

1 AN ACT relating to preschool education.

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

3 ➔Section 1. KRS 157.3175 is amended to read as follows:

4 (1) Each local school district shall ensure~~assure~~ that a free and developmentally  
5 appropriate full-day~~half-day~~ preschool education program is provided for each  
6 eligible child.

7 **(2) An eligible child shall be a child** who is at risk of educational failure and who is  
8 **three (3) or** four (4) years of age ~~;~~

9 ~~(a) By October 1, for any year prior to 2017; or~~

10 ~~(b) by August 1, ~~for 2017 or any year thereafter.~~~~

11 ~~—~~ **three (3) and** four (4) year old children shall be served to the extent  
12 placements are available.

13 **(3) Children who are at risk of educational failure shall be identified:**

14 **(a) Based on family income below two hundred percent (200%) of the National**  
15 **School Lunch Program eligibility criteria for free lunch; or**

16 **(b) As having a disability in accordance with the Individuals with Disabilities**  
17 **Act, 20 U.S.C. sec. 1400 et seq.**

18 **(4)** The Kentucky Board of Education, upon the recommendation of the chief state  
19 school officer, shall adopt administrative regulations establishing the guidelines for  
20 the program. Administrative regulations shall establish eligibility criteria, program  
21 guidelines, and standards for personnel.

22 ~~(5)~~~~(2)~~ "Developmentally appropriate preschool program" means a program which  
23 focuses on the physical, intellectual, social, and emotional development of young  
24 children. The preschool program shall help children with their interpersonal and  
25 socialization skills.

26 **(6) (a)**~~(3)~~ Funds appropriated by the General Assembly for ~~the~~ preschool  
27 education programs **for eligible children three (3) years of age** shall be

1 granted to local school districts according to a grant allotment system  
 2 approved by the Kentucky Board of Education. ~~Children who are at risk shall~~  
 3 ~~be identified based on the Federal School Lunch Program eligibility criteria~~  
 4 ~~for free lunch.~~ Appropriations shall be separate from all other funds  
 5 appropriated to the Department of Education and shall be administered in  
 6 accordance with applicable federal and state statutes and administrative  
 7 regulations.

8 **(b) For the 2022-2023 school year,** eligible local school districts shall receive  
 9 funds based on the average number of preschool children being served on  
 10 December 1 and March 1 of the prior academic year.

11 **(c) For the 2023-2024 school year and subsequent years, eligible local school**  
 12 **districts shall receive funds based on the average number of three (3) year-**  
 13 **old preschool children being served on December 1 and March 1 of the**  
 14 **prior academic year** ~~who are appropriately identified as:~~

15 ~~(a) Three (3) and four (4) years of age with disabilities; and~~

16 ~~(b) Four (4) years of age identified as at risk of educational failure].~~

17 **(7) Eligible four (4) year-old children enrolled in a preschool education program**  
 18 **shall be included in the average daily attendance of the elementary school**  
 19 **providing preschool education for purposes of funding under KRS 157.310 to**  
 20 **157.440.**

21 **(8)** Local school districts may develop cooperative arrangements with other school  
 22 districts or organizations in accordance with KRS 157.280.

23 ~~[(4) A child shall be eligible for a free and appropriate preschool education and related~~  
 24 ~~services if:~~

25 ~~(a) 1. The child has been identified as a child with a disability in accordance~~  
 26 ~~with the Individuals with Disabilities Education Act, 20 U.S.C. secs.~~  
 27 ~~1400 et seq.; or~~

- 1           2. ~~The child has been identified in accordance with the definitions and~~  
 2           ~~procedures for exceptional children and youth in accordance with KRS~~  
 3           ~~157.200(1)(a) to (m); and~~  
 4           ~~(b) The child is three (3) or four (4) years of age:~~  
 5           ~~1. By October 1, for any year before 2017; or~~  
 6           ~~2. by August 1, for 2017 or any year thereafter.]~~

7 ~~(9)~~<sup>(5)</sup> The chief state school officer shall receive and review proposals from local  
 8 school districts for grants to operate or oversee the operation of developmentally  
 9 appropriate preschool education programs. Districts may submit proposals for  
 10 implementing new services, enhancing existing preschool education services, or  
 11 contracting for services. In designing a local early childhood education program,  
 12 each district shall work with existing preschool programs to avoid duplication of  
 13 programs and services, to avoid supplanting federal funds, and to maximize Head  
 14 Start funds in order to serve as many ***three (3) and*** four (4) year old children as  
 15 possible.

- 16 (6) Each program proposal shall include, at a minimum:
- 17 (a) A description of the process conducted by the district to assure that the parents  
 18 or guardians of all eligible participants have been made aware of the program  
 19 and of their right to participate;
  - 20 (b) A description of the planned educational programming and related services;
  - 21 (c) The estimated number of children participating in the program;
  - 22 (d) Strategies for involving children with disabilities ***and continuing their***  
 23 ***education if the disability is resolved;***
  - 24 (e) Estimated ratio of staff to children with the maximum being one (1) adult for  
 25 each ten (10) children;
  - 26 (f) The estimated percentage of children participating in the program who are at  
 27 risk of educational failure;

- 1 (g) Information on the training and qualifications of program staff and  
 2 documentation that the staff meet required standards;
- 3 (h) A budget and per-child expenditure estimate;
- 4 (i) A plan to facilitate active parental involvement in the preschool program,  
 5 including provisions for complementary parent education when appropriate;
- 6 (j) Facilities and equipment which are appropriate for young children;
- 7 (k) The days of the week and hours of a day during which the program shall  
 8 operate as specified by the school calendar adopted by the local school  
 9 board;
- 10 (l) A plan for coordinating the program with existing medical and social services,  
 11 including a child development and health screening component;
- 12 (m) Assurances that participants shall receive breakfast or lunch;
- 13 (n) Program sites which meet state and local licensure requirements;
- 14 (o) A plan for coordinating program philosophy and activities with the  
 15 school~~local~~ district's primary school program;
- 16 (p) An evaluation component; and
- 17 (q) A plan for providing transportation services to eligible students~~[Certification~~  
 18 ~~from the Head Start director that the Head Start program is fully utilized~~  
 19 ~~pursuant to subsection (4) of this section].~~

20 ~~[(7) Programs shall reflect an equitable geographic distribution representative of all~~  
 21 ~~areas of the Commonwealth.]~~

22 ➔Section 2. KRS 158.031 is amended to read as follows:

- 23 (1) In this section, "primary school program" means that part of the elementary school  
 24 program in which children are enrolled from the time they begin school, including  
 25 enrollment in a preschool education program for four (4) year-old children, until  
 26 they are ready to enter the fourth grade. Notwithstanding any statute to the contrary,  
 27 successful completion of the primary school program shall be a prerequisite for a

- 1 child's entrance into fourth grade.
- 2 (2) The Kentucky Board of Education shall establish, by administrative regulation,  
3 methods of verifying successful completion of the primary school program in  
4 carrying out the goals of education as described in KRS 158.6451.
- 5 (3) The primary program shall include the following critical attributes: developmentally  
6 appropriate educational practices; multiage and multiability classrooms; continuous  
7 progress; authentic assessment; qualitative reporting methods; professional  
8 teamwork; and positive parent involvement.
- 9 (4) Each school council or, if none exists, the school shall determine the organization of  
10 its ungraded primary program including the extent to which multiage groups are  
11 necessary to implement the critical attributes based on the critical attributes and  
12 meeting individual student needs.
- 13 (5) The implementation of the primary program may take into consideration the  
14 necessary arrangements required for students attending part-time and will allow for  
15 grouping of students attending their first year of school when determined to be  
16 developmentally appropriate.
- 17 (6) A school district may advance a student through the primary program when it is  
18 determined that it is in the best educational interest of the student. A student who is  
19 at least five (5) years of age, but less than six (6) years of age, and is advanced in  
20 the primary program may be classified as other than a kindergarten student for  
21 purposes of funding under KRS 157.310 to 157.440 if the student is determined to  
22 have acquired the academic and social skills taught in kindergarten as determined  
23 by local board policy in accordance with the process established by Kentucky Board  
24 of Education administrative regulation.
- 25 (7) Data shall be collected by each school district on the number of students, in each  
26 school having a primary program, who take five (5) years to complete the primary  
27 program *if original enrollment was in kindergarten, or six (6) years to complete*

1 the primary program if original enrollment was in a preschool education  
 2 program for four (4) year-old children. The data shall be reported in the annual  
 3 performance report described in KRS 158.6453.

4 ➔Section 3. KRS 157.320 is amended to read as follows:

5 As used in KRS 157.310 to 157.440, unless the context otherwise requires:

6 (1) "Average daily attendance" means the aggregate days attended by pupils in a public  
 7 school, adjusted for weather-related low attendance days if applicable, divided by  
 8 the actual number of days the school is in session, after the five (5) days with the  
 9 lowest attendance have been deducted.

10 (a) Aggregate days shall include, in addition to the aggregate number of days  
 11 attended by a pupil who was suspended during a school year, the number of  
 12 days the pupil was suspended, not to exceed ten (10) days in total for the  
 13 school year; and

14 (b) Aggregate days shall include, in addition to the aggregate number of days  
 15 attended by a pupil who was expelled for behavioral problems, the number of  
 16 days the pupil was expelled up to a total of one hundred seventy-five (175)  
 17 days. This total may extend into the next school year and shall be counted in  
 18 the average daily attendance for the next year;

19 (2) "Base funding level" means a guaranteed amount of revenue per pupil to be  
 20 provided for each school district, to be used for regular operating and capital  
 21 expenditures;

22 (3) "Board" means the board of education of any county or independent school district;

23 (4) "District" means any school district as defined by law;

24 (5) "Elementary school" means a school consisting of the primary school program  
 25 through grade eight (8) as defined in subsection (1) of Section 2 of this Act ~~KRS~~  
 26 ~~158.030~~, or any appropriate combination of grades within this range, as determined  
 27 by the plan of organization for schools authorized by the district board;

- 1 (6) "Support Education Excellence in Kentucky" means the level of educational  
2 services and facilities which is to be provided in each district from the public school  
3 fund;
- 4 ~~(7) ["Kindergarten full-time equivalent pupil in average daily attendance" means each  
5 kindergarten pupil counted no more than one-half (1/2) day in the aggregate days  
6 attended by kindergarten pupils in a public school divided by the actual number of  
7 days school is in session after the five (5) days with the lowest attendance have been  
8 deducted. Kindergarten is the entry level of the primary program and shall be  
9 provided no less than the equivalent of one-half (1/2) day, five (5) days a week for a  
10 full school year for each kindergarten pupil;~~
- 11 ~~(8)~~ "Public school fund" means the fund created by KRS 157.330 for use in financing  
12 education in public elementary and secondary schools;
- 13 ~~(8)~~(9) "Administrative regulations of the Kentucky Board of Education" means those  
14 regulations which the Kentucky Board of Education may adopt upon the  
15 recommendation and with the advice of the commissioner of education. The  
16 commissioner of education shall recommend administrative regulations necessary  
17 for carrying out the purposes of KRS 157.310 to 157.440;
- 18 ~~(9)~~(10) "Experience" means employment as a teacher, other than as a substitute or  
19 nursery school teacher, for a minimum of one hundred forty (140) days during a  
20 school year in a public or nonpublic elementary or secondary school or college or  
21 university that is approved by the public accrediting authority in the state in which  
22 the teaching duties were performed. A teacher who is employed by a board for at  
23 least one hundred forty (140) days of a school year and who performs teaching  
24 duties for the equivalent of at least seventy (70) full school days during that school  
25 year, regardless of the schedule on which those duties were performed, shall be  
26 credited with one (1) year of experience. A teacher who is employed by a board for  
27 at least one hundred forty (140) days during each of two (2) school years and who

1 performs teaching duties for the equivalent of at least seventy (70) full school days  
2 during those years shall be credited with one (1) year of experience. No more than  
3 one (1) year of experience shall be credited for the performance of teaching duties  
4 during a single school year;

5 (10)~~(11)~~ "Secondary school" means a school consisting of grades seven (7) through  
6 twelve (12), or any appropriate combination of grades within this range as  
7 determined by the plan of organization for schools authorized by the district board.  
8 When grades seven (7) through nine (9) or ten (10) are organized separately as a  
9 junior high school, or grades ten (10) through twelve (12) are organized separately  
10 as a senior high school and are conducted in separate school plant facilities, each  
11 shall be considered a separate secondary school for the purposes of KRS 157.310 to  
12 157.440;

13 (11)~~(12)~~ "Single salary schedule" means a schedule adopted by a local board from  
14 which all teachers are paid for one hundred eighty-five (185) days and is based on  
15 training, experience, and such other factors as the Kentucky Board of Education  
16 may approve and which does not discriminate between salaries paid elementary and  
17 secondary teachers. If the budget bill contains a minimum statewide salary schedule,  
18 no teacher shall be paid less than the amount specified in the biennial budget salary  
19 schedule for the individual teacher's educational qualifications and experience;

20 (12)~~(13)~~ "Teacher" means any regular or special teacher, principal, supervisor,  
21 superintendent, assistant superintendent, librarian, director of pupil personnel, or  
22 other member of the teaching or professional staff engaged in the service of the  
23 public elementary and secondary school for whom certification is required as a  
24 condition of employment;

25 (13)~~(14)~~ "Percentage of attendance" means the aggregate days attended by pupils in a  
26 public school for the school year divided by the aggregate days' membership of  
27 pupils in a public school for the school year;



1 ~~(14)~~~~(15)~~ "Middle school" means a school consisting of grades five (5) through eight (8)  
2 or any appropriate combination of grades as determined by the plan of organization  
3 for schools authorized by the district board;

4 ~~(15)~~~~(16)~~ "National board certification salary supplement" means an annual supplement  
5 added for the life of the certificate to the base salary of a teacher who attains  
6 national board certification; and

7 ~~(16)~~~~(17)~~ "Weather-related low attendance day" means a school day on which the  
8 district's attendance falls below the average daily attendance for the prior year due  
9 to inclement weather. The district shall submit a request to substitute the prior year's  
10 average daily attendance for its attendance on up to ten (10) designated days, along  
11 with documentation that the low attendance was due to inclement weather, for  
12 approval by the commissioner of education in accordance with Kentucky Board of  
13 Education administrative regulations.

14 ➔Section 4. KRS 157.360 is amended to read as follows:

15 (1) (a) In determining the cost of the program to support education excellence in  
16 Kentucky, the statewide guaranteed base funding level, as defined in KRS  
17 157.320, shall be computed by dividing the amount appropriated for this  
18 purpose by the prior year's statewide average daily attendance.

19 (b) When determining the biennial appropriations for the program, the average  
20 daily attendance for each fiscal year shall include an estimate of the number of  
21 students graduating early under the provisions of KRS 158.142.

22 (2) Each district shall receive an amount equal to the base funding level for each pupil  
23 in average daily attendance in the district in the previous year, except a district shall  
24 receive an amount equal to one-half (1/2) of the state portion of the average  
25 statewide per pupil guaranteed base funding level for each student who graduated  
26 early under the provisions of KRS 158.142. Each district's base funding level shall  
27 be adjusted by the following factors:

- 1 (a) The number of at-risk students in the district. At-risk students shall be  
2 identified as those approved for the free lunch program under state and federal  
3 guidelines. The number of at-risk students shall be multiplied by a factor to be  
4 established by the General Assembly. Funds generated under this paragraph  
5 may be used to pay for:
- 6 1. Alternative programs for students who are at risk of dropping out of  
7 school before achieving a diploma; and
  - 8 2. A hazardous duty pay supplement as determined by the local board of  
9 education to the teachers who work in alternative programs with  
10 students who are violent or assaultive;
- 11 (b) The number and types of exceptional children in the district as defined by  
12 KRS 157.200. Specific weights for each category of exceptionality shall be  
13 used in the calculation of the add-on factor for exceptional children;~~and~~
- 14 (c) **The number of eligible four (4) year-old children enrolled in a preschool**  
15 **education program. The number of eligible four (4) year-old children shall**  
16 **be multiplied by a factor to be established by the General Assembly; and**
- 17 **(d)** Transportation costs. The per-pupil cost of transportation shall be calculated  
18 as provided by KRS 157.370. Districts which contract to furnish  
19 transportation to students attending nonpublic schools may adopt any payment  
20 formula which ensures that no public school funds are used for the  
21 transportation of nonpublic students.
- 22 (3) ~~[Beginning with the 2015-2016 school year and each year thereafter,]~~The General  
23 Assembly shall annually allocate funds equal to one-half (1/2) of the state portion of  
24 the average statewide per pupil guaranteed base funding level for each student who  
25 graduated early under the provisions of KRS 158.142 the previous school year to  
26 the Kentucky Higher Education Assistance Authority for deposit in the early  
27 graduation scholarship trust fund.

1 (4) The program to support education excellence in Kentucky shall be fully  
2 implemented by the 1994-95 school year.

3 (5) (a) Except for those schools which have implemented school-based decision  
4 making, the commissioner of education shall enforce maximum class sizes for  
5 every academic course requirement in all grades except in vocal and  
6 instrumental music, and physical education classes. Except as provided in  
7 subsection (6) of this section, the maximum number of pupils enrolled in a  
8 class shall be as follows:

- 9 1. Twenty-four (24) in primary grades (kindergarten through third grade);
- 10 2. Twenty-eight (28) in grade four (4);
- 11 3. Twenty-nine (29) in grades five (5) and six (6);
- 12 4. Thirty-one (31) in grades seven (7) to twelve (12).

13 (b) Except for those schools which have implemented school-based decision  
14 making, class size loads for middle and secondary school classroom teachers  
15 shall not exceed the equivalent of one hundred fifty (150) pupil hours per day.

16 (c) The commissioner of education, upon approval of the Kentucky Board of  
17 Education, shall adopt administrative regulations for enforcing this provision.  
18 These administrative regulations shall include procedures for a superintendent  
19 to request an exemption from the Kentucky Board of Education when unusual  
20 circumstances warrant an increased class size for an individual class. A  
21 request for an exemption shall include specific reasons for the increased class  
22 size with a plan for reducing the class size prior to the beginning of the next  
23 school year. A district shall not receive in any one (1) year exemptions for  
24 more classes than enroll twenty percent (20%) of the pupils in the primary  
25 grades and grades four (4) through eight (8).

26 (d) In all schools the commissioner of education shall enforce the special  
27 education maximum class sizes set by administrative regulations adopted by

1 the Kentucky Board of Education. A superintendent may request an  
2 exemption pursuant to paragraph (c) of this subsection. A local school council  
3 may request a waiver pursuant to KRS 156.160(2). An exemption or waiver  
4 shall not be granted if the increased class size will impede any exceptional  
5 child from achieving his or her individual education program in the least  
6 restrictive environment.

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

15 (7) If a local school district, through its admission and release committee, determines  
16 that an appropriate program in the least restrictive environment for a particular child  
17 with a disability includes either part-time or full-time enrollment with a private  
18 school or agency within the state or a public or private agency in another state, the  
19 school district shall count as average daily attendance in a public school the time  
20 that the child is in attendance at the school or agency, contingent upon approval by  
21 the commissioner of education.

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

1 a party to the agreement.

2 (9) Program funding shall be increased when the average daily attendance in any  
3 district for the first two (2) months of the current school year is greater than the  
4 average daily attendance of the district for the first two (2) months of the previous  
5 school year. The program funds allotted the district shall be increased by the percent  
6 of increase. ~~[- The average daily attendance in kindergarten is the kindergarten full-~~  
7 ~~time equivalent pupils in average daily attendance.]~~

8 (10) If the average daily attendance for the current school year in any district decreases  
9 by ten percent (10%) or more than the average daily attendance for the previous  
10 school year, the average daily attendance for purposes of calculating program  
11 funding for the next school year shall be increased by an amount equal to two-thirds  
12 (2/3) of the decrease in average daily attendance. If the average daily attendance  
13 remains the same or decreases in the succeeding school year, the average daily  
14 attendance for purposes of calculating program funding for the following school  
15 year shall be increased by an amount equal to one-third (1/3) of the decrease for the  
16 first year of the decline.

17 (11) If the percentage of attendance of any school district shall have been reduced more  
18 than two percent (2%) during the previous school year, the program funding allotted  
19 the district for the current school year shall be increased by the difference in the  
20 percentage of attendance for the two (2) years immediately prior to the current  
21 school year less two percent (2%).

22 (12) (a) Instructional salaries for vocational agriculture classes shall be for twelve (12)  
23 months per year. Vocational agriculture teachers shall be responsible for the  
24 following program of instruction during the time period beyond the regular  
25 school term established by the local board of education: supervision and  
26 instruction of students in agriculture experience programs; group and  
27 individual instruction of farmers and agribusinessmen; supervision of student

1 members of agricultural organizations who are involved in leadership training  
2 or other activity required by state or federal law; or any program of vocational  
3 agriculture established by the Department of Education. During extended  
4 employment, no vocational agriculture teacher shall receive salary on a day  
5 that the teacher is scheduled to attend an institution of higher education class  
6 which could be credited toward meeting any certification requirement.

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

20 (13) (a) In allotting program funds for home and hospital instruction, statewide  
21 guaranteed base funding, excluding the capital outlay, shall be allotted for  
22 each child in average daily attendance in the prior school year who has been  
23 properly identified according to Kentucky Board of Education administrative  
24 regulations. Attendance shall be calculated pursuant to KRS 158.033~~[157.270]~~  
25 and shall be reported monthly on forms provided by the Department of  
26 Education; and

27 (b) Pursuant to administrative regulations of the Kentucky Board of Education,

1 local school districts shall be reimbursed for home and hospital instruction for  
2 pupils unable to attend regular school sessions because of short-term health  
3 impairments. A reimbursement formula shall be established by administrative  
4 regulations to include such factors as a reasonable per hour, per child  
5 allotment for teacher instructional time, with a maximum number of funded  
6 hours per week, a reasonable allotment for teaching supplies and equipment,  
7 and a reasonable allotment for travel expenses to and from instructional  
8 assignments, but the formula shall not include an allotment for capital outlay.  
9 Attendance shall be calculated pursuant to KRS 158.033~~[157.270]~~ and shall  
10 be reported annually on forms provided by the Department of Education.

11 (14) Except for those schools which have implemented school-based decision making  
12 and the school council has voted to waive this subsection, kindergarten aides shall  
13 be provided for each twenty-four (24) ~~[full-time equivalent]~~ kindergarten students  
14 enrolled.

15 (15) ~~[Effective July 1, 2001, ]~~There shall be no deduction applied against the base  
16 funding level for any pupil in average daily attendance who spends a portion of his  
17 or her school day in a program at a state-operated career and technical education or  
18 vocational facility.

19 (16) During a fiscal year, a school district may request that the Department of Education  
20 recalculate its funds allocated under this section if the current year average daily  
21 attendance for the twenty (20) day school month as defined in KRS 158.060(1) that  
22 contains the most days within the calendar month of January exceeds the prior year  
23 adjusted average daily attendance plus growth by at least one percent (1%). Any  
24 adjustments in the allotments approved under this subsection shall be proportional  
25 to the remaining days in the school year and subject to available funds under the  
26 program to support education excellence in Kentucky.

27 (17) To calculate the state portion of the program to support education excellence in

1 Kentucky for a school district, the Department of Education shall subtract the local  
2 effort required under KRS 157.390(5) from the calculated base funding under the  
3 program to support education excellence in Kentucky, as required by this section.  
4 The value of the real estate used in this calculation shall be the lesser of the current  
5 year assessment or the prior year assessment increased by four percent (4%) plus the  
6 value of current year new property. The calculation under this subsection shall be  
7 subject to available funds.

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

12 ➔Section 5. KRS 158.030 is amended to read as follows:

13 (1) "Common school" means an elementary or secondary school of the state supported  
14 in whole or in part by public taxation. No school shall be deemed a "common  
15 school" or receive support from public taxation unless the school is taught by a  
16 certified teacher for a minimum school term as defined by KRS 158.070 and every  
17 child residing in the district who satisfies the age requirements of this section has  
18 had the privilege of attending it. Provided, however, that: ~~any child who is six (6)~~  
19 ~~years of age, or who may become six (6) years of age by October 1, shall attend~~  
20 ~~public school or qualify for an exemption as provided by KRS 159.030. Any child~~  
21 ~~who is five (5) years of age, or who may become five (5) years of age by October 1,~~  
22 ~~may enter a primary school program, as defined in KRS 158.031, and may advance~~  
23 ~~through the primary program without regard to age in accordance with KRS~~  
24 ~~158.031(6).~~

25 ~~(2) Beginning with the 2017-2018 school year, }~~

26 (a) Any child who is six (6) years of age, or who may become six (6) years of age  
27 by August 1, shall attend public school or qualify for an exemption as



1 provided by KRS 159.030:~~[-]~~

2 **(b)** Any child who is five (5) years of age, or who may become five (5) years of  
3 age by August 1, may enter a primary school program, as defined in KRS  
4 158.031, and may advance through the primary program without regard to age  
5 in accordance with KRS 158.031(6); **and**

6 **(c) Any eligible child as described in subsection (2) of Section 1 of this Act who**  
7 **is four (4) years of age may enter a preschool education program for four**  
8 **(4) year-old children.**

9 (3) Each local school board shall adopt a policy to permit a parent or guardian to  
10 petition the board to allow a student to attend public school who does not meet the  
11 ~~age~~ requirements of subsection (1) ~~or (2)~~ of this section. The policy shall include  
12 an evaluation process that will help determine a student's readiness for school and  
13 shall ensure that any tuition amount charged under this policy is the same amount  
14 charged to a student who meets the ~~age~~ requirements of subsection (1) ~~or (2)~~ of  
15 this section. Students enrolled under this policy shall be included in a school's  
16 average daily attendance for purposes of funding as provided in KRS 157.310 to  
17 157.440.

18 ➔Section 6. KRS 158.060 is amended to read as follows:

19 (1) Twenty (20) school days, or days in which teachers are actually employed in the  
20 schoolroom, shall constitute a school month in the common schools.

21 (2) Each full-time teacher shall be provided with a duty-free lunch period each day  
22 during the regularly scheduled student lunch period. The duty-free lunch period  
23 shall be not less than the length of the lunch period specified in the school calendar  
24 approved by the chief state school officer. A full-time teacher may be assigned to  
25 lunch room duty during the regularly scheduled student lunch period only for an  
26 amount of time equal to the noninstructional time in excess of fifty-five (55)  
27 minutes included in the teacher's daily schedule. The calculation of noninstructional

1 time shall not include the teacher's duty-free lunch period, the time teachers are  
2 required to be at school prior to the start of the student's instructional day, or the  
3 time teachers are required to remain at school after the students are dismissed.

4 (3) Except for children with disabilities and children attending the primary school  
5 program who may attend a program of less than six (6) hours per day under policy  
6 adopted by the local school district board of education and approved by the  
7 commissioner of education and children attending a school district where the local  
8 board has approved a schedule that provides at least the equivalent of six (6) hours  
9 of daily instruction during the school year, a minimum of six (6) hours of actual  
10 school work shall constitute a school day. ~~[Kindergarten programs may be operated  
11 for less than six (6) hours without state board approval.]~~ The Kentucky Board of  
12 Education, upon recommendation of the chief state school officer, shall develop and  
13 approve regulations governing make up by school districts of whole days missed  
14 due to emergencies, or partial days missed as a result of shortening regularly  
15 scheduled school days due to emergencies.

16 (4) Teachers shall be provided additional time for nonteaching activities. The  
17 nonteaching time shall be used to provide teachers opportunities for professional  
18 development activities as provided in KRS 156.095, instructional planning, school-  
19 based decision making as provided in KRS 160.345, curriculum development, and  
20 outreach activities involving their students' families and the community.

21 (5) Character education programs and activities shall be considered valuable and  
22 legitimate components of the actual school work constituting a school day under  
23 subsection (3) of this section.