local districts shall provide training of the instructional teacher's aide with the certified employee to whom he is assigned.

➔Section 20. KRS 164.0232 is amended to read as follows:

- (1) There is hereby established a nonprofit foundation to be known as the "Foundation for Adult Education." The purpose of the foundation shall be to supplement public funding for adult training in order to expand existing basic skills training programs.
- (2) Funding for the foundation shall be obtained through contributions by the private sector. The foundation shall be empowered to solicit and accept funds from the private sector to be used for grants to local education agencies to fund adult basic education programs especially designed for business and industry. Contributors may specify that contributed funds be used to improve the educational level of their employees as it relates to the High School Equivalency Testing~~[GED instruction]~~ program.
- (3) The foundation shall be governed by a board of trustees to be appointed by the President of the Council on Postsecondary Education with responsibility for adult education programs based on recommendations from business, industry, labor, education, and interested citizens. Staff for the board of trustees shall be provided by the council.
- (4) The foundation shall be attached to the office of the president of the Council on

Postsecondary Education for administrative purposes.

➔Section 21. KRS 164.0234 is amended to read as follows:

- (1) The Kentucky Adult Education Program shall promulgate necessary administrative regulations and administer a statewide adult education and literacy system throughout the state. The adult education and literacy system shall include diverse educational services provided by credentialed professionals, based on the learners' current needs and a commitment to lifelong learning.
  - (a) Services shall be provided at multiple sites appropriate for adult learning, including vocational and technical colleges, community colleges, comprehensive universities, adult education centers, public schools, libraries, family resource centers, adult correctional facilities, other institutions, and through the Kentucky Commonwealth Virtual University. Services shall be targeted to communities with the greatest need based on the number of adults at literacy levels I and II as defined by the 1997 Kentucky Adult Literacy Survey and other indicators of need.
  - (b) Access and referral services shall be initiated at multiple points including businesses, educational institutions, labor organizations, employment offices, and government offices.
  - (c) Multiple funding sources, program support, and partnerships to administer the adult education and literacy system may include student scholarship and grants; fees for services rendered; and other general, agency, local, state, federal, and private funds.
- (2) Services included as part of the adult education and literacy system shall include but not be limited to functionally-contexted workplace essential skills training based on employers' needs, leading to a competency-based certificate indicating proficiency in critical thinking, computating, reading, writing, communicating, problem-solving, team-building, and use of technology at various worksites regarding basic

skills.

- (3) In administering an adult education and literacy system, the Kentucky Adult Education Program shall:
- (a) Assist providers with the development of quality job-specific and workplace essential skills instruction for workers in business and industry, literacy and adult basic education, adult secondary education, including High School Equivalency Testing program~~[high school equivalency diploma]~~ preparation, the external diploma program, English as a second language, and family literacy programs, in cooperation with local business, labor, economic development, educational, employment, and service support entities;
  - (b) Provide assessments of each student's skill and competency level allowing assessments to be shared with other educational and employment entities when necessary for providing additional educational programs, taking into consideration student confidentiality;
  - (c) Assist adult educators to meet professional standards;
  - (d) Create an awareness program in cooperation with the Administrative Office of the Courts to ensure that District and Circuit Court Judges are aware of the provisions of KRS 533.200 and the methods to access adult education and literacy programs for persons sentenced under the statute;
  - (e) Develop administrative regulations including those for business and industry service participation and mechanisms for service funding through all appropriate federal, state, local, and private resources;
  - (f) Require and monitor compliance with the program's administrative regulations and policies; and
  - (g) Develop and implement performance measures and benchmarks.

➔Section 22. KRS 164.7874 is amended to read as follows:

As used in KRS 164.7871 to 164.7885:

- (1) "Academic term" means a semester or other time period specified in an administrative regulation promulgated by the authority;
- (2) "Academic year" means a period consisting of at least the minimum school term, as defined in KRS 158.070;
- (3) "ACT score" means the composite score achieved on the American College Test at a national test site on a national test date or the ACT exam administered statewide under KRS 158.6453(11)(a)3., or an equivalent score, as determined by the authority, on the SAT administered by the College Board, Inc.;
- (4) "Authority" means the Kentucky Higher Education Assistance Authority;
- (5) "Award period" means the fall and spring consecutive academic terms within one (1) academic year;
- (6) "Council" means the Council on Postsecondary Education created under KRS 164.011;
- (7) "Eligible high school student" means any person who:
  - (a) Is a citizen, national, or permanent resident of the United States and Kentucky resident;
  - (b) Was enrolled after July 1, 1998:
    1. In a Kentucky high school for at least one hundred forty (140) days of the minimum school term unless exempted by the authority's executive director upon documentation of extreme hardship, while meeting the KEES curriculum requirements, and was enrolled in a Kentucky high school at the end of the academic year;
    2. In a Kentucky high school for the fall academic term of the senior year and who:
      - a. Was enrolled during the entire academic term;
      - b. Completed the high school's graduation requirements during the fall academic term; and

- c. Was not enrolled in a secondary school during any other academic term of that academic year; or
- 3. In the Gatton Academy of Mathematics and Science in Kentucky or the Craft Academy for Excellence in Science and Mathematics while meeting the Kentucky educational excellence scholarship curriculum requirements;
- (c) Has a grade point average of 2.5 or above at the end of any academic year beginning after July 1, 1998, or at the end of the fall academic term for a student eligible under paragraph (b) 2. of this subsection; and
- (d) Is not a convicted felon;
- (8) "Eligible postsecondary student" means a citizen, national, or permanent resident of the United States and Kentucky resident, as determined by the participating institution in accordance with criteria established by the council for the purposes of admission and tuition assessment, who:
  - (a) Earned a KEES award;
  - (b) Has the required postsecondary GPA and credit hours required under KRS 164.7881;
  - (c) Has remaining semesters of eligibility under KRS 164.7881;
  - (d) Is enrolled in a participating institution as a part-time or full-time student; and
  - (e) Is not a convicted felon;
- (9) "Full-time student" means a student enrolled in a postsecondary program of study that meets the full-time student requirements of the participating institution in which the student is enrolled;
- (10) "Grade point average" or "GPA" means the grade point average earned by an eligible student and reported by the high school or participating institution in which the student was enrolled based on a scale of 4.0 or its equivalent if the high school or participating institution that the student attends does not use the 4.0 grade scale;

- (11) "High school" means any Kentucky public high school, the Gatton Academy of Mathematics and Science in Kentucky, the Craft Academy for Excellence in Science and Mathematics, and any private, parochial, or church school located in Kentucky that has been certified by the Kentucky Board of Education as voluntarily complying with curriculum, certification, and textbook standards established by the Kentucky Board of Education under KRS 156.160;
- (12) "KEES" or "Kentucky educational excellence scholarship" means a scholarship provided under KRS 164.7871 to 164.7885;
- (13) "KEES award" means:
  - (a) For an eligible high school student, the sum of the KEES base amount for each academic year of high school plus any KEES supplemental amount, as adjusted pursuant to KRS 164.7881; and
  - (b) For a student eligible under KRS 164.7879(3)(e), the KEES supplemental amount as adjusted pursuant to KRS 164.7881;
- (14) "KEES award maximum" means the sum of the KEES base amount earned in each academic year of high school plus any KEES supplemental amount earned;
- (15) "KEES base amount" or "base amount" means the amount earned by an eligible high school student based on the student's GPA pursuant to KRS 164.7879;
- (16) "KEES curriculum" means five (5) courses of study, except for students who meet the criteria of subsection (7)(b)2. of this section, in an academic year as determined in accordance with an administrative regulation promulgated by the authority;
- (17) "KEES supplemental amount" means the amount earned by an eligible student based on the student's ACT score pursuant to KRS 164.7879;
- (18) "KEES trust fund" means the Wallace G. Wilkinson Kentucky educational excellence scholarship trust fund;
- (19) "On track to graduate" means the number of cumulative credit hours earned as compared to the number of hours determined by the postsecondary education

institution as necessary to complete a bachelor's degree by the end of eight (8) academic terms or ten (10) academic terms if a student is enrolled in an undergraduate program that requires five (5) years of study;

(20) "Participating institution" means an "institution" as defined in KRS 164.001 that actively participates in the federal Pell Grant program, executes a contract with the authority on terms the authority deems necessary or appropriate for the administration of its programs, and:

- (a) 1. Is publicly operated;
  2. Is licensed by the Commonwealth of Kentucky and has operated for at least ten (10) years, offers an associate or baccalaureate degree program of study not comprised solely of sectarian instruction, and admits as regular students only high school graduates, ~~or~~ recipients of a **High School Equivalency Diploma**, ~~General Educational Development (GED) diploma~~ or students transferring from another accredited degree granting institution; or
  3. Is designated by the authority as an approved out-of-state institution that offers a degree program in a field of study that is not offered at any institution in the Commonwealth; and
- (b) Continues to commit financial resources to student financial assistance programs; and

(21) "Part-time student" means a student enrolled in a postsecondary program of study who does not meet the full-time student requirements of the participating institution in which the student is enrolled and who is enrolled for at least six (6) credit hours, or the equivalent for an institution that does not use credit hours.

➔Section 23. KRS 164.7879 is amended to read as follows:

(1) Kentucky educational excellence scholarship awards shall be based upon an established base scholarship amount and an eligible high school student's grade

point average. The base scholarship amount for students attaining a grade point average of at least 2.5 for the 1998-1999 academic year shall be as follows:

GPA	Amount	GPA	Amount
2.50	\$125.00	3.30	\$325.00
2.60	\$150.00	3.40	\$350.00
2.70	\$175.00	3.50	\$375.00
2.75	\$187.00	3.60	\$400.00
2.80	\$200.00	3.70	\$425.00
2.90	\$225.00	3.75	\$437.00
3.00	\$250.00	3.80	\$450.00
3.10	\$275.00	3.90	\$475.00
3.20	\$300.00	4.00	\$500.00
3.25	\$312.00		

The authority shall review the base amount of the Kentucky educational excellence scholarship each academic year and may promulgate an administrative regulation to make adjustments after considering the availability of funds.

- (2) (a) The authority shall commit to provide to each eligible high school student the base amount of the Kentucky educational excellence scholarship for each academic year of high school study in the Kentucky educational excellence scholarship curriculum that the high school student has attained at least a 2.5 grade point average. The award shall be based upon the eligible high school student's grade point average at the close of each academic year. An award attributable to a past academic year shall not be increased after the award has been earned by an eligible high school student, regardless of any subsequent increases made to the base amount of the Kentucky educational excellence scholarship through the promulgation of an administrative regulation by the authority.



- (b) Notwithstanding the definitions of "eligible high school student" and "high school" in KRS 164.7874, any high school student who maintains Kentucky residency and completes the academic courses that are required for a Kentucky educational excellence scholarship while participating in an approved educational high school foreign exchange program or participating in the United States Congressional Page School may apply his or her grade point average for that academic year toward the base as described in paragraph (a) of this subsection. The grade point average shall be reported by the student's Kentucky home high school, based on an official transcript from the school that the student attended during the out-of-state educational experience. The authority shall promulgate administrative regulations that describe the approval process for the educational exchange programs that qualify under this paragraph. The provisions in this paragraph shall likewise apply to any Kentucky high school student who participated in an approved educational exchange program or in a Congressional Page School since the 1998-99 school year and maintained his or her Kentucky residency throughout.
- (c) 1. Notwithstanding the definitions of "eligible high school student" and "high school" in KRS 164.7874 and the requirement that a student graduate from a Kentucky high school, a high school student who completes the KEES curriculum while attending an accredited out-of-state high school or Department of Defense school may apply the grade point average for any applicable academic year toward the base as described in paragraph (a) of this subsection and shall also qualify for a supplemental award under subsection (3) of this section when:
- a. His or her custodial parent or guardian is in active service of the Armed Forces of the United States; and
  - b. The custodial parent or guardian maintained Kentucky as the home

of record at the time the student attended an accredited out-of-state high school or a Department of Defense school.

2. The student or parent shall arrange for the out-of-state school to report the student's grade point average each academic year and the student's highest ACT score to the authority as required under KRS 164.7885. The authority shall promulgate administrative regulations implementing the requirements in this paragraph, including:
    - a. The documentation that the parent shall submit to the authority establishing the student's eligibility for the scholarship; and
    - b. The assurances that an out-of state institution shall submit to the authority for submission of the student grade point average.
  3. The provisions in this paragraph shall apply to the 2001-2002 school year and thereafter.
- (d) Beginning with the 2013-2014 academic year, a student who meets the Kentucky core academic standards for high school graduation established in administrative regulation and graduates after completing three (3) years of high school shall receive a Kentucky educational excellence scholarship award equivalent to completing high school in four (4) years. The award shall be determined by dividing the total actual KEES scholarship earned under subsection (1) of this section by three (3) and multiplying that number by four (4). The resulting number shall be the annual award the student is eligible for under subsection (1) of this section.
- (3) (a) The authority shall commit to provide to each eligible high school student graduating from high school before June 30, 1999, and achieving a score of at least 15 on the American College Test, a supplemental award for the award period beginning in the fall of 1999, based on the eligible high school student's highest ACT score attained by the date of graduation from high

school. The amount of the supplemental award shall be determined as follows:

ACT Score	Annual Bonus	ACT Score	Annual Bonus
15	\$21	22	\$171
16	\$43	23	\$193
17	\$64	24	\$214
18	\$86	25	\$236
19	\$107	26	\$257
20	\$129	27	\$279
21	\$150	28 or above	\$300

Subsequent supplemental awards for eligible high school students graduating before June 30, 1999, shall be determined in accordance with the provisions of paragraph (b) of this subsection.

- (b) The authority shall commit to provide to each eligible high school student upon achievement after June 30, 1999, of an ACT score of at least 15 on the American College Test a supplemental award based on the eligible high school student's highest ACT score attained by the date of graduation from high school. The amount of the supplemental award shall be determined as follows:

ACT Score	Amount	ACT Score	Amount
15	\$36	22	\$286
16	\$71	23	\$321
17	\$107	24	\$357
18	\$143	25	\$393
19	\$179	26	\$428
20	\$214	27	\$464

21	\$250	28 and above	\$500
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The authority shall review the base amount of the supplemental award beginning with the 2001-2002 academic year and each academic year thereafter and may promulgate an administrative regulation to make adjustments after considering the availability of funds.

- (c) Beginning with the 2008-2009 academic year, the authority shall commit to provide a supplemental award for achievement on examinations for Advanced Placement or International Baccalaureate as defined in KRS 164.002 to an eligible high school student whose family was eligible for free or reduced-price lunch for any year during high school enrollment.

1. The supplemental award for AP examination scores are as follows:
  - a. Two hundred dollars (\$200) for each score of three (3);
  - b. Two hundred fifty dollars (\$250) for each score of four (4); and
  - c. Three hundred dollars (\$300) for each score of five (5).
2. The supplemental award for IB examination scores are as follows:
  - a. Two hundred dollars (\$200) for each score of five (5);
  - b. Two hundred fifty dollars (\$250) for each score of six (6); and
  - c. Three hundred dollars (\$300) for each score of seven (7).

- (d) Beginning with the 2013-2014 academic year, the authority shall commit to provide a supplemental award for achievement on examinations for Cambridge Advanced International as defined in KRS 164.002 to an eligible high school student whose family was eligible for free or reduced-priced lunch for any year during high school enrollment. The supplemental award for Cambridge Advanced International examination scores are as follows:

1. Two hundred dollars (\$200) for each score of "e";
2. Two hundred fifty dollars (\$250) for each score of "c" or "d"; and
3. Three hundred dollars (\$300) for each score of "a\*", "a", or "b".

- (e) The authority shall promulgate administrative regulations establishing the eligibility criteria and procedures for making a supplemental award to Kentucky residents who are citizens, nationals, or permanent residents of the United States and who graduate from a nonpublic secondary school not certified by the Kentucky Board of Education and Kentucky residents who are citizens, nationals, or permanent residents of the United States and who obtain a *High School Equivalency Diploma*~~[General Educational Development (GED) diploma]~~ within five (5) years of their high school graduating class, and students under subsection (2)(c) of this section who do not attend an accredited high school.

➔Section 24. KRS 194A.717 is amended to read as follows:

- (1) Staffing in an assisted-living community shall be sufficient in number and qualification to meet the twenty-four (24) hour scheduled needs of each client pursuant to the lease agreement and functional needs assessment.
- (2) One (1) awake staff member shall be on site at all times.
- (3) An assisted-living community shall have a designated manager who is at least twenty-one (21) years of age, has at least a high school diploma or a *High School Equivalency Diploma*~~[General Educational Development diploma]~~, and has demonstrated management or administrative ability to maintain the daily operations.
- (4) No employee who has an active communicable disease reportable to the Department for Public Health shall be permitted to work in an assisted-living community if the employee is a danger to the clients or other employees.

➔Section 25. KRS 197.045 is amended to read as follows:

- (1) Any person convicted and sentenced to a state penal institution:
  - (a) Shall receive a credit on his or her sentence for:
    1. Prior confinement as specified in KRS 532.120;
    2. Successfully receiving a *High School Equivalency Diploma*~~[general~~

- ~~equivalency diploma~~ or a high school diploma, a two (2) or four (4) year college degree, a two (2) year or four (4) year degree in applied sciences, a completed technical education program, or an online or correspondence education program, each as provided and defined by the department, or a civics education program that requires passing a final exam, in the amount of ninety (90) days per diploma, degree, or technical education program completed; and
3. Successfully completing a drug treatment program or other evidence-based program approved by the department, in the amount of not more than ninety (90) days for each program completed; and
- (b) May receive a credit on his or her sentence for:
1. Good behavior in an amount not exceeding ten (10) days for each month served, to be determined by the department from the conduct of the prisoner;
  2. Performing exceptionally meritorious service or performing duties of outstanding importance in connection with institutional operations and programs, awarded at the discretion of the commissioner in an amount not to exceed seven (7) days per month; and
  3. Acts of exceptional service during times of emergency, awarded at the discretion of the commissioner in an amount not to exceed seven (7) days per month.
- (2) Except for a sentencing credit awarded for prior confinement, the department may forfeit any sentencing credit awarded under subsection (1) of this section previously earned by the prisoner or deny the prisoner the right to earn future sentencing credit in any amount if during the term of imprisonment, a prisoner commits any offense or violates the rules of the institution.
- (3) When two (2) or more consecutive sentences are to be served, the several sentences

shall be merged and served in the aggregate for the purposes of the sentencing credit computation or in computing dates of expiration of sentence.

- (4) Until successful completion of the sex offender treatment program, an eligible sexual offender may earn sentencing credit. However, the sentencing credit shall not be credited to the eligible sexual offender's sentence. Upon the successful completion of the sex offender treatment program, as determined by the program director, the offender shall be eligible for all sentencing credit earned but not otherwise forfeited under administrative regulations promulgated by the Department of Corrections. After successful completion of the sex offender treatment program, an eligible sexual offender may continue to earn sentencing credit in the manner provided by administrative regulations promulgated by the Department of Corrections. Any eligible sexual offender, as defined in KRS 197.410, who has not successfully completed the sex offender treatment program as determined by the program director shall not be entitled to the benefit of any credit on his or her sentence. A sexual offender who does not complete the sex offender treatment program for any reason shall serve his or her entire sentence without benefit of sentencing credit, parole, or other form of early release. The provisions of this section shall not apply to any sexual offender convicted before July 15, 1998, or to any sexual offender with an intellectual disability.
- (5) (a) The Department of Corrections shall, by administrative regulation, specify the length of forfeiture of sentencing credit and the ability to earn sentencing credit in the future for those inmates who have civil actions dismissed because the court found the action to be malicious, harassing, or factually frivolous.
- (b) Penalties set by administrative regulation pursuant to this subsection shall be as uniform as practicable throughout all institutions operated by, under contract to, or under the control of the department and shall specify a specific number of days or months of sentencing credit forfeited as well as any

prohibition imposed on the future earning of sentencing credit.

- (6) The provisions in subsection (1)(a)2. of this section shall apply retroactively to July 15, 2011.

➔Section 26. KRS 198B.712 is amended to read as follows:

- (1) An individual shall not advertise or claim to be a home inspector and shall not conduct a home inspection for compensation without first obtaining a license as a home inspector.
- (2) An individual shall not advertise as, claim to be, or engage in or work at the trade of home inspection unless an owner or employee of that business is a licensed home inspector.
- (3) The board shall deny a license to any applicant who fails to:
- (a) Furnish evidence satisfactory to the board, showing that the individual:
1. Is at least eighteen (18) years of age;
  2. **Possesses a high school diploma or a High School Equivalency Diploma**~~[Has graduated from high school or earned a Kentucky or other state's general educational development (GED) diploma]~~; and
  3. Meets other criteria established by the board through promulgation of administrative regulations;
- (b) Verify the information submitted on the application form;
- (c) Complete a board-approved training program or course of study involving the performance of home inspections, and pass an examination prescribed or approved by the board;
- (d) Submit to the board a certificate of insurance that is acceptable to the board and that:
1. Is issued by an insurance company or other legal entity authorized to transact insurance business in Kentucky;
  2. Provides for general liability coverage of at least two hundred fifty



thousand dollars (\$250,000);

3. Lists the Kentucky Board of Home Inspectors as the certificate holder of any insurance policy satisfying the requirements of this paragraph;
  4. States that cancellation and nonrenewal of the underlying policy is not effective until the board receives at least ten (10) days' prior written notice of the cancellation or nonrenewal; and
  5. Contains any other terms and conditions established by the board; or
- (e) Pay a licensing fee established in KRS 198B.706.
- (4) An individual applying for a license as a home inspector shall apply on a written or electronic form prescribed and provided by the board.

➔Section 27. KRS 205.704 is amended to read as follows:

- (1) The cabinet shall undertake a joint planning process with appropriate state, local, and private education institutions, interested agencies, and citizens to ensure that opportunities for low income parents to continue or improve their education shall continue with the implementation of the public assistance program funded by federal block grant dollars under Title IV-A of the Federal Social Security Act, 42 U.S.C. secs. 602 et seq. To this end, by July 31, 1998, the cabinet shall convene and provide staff services for an advisory group of interested parties to evaluate opportunities and strategies and make recommendations for continued participation by low income parents in education activities, including, but not limited to, representatives of:
- (a) The state university system;
  - (b) The state community college system;
  - (c) Private colleges and universities;
  - (d) State vocational and technical schools;
  - (e) The Kentucky Higher Education Assistance Authority;
  - (f) Basic and secondary education programs, including literacy, adult basic

education, the High School Equivalency Testing program~~[GED]~~, and high school programs;

- (g) Advocacy and citizens groups representing low income parents, including low income parents in sufficient number to represent at least one quarter (1/4) of the total group;
  - (h) Providers of child care and other supportive services; and
  - (i) Two (2) members each from the Senate, as appointed by the President of the Senate, and the House of Representatives, as appointed by the Speaker of the House.
- (2) The cabinet shall prepare a strategic plan for continuation of education opportunities for low income parents, based on the recommendations of the advisory group. The cabinet shall submit the plan to the Legislative Research Commission and the Interim Joint Committee on Health and Welfare no later than July 31, 1999. At a minimum, the plan shall set forth strategies, including any funding necessary, to:
- (a) Create work study opportunities; and
  - (b) Increase the access to child care funding.

➔Section 28. KRS 237.120 is amended to read as follows:

- (1) The Department of Criminal Justice Training shall operate and maintain a program for firearms instructor trainers for the concealed deadly weapon training program. Only the General Assembly may eliminate the firearms instructor trainer program.
- (2) A firearms instructor trainer shall meet the requirements to be a firearms instructor and shall:
  - (a) Possess a high school diploma or High School Equivalency Diploma~~[GED certificate]~~;
  - (b) Successfully complete a firearms instructor trainer course of not more than sixteen (16) hours provided by the department; and

- (c) Possess at least one (1) of the following valid firearms instructor certifications:
1. National Rifle Association Personal Protection Instructor;
  2. National Rifle Association Pistol Marksmanship Instructor;
  3. Certification from a Kentucky or other firearms instructor course offered by a state or federal governmental agency; or
  4. Certification from another firearms instructor training course that has been determined by the Commissioner of the Department of Criminal Justice Training to be equivalent to one (1) of the above listed courses.
- (3) Certification as a firearms instructor trainer shall be valid for a period of three (3) years during which an instructor trainer shall:
- (a) Conduct or assist in at least one (1) firearms instructor course; or
  - (b) Conduct or assist in at least one (1) applicant training course; and
  - (c) Attend an instructor trainer/instructor in-service training course of not more than four (4) hours conducted by the department; and
  - (d) Not have become ineligible to be a firearms instructor trainer.
- (4) The department shall conduct in-service training for firearms instructor trainers and certified firearms instructors. In-service training courses shall be held not less than twice each year in each congressional district and shall be offered at various times during the year ensuring that the maximum number of persons can attend. Preference shall be given to conducting in-service training classes on a Friday or a Saturday. Notice of the time, date, and location for in-service training for each calendar year shall be sent to each firearms instructor trainer and certified firearms instructor by mail or by e-mail not less than thirty (30) days prior to the beginning of the first class for each calendar year. The cost of the in-service training shall be not more than fifty dollars (\$50).
- (5) At the end of the certification period, the department shall issue a new firearms

instructor trainer certification to a person who has completed the provisions of this section, unless that firearms instructor trainer notifies the department in writing that he or she desires not to be recertified or is otherwise ineligible to be recertified. There shall be no charge for recertification. A firearms instructor trainer who has permitted his or her certification to expire may take the in-service course and be recertified for a period of up to one hundred eighty (180) days from the date of expiration of the certification without having to repeat the requirements of subsection (2) of this section.

- (6) The fee for a firearms instructor trainer course shall be not more than one hundred dollars (\$100). No portion of the fee shall be refunded to any student who fails or who does not complete the required course of training.
- (7) Any state agency or public university which owns a firing range shall make that range available to the department for the conduct of in-service training without charge if the department determines that for any particular year's in-service training that range firing is required.

➔Section 29. KRS 316.030 is amended to read as follows:

- (1) No person shall engage in, or attempt to engage in, embalming or funeral directing in the Commonwealth of Kentucky unless the person is licensed under the provisions of this chapter.
- (2) All Kentucky-licensed persons who practice embalming or funeral directing in Kentucky shall practice from a funeral establishment that is licensed to operate under the provisions of this chapter.
- (3) One (1) member of every firm, and one (1) officer and one (1) stockholder of every corporation, that engages in embalming and funeral directing in Kentucky, shall be a Kentucky-licensed embalmer and a Kentucky-licensed funeral director.
- (4) One board shall issue an embalmer's license to an applicant who:
  - (a) Is at least eighteen (18) years of age;

- (b) Is of good moral character;
  - (c) ***Possesses a high school diploma or***~~[Has graduated from high school or possesses]~~ a High School Equivalency Diploma;
  - (d) Has received an associate degree in funeral services from a college or university accredited by the American Board of Funeral Service Education;
  - (e) Has served an apprenticeship of one (1) year in a Kentucky funeral establishment under the supervision of a Kentucky-licensed embalmer;
  - (f) Has taken an active part during the apprenticeship in assisting with the embalming of at least twenty-five (25) dead human bodies under the direct supervision of a Kentucky-licensed embalmer;
  - (g) Has paid to the board an examination fee of seventy-five dollars (\$75); and
  - (h) Has passed an examination prepared or approved by the board.
- (5) The board shall issue a funeral director's license to an applicant who:
- (a) Is at least eighteen (18) years of age;
  - (b) Is of good moral character;
  - (c) ***Possesses a high school diploma or***~~[Has graduated from high school or possesses]~~ a High School Equivalency Diploma;
  - (d) Has served an apprenticeship of three (3) consecutive years in a Kentucky funeral establishment under the supervision of a Kentucky-licensed funeral director. An associate degree in funeral services from a college or university accredited by the American Board of Funeral Service Education shall substitute for two (2) years of the apprenticeship. The completion of thirty (30) semester credit hours or the equivalent from an accredited college or university shall substitute for one (1) year of the apprenticeship. At no time shall more than two (2) years of the apprenticeship be substituted;
  - (e) Has taken an active part during the apprenticeship in assisting with the management of at least twenty-five (25) funerals under the direct supervision

- of a Kentucky-licensed funeral director;
- (f) Has paid to the board an examination fee of seventy-five dollars (\$75); and
  - (g) Has passed an examination prepared or approved by the board.
- (6) An applicant may serve embalming and funeral directing apprenticeships concurrently.
- (7) At the beginning of an apprenticeship, an applicant for an embalmer's or a funeral director's license shall:
- (a) Appear before the board;
  - (b) Pay to the board a registration fee of thirty dollars (\$30); and
  - (c) File with the board the sworn statement of the supervising Kentucky-licensed embalmer or the Kentucky-licensed funeral director averring that the applicant will work full-time under supervision in the funeral establishment and will receive a regular salary.
- (8) An applicant shall work full-time in the funeral establishment during the apprenticeship and shall receive a regular salary.
- (9) An applicant shall file with the board semiannually during the apprenticeship sworn statements by the applicant and the supervising Kentucky-licensed embalmer or Kentucky-licensed funeral director setting out the number of hours worked, the number of embalmings or funerals in which the applicant has assisted, and the salary received.
- (10) A Kentucky-licensed embalmer or a Kentucky-licensed funeral director shall not supervise more than five (5) applicants serving apprenticeships at any one (1) time.

➔Section 30. KRS 317.450 is amended to read as follows:

- (1) (a) The board shall issue a probationary license to practice barbering to any person who:
- 1. Is at least seventeen and one-half (17-1/2) years of age;
  - 2. Is of good moral character and temperate habit;

3. Possesses a high school diploma or a High School Equivalency Diploma~~[Has graduated from high school or possesses a General Educational Development (GED) certificate]~~ or transcript from an issuing institution that is recognized by the educational authority in the state from which the diploma, certificate, or transcript is issued;
  4. Has graduated from a licensed school of barbering;
  5. Has satisfactorily passed the probationary examination prescribed by the barber board, which shall include a practical assessment of the applicant's skills, including but not limited to a haircut and a chemical application; and
  6. Has paid a fee not to exceed fifty dollars (\$50).
- (b) A barber shall serve a probationary period of six (6) months of continuous service from the effective date of the license issued pursuant to paragraph (a) of this subsection.
- (c) In addition to the grounds for disciplinary action specified in KRS 317.590, the board may, during the probationary period, require a licensee to retake any part or all of the written or practical examination, or both.
- (d) At the end of the probationary period, the board shall issue a license to practice barbering to a probationary licensee who has:
1. Satisfactorily passed the barber examination prescribed by the board by administrative regulations promulgated in accordance with KRS Chapter 13A; and
  2. Complied with all other requirements of this subsection.
- (e) The board may issue a barber license by endorsement to a resident of another state, district, or territory within the United States of America upon payment of a fee not to exceed two hundred fifty dollars (\$250) and upon submission of satisfactory evidence that the requirements for licensure in the other state are

substantially equivalent to the requirements of this state at the time of application. In the absence of the required equivalency, an applicant from another state, district, or territory within the United States of America, shall show proof of three (3) years or more experience immediately before making application and be currently licensed and in good standing with the state, district, or territory in which he or she is licensed. The board may also require an applicant under this section to pass a written and practical examination to establish equivalency.

- (2) The board shall:
  - (a) Issue a license to operate a barber shop to any barber licensed under the provisions of this chapter upon application and payment of a fee not to exceed fifty dollars (\$50);
  - (b) Refuse to issue the license upon a failure of the licensed barber to comply with the provisions of this chapter or the administrative regulations promulgated by the board;
  - (c) Allow the licensed owner of a barber shop, which is licensed under this chapter, to rent or lease space in his or her barber shop to an independent contract owner; and
  - (d) Allow an unlicensed owner of a barber shop, which is licensed under this chapter and managed by a barber licensed under this chapter, to rent or lease space in his or her barber shop to an independent contract owner.
- (3) The board shall issue a license to operate a school of barbering to any person, firm, or corporation who or which:
  - (a) Applies for a license upon forms furnished by the board;
  - (b) Has the equipment and facilities that may be required by administrative regulations promulgated by the board;
  - (c) Has furnished adequate evidence to the board that:



1. There is an intent to establish a bona fide school for the education and training of competent barbers; and
  2. A sufficient number of teachers licensed by the board will be employed to conduct the school, including at least one (1) teacher with a minimum of twelve (12) months' experience teaching in a barber school that includes administrative experience; and
- (d) Pays a fee not to exceed one hundred fifty dollars (\$150).
- (4) The board shall issue a license to teach barbering to any person who:
- (a) Is of good moral character and temperate habit;
  - (b) Possesses a high school diploma or a High School Equivalency Diploma~~[Has graduated from high school, or possesses a General Educational Development (GED) certificate];~~
  - (c) Has been a licensed and practicing barber for at least eighteen (18) months;
  - (d) Has satisfactorily passed the examination prescribed by the board by promulgation of administrative regulations; and
  - (e) Has paid a fee not to exceed one hundred dollars (\$100).
- (5) The board shall issue a license to any barber who holds an independent contract owner's license who:
- (a) Is of good moral character and temperate habit;
  - (b) Possesses a high school diploma or a High School Equivalency Diploma~~[Has graduated from high school, or possesses a General Educational Development (GED) certificate];~~
  - (c) Is a licensed and practicing barber under this chapter; and
  - (d) Has paid a fee not to exceed fifty dollars (\$50).
- (6) Applications for examination required in this section shall be accompanied by an examination fee as follows:
- (a) Barber -- not to exceed three hundred dollars (\$300); and

- (b) Teaching barbering -- not to exceed one hundred fifty dollars (\$150).
- (7) (a) On and after July 1, 2016, a license issued pursuant to this section shall expire on the first day of July next following the date of its issuance. A license shall be renewed on June 1 through July 1 of each year.
- (b) Any license shall automatically be renewed by the board:
- 1. Upon receipt of the application for renewal or duplicate renewal application form and the required annual renewal license fee submitted either in person or via written or electronic means; and
  - 2. If the applicant for renewal is otherwise in compliance with the provisions of this chapter and the administrative regulations of the board.
- (8) The annual renewal license fee for each type of license renewal shall be as follows:
- (a) Barber -- not to exceed fifty dollars (\$50);
  - (b) Teacher of barbering -- not to exceed fifty dollars (\$50);
  - (c) Barber shop -- not to exceed fifty dollars (\$50);
  - (d) Barber school -- not to exceed one hundred fifty dollars (\$150); and
  - (e) Independent contract owner -- not to exceed fifty dollars (\$50).
- (9) (a) The fee per year for the renewal of an expired license, if the period of expiration does not exceed five (5) years, shall be as follows:
- 1. Barber -- not to exceed twenty-five dollars (\$25) plus lapse fees;
  - 2. Barber shop -- not to exceed twenty-five dollars (\$25) plus lapse fees;
  - 3. Barber school -- not to exceed twenty-five dollars (\$25) plus lapse fees;
  - 4. Teacher of barbering -- not to exceed twenty-five dollars (\$25) plus lapse fees; and
  - 5. Independent contract owner - - not to exceed twenty-five dollars (\$25) plus lapse fees.
- (b) An applicant who fails to renew a license within five (5) years of its expiration

shall comply with the requirements for relicensure established by the board through promulgation of administrative regulations in accordance with KRS Chapter 13A.

➔Section 31. KRS 317A.050 is amended to read as follows:

- (1) The cosmetologist board shall issue an apprentice cosmetologist license to any person who:
  - (a) Is of good moral character and temperate habit;
  - (b) Is at least sixteen (16) years of age;
  - (c) Has a high school diploma, *a High School Equivalency Diploma*~~[General Educational Development (GED) diploma]~~, or the results from the Test for Adult Basic Education indicating a score equivalent to the twelfth grade of high school;
  - (d) Has official certification from the state board or agency that certifies cosmetology schools that the applicant has graduated from a licensed school of cosmetology requiring one thousand eight hundred (1,800) hours within ten (10) years of submitting an application for licensure;
  - (e) Has passed an examination prescribed by the board to determine fitness to practice as an apprentice cosmetologist; and
  - (f) Has paid a fee of twenty-five dollars (\$25).
- (2) The cosmetologist board shall issue a cosmetologist license to any person who:
  - (a) Has a high school diploma, *a High School Equivalency Diploma*~~[General Educational Development (GED) diploma]~~, or the results from the Test for Adult Basic Education indicating a score equivalent to the twelfth grade of high school;
  - (b) Has practiced as a licensed cosmetology apprentice for at least six (6) months under the immediate supervision of a licensed cosmetologist;
  - (c) Has satisfactorily passed an examination prescribed by the board to determine

- fitness to practice cosmetology; and
- (d) Has paid a fee of twenty-five dollars (\$25).
- (3) The cosmetologist board shall issue a license to act as a nail technician to any person who:
- (a) Is of good moral character and temperate habit;
- (b) Has official certification from the state board or agency that certifies cosmetology schools that the applicant has completed satisfactorily a nail technician course of study of six hundred (600) hours in a licensed school of cosmetology within ten (10) years of submitting an application for licensure;
- (c) Has satisfactorily passed an examination prescribed by the board to determine fitness to practice as a nail technician;
- (d) Has a high school diploma, a High School Equivalency Diploma~~[General Educational Development (GED) diploma]~~, or the results from the Test for Adult Basic Education indicating a score equivalent to the twelfth grade of high school; and
- (e) Has paid a fee of twenty-five dollars (\$25).
- (4) (a) The cosmetologist board shall issue a license to operate a beauty salon to any licensed cosmetologist upon receipt of the completed application, accompanied by a fee of thirty-five dollars (\$35). The board may refuse to issue a license if the applicant fails to comply with the provisions of this chapter or the administrative regulations promulgated by the board. If an owner is not a licensed cosmetologist, he or she shall have a licensed cosmetologist manage the beauty salon at all times. A new license shall be purchased if the salon's owner, manager, or location changes.
- (b) The cosmetologist board shall issue a license to operate a nail salon to any licensed nail technician upon receipt of the completed application and payment of a fee of thirty-five dollars (\$35). The board may refuse to issue a

license if the applicant fails to comply with the provisions of this chapter or administrative regulations promulgated by the board pursuant to this chapter. An owner who is not a licensed nail technician shall have a licensed nail technician or cosmetologist as manager of the nail salon at all times. If the owner, manager, or location of a nail salon changes, a new license shall be purchased.

- (c) Any person who leases or rents space in a beauty salon or nail salon shall be considered an independent owner and shall meet the qualifications for the respective salon owner as set out in paragraphs (a) and (b) of this subsection.
- (5) The cosmetologist board shall issue an apprentice license to teach cosmetology to any person who:
- (a) Has paid a fee of thirty-five dollars (\$35);
  - (b) Has a high school diploma, a High School Equivalency Diploma~~General Educational Development (GED) diploma~~, or the results from the Test for Adult Basic Education indicating a score equivalent to the twelfth grade of high school and one (1) year experience as a licensed cosmetologist; and
  - (c) Has submitted an application that has been signed by the owners of the school in which the applicant will study. The course of instruction shall be for a period of one thousand (1,000) hours and not less than six (6) months at one (1) school providing this instruction. The school owner shall verify to the board the completion of one thousand (1,000) hours. For out-of-state verification, an applicant shall provide official certification from the board or agency that certifies schools in that other state of licensure verifying the applicant has completed a course of instruction consisting of at least one thousand (1,000) hours and not less than six (6) months at one (1) school providing the instruction.
- (6) The cosmetologist board shall issue a license to teach cosmetology to any person

who:

- (a) Is of good moral character and temperate habit;
  - (b) Has a high school diploma, a High School Equivalency Diploma~~[General Educational Development (GED) diploma]~~, or the results from the Test for Adult Basic Education indicating a score equivalent to the twelfth grade of high school;
  - (c) Has held an apprentice instructor license for at least six (6) months;
  - (d) Has satisfactorily passed the examination for the teaching of cosmetology as prescribed by the board; and
  - (e) Has paid a fee of fifty dollars (\$50).
- (7) The cosmetologist board may issue a license to operate a school of cosmetology to any person who:
- (a) Has complied with the administrative regulations promulgated by the board including but not limited to administrative regulations governing the necessary equipment, supplies, and facilities;
  - (b) Has furnished proof to the board that the school of cosmetology is needed, that he or she is otherwise qualified to operate a school of cosmetology, and that he or she intends to establish a bona fide school for the education and training of competent cosmetologists and that he or she will employ a sufficient number of licensed instructors of cosmetology to conduct the school;
  - (c) Has as manager at all times a person who is:
    - 1. Licensed as an instructor;
    - 2. Charged with the responsibility of ensuring that all applicable statutes and administrative regulations are complied with; and
    - 3. Responsible for having a sufficient number of licensed instructors of cosmetology to conduct the school.

- The designated manager shall be approved by the board before a license may be issued;
- (d) Complies with the administrative regulations promulgated by the board including but not limited to those regarding courses, curriculum, and hours of instruction;
  - (e) Otherwise complies with this chapter;
  - (f) Has paid a fee of one thousand five hundred dollars (\$1,500);
  - (g) Has been a resident of Kentucky for five (5) years, if the applicant is an individual. If the applicant is a firm or corporation, it shall be a Kentucky corporation or licensed or qualified to do business in Kentucky and shall have been in existence for a period of at least five (5) years;
  - (h) Any student enrolling in the school shall pay a fee of fifteen dollars (\$15) to the board before enrollment in the school shall be allowed; and
  - (i) The transfer of any license to operate a school of cosmetology shall require the board's approval and shall become effective upon filing a new application with the board and paying a fee of one thousand five hundred dollars (\$1,500).
- (8) Licenses and permits issued by the board may be renewed upon receipt, beginning July 1 through July 31 of each year. The application for renewal shall be completed in full and accompanied by the appropriate renewal fee required by subsection (9) of this section. Applications for renewal shall comply with the provisions of this chapter and the administrative regulations promulgated by the board. Any license application received or postmarked after July 31 shall be considered expired, and the appropriate restoration fee required by subsection (11) of this section shall apply.
- (9) The annual renewal license or permit fee for each type of license or permit renewal shall be as follows:
- (a) Apprentice cosmetologist -- \$20;

- (b) Cosmetologist -- \$20;
  - (c) Nail technician -- \$20;
  - (d) Beauty salon -- \$25;
  - (e) Nail salon -- \$25;
  - (f) Apprentice instructor of cosmetology -- \$25;
  - (g) Instructor of cosmetology -- \$35;
  - (h) Cosmetology school -- \$150;
  - (i) Threading permit -- \$20; and
  - (j) Threading facility permit -- \$25.
- (10) Applications for examinations required by this section shall be accompanied by an examination fee as follows:
- (a) Apprentice cosmetologist -- \$75;
  - (b) Cosmetologist -- \$75;
  - (c) Nail technician -- \$75;
  - (d) Instructor of cosmetology -- \$100;
  - (e) Cosmetologist out-of-state -- \$120; and
  - (f) Instructor out-of-state -- \$200.
- (11) The fee for the restoration of an expired license where the period of expiration does not exceed five (5) years from date of expiration, shall be as follows:
- (a) Apprentice cosmetologist -- \$75;
  - (b) Cosmetologist -- \$75;
  - (c) Nail technician -- \$75;
  - (d) Beauty salon -- \$75;
  - (e) Nail salon -- \$75;
  - (f) Cosmetology school -- \$750;
  - (g) Instructor -- \$100; and
  - (h) Apprentice instructor -- \$75.



- (12) The requirements for a new license for any person whose license has expired for a period exceeding five (5) years shall be as follows:
- (a) Cosmetologists shall retake and pass the practical examination only;
  - (b) Apprentice cosmetologists shall complete four hundred fifty (450) additional hours training in a licensed school of cosmetology and pass all the prescribed examinations;
  - (c) Instructors of cosmetology shall retake and pass both the practical and theory examination;
  - (d) Nail technicians shall retake and pass the practical and theory examination;  
and
  - (e) The appropriate restoration fee as set forth in subsection (11) of this section shall be required.
- (13) Guest artists or demonstrators appearing and demonstrating before persons other than licensed hairdressers, cosmetologists, and nail technicians shall pay a fee of fifty dollars (\$50) for a permit that shall be in effect for ten (10) days. Guest artists performing before a nonprofit, recognized professional hairdressers, cosmetologists, cosmetology school, or nail technicians group shall apply for a permit, but shall not be required to pay the fee.
- (14) The board shall issue a permit for threading and may promulgate administrative regulations that set out requirements for the practice of threading upon payment of a fee of twenty dollars (\$20). Threading shall be conducted in a licensed beauty salon or facility permitted to engage in threading, and the board may promulgate administrative regulations for facilities and the required sanitation standards.
- (15) The fee for certification shall be twenty dollars (\$20).
- (16) The fee for a duplicate license shall be twenty-five dollars (\$25).
- ➔Section 32. KRS 317B.025 is amended to read as follows:
- (1) The board shall issue an esthetician license to any person who:

- (a) Is of good moral character and temperate habit;
  - (b) Is at least eighteen (18) years of age;
  - (c) Has a high school diploma, a High School Equivalency Diploma~~[General Educational Development (GED) diploma]~~, or the results from the Test for Adult Basic Education indicating a score equivalent to the twelfth grade of high school;
  - (d) Has satisfactorily completed one thousand (1,000) hours of instruction in a licensed school approved by the board;
  - (e) Has received a satisfactory grade on an examination prescribed by the board to determine fitness to practice as an esthetician; and
  - (f) Has paid a fee of at least seventy-five dollars (\$75) to be adjusted as needed in administrative regulations promulgated by the board.
- (2) The board may issue a license to a cosmetologist who seeks dual licensure as an esthetician by offering a dual cosmetologist and esthetician license to individuals who meet licensure criteria for a cosmetologist as in KRS Chapter 317A and licensure criteria for an esthetician as in this chapter. The fee for the dual license for license renewal shall be determined by the board as promulgated in administrative regulations. Nothing in this chapter shall prohibit separate licensure of cosmetologists and estheticians.
- (3) The board shall issue licenses as follows:
- (a) A license to operate an esthetic salon shall be issued to any licensed esthetician upon receipt of:
    - 1. The completed application; and
    - 2. A fee of at least one hundred twenty-five dollars (\$125) to be adjusted as needed in administrative regulations promulgated by the board.
  - (b) If an owner is not a licensed esthetician, the owner shall have a licensed esthetician manage the esthetic salon at all times. A new license shall be

- purchased if the salon's owner, manager, or location changes.
- (c) Licensed esthetic salons shall have the furnishings and salon equipment required pursuant to administrative regulations adopted by the board.
  - (d) Any licensed esthetician who leases or rents space or pays a fee to do business in a beauty salon or esthetic salon shall be considered an independent owner and shall meet the qualifications for the respective salon owner as set out in paragraphs (a), (b), and (c) of this subsection.
  - (e) The board may refuse to issue a license if the applicant fails to comply with this chapter or the administrative regulations promulgated by the board.
- (4) The board shall issue a license to teach esthetic practices to any person who:
- (a) Is of good moral character and temperate habit;
  - (b) Is at least eighteen (18) years of age;
  - (c) Has a high school diploma, a High School Equivalency Diploma~~General Educational Development (GED) diploma~~, or the results from the Test for Adult Basic Education indicating a score equivalent to the twelfth grade of high school;
  - (d) Holds a current cosmetologist and instructor's license;
  - (e) Has completed fifty (50) hours in esthetics training within the last two (2) years;
  - (f) Has received a satisfactory grade on the examination for the teaching of esthetics as prescribed by the board; and
  - (g) Has paid a fee promulgated by the board in administrative regulations.
- (5) The board may issue a license to teach esthetic practices to an individual with two (2) or more years' experience in teaching esthetic practices in another jurisdiction who meets the requirements of paragraphs (a), (b), and (c) of subsection (3) of this section.
- (6) Courses in esthetic practices may be taught at any licensed cosmetology school that

complies with the administrative regulations promulgated by the board under this chapter.

- (7) Applications for esthetician examinations required by this section shall be accompanied by an examination fee of at least one hundred twenty-five dollars (\$125) to be adjusted as needed in administrative regulations promulgated by the board.

➔Section 33. KRS 326.040 is amended to read as follows:

A license as an ophthalmic dispenser shall be issued by the board to any person who pays a fee of fifty dollars (\$50) and submits evidence under oath satisfactory to the board:

- (1) That he or she is more than eighteen (18) years of age and of good moral character;
- (2) That he or she **possesses a high school diploma or a High School Equivalency Diploma**~~[has graduated from high school or possesses a General Educational Development (GED) certificate];~~
- (3) That he or she has at least two (2) years of satisfactory training and experience in ophthalmic dispensing under the supervision of an ophthalmic dispenser, physician, osteopath, or optometrist, or is a graduate of an accepted school of ophthalmic dispensing;
- (4) That he or she has passed a satisfactory examination in ophthalmic dispensing approved by the board.

➔Section 34. KRS 342.730 is amended to read as follows:

- (1) Except as provided in KRS 342.732, income benefits for disability shall be paid to the employee as follows:
  - (a) For temporary or permanent total disability, sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage but not more than one hundred percent (100%) of the state average weekly wage and not less than twenty percent (20%) of the state average weekly wage as determined in KRS 342.740 during that disability. Nonwork-related impairment and conditions

compensable under KRS 342.732 and hearing loss covered in KRS 342.7305 shall not be considered in determining whether the employee is totally disabled for purposes of this subsection.

- (b) For permanent partial disability, sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage but not more than seventy-five percent (75%) of the state average weekly wage as determined by KRS 342.740, multiplied by the permanent impairment rating caused by the injury or occupational disease as determined by the "Guides to the Evaluation of Permanent Impairment," times the factor set forth in the table that follows:

AMA Impairment	Factor
0 to 5%	0.65
6 to 10%	0.85
11 to 15%	1.00
16 to 20%	1.00
21 to 25%	1.15
26 to 30%	1.35
31 to 35%	1.50
36% and above	1.70

Any temporary total disability period within the maximum period for permanent, partial disability benefits shall extend the maximum period but shall not make payable a weekly benefit exceeding that determined in subsection (1)(a) of this section. Notwithstanding any section of this chapter to the contrary, there shall be no minimum weekly income benefit for permanent partial disability and medical benefits shall be paid for the duration of the disability.

- (c) 1. If, due to an injury, an employee does not retain the physical capacity to return to the type of work that the employee performed at the time of

injury, the benefit for permanent partial disability shall be multiplied by three (3) times the amount otherwise determined under paragraph (b) of this subsection, but this provision shall not be construed so as to extend the duration of payments; or

2. If an employee returns to work at a weekly wage equal to or greater than the average weekly wage at the time of injury, the weekly benefit for permanent partial disability shall be determined under paragraph (b) of this subsection for each week during which that employment is sustained. During any period of cessation of that employment, temporary or permanent, for any reason, with or without cause, payment of weekly benefits for permanent partial disability during the period of cessation shall be two (2) times the amount otherwise payable under paragraph (b) of this subsection. This provision shall not be construed so as to extend the duration of payments.
3. Recognizing that limited education and advancing age impact an employee's post-injury earning capacity, an education and age factor, when applicable, shall be added to the income benefit multiplier set forth in paragraph (c)1. of this subsection. If at the time of injury, the employee had less than eight (8) years of formal education, the multiplier shall be increased by four-tenths (0.4); if the employee had less than twelve (12) years of education or a **High School Equivalency Diploma**~~[high school General Educational Development diploma]~~, the multiplier shall be increased by two-tenths (0.2); if the employee was age sixty (60) or older, the multiplier shall be increased by six-tenths (0.6); if the employee was age fifty-five (55) or older, the multiplier shall be increased by four-tenths (0.4); or if the employee was age fifty (50) or older, the multiplier shall be increased by two-tenths (0.2).

4. Notwithstanding the provisions of KRS 342.125, a claim may be reopened at any time during the period of permanent partial disability in order to conform the award payments with the requirements of subparagraph 2. of this paragraph.
- (d) For permanent partial disability, if an employee has a permanent disability rating of fifty percent (50%) or less as a result of a work-related injury, the compensable permanent partial disability period shall be four hundred twenty-five (425) weeks, and if the permanent disability rating is greater than fifty percent (50%), the compensable permanent partial disability period shall be five hundred twenty (520) weeks from the date the impairment or disability exceeding fifty percent (50%) arises. Benefits payable for permanent partial disability shall not exceed ninety-nine percent (99%) of sixty-six and two-thirds percent ( $66\frac{2}{3}\%$ ) of the employee's average weekly wage as determined under KRS 342.740 and shall not exceed seventy-five percent (75%) of the state average weekly wage, except for benefits payable pursuant to paragraph (c)1. of this subsection, which shall not exceed one hundred percent (100%) of the state average weekly wage, nor shall benefits for permanent partial disability be payable for a period exceeding five hundred twenty (520) weeks, notwithstanding that multiplication of impairment times the factor set forth in paragraph (b) of this subsection would yield a greater percentage of disability.
  - (e) For permanent partial disability, impairment for nonwork-related disabilities, conditions previously compensated under this chapter, conditions covered by KRS 342.732, and hearing loss covered in KRS 342.7305 shall not be considered in determining the extent of disability or duration of benefits under this chapter.
- (2) The period of any income benefits payable under this section on account of any

injury shall be reduced by the period of income benefits paid or payable under this chapter on account of a prior injury if income benefits in both cases are for disability of the same member or function, or different parts of the same member or function, and the income benefits payable on account of the subsequent disability in whole or in part would duplicate the income benefits payable on account of the pre-existing disability.

- (3) Subject to the limitations contained in subsection (4) of this section, when an employee, who has sustained disability compensable under this chapter, and who has filed, or could have timely filed, a valid claim in his or her lifetime, dies from causes other than the injury before the expiration of the compensable period specified, portions of the income benefits specified and unpaid at the individual's death, whether or not accrued or due at his or her death, shall be paid, under an award made before or after the death, for the period specified in this section, to and for the benefit of the persons within the classes at the time of death and in the proportions and upon the conditions specified in this section and in the order named:
- (a) To the widow or widower, if there is no child under the age of eighteen (18) or incapable of self-support, benefits at fifty percent (50%) of the rate specified in the award; or
  - (b) If there are both a widow or widower and such a child or children, to the widow or widower, forty-five percent (45%) of the benefits specified in the award, or forty percent (40%) of those benefits if such a child or children are not living with the widow or widower; and, in addition thereto, fifteen percent (15%) of the benefits specified in the award to each child. Where there are more than two (2) such children, the indemnity benefits payable on account of two (2) children shall be divided among all the children, share and share alike; or



- (c) If there is no widow or widower but such a child or children, then to the child or children, fifty percent (50%) of the benefits specified in the award to one (1) child, and fifteen percent (15%) of those benefits to a second child, to be shared equally. If there are more than two (2) such children, the indemnity benefits payable on account of two (2) children shall be divided equally among all the children; or
  - (d) If there is no survivor in the above classes, then the parent or parents wholly or partly actually dependent for support upon the decedent, or to other wholly or partly actually dependent relatives listed in paragraph (g) of subsection (1) of KRS 342.750, or to both, in proportions that the commissioner provides by administrative regulation.
  - (e) To the widow or widower upon remarriage, up to two (2) years, benefits as specified in the award and proportioned under paragraphs (a) or (b) of this subsection, if the proportioned benefits remain unpaid, to be paid in a lump sum.
- (4) All income benefits payable pursuant to this chapter shall terminate as of the date upon which the employee qualifies for normal old-age Social Security retirement benefits under the United States Social Security Act, 42 U.S.C. secs. 301 to 1397f, or two (2) years after the employee's injury or last exposure, whichever last occurs. In like manner all income benefits payable pursuant to this chapter to spouses and dependents shall terminate when such spouses and dependents qualify for benefits under the United States Social Security Act by reason of the fact that the worker upon whose earnings entitlement is based would have qualified for normal old-age Social Security retirement benefits.
- (5) All income benefits pursuant to this chapter otherwise payable for temporary total and permanent total disability shall be offset by unemployment insurance benefits paid for unemployment during the period of temporary total or permanent total

disability.

- (6) All income benefits otherwise payable pursuant to this chapter shall be offset by payments made under an exclusively employer-funded disability or sickness and accident plan which extends income benefits for the same disability covered by this chapter, except where the employer-funded plan contains an internal offset provision for workers' compensation benefits which is inconsistent with this provision.
- (7) If an employee receiving a permanent total disability award returns to work, that employee shall notify the employer, payment obligor, insurance carrier, or special fund as applicable.

➔Section 35. KRS 342.732 is amended to read as follows:

- (1) Notwithstanding any other provision of this chapter, income benefits and retraining incentive benefits for occupational pneumoconiosis resulting from exposure to coal dust in the severance or processing of coal shall be paid as follows:
  - (a) 1. If an employee has a radiographic classification of category 1/0, 1/1 or 1/2, coal workers' pneumoconiosis and spirometric test values of eighty percent (80%) or more, the employee shall be awarded a one (1) time only retraining incentive benefit which shall be an amount equal to sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage as determined by KRS 342.740, but not more than seventy-five percent (75%) of the state average weekly wage, payable semimonthly for a period not to exceed one hundred four (104) weeks, except as provided in subparagraph 3. of this paragraph.
  2. Except as provided in subparagraph 3. of this paragraph, these benefits shall be paid only while the employee is enrolled and actively and successfully participating as a full-time student taking the equivalent of twelve (12) or more credit hours per week in a bona fide training or

education program that if successfully completed will qualify the person completing the course for a trade, occupation, or profession and which program can be completed within the period benefits are payable under this subsection. The program must be approved under administrative regulations to be promulgated by the commissioner. These benefits shall also be paid to an employee who is a part-time student taking not less than the equivalent of six (6) nor more than eleven (11) credit hours per week, except that benefits shall be an amount equal to thirty-three and one-third percent (33-1/3%) of the employee's average weekly wage as determined by KRS 342.740, but not more than thirty-seven and one-half percent (37-1/2%) of the state average weekly wage, payable biweekly for a period not to exceed two hundred eight (208) weeks.

3. These benefits shall also be paid biweekly while an employee is actively and successfully pursuing a High School Equivalency Diploma~~[General Equivalency Diploma (GED)]~~ in accordance with administrative regulations promulgated by the commissioner. These benefits shall be paid in the amount of sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage not to exceed seventy-five percent (75%) of the state average weekly wage for a maximum period not to exceed seventeen (17) weeks. These income benefits shall be in addition to the maximum amount of retraining incentive benefits payable under this paragraph.
4. The employer shall also pay, directly to the institution conducting the training or education program, instruction, tuition, and material costs not to exceed five thousand dollars (\$5,000).
5. The period of weeks during which this benefit is payable shall begin no later than the thirtieth day after the administrative law judge's order

awarding the benefit becomes final, except that an employee may elect to defer the beginning of such benefits up to the three hundred sixty-fifth day following the thirtieth day the order becomes final. Unless the employee has requested deferral of income benefits, those income benefits payable under subparagraphs 1. and 2. of this paragraph shall begin no later than thirty (30) days following conclusion of income benefits paid under subparagraph 3. if such benefits were paid.

6. If an employee who is awarded retraining incentive benefits under this paragraph successfully completes a bona fide training or education program approved by the commissioner, upon completion of the training or education program, the employer shall pay to that employee the sum of five thousand dollars (\$5,000) for successful completion of a program that requires a course of study of not less than twelve (12) months nor more than eighteen (18) months, or the sum of ten thousand dollars (\$10,000) for successful completion of a program that requires a course of study of more than eighteen (18) months. This amount shall be in addition to retraining incentive benefits awarded under this paragraph, and tuition expenses paid by the employer.
7. An employee who is age fifty-seven (57) years or older on the date of last exposure and who is awarded retraining incentive benefits under subparagraphs 1. to 4. of this paragraph, may elect to receive in lieu of retraining incentive benefits, an amount equal to sixty-six and two-thirds percent ( $66\frac{2}{3}\%$ ) of the employee's average weekly wage, not to exceed seventy-five percent (75%) of the state average weekly wage as determined by KRS 342.740 multiplied by the disability rating of twenty-five percent (25%) for a period not to exceed four hundred twenty-five (425) weeks, or until the employee reaches sixty-five (65)

- years of age, whichever occurs first, KRS 342.730(4) notwithstanding.
8. A claim for retraining incentive benefits provided under this section may be filed, but benefits shall not be payable, while an employee is employed in the severance or processing of coal as defined in KRS 342.0011(23).
  9. If an employer appeals an award of retraining incentive benefits, upon an employee's motion, an administrative law judge may grant retraining incentive benefits pending appeal as interlocutory relief.
  10. If an employee elects to defer payment of retraining incentive benefits for a period of retraining longer than three hundred sixty-five (365) days, benefits otherwise payable shall be reduced week-for-week for each week retraining benefits are further deferred;
    - (b) 1. If an employee has a radiographic classification of category 1/0, 1/1, or 1/2 coal workers' pneumoconiosis and respiratory impairment evidenced by spirometric test values of fifty-five percent (55%) or more but less than eighty percent (80%) of the predicted normal values, or category 2/1, 2/2, or 2/3 coal workers' pneumoconiosis and spirometric test values of eighty percent (80%) or more of the predicted normal values, there shall be an irrebuttable presumption that the employee has a disability rating of twenty-five percent (25%) resulting from exposure to coal dust, and the employee shall be awarded an income benefit which shall be an amount equal to sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage, but not to exceed seventy-five percent (75%) of the state average weekly wage as determined by KRS 342.740 multiplied by the disability rating of twenty-five percent (25%). The award shall be payable for a period not to exceed four hundred twenty-five (425) weeks.

2. An employee who is awarded benefits under this paragraph may, at the time of the award or before benefit payments begin, elect to receive retraining incentive benefits provided under paragraph (a)1. to 6. of this subsection, in lieu of income benefits awarded under this paragraph, provided that such option is available one (1) time only and is not revokable, and provided that in no event shall income benefits payable under this paragraph be stacked or added to retraining incentive income benefits paid or payable under subparagraphs 1. to 6. of paragraph (a)1. to 6. of this subsection to extend the period of disability;
- (c) If it is determined that an employee has a radiographic classification of category 1/0, 1/1, or 1/2, and respiratory impairment resulting from exposure to coal dust as evidenced by spirometric test values of less than fifty-five percent (55%) of the predicted normal values, or category 2/1, 2/2, or 2/3 coal workers' pneumoconiosis and respiratory impairment evidenced by spirometric test values of fifty-five percent (55%) or more but less than eighty percent (80%) of the predicted normal values, or category 3/2 or 3/3 coal workers' pneumoconiosis and spirometric test values of eighty percent (80%) or more, there shall be an irrebuttable presumption that the employee has a disability rating of fifty percent (50%) resulting from exposure to coal dust, and the employee shall be awarded an income benefit which shall be an amount equal to sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage but not to exceed seventy-five percent (75%) of the state average weekly wage as determined by KRS 342.740 multiplied by the disability rating of fifty percent (50%). The award shall be payable for a period not to exceed four hundred twenty-five (425) weeks;
  - (d) If it is determined that an employee has a radiographic classification of category 2/1, 2/2, or 2/3 coal workers' pneumoconiosis, based on the latest

ILO International Classification of Radiographics, and respiratory impairment as evidenced by spirometric test values of less than fifty-five percent (55%) of the predicted normal values or category 3/2 or 3/3 pneumoconiosis and respiratory impairment evidenced by spirometric test values of fifty-five percent (55%) or more but less than eighty percent (80%) of the predicted normal values, there shall be an irrebuttable presumption that the employee has a seventy-five percent (75%) disability rating resulting from exposure to coal dust and the employee shall be awarded income benefits which shall be equal to sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage but not to exceed seventy-five percent (75%) of the state average weekly wage as determined by KRS 342.740 multiplied by the disability rating of seventy-five percent (75%). The award shall be payable for a period not to exceed five hundred twenty (520) weeks. Income benefits awarded under this paragraph shall be payable to the employee during the disability; and

- (e) If it is determined that an employee has radiographic classification of 3/2 or 3/3 occupational pneumoconiosis and respiratory impairment evidenced by spirometric test values of less than fifty-five percent (55%) of the predicted normal values, or complicated pneumoconiosis (large opacities category A, B, or C progressive massive fibrosis), there shall be an irrebuttable presumption that the employee is totally disabled resulting from exposure to coal dust, and the employee shall be awarded income benefits equal to sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage but not more than one hundred percent (100%) of the state average weekly wage and not less than twenty percent (20%) of the average weekly wage of the state as determined by KRS 342.740. Income benefits awarded under this paragraph shall be payable to the employee during such disability.

- (2) The presence of respiratory impairment resulting from exposure to coal dust shall be established by using the largest forced vital capacity (FVC) value or the largest forced expiratory volume in one second (FEV1) value determined from the totality of all such spirometric testing performed in compliance with accepted medical standards.
- (3) When valid spirometric tests are not provided and a physician certifies to the administrative law judge that spirometric testing is not medically indicated because of the permanent physical condition of the employee, the administrative law judge shall make his or her decision on the basis of evidence admitted which establishes the existence of a diagnosis of occupational pneumoconiosis and respiratory impairment due to the occupational pneumoconiosis. The evidence submitted by the employee shall include one (1) or more arterial blood gas studies performed in accordance with accepted medical standards. Income benefits shall not be awarded in the absence of valid spirometric tests if the claimant's PO<sub>2</sub> arterial blood gas value is equal to or higher than one (1) standard deviation from the normal value obtained by the formula  $(103.5 - 0.42X)$ , where X equals the claimant's age at the time of the arterial blood gas study.
- (4) Upon request, the commissioner shall refer an employee who has been awarded retraining incentive benefits under subsection (1)(a) of this section to the Office of Vocational Rehabilitation for evaluation and assessment of the training, education, or other services necessary to prepare the employee for a trade, occupation, or profession that will return the employee to remunerative employment, or services necessary and appropriate to prepare and enable the employee to successfully complete a bona fide training or education program approved by the commissioner. The commissioner shall contract with the Office of Vocational Rehabilitation to provide vocational rehabilitation or education services commensurate with the skill levels and abilities of the employee. Services provided under this subsection shall



be funded by the coal workers' pneumoconiosis fund, KRS 342. 1242 notwithstanding.

(5) The commissioner shall promulgate administrative regulations sufficient to effectuate the provisions relating to retraining incentive benefits provided under subsection (1)(a) of this section. The administrative regulations shall:

- (a) Define a "bona fide training or education program" to mean a postsecondary education or training program, including but not limited to the postsecondary programs registered with the Higher Education Assistance Authority, and successful completion of which will qualify the person completing the course for a trade, occupation, or profession, and which program can be completed within the period benefits are payable under subsection (1)(a) of this section;
- (b) Establish requirements for approval and certification of a bona fide training or education program;
- (c) Provide that funds paid to the training or education program by the employer as required under subsection (1)(a)4. of this section shall be applied only to instruction, tuition, material costs, and any fees necessary for the completion of the program;
- (d) Establish requirements for successful participation in and completion of an approved and certified bona fide training or education program, and eligibility standards that must be satisfied to receive sums to be paid by the employer pursuant to subsection (1)(a)6. of this section; and
- (e) Establish attendance, performance and progress standards, and reporting requirements in consultation with the Kentucky Adult Education Program within the Council on Postsecondary Education as conditions that must be satisfied to receive retraining incentive income benefits pursuant to subsection (1)(a)3. of this section.

(6) In no event shall income benefits awarded under this section be stacked or added to

income benefits awarded under KRS 342.730 to extend the period of disability and in no event shall income or retraining incentive benefits be paid to the employee while the employee is working in the mining industry in the severance or processing of coal as defined in KRS 342.0011(23)(a).

➔Section 36. KRS 533.200 is amended to read as follows:

- (1) A person convicted of a misdemeanor or violation who has not received a graduation certificate from high school or has not **obtained a High School Equivalency Diploma**~~[passed the general educational development test (GED)]~~ or has not obtained a high school diploma through participation in the external diploma program may, in addition to or in lieu of any other penalty provided by law, be sentenced to attend and successfully complete a program designed to improve his reading, living, and employment skills. Attendance at such program shall be deemed a form of probation and all provisions of the law with respect to probation, including restitution to victims, shall apply.
- (2) A person convicted of a felony who has not received a graduation certificate from high school or has not **obtained a High School Equivalency Diploma**~~[passed the general educational development test (GED)]~~ or has not obtained a high school diploma through participation in the external diploma program may, in addition to any other penalty provided by law, be sentenced to attend and successfully complete a program designed to improve his reading, living, and employment skills. Attendance at such program shall be deemed a form of probation and all provisions of the law with respect to probation, including restitution to victims, shall apply.
- (3) The provisions of this section shall not apply to an individual with an intellectual or other disability that is so severe that he would not reasonably be expected to benefit from or complete the program.