

1 AN ACT relating to school funding.

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

3 ➔Section 1. KRS 157.320 is repealed, reenacted, and amended to read as follows:

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

- 5 (1) "Average daily membership~~[attendance]~~" means the aggregate days ~~{attended by~~  
6 ~~}pupils are enrolled in a public school on~~[-, adjusted for weather-related low]~~  
7 attendance days~~[- if applicable]~~, divided by the actual number of days the school is  
8 in session~~[-, after the five (5) days with the lowest attendance have been deducted]~~.~~
- 9 (a) Aggregate days shall include, in addition to the aggregate number of days  
10 attended by a pupil who was suspended during a school year, the number of  
11 days the pupil was suspended, not to exceed ten (10) days in total for the  
12 school year; and
- 13 (b) Aggregate days shall include, in addition to the aggregate number of days  
14 attended by a pupil who was expelled for behavioral problems, the number of  
15 days the pupil was expelled up to a total of one hundred seventy-five (175)  
16 days. This total may extend into the next school year and shall be counted in  
17 the average daily membership~~[attendance]~~ for the next year;
- 18 (2) "Base funding level" means a guaranteed amount of revenue per pupil to be  
19 provided for each school district, to be used for regular operating and capital  
20 expenditures;
- 21 (3) "Board" means the board of education of any county or independent school district;
- 22 (4) "District" means any school district as defined by law;
- 23 (5) "Elementary school" means a school consisting of the primary school program  
24 through grade eight (8) as defined in Section 11 of this Act~~[KRS 158.030]~~, or any  
25 appropriate combination of grades within this range, as determined by the plan of  
26 organization for schools authorized by the district board;
- 27 (6) "Support Education Excellence in Kentucky" means the level of educational

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

1 those years shall be credited with one (1) year of experience. No more than one (1)  
2 year of experience shall be credited for the performance of teaching duties during a  
3 single school year;

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

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

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

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

27 ~~(15) ["Middle school" means a school consisting of grades five (5) through eight (8) or~~

1 any appropriate combination of grades as determined by the plan of organization for  
2 schools authorized by the district board; and

3 ~~(15)~~~~(16)~~ "National board certification salary supplement" means an annual supplement  
4 added for the life of the certificate to the base salary of a teacher who attains  
5 national board certification~~;~~ ~~and~~

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

13 ➔Section 2. KRS 157.069 is repealed, reenacted, and amended to read as follows:

14 (1) As used in this section:

15 (a) "Secondary area technology center" or "secondary area center" means a school  
16 facility dedicated to the primary purpose of offering five (5) or more technical  
17 preparation programs that lead to skill development focused on specific  
18 occupational areas. An area center may be called a "magnet technology  
19 center" or "career center" or may be assigned another working title by the  
20 parent agency. An area center may be either state or locally operated; and

21 (b) "Vocational department" means a portion of a school facility that has five (5)  
22 or more technical preparation programs that lead to skill development focused  
23 on specific occupational areas.

24 (2) (a) Except as described in subsection (5) of this section, the Kentucky  
25 Department of Education shall distribute all general funds designated for  
26 locally operated secondary area centers and vocational departments which  
27 received state supplemental funds in fiscal year 2020-2021 by a weighted

1 formula specified in an administrative regulation promulgated by the  
2 Kentucky Board of Education. The formula shall take into account the  
3 differences in cost of operating specific programs. The commissioner of  
4 education shall determine programs to be assigned to categories based on the  
5 descriptions found in paragraphs (b) to (d) of this subsection. Programs in  
6 Categories III and II shall be eligible for funding.

7 (b) Category III--High-cost technical programs: Programs in which students  
8 develop highly technical skills in specific occupational areas and that require  
9 high-cost equipment, materials, and facilities. This category may include  
10 selected industrial technology Level III programs as defined by the  
11 Department of Education and programs in other occupational areas as deemed  
12 appropriate.

13 (c) Category II--Technical skill programs: Programs in which students develop  
14 technical skills focused in occupational areas and that require technical  
15 equipment but high-cost equipment, facilities, or materials are not necessary  
16 to operate the programs. This category may include selected industrial  
17 technology Level III programs as defined by the Department of Education and  
18 programs in other occupational areas as deemed appropriate.

19 (d) Category I--Orientation and career exploration programs: Programs that  
20 provide orientation and exploration of broad-based industries by giving  
21 students knowledge and experience regarding careers within these industries  
22 and develop some exploratory or hands-on skills used in the industry.

23 (e) Notwithstanding subsection (1)(a) and (b) of this section, the Department of  
24 Education shall approve the combining of eligible secondary vocational  
25 programs into a single vocational department for purposes of funding for a  
26 school district that has been receiving state supplemental funds and has  
27 distributed its vocational programs, previously located in area centers, among

1 magnet career academies.

2 (3) For calculation purposes and after categorizing the programs as described in  
3 subsection (2) of this section, a weight shall be applied as a percentage of the base  
4 guarantee per pupil in average daily membership~~[attendance]~~ as defined by Section  
5 1 of this Act~~[KRS 157.320]~~ under the Support Education Excellence in Kentucky  
6 Program, which shall be applied to full-time equivalent students in Categories II and  
7 III. Category I programs shall receive no weight. The full-time equivalent students  
8 shall be calculated on the basis of the total program enrollment multiplied by the  
9 length of the class period divided by six (6).

10 (4) (a) If a school district has a locally operated secondary area center that has been  
11 receiving state supplemental funds, and the district moves the center as part of  
12 a collaborative project agreement between two (2) or more school districts,  
13 then the Kentucky Department of Education may, subject to approval by the  
14 commissioner of education, distribute the general funds designated for the  
15 district's locally operated secondary area center to the district for the purpose  
16 of supporting the collaborative project for the district's full-time equivalent  
17 students in Category II and III programs.

18 (b) If the commissioner of education approves the distribution of funds under  
19 paragraph (a) of this subsection:

20 1. For the first year of the collaborative project agreement, the department  
21 shall distribute an amount equal to the final allotted amount of general  
22 funds from the prior fiscal year designated for the district's locally  
23 operated secondary area center; and

24 2. For any successive year of the collaborative project agreement, the  
25 department shall calculate the amount of general funds to distribute  
26 pursuant to subsections (2) and (3) of this section. The amount  
27 distributed shall not exceed the amount distributed under subparagraph

1 1. of this paragraph.

- 2 (5) If a local board of education assumes authority for the management and control of a  
3 state-operated secondary vocational education and technology center for the 2020-  
4 2021, 2021-2022, or 2022-2023 academic year and notifies the Kentucky  
5 Department of Education of the planned transfer on or before December 31, 2021:
- 6 (a) For the first year under the management and control of the local board of  
7 education, the locally operated center shall receive funding in an amount equal  
8 to one hundred percent (100%) of the annual state general fund appropriation  
9 allocated to the center for on-site direct costs for the most recent fiscal year  
10 under state management and control, including any amount allocated directly  
11 to the local district for use of district-owned facilities;
- 12 (b) For each fiscal year thereafter, the center shall receive seventy-five percent  
13 (75%) of the amount allocated to it under paragraph (a) of this subsection;
- 14 (c) The remaining twenty-five percent (25%) of funds previously allocated to a  
15 center as described in paragraph (b) of this subsection shall annually be  
16 allocated, in accordance with the formula described in subsection (2) of this  
17 section, to locally operated secondary area centers and vocational departments  
18 that did not receive state supplemental funds under subsection (2) of this  
19 section and were not otherwise appropriated funds by the General Assembly  
20 for the current fiscal year;
- 21 (d) If no locally operated secondary area centers and vocational departments are  
22 eligible for funding under paragraph (c) of this subsection, the remaining  
23 twenty-five percent (25%) of funds shall be allocated, in accordance with the  
24 formula described in subsection (2) of this section, to all locally operated  
25 secondary area centers and vocational departments that received funds for the  
26 current fiscal year; and
- 27 (e) Locally operated centers described in paragraph (a) or (b) of this subsection

1 shall not receive additional funds under paragraph (d) of this subsection.

2 ➔Section 3. KRS 157.200 is repealed, reenacted, and amended to read as follows:

3 (1) "Exceptional children and youth" means persons under twenty-one (21) years of age  
4 who differ in one (1) or more respects from same-age peers in physical, mental,  
5 learning, emotional, or social characteristics and abilities to such a degree that they  
6 need special educational programs or services for them to benefit from the regular  
7 or usual facilities or educational programs of the public schools in the districts in  
8 which they reside. The Department of Education, through administrative regulations  
9 promulgated by the Kentucky Board of Education, shall interpret the statutory  
10 definitions of exceptionality. An exceptionality is any trait so defined in this section  
11 or by administrative regulations promulgated by the Kentucky Board of Education.  
12 Requirements of average daily membership~~[attendance]~~ for exceptional classes  
13 shall be regulated by statute, or in the absence of direction by administrative  
14 regulations promulgated by the Kentucky Board of Education. Categories of  
15 exceptionalities included within, but not limited by, this definition are as follows:

16 (a) "Orthopedic impairment" means a severe physical impairment of bone or  
17 muscle which adversely affects educational performance to the extent that  
18 specially designed instruction is required for the pupil to benefit from  
19 education. The term includes physical impairments caused by congenital  
20 anomaly, disease, and from other causes;

21 (b) "Other health impaired" means limited strength, vitality, or alertness,  
22 including a heightened alertness to environmental stimuli, due to a chronic or  
23 acute health problem which adversely affects educational performance to the  
24 extent that specially designed instruction is required for the pupil to benefit  
25 from education. Chronic health problems may include, but are not be limited  
26 to, a heart condition, tuberculosis, sickle cell anemia, hemophilia, epilepsy,  
27 rheumatic fever, nephritis, asthma, lead poisoning, leukemia, diabetes,



1 attention deficit disorder, attention deficit hyperactive disorder, or acquired  
2 immune deficiency syndrome;

3 (c) "Speech or language impairment" means a communication disorder such as  
4 stuttering, impaired articulation, impaired language, impaired voice, delayed  
5 acquisition of language, or absence of language that adversely affects  
6 educational performance to the extent that specially designed instruction is  
7 required for the pupil to benefit from education;

8 (d) "Hearing impairment" means a physiological hearing loss:

9 1. Ranging from mild to profound, which is either permanent or  
10 fluctuating, and of such a degree that the pupil is impaired in the  
11 processing of linguistic information via the auditory channel either with  
12 or without amplification; or

13 2. That adversely affects educational performance so that specially  
14 designed instruction is required for the child or youth to benefit from  
15 education.

16 The term shall include both deaf and hard of hearing children;

17 (e) "Mental disability" means a deficit or delay in intellectual and adaptive  
18 behavior functioning, which adversely affects educational performance to the  
19 extent that specially designed instruction is required for the pupil to benefit  
20 from education, and which is typically manifested during the developmental  
21 period;

22 (f) "Specific learning disability" means a disorder in one (1) or more of the  
23 psychological processes primarily involved in understanding or using spoken  
24 or written language, which selectively and significantly interferes with the  
25 acquisition, integration, or application of listening, speaking, reading, writing,  
26 reasoning, or mathematical abilities. "Specific learning disability" may include  
27 conditions such as dyslexia, dyscalculia, dysgraphia, developmental aphasia,

1 or perceptual motor disabilities. The disorder is lifelong, intrinsic to the  
2 individual, and adversely affects educational performance to the extent that  
3 specially designed instruction is required in order for the pupil to benefit from  
4 education. Determination of the existence of a specific learning disability shall  
5 include documentation that a child does not make sufficient progress in  
6 meeting age or grade-level content standards when provided with appropriate  
7 instruction and learning experiences delivered by qualified personnel,  
8 including the child's response to scientific, research-based interventions and  
9 additional information derived from an individual evaluation. The term does  
10 not include a learning problem which is primarily the result of:

- 11 1. A hearing impairment;
- 12 2. Visual, physical, mental, or emotional-behavioral disabilities;
- 13 3. Environmental, cultural, or economic differences; or
- 14 4. Limited English proficiency;

15 (g) "Emotional-behavioral disability" means a condition characterized by  
16 behavioral excess or deficit which significantly interferes with a pupil's  
17 interpersonal relationships or learning process to the extent that it adversely  
18 affects educational performance so that specially designed instruction is  
19 required in order for the pupil to benefit from education;

20 (h) "Multiple disability" means a combination of two (2) or more disabilities  
21 resulting in significant learning, developmental, or behavioral and emotional  
22 problems, which adversely affects educational performance and, therefore,  
23 requires specially designed instruction in order for the pupil to benefit from  
24 education. A pupil is not considered to have a multiple disability if the adverse  
25 effect on educational performance is solely the result of deaf-blindness or the  
26 result of speech or language disability and one (1) other disabling condition;

27 (i) "Deaf-blind" means auditory and visual impairments, the combination of

1 which creates such severe communication and other developmental and  
2 learning needs that the pupil cannot be appropriately educated in special  
3 education programs designed solely for pupils with hearing impairments,  
4 visual impairments, or severe disabilities, unless supplementary assistance is  
5 provided to address educational needs resulting from the two (2) disabilities;

6 (j) "Visually disabled" means a visual impairment, which, even with correction,  
7 adversely affects educational performance to the extent that specially designed  
8 instruction is required for the pupil to benefit from education. The term  
9 includes both partially seeing and blind pupils;

10 (k) "Developmental delay" means a significant discrepancy between a child's  
11 current level of performance in basic skills such as cognition, language or  
12 communication, self-help, social-emotional, or fine or gross motor, and the  
13 expected level of performance for that age. The term shall be used only with  
14 children ages three (3) through eight (8);

15 (l) "Traumatic brain injury" means an acquired impairment to the neurological  
16 system resulting from an insult to the brain which adversely affects  
17 educational performance and causes temporary or permanent and partial or  
18 complete loss of:

- 19 1. Cognitive functioning;
- 20 2. Physical ability; or
- 21 3. Communication or social-behavioral interaction.

22 The term does not include a brain injury that is congenital or degenerative, or  
23 a brain injury induced by birth trauma;

24 (m) "Autism" means a developmental disability significantly affecting verbal and  
25 nonverbal communication and social interaction, generally evident before age  
26 three (3), that adversely affects educational performance. Characteristics of  
27 autism include:

- 1           1.   Engagement in repetitive activity and stereotyped movement;
- 2           2.   Resistance to environmental change or change in daily routine; and
- 3           3.   Unusual responses to sensory experience.

4           The term does not include children with characteristics of an emotional-  
5           behavioral disability; and

6           (n) "Gifted and talented student" means a pupil identified as possessing  
7           demonstrated or potential ability to perform at an exceptionally high level in  
8           general intellectual aptitude, specific academic aptitude, creative or divergent  
9           thinking, psychosocial or leadership skills, or in the visual or performing arts.

10          (2) "Special education" means specially designed instruction to meet the unique needs  
11          of an exceptional child or youth.

12          (3) "Special educational facilities" means physical facilities designed or adapted to  
13          meet the needs of exceptional children and youth, and approved according to  
14          regulations promulgated by the Kentucky Board of Education.

15          (4) "Related services" means transportation and the developmental, corrective, and  
16          other supportive services required to assist an exceptional child or youth to benefit  
17          from special education, and may include, but are not limited to, speech-language  
18          pathology and audiology services; psychological services; physical and occupational  
19          therapy; recreation, including therapeutic recreation; early identification and  
20          assessment of disabilities; counseling services, including rehabilitation counseling;  
21          orientation and mobility services; medical services for diagnostic or evaluation  
22          purposes; school health services; social work services in schools; and parent  
23          counseling and training.

24          (5) "Transition services" means a coordinated set of activities for a pupil designed  
25          within an outcome-oriented process, that promotes movement from school to  
26          postschool activities. The term includes:

27          (a) Postsecondary education;

- 1 (b) Vocational training; and
- 2 (c) Integrated employment, including supported employment, continuing and
- 3 adult education, adult services, independent living, or community
- 4 participation.

5 The coordinated set of activities shall be based on the individual pupil's needs,

6 taking into account the pupil's preferences and interests, and shall include

7 instruction, community experience, the development of employment, and other

8 postschool adult living objectives, and, if appropriate, acquisition of daily living

9 skills and functional vocational evaluation.

10 ➔Section 4. KRS 157.350 is repealed, reenacted, and amended to read as follows:

11 Each district which meets the following requirements shall be eligible to share in the

12 distribution of funds from the fund to support education excellence in Kentucky:

13 (1) Employs and compensates all teachers for not less than one hundred eighty-five

14 (185) days. The Kentucky Board of Education, upon recommendation of the

15 commissioner of education, shall prescribe procedures by which this requirement

16 may be reduced during any year for any district which employs teachers for less

17 than one hundred and eighty-five (185) days, in which case the eligibility of a

18 district for participation in the public school fund shall be in proportion to the

19 length of time teachers actually are employed;

20 (2) Operates all schools for a minimum school term as provided in Section 12 of this

21 Act~~[KRS 158.070]~~ and administrative regulations of the Kentucky Board of

22 Education. If the school term is less than one hundred eighty-five (185) days,

23 including not less than one hundred seventy (170) student attendance days as

24 defined in Section 12 of this Act~~[KRS 158.070]~~ or one thousand sixty-two (1,062)

25 hours of instructional time, for any reason not approved by the Kentucky Board of

26 Education on recommendation of the commissioner, the eligibility of a district for

27 participation in the public school fund shall be in proportion to the length of term

1 the schools actually operate;

2 (3) Compensates all teachers on the basis of a single salary schedule and in conformity  
3 with the provisions of KRS 157.310 to 157.440;

4 (4) Includes no nonresident pupils in its average daily membership~~[attendance]~~, except:

5 (a) 1. Until July 1, 2022, pupils listed under a written agreement, which may  
6 be for multiple years, with the district of the pupils' legal residence.

7 2. If an agreement cannot be reached, either board may appeal to the  
8 commissioner for settlement of the dispute.

9 3. The commissioner shall have thirty (30) days to resolve the dispute.  
10 Either board may appeal the commissioner's decision to the Kentucky  
11 Board of Education.

12 4. The commissioner and the Kentucky Board of Education shall consider  
13 the factors affecting the districts, including but not limited to academic  
14 performance and the impact on programs, school facilities,  
15 transportation, and staffing of the districts.

16 5. The Kentucky Board of Education shall have sixty (60) days to approve  
17 or amend the decision of the commissioner;

18 (b) Beginning July 1, 2022, those nonresident pupils admitted pursuant to district  
19 nonresident pupil policies adopted under KRS 158.120; and

20 (c) A nonresident pupil who attends a district in which a parent of the pupil is  
21 employed. All tuition fees required of a nonresident pupil may be waived for a  
22 pupil who meets the requirements of this paragraph.

23 This subsection does not apply to those pupils enrolled in an approved class  
24 conducted in a hospital and pupils who have been expelled for behavioral reasons  
25 who shall be counted in average daily membership~~[attendance]~~ under Section 1 of  
26 this Act~~[KRS 157.320]~~;

27 (5) Any secondary school which maintains a basketball team for boys for other than

1 intramural purposes, shall maintain the same program for girls;

2 (6) Any school district which fails to comply with subsection (5) of this section shall be  
 3 prohibited from participating in varsity competition in any sport for one (1) year.  
 4 Determination of failure to comply shall be made by the Department of Education  
 5 after a hearing requested by any person within the school district. The hearing shall  
 6 be conducted in accordance with KRS Chapter 13B. A district under this subsection  
 7 shall, at the hearing, have an opportunity to show inability to comply.

8 ➔Section 5. KRS 157.360 is repealed, reenacted, and amended to read as follows:

9 (1) (a) In determining the cost of the program to support education excellence in  
 10 Kentucky, the statewide guaranteed base funding level, as defined in Section 1  
 11 of this Act~~[KRS 157.320]~~, shall be computed by dividing the amount  
 12 appropriated for this purpose by the prior year's statewide average daily  
 13 membership~~[attendance]~~.

14 (b) When determining the biennial appropriations for the program, the average  
 15 daily membership~~[attendance]~~ for each fiscal year shall include an estimate of  
 16 the number of students graduating early under the provisions of KRS 158.142.

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

23 (a) The number of at-risk students in the district. At-risk students shall be  
 24 identified as those approved for the free lunch program under state and federal  
 25 guidelines. The number of at-risk students shall be multiplied by a factor to be  
 26 established by the General Assembly. Funds generated under this paragraph  
 27 may be used to pay for:

- 1           1.    Alternative programs for students who are at risk of dropping out of  
2           school before achieving a diploma; and
- 3           2.    A hazardous duty pay supplement as determined by the local board of  
4           education to the teachers who work in alternative programs with  
5           students who are violent or assaultive;
- 6           (b)   The number and types of exceptional children in the district as defined by  
7           *Section 3 of this Act*~~[KRS 157.200]~~. Specific weights for each category of  
8           exceptionality shall be used in the calculation of the add-on factor for  
9           exceptional children; and
- 10          (c)   Transportation costs. The per-pupil cost of transportation shall be calculated  
11          as provided by *Section 6 of this Act*~~[KRS 157.370]~~. Districts which contract  
12          to furnish transportation to students attending nonpublic schools may adopt  
13          any payment formula which ensures that no public school funds are used for  
14          the transportation of nonpublic students.
- 15          (3)   Beginning with the 2015-2016 school year and each year thereafter, the General  
16          Assembly shall annually allocate funds equal to one-half (1/2) of the state portion of  
17          the average statewide per pupil guaranteed base funding level for each student who  
18          graduated early under the provisions of KRS 158.142 the previous school year to  
19          the Kentucky Higher Education Assistance Authority for deposit in the early  
20          graduation scholarship trust fund.
- 21          (4)   The program to support education excellence in Kentucky shall be fully  
22          implemented by the 1994-95 school year.
- 23          (5)   (a)   Except for those schools which have implemented school-based decision  
24          making, the commissioner of education shall enforce maximum class sizes for  
25          every academic course requirement in all grades except in vocal and  
26          instrumental music, and physical education classes. Except as provided in  
27          subsection (6) of this section, the maximum number of pupils enrolled in a



1 class shall be as follows:

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

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

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

19 (d) In all schools the commissioner of education shall enforce the special  
20 education maximum class sizes set by administrative regulations adopted by  
21 the Kentucky Board of Education. A superintendent may request an  
22 exemption pursuant to paragraph (c) of this subsection. A local school council  
23 may request a waiver pursuant to KRS 156.160(2). An exemption or waiver  
24 shall not be granted if the increased class size will impede any exceptional  
25 child from achieving his or her individual education program in the least  
26 restrictive environment.

27 (6) In grades four (4) through six (6) with combined grades, the maximum class size

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

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

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

23 (9) Program funding shall be increased when the average daily  
24 membership~~attendance~~ in any district for the first two (2) months of the current  
25 school year is greater than the average daily membership~~attendance~~ of the district  
26 for the first two (2) months of the previous school year. The program funds allotted  
27 the district shall be increased by the percent of increase. The average daily

- 1        membership~~[attendance]~~ in kindergarten is the kindergarten full-time equivalent  
2        pupils in average daily membership~~[attendance]~~.
- 3        (10) If the average daily membership~~[attendance]~~ for the current school year in any  
4        district decreases by ten percent (10%) or more than the average daily  
5        membership~~[attendance]~~ for the previous school year, the average daily  
6        membership~~[attendance]~~ for purposes of calculating program funding for the next  
7        school year shall be increased by an amount equal to two-thirds (2/3) of the  
8        decrease in average daily membership~~[attendance]~~. If the average daily  
9        membership~~[attendance]~~ remains the same or decreases in the succeeding school  
10       year, the average daily membership~~[attendance]~~ for purposes of calculating  
11       program funding for the following school year shall be increased by an amount  
12       equal to one-third (1/3) of the decrease for the first year of the decline.
- 13       (11) If the percentage of membership~~[attendance]~~ of any school district shall have been  
14       reduced more than two percent (2%) during the previous school year, the program  
15       funding allotted the district for the current school year shall be increased by the  
16       difference in the percentage of membership~~[attendance]~~ for the two (2) years  
17       immediately prior to the current school year less two percent (2%).
- 18       (12) (a) Instructional salaries for vocational agriculture classes shall be for twelve (12)  
19       months per year. Vocational agriculture teachers shall be responsible for the  
20       following program of instruction during the time period beyond the regular  
21       school term established by the local board of education: supervision and  
22       instruction of students in agriculture experience programs; group and  
23       individual instruction of farmers and agribusinessmen; supervision of student  
24       members of agricultural organizations who are involved in leadership training  
25       or other activity required by state or federal law; or any program of vocational  
26       agriculture established by the Department of Education. During extended  
27       employment, no vocational agriculture teacher shall receive salary on a day

1           that the teacher is scheduled to attend an institution of higher education class  
2           which could be credited toward meeting any certification requirement.

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

16       (13) (a) In allotting program funds for home and hospital instruction, statewide  
17       guaranteed base funding, excluding the capital outlay, shall be allotted for  
18       each child in average daily ~~membership~~<sup>attendance</sup> in the prior school year  
19       who has been properly identified according to Kentucky Board of Education  
20       administrative regulations. ~~Membership~~<sup>Attendance</sup> shall be calculated  
21       pursuant to KRS 157.270 and shall be reported monthly on forms provided by  
22       the Department of Education; and

23       (b) Pursuant to administrative regulations of the Kentucky Board of Education,  
24       local school districts shall be reimbursed for home and hospital instruction for  
25       pupils unable to attend regular school sessions because of short-term health  
26       impairments. A reimbursement formula shall be established by administrative  
27       regulations to include such factors as a reasonable per hour, per child

1 allotment for teacher instructional time, with a maximum number of funded  
2 hours per week, a reasonable allotment for teaching supplies and equipment,  
3 and a reasonable allotment for travel expenses to and from instructional  
4 assignments, but the formula shall not include an allotment for capital outlay.  
5 Membership~~Attendance~~ shall be calculated pursuant to KRS 157.270 and  
6 shall be reported annually on forms provided by the Department of Education.

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

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

15 (16) During a fiscal year, a school district may request that the Department of Education  
16 recalculate its funds allocated under this section if the current year average daily  
17 membership~~attendance~~ for the twenty (20) day school month as defined in KRS  
18 158.060(1) that contains the most days within the calendar month of January  
19 exceeds the prior year adjusted average daily membership~~attendance~~ plus growth  
20 by at least one percent (1%). Any adjustments in the allotments approved under this  
21 subsection shall be proportional to the remaining days in the school year and subject  
22 to available funds under the program to support education excellence in Kentucky.

23 (17) To calculate the state portion of the program to support education excellence in  
24 Kentucky for a school district, the Department of Education shall subtract the local  
25 effort required under subsection (5) of Section 7 of this Act~~KRS 157.390(5)~~ from  
26 the calculated base funding under the program to support education excellence in  
27 Kentucky, as required by this section. The value of the real estate used in this

1 calculation shall be the lesser of the current year assessment or the prior year  
2 assessment increased by four percent (4%) plus the value of current year new  
3 property. The calculation under this subsection shall be subject to available funds.

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

8 ➔Section 6. KRS 157.370 is repealed, reenacted, and amended to read as follows:

9 (1) In determining the cost of transportation for each district, the chief state school  
10 officer shall determine the average cost per pupil per day of transporting pupils in  
11 districts having a similar density of transported pupils per square mile of area served  
12 by not less than nine (9) different density groups.

13 (2) The annual cost of transportation shall include all current costs for each district plus  
14 annual depreciation of pupil transportation vehicles calculated in accordance with  
15 the administrative regulations of the Kentucky Board of Education for such districts  
16 that operate district-owned vehicles.

17 (3) The aggregate and average daily ~~membership~~<sup>attendance</sup> of transported pupils  
18 shall include all public school pupils transported at public expense who live one (1)  
19 mile or more from school. Children with disabilities may be included who live less  
20 than this distance from school. The aggregate and average daily  
21 ~~membership~~<sup>attendance</sup> referred to in this subsection shall be the aggregate and  
22 average daily ~~membership~~<sup>attendance</sup> of transported pupils the prior year adjusted  
23 for current year increases in accordance with Kentucky Board of Education  
24 administrative regulations.

25 (4) The square miles of area served by transportation shall be determined by subtracting  
26 from the total area in square miles of the district the area not served by  
27 transportation in accordance with administrative regulations of the Kentucky Board

1 of Education. However, if one (1) district authorizes another district to provide  
2 transportation services for a part of its area, this area shall be deducted from the area  
3 served by the authorizing district and added to the area served by the district  
4 actually providing the transportation.

5 (5) The density of transported pupils per square mile of area served for each district  
6 shall be determined by dividing the average daily ~~attendance~~ membership of  
7 transported pupils by the number of square miles of area served by transportation.

8 (6) The chief state school officer shall determine the average cost per pupil per day of  
9 transporting pupils in districts having a similar density by constructing a smoothed  
10 graph of cost for the density groups required by subsection (1). This graph shall be  
11 used to construct a scale showing the average costs of transportation for districts  
12 having a similar density of transported pupils. Costs shall be determined separately  
13 for county school districts and independent school districts. No independent school  
14 district will receive an average cost per pupil per day in excess of the minimum  
15 received by any county district or districts. These costs shall be the costs per pupil  
16 per day of transported pupils included in the public school fund and these costs shall  
17 be recalculated each biennium.

18 (7) The scale of transportation costs included in the fund to support education  
19 excellence in Kentucky for county and independent districts is determined in  
20 accordance with the provisions of KRS 157.310 to 157.440 for the biennium  
21 beginning July 1, 1990.

22 (8) The cost of transporting a district's pupils from the parent school to a state  
23 vocational-technical school or to a vocational educational center shall be calculated  
24 separately from the calculation required by subsections (1) through (7) of this  
25 section. The amount calculated shall be paid separately to each district from  
26 program funds budgeted for vocational pupil transportation, as a reimbursement  
27 based on the district's cost for providing this service. The amount of reimbursement

1 shall be calculated in accordance with Kentucky Board of Education administrative  
2 regulations. In the event that the appropriation for vocational pupil transportation in  
3 the biennial budget is insufficient to meet the total calculated cost of this service for  
4 all districts, the amount paid to each district shall be ratably reduced. For the  
5 purpose of this subsection, the parent school shall be interpreted to mean that school  
6 in which the pupil is officially enrolled in a district's public common school system.

7 (9) The Kentucky Board of Education shall determine the type of pupil with a disability  
8 that qualifies for special type transportation to and from school. Those qualified  
9 pupils for which the district provides special type transportation shall have their  
10 aggregate days' membership~~attendance~~ multiplied by five (5.0) and added to that  
11 part of the district's aggregate days' membership~~attendance~~ that is multiplied by  
12 the district's adjusted cost per pupil per day in determining the district's pupil  
13 transportation program cost for allotment purposes.

14 ➔Section 7. KRS 157.390 is repealed, reenacted, and amended to read as follows:

15 (1) For purposes of the state teacher salary schedule, teachers shall be placed on the  
16 schedule based on certification rank as established by the Education Professional  
17 Standards Board under KRS 161.1211 and by their years of experience as follows:

- 18 1. Zero (0) to three (3) years;
- 19 2. Four (4) to nine (9) years;
- 20 3. Ten (10) to fourteen (14) years;
- 21 4. Fifteen (15) to nineteen (19) years; and
- 22 5. Twenty (20) or more years.

23 (2) The rank and experience of the teacher shall be determined on September 15 of  
24 each year.

25 (3) The amount to be included in the base funding level for capital outlay shall be  
26 determined by multiplying the average daily membership~~attendance~~ by the  
27 amounts set forth in the biennial budget.



- 1 (4) The amount to be included in the public school fund of each district for  
2 transportation shall be determined in accordance with the provisions of Section 6 of  
3 this Act~~[KRS 157.370]~~.
- 4 (5) The total amount of money distributable to each district from the public school fund  
5 shall include the base funding per pupil in average daily membership~~[attendance]~~,  
6 an amount for at-risk students, an amount for the types and numbers of students  
7 with disabilities, an amount for students served in home and hospital settings, and  
8 the allotments in subsections (3) and (4) of this section, less the amount of local tax  
9 revenues generated for school purposes, up to a maximum equivalent local rate of  
10 thirty cents (\$0.30) as defined by KRS 157.615(6).
- 11 (6) A classroom teacher or administrator may be provided additional compensation,  
12 funds for instructional and program materials, and other related costs for serving as  
13 a classroom mentor, teaching partner, or professional development leader in core  
14 discipline areas including reading, and other subject areas as appropriate to other  
15 education professionals in a state approved program or state approved activities.  
16 The Kentucky Department of Education shall administer the funds appropriated for  
17 these purposes. The Kentucky Board of Education shall promulgate administrative  
18 regulations to define the guidelines for programs and activities that qualify for funds  
19 including the application and approval process, the individual participant  
20 requirements, the amount of compensation, the timelines, and reporting  
21 requirements. The board shall solicit recommendations from the Education  
22 Professional Standards Board and staff of the Kentucky Department of Education in  
23 developing its administrative regulations.
- 24 (7) A school district may provide monetary compensation in addition to that provided  
25 through the single salary schedule, as defined in Section 1 of this Act~~[KRS~~  
26 ~~157.320]~~, to all classroom teachers employed in a school that is identified by the  
27 Kentucky Department of Education as being in targeted or comprehensive support

1 and improvement status as described in KRS 160.346.

2 ➔Section 8. KRS 157.420 is repealed, reenacted, and amended to read as follows:

3 Public school funds made available to the credit of each district during any year shall be  
4 received, held, and expended by the district board, subject to the provisions of law and  
5 administrative regulations of the Kentucky Board of Education. The following restrictions  
6 shall govern the expenditure of funds from the public school fund:

- 7 (1) The salary paid any rank of teachers shall be at least equivalent to the amount set  
8 forth in the biennial budget schedule for each rank and experience for a term of one  
9 hundred eighty-five (185) days for full-time service during the regular school year.
- 10 (2) Beginning with the 2004-2006 biennium, the Kentucky Board of Education shall  
11 not approve any working budget or salary schedule for local boards of education for  
12 any school year unless the one hundred eighty-five (185) day salary schedule for  
13 certified staff has been adjusted over the previous year's salary schedule by a  
14 percentage increase at least equal to the cost-of-living adjustment that is provided  
15 state government workers under the biennial budget. The base funding level in the  
16 program for support education excellence in Kentucky as defined in Section 1 of  
17 this Act~~[KRS 157.320]~~ shall be increased by the statewide dollar value of the  
18 annual required cost-of-living percentage adjustment that shall be estimated on the  
19 sum of the previous year's statewide teachers' salaries.
- 20 (3) A district that compensates its teachers or employees for unused sick leave at the  
21 time of retirement, pursuant to KRS 161.155, may create an escrow account to  
22 maintain the amount of funds necessary to pay teachers or employees who qualify  
23 for receipt of the benefit. The fund is limited to not more than fifty percent (50%) of  
24 the maximum liability for the current year to be determined according to the number  
25 of staff employed by the district on September 15. Interest generated by the account  
26 shall be calculated as part of the total amount. The funds shall not be used for any  
27 purpose other than compensation for unused sick leave at the time of retirement and

1 shall not be considered as part of the general fund balance in determining available  
2 local revenue for purposes of KRS 157.620.

- 3 (4) (a) The per pupil capital outlay allotment for each district from the public school  
4 fund and from local sources shall be kept in a separate account and may be  
5 used by the district only for capital outlay projects approved by the  
6 commissioner of education in accordance with requirements of law, and based  
7 on a survey made in accordance with administrative regulations of the  
8 Kentucky Board of Education. These funds shall be used for the following  
9 capital outlay purposes:
- 10 1. For direct payment of construction costs;
  - 11 2. For debt service on voted and funding bonds;
  - 12 3. For payment or lease-rental agreements under which the board  
13 eventually will acquire ownership of a school plant;
  - 14 4. For the retirement of any deficit resulting from overexpenditure for  
15 capital construction, if such deficit resulted from an emergency declared  
16 by the Kentucky Board of Education under KRS 160.550; and
  - 17 5. As a reserve fund for the above-named purposes, to be carried forward  
18 in ensuing budgets.
- 19 (b) A district may submit a request to the commissioner of education to use funds  
20 from the per pupil capital outlay allotment to purchase land for a new school  
21 or to modify an existing school if the project is included on the district facility  
22 plan for completion within eight (8) years. The land shall not be included in  
23 the calculation of the school district's unmet need. The commissioner may  
24 grant or deny the district's request at his or her discretion.
- 25 (c) A district which has experienced an increase in adjusted average daily  
26 membership~~[attendance]~~, as defined by administrative regulation, of twenty  
27 percent (20%) or more over a five (5) year period may submit a request to the

1 commissioner of education to use capital outlay funds for the operation of a  
2 new school for the first two (2) years following its opening. The commissioner  
3 may grant or deny the district's request at his or her discretion.

4 (d) A local school district may submit a request to the commissioner of education  
5 to use capital outlay funds for maintenance expenditures or for the purchase of  
6 property insurance without forfeiting the district's participation in the School  
7 Facilities Construction Commission program. Maintenance requests may  
8 include other priorities that are not considered major renovations, such as  
9 repair, renovation, or system upgrades that are necessary to maintain the  
10 integrity of an existing school facility.

11 (5) The district may contribute capital outlay funds for energy conservation measures  
12 under guaranteed energy savings contracts pursuant to KRS 45A.345, 45A.352, and  
13 45A.353. Use of these funds, provided in KRS 45A.353, 56.774, and 58.600, shall  
14 be based on the following:

15 (a) The energy conservation measures shall include facility alteration;

16 (b) The energy conservation measures shall be identified in the district's approved  
17 facility plan;

18 (c) The current facility systems are consuming excess maintenance and operating  
19 costs;

20 (d) The savings generated by the energy conservation measures are guaranteed;

21 (e) The capital outlay funds contributed to the energy conservation measures shall  
22 be defined as capital cost avoidance as provided in KRS 45A.345(2) and shall  
23 be subject to the restrictions on usage as specified in KRS 45A.352(9); and

24 (f) The equipment that is replaced shall have exceeded its useful life as  
25 determined by a life-cycle cost analysis.

26 (6) If any district has a special levy for capital outlay or debt service that is equal to the  
27 capital outlay allotment or a proportionate fraction thereof, and spends the proceeds

1 of that levy for the above-named purposes, the commissioner of education under  
2 administrative regulations of the Kentucky Board of Education, may authorize the  
3 district to use all or a proportionate fraction of its capital outlay allotment for  
4 current expenses. However, a district which uses capital outlay funds for current  
5 expenses shall not be eligible to participate in the School Facilities Construction  
6 Commission funds, except when the current expenditures are approved by the  
7 commissioner of education under subsection (4)(b) or (c) of this section.

8 (7) If a survey shows that a school district has no capital outlay needs as shown in  
9 subsection (4)(a)1., 2., 3., and 4. of this section, upon approval of the commissioner  
10 of education, these funds may be used for school plant maintenance, repair,  
11 insurance on buildings, replacement of equipment, purchase of school buses, and  
12 the purchase of modern technological equipment, including telecommunications  
13 hardware, televisions, computers, and other technological hardware to be utilized  
14 for educational purposes only.

15 (8) In surveying the schools, the Department of Education shall designate each school  
16 facility as a permanent, functional, or transitional center.

17 (a) "Permanent center" means a center which meets the program standards  
18 approved by the Kentucky Board of Education, is located so that students are  
19 not subjected to an excessive amount of time being transported to the site, and  
20 has established an attendance area which will maintain enrollment at capacity  
21 but will also avoid overcrowding.

22 (b) "Functional center" means a center which does not meet all the criteria  
23 established for a permanent facility, but is adequate to meet accreditation  
24 program standards to insure no substantial academic or building deficiency.  
25 The facility plan shall include additions and renovations necessary to meet  
26 current accreditation standards for which federal, state, and local funds may be  
27 used.

- 1 (c) "Transitional center" means a center which the local board of education has  
2 determined shall no longer be designated permanent or functional. The center  
3 shall be destined to be closed and shall not be eligible for new construction,  
4 additions, or major renovation. However, the board of education shall  
5 maintain any operating transitional center to provide a safe and healthy  
6 environment for students.
- 7 (9) Beginning in fiscal year 2011-2012, the Kentucky Department of Education shall  
8 standardize the process for evaluating the overall quality and condition of all school  
9 buildings across the state. The evaluation process shall:
- 10 (a) Result in consistent categorization of buildings for local planning purposes  
11 and for the distribution of state general fund moneys designated for capital  
12 construction;
- 13 (b) Be based on measurable, objective criteria;
- 14 (c) Include numerical scoring with weights to recognize building components and  
15 characteristics that address:
- 16 1. Life safety issues;
- 17 2. Compliance with state and federal codes;
- 18 3. Compliance with requirements under the Americans with Disabilities  
19 Act;
- 20 4. Community spaces;
- 21 5. Instructional areas;
- 22 6. Mechanical, electrical, plumbing, and other technology systems;
- 23 7. Site and exterior building conditions;
- 24 8. Age of the buildings;
- 25 9. Feasibility of building additions or major renovations;
- 26 10. The districts' facility capacities;
- 27 11. Current use of temporary facilities; and

1           12. Projected enrollment growth; and  
 2           (d) Use of a third-party evaluator that utilizes an already established software-  
 3           based system to perform the first, base-line evaluation.

4 (10) The Kentucky Board of Education shall promulgate an administrative regulation  
 5           upon recommendation of the Kentucky Department of Education and the School  
 6           Facilities Construction Commission to implement subsection (9) of this section.

7 (11) If a local school board authorized elementary, middle, or secondary education  
 8           classes in a facility of a historical settlement school on January 1, 1994, the board  
 9           shall continue to use the facilities provided by the settlement school if the facilities  
 10          meet health and safety standards for education facilities as required by  
 11          administrative regulations. The local school board and the governing body of the  
 12          settlement school shall enter into a cooperative agreement that delineates the role,  
 13          responsibilities, and financial obligations for each party.

14 (12) Notwithstanding the provisions of subsections (4) and (6) of this section, a local  
 15          district that has requested a mid-year adjustment in the support education excellence  
 16          in Kentucky funding under subsection (16) of Section 5 of this Act~~KRS~~  
 17          ~~157.360(16)~~ may request permission from the commissioner of education to use  
 18          capital outlay funds for the purchase of school buses or to use the capital outlay  
 19          funds for increased operational expenses for the first three (3) years following the  
 20          increased growth in the district without forfeiture of the district's participation in the  
 21          School Facilities Construction Commission Program. The commissioner may grant  
 22          or deny the district's request.

23          ➔Section 9. KRS 157.621 is repealed, reenacted, and amended to read as follows:

24 (1) In addition to the levy required by KRS 157.440(1)(b) to participate in the Facilities  
 25          Support Program of Kentucky, local school districts that have made the levy  
 26          required by KRS 157.440(1)(b) are authorized to levy the following additional  
 27          equivalent rates to support debt service, new facilities, or major renovations of

1 existing school facilities, which levies shall not be subject to recall under any  
2 provision of the Kentucky Revised Statutes, or to voter approval under the  
3 provisions of KRS 157.440(2):

4 (a) 1. Prior to April 24, 2008, local school districts that have experienced  
5 student population growth during a five (5) year period may levy an  
6 additional five cents (\$0.05) equivalent rate for debt service and new  
7 facilities. The tax rate levied by the district under this provision shall not  
8 be equalized by state funding, except as provided in paragraph (b) of this  
9 subsection. Any levy imposed under this paragraph prior to April 24,  
10 2008, by a local school district shall continue until removed by the local  
11 school district.

12 2. A local school district shall meet the following criteria in order to levy  
13 the tax provided in subparagraph 1. of this paragraph:

14 a. Growth of at least one hundred fifty (150) students in average daily  
15 ~~attendance~~ membership and three percent (3%) overall growth for  
16 the five (5) preceding years;

17 b. Bonded debt to the maximum capability of at least eighty percent  
18 (80%) of capital outlay from the Support Education Excellence in  
19 Kentucky funding program, all revenue from the local facility tax,  
20 and all receipts from state equalization on the local facility tax;

21 c. Current student enrollment in excess of available classroom space;  
22 and

23 d. A local school facility plan that has been approved by the  
24 Kentucky Board of Education and certified to the School Facilities  
25 Construction Commission;

26 (b) 1. In addition to the levy authorized by paragraph (a) of this subsection, a  
27 local school district may levy an additional five cents (\$0.05) equivalent



- 1 rate under the same terms and conditions established by paragraph (a) of  
2 this subsection beginning in fiscal year 2003-2004 if the levy was made  
3 prior to April 24, 2008, and if the local school district:
- 4 a. Levied the five cents (\$0.05) equivalent rate authorized by  
5 paragraph (a) of this subsection; and
  - 6 b. Still meets the requirements established by paragraph (a)2. of this  
7 subsection.
- 8 2. Any school district that imposes both the levy authorized by paragraph  
9 (a) of this subsection and the additional levy authorized by subparagraph  
10 1. of this paragraph shall receive equalization funding from the state for  
11 the levy imposed by paragraph (a) of this subsection beginning in fiscal  
12 year 2003-2004. Equalization shall be provided at one hundred fifty  
13 percent (150%) of the statewide average per pupil assessment, subject to  
14 the provision of funding by the General Assembly. Equalization funds  
15 shall be used as provided in KRS 157.440(1)(b).
- 16 3. Any levy imposed under this paragraph prior to April 24, 2008, by a  
17 local school district shall continue until removed by the local school  
18 district; and
- 19 (c) 1. A local school district that meets the following conditions may levy an  
20 additional five cents (\$0.05) equivalent rate on and after April 24, 2008:
- 21 a. The local school district is located in a county that will have more  
22 students as a direct result of the new mission established for Fort  
23 Knox by the Base Realignment and Closure (BRAC) 2005 issued  
24 by the United States Department of Defense pursuant to the  
25 Defense Base Closure and Realignment Act of 1990, Pub. L. No.  
26 100-526, Part A of Title XXIX of 104 Stat. 1808, 10 U.S.C. sec.  
27 2687 note; and

- 1           b. The commissioner of education has determined, based upon the  
2 presentation of credible data, that the projected increased number  
3 of students is sufficient to require new facilities or the major  
4 renovation of existing facilities to accommodate the new students,  
5 and has approved the imposition of the additional levy.
- 6           2. Any local school district that imposes both the levy authorized by  
7 paragraph (a) of this subsection and the additional levy authorized by  
8 subparagraph 1. of this paragraph, and that has not received equalization  
9 funding under subsection (2) or (3) of this section, shall receive  
10 equalization funding from the state for the levy imposed by paragraph  
11 (a) of this subsection beginning in the fiscal year following the fiscal  
12 year in which the levy authorized by subparagraph 1. of this paragraph is  
13 imposed. Equalization shall be provided at one hundred fifty percent  
14 (150%) of the statewide average per pupil assessment, subject to the  
15 provision of funding by the General Assembly. Equalization funds shall  
16 be used as provided in KRS 157.440(1)(b).
- 17           3. Any levy imposed under this paragraph by a local school district shall  
18 continue until removed by the local school district.
- 19 (2) (a) Any local school district that, prior to April 27, 2016, levied an equivalent rate  
20 that:
- 21           1. Was subject to recall at the time it was levied; and  
22           2. Included a rate of at least five cents (\$0.05) equivalent rate for the  
23 purpose of debt service for school construction or major renovation of  
24 existing school facilities;
- 25 shall be eligible for retroactive equalization from the state for that levy at one  
26 hundred fifty percent (150%) of the statewide average per pupil assessment  
27 beginning in fiscal year 2003-2004, subject to the fiscal condition of the

1 Commonwealth and the provision of funding by the General Assembly.  
2 Equalization funds shall be used as provided in KRS 157.440(1)(b).

3 (b) It is the intent of the General Assembly that for levies described in this  
4 subsection that are imposed on or after April 27, 2016, equalization funds, if  
5 provided by the General Assembly, shall terminate upon the earlier of June  
6 30, 2038, or the date the bonds for the local school district supported by this  
7 equalization funding are retired. Equalization shall be subject to the fiscal  
8 condition of the Commonwealth and the provision of funding by the General  
9 Assembly.

10 (3) Any local school district that:

11 (a) Levied an equivalent tax rate as of April 24, 2008, that included at least ten  
12 cents (\$0.10) that was devoted to building purposes, or that had debt service  
13 corresponding to a ten cents (\$0.10) equivalent rate;

14 (b) Did not receive equalized growth funding pursuant to subsection (1)(b)2. of  
15 this section; and

16 (c) Has been approved by the commissioner of education;

17 shall be eligible for equalization from the state for that levy at one hundred fifty  
18 percent (150%) of the statewide average per pupil assessment beginning in fiscal  
19 year 2005-2006, subject to the provision of funding by the General Assembly.  
20 Equalization funds shall be used as provided in KRS 157.440(1)(b). Equalization  
21 funds shall be available to a local school district pursuant to this subsection until the  
22 earlier of June 30, 2038, or the date the bonds for the local school district supported  
23 by this equalization funding are retired.

24 (4) (a) Notwithstanding any other provision of this section, any local school district  
25 receiving equalization funding prior to April 27, 2016, related to an equivalent  
26 rate levy described in subsection (1), (2), (3), or (5) of this section shall  
27 continue to receive the equalization funding related to the applicable

1 equivalent rate levy, subject to the limitations established by subsections (1),  
2 (2), (3), and (5) of this section, and subject to the fiscal condition of the  
3 Commonwealth and the provision of funding by the General Assembly, until  
4 amended by subsequent action of the General Assembly. A local school  
5 district described in this paragraph shall not be eligible to receive equalization  
6 for any additional equivalent rate levies made by it on or after April 27, 2016.

7 (b) Notwithstanding any other provision of this section, any local school district  
8 that has imposed an equivalent rate levy described in subsection (1)(a) or (b)  
9 or (2) of this section prior to April 27, 2016, that qualifies for equalization but  
10 that has not yet received equalization funding shall be eligible for equalization  
11 funding as provided in subsection (1)(a) or (b) or (2) of this section, subject to  
12 the provision of funding by the General Assembly.

13 (c) On and after April 24, 2008, a local school district not included in paragraph  
14 (a) or (b) of this subsection shall be prohibited from imposing an equivalent  
15 rate levy under the provisions of subsection (1)(a) or (b) of this section, and  
16 shall not be eligible for equalization funding under the provisions of this  
17 section.

18 (d) On and after April 24, 2008, a local school district meeting the requirements  
19 of subsection (1)(c) of this section may impose the levy authorized by  
20 subsection (1)(c) of this section, and shall qualify for equalization as provided  
21 in subsection (1)(c) of this section, subject to the provision of funding by the  
22 General Assembly.

23 (5) (a) Any local school district that:  
24 1. Had school facilities classified as Category 5 on May 18, 2010, by the  
25 Kentucky Department of Education; and  
26 2. Levied an additional five cents (\$0.05) equivalent tax rate prior to April  
27 27, 2016, for debt service, new construction, and major renovation

1           beyond the five cents (\$0.05) equivalent tax rate required by KRS  
2           157.440(1)(b), except as provided in paragraph (b) of this subsection;  
3           shall be eligible for equalization from the state for that levy at one hundred  
4           fifty percent (150%) of the statewide average per pupil assessment beginning  
5           in the fiscal year following the fiscal year in which the levy was imposed. This  
6           levy shall be subject to the recall provisions of KRS 132.017.

7           (b) School districts that levied a five cents (\$0.05) equivalent tax rate for debt  
8           service, new construction, and major renovation, beyond the rate required by  
9           KRS 157.440(1)(b) prior to May 18, 2010, shall not be required to levy an  
10          additional tax to receive the equalization funds provided in paragraph (a) of  
11          this subsection.

12          (c) If the school district utilizes the equalization funds to support a bond issue for  
13          construction purposes, equalization funds shall be provided until the earlier of  
14          twenty (20) years or date the bonds are retired.

15          (d) In the event that a school district receives funding pursuant to this subsection  
16          to support construction of a new school facility and subsequently, as a result  
17          of litigation, receives funding for the same facility for which state funds were  
18          provided, that school district shall reimburse the Commonwealth an amount  
19          equal to the amount provided under paragraph (a) of this subsection. Any  
20          funds received in this manner shall be deposited in the budget reserve trust  
21          fund account established in KRS 48.705.

22          ➔Section 10. KRS 157.660 is repealed, reenacted, and amended to read as  
23          follows:

24          The School Facilities Construction Commission shall be governed by the following  
25          procedures in making an offer of assistance to local public school districts for providing  
26          education technology:

27          (1) The base level of assistance to each eligible district shall be determined by dividing

1 the total amount available for education technology by the total of the prior year's  
2 statewide average daily ~~membership~~<sup>attendance</sup> of the eligible districts times the  
3 district's prior year's average daily ~~membership~~<sup>attendance</sup>.

4 (2) The funds shall be applied to the projects listed in the district's technology plan, and  
5 the funds shall be applied to projects in the priority order listed on the plan except  
6 as provided in KRS 157.655(2). The first priority for the expenditure of each new  
7 offer of assistance shall be to meet the previous obligations of bonds, leases, or  
8 other financial agreements made for education technology by the district.

9 (3) The commission shall establish administrative regulations by which a district that  
10 receives an offer of assistance but does not have the local match shall be able to  
11 accumulate a credit for the state offer of assistance for a period not to exceed three  
12 (3) years.

13 (4) All unused state funds allocated according to the provisions of subsection (1) of this  
14 section shall be reallocated by the commission. The reallocation shall follow the  
15 process and intent as set forth in this section with eligible districts being those  
16 districts which have the available local matching funds and have not completely  
17 implemented the Kentucky Education Technology System.

18 ➔Section 11. KRS 158.030 is repealed, reenacted, and amended to read as  
19 follows:

20 (1) "Common school" means an elementary or secondary school of the state supported  
21 in whole or in part by public taxation. No school shall be deemed a "common  
22 school" or receive support from public taxation unless the school is taught by a  
23 certified teacher for a minimum school term as defined by Section 12 of this  
24 Act~~[KRS 158.070]~~ and every child residing in the district who satisfies the age  
25 requirements of this section has had the privilege of attending it. Provided,  
26 however, that any child who is six (6) years of age, or who may become six (6)  
27 years of age by October 1, shall attend public school or qualify for an exemption as

1 provided by KRS 159.030. Any child who is five (5) years of age, or who may  
2 become five (5) years of age by October 1, may enter a primary school program, as  
3 defined in KRS 158.031, and may advance through the primary program without  
4 regard to age in accordance with KRS 158.031(6).

5 (2) Beginning with the 2017-2018 school year, any child who is six (6) years of age, or  
6 who may become six (6) years of age by August 1, shall attend public school or  
7 qualify for an exemption as provided by KRS 159.030. Any child who is five (5)  
8 years of age, or who may become five (5) years of age by August 1, may enter a  
9 primary school program, as defined in KRS 158.031, and may advance through the  
10 primary program without regard to age in accordance with KRS 158.031(6).

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

20 ➔Section 12. KRS 158.070 is repealed, reenacted, and amended to read as  
21 follows:

22 (1) As used in this section:

23 (a) "Election" has the same meaning as in KRS 121.015;

24 (b) "Minimum school term" or "school term" means not less than one hundred  
25 eighty-five (185) days composed of the student attendance days, teacher  
26 professional days, and holidays;

27 (c) "School calendar" means the document adopted by a local board of education

- 1           that establishes the minimum school term, student instructional year or  
2           variable student instructional year, and days that school will not be in session;
- 3           (d) "School district calendar committee" means a committee that includes at least  
4           the following:
- 5           1. One (1) school district principal;
  - 6           2. One (1) school district office administrator other than the  
7           superintendent;
  - 8           3. One (1) member of the local board of education;
  - 9           4. Two (2) parents of students attending a school in the district;
  - 10          5. One (1) school district elementary school teacher;
  - 11          6. One (1) school district middle or high school teacher;
  - 12          7. Two (2) school district classified employees; and
  - 13          8. Two (2) community members from the local chamber of commerce,  
14          business community, or tourism commission;
- 15          (e) "Student attendance day" means any day that students are scheduled to be at  
16          school to receive instruction, and encompasses the designated start and  
17          dismissal time;
- 18          (f) "Student instructional year" means at least one thousand sixty-two (1,062)  
19          hours of instructional time for students delivered on not less than one hundred  
20          seventy (170) student attendance days;
- 21          (g) "Teacher professional day" means any day teachers are required to report to  
22          work as determined by a local board of education, with or without the  
23          presence of students; and
- 24          (h) "Variable student instructional year" means at least one thousand sixty-two  
25          (1,062) hours of instructional time delivered on the number of student  
26          attendance days adopted by a local board of education which shall be  
27          considered proportionally equivalent to one hundred seventy (170) student



1 attendance days and calendar days for the purposes of a student instructional  
2 year, employment contracts that are based on the school term, service credit  
3 under KRS 161.500, and funding under Section 4 of this Act ~~[KRS 157.350]~~.

4 (2) (a) Beginning with the 2018-2019 school year, and each year thereafter, the local  
5 board of education, upon recommendation of the local school district  
6 superintendent, shall annually appoint a school district calendar committee to  
7 review, develop, and recommend school calendar options.

8 (b) The school district calendar committee, after seeking feedback from school  
9 district employees, parents, and community members, shall recommend  
10 school calendar options to the local school district superintendent for  
11 presentation to the local board of education. The committee's  
12 recommendations shall comply with state laws and regulations and consider  
13 the economic impact of the school calendar on the community and the state.

14 (c) Prior to adopting a school calendar, the local board of education shall hear for  
15 discussion the school district calendar committee's recommendations and the  
16 recommendation of the superintendent at a meeting of the local board of  
17 education.

18 (d) During a subsequent meeting of the local board of education, the local board  
19 shall adopt a school calendar for the upcoming school year that establishes the  
20 opening and closing dates of the school term, beginning and ending dates of  
21 each school month, student attendance days, and days on which schools shall  
22 be dismissed. The local board may schedule days for breaks in the school  
23 calendar that shall not be counted as a part of the minimum school term.

24 (e) For local board of education meetings described in paragraphs (c) and (d) of  
25 this subsection, if the meeting is a regular meeting, notice shall be given to  
26 media outlets that have requests on file to be notified of special meetings  
27 stating the date of the regular meeting and that one (1) of the items to be

1 considered in the regular meeting will be the school calendar. The notice shall  
2 be sent at least twenty-four (24) hours before the regular meeting. This  
3 requirement shall not be deemed to make any requirements or limitations  
4 relating to special meetings applicable to the regular meeting.

5 (f) Beginning with the 2018-2019 school year, and each year thereafter, a local  
6 school board of education that adopts a school calendar with the first student  
7 attendance day in the school term starting no earlier than the Monday closest  
8 to August 26 may use a variable student instructional year. Districts may set  
9 the length of individual student attendance days in a variable student  
10 instructional schedule, but no student attendance day shall contain more than  
11 seven (7) hours of instructional time unless the district submitted and received  
12 approval from the commissioner of education for an innovative alternative  
13 calendar.

14 (3) (a) Each local board of education shall use four (4) days of the minimum school  
15 term for professional development and collegial planning activities for the  
16 professional staff without the presence of students pursuant to the  
17 requirements of KRS 156.095. At the discretion of the superintendent, one (1)  
18 day of professional development may be used for district-wide activities and  
19 for training that is mandated by federal or state law. The use of three (3) days  
20 shall be planned by each school council, except that the district is encouraged  
21 to provide technical assistance and leadership to school councils to maximize  
22 existing resources and to encourage shared planning.

23 (b) At least one (1) hour of self-study review of seizure disorder materials shall be  
24 required for all principals, guidance counselors, and teachers hired after July  
25 1, 2019.

26 (c) 1. A local board may approve a school's flexible professional development  
27 plan that permits teachers or other certified personnel within a school to

1           participate in professional development activities outside the days  
2           scheduled in the school calendar or the regularly scheduled hours in the  
3           school work day and receive credit towards the four (4) day professional  
4           development requirement within the minimum one hundred eighty-five  
5           (185) days that a teacher shall be employed.

6           2. A flexible schedule option shall be reflected in the school's professional  
7           development component within the school improvement plan and  
8           approved by the local board. Credit for approved professional  
9           development activities may be accumulated in periods of time other than  
10          full day segments.

11          3. No teacher or administrator shall be permitted to count participation in a  
12          professional development activity under the flexible schedule option  
13          unless the activity is related to the teacher's classroom assignment and  
14          content area, or the administrator's job requirements, or is required by  
15          the school improvement plan, or is tied to the teacher's or the  
16          administrator's individual growth plan. The supervisor shall give prior  
17          approval and shall monitor compliance with the requirements of this  
18          paragraph. In the case of teachers, a professional development  
19          committee or the school council by council policy may be responsible  
20          for reviewing requests for approval.

21          (d) The local board of each school district may use up to a maximum of four (4)  
22          days of the minimum school term for holidays; provided, however, any  
23          holiday which occurs on Saturday may be observed on the preceding Friday.

24          (e) Each local board may use two (2) days for planning activities without the  
25          presence of students.

26          (f) Each local board may close schools for the number of days deemed necessary  
27          for:

- 1           1. National or state emergency or mourning when proclaimed by the
- 2           President of the United States or the Governor of the Commonwealth of
- 3           Kentucky;
- 4           2. Local emergency which would endanger the health or safety of children;
- 5           and
- 6           3. Mourning when so designated by the local board of education and
- 7           approved by the Kentucky Board of Education upon recommendation of
- 8           the commissioner of education.

9 (4) (a) The Kentucky Board of Education, upon recommendation of the  
 10 commissioner of education, shall adopt administrative regulations governing  
 11 the use of student attendance days as a result of a local emergency, as  
 12 described in subsection (3)(f)2. of this section, and regulations setting forth  
 13 the guidelines and procedures to be observed for the approval of waivers from  
 14 the requirements of a student instructional year in subsection (1)(f) of this  
 15 section for districts that wish to adopt innovative instructional calendars, or  
 16 for circumstances that would create extreme hardship.

17 (b) If a local board of education amends its school calendar after its adoption due  
 18 to an emergency, it may lengthen or shorten any remaining student attendance  
 19 days by thirty (30) minutes or more, as it deems necessary, provided the  
 20 amended calendar complies with the requirements of a student instructional  
 21 year in subsection (1)(f) of this section or a variable student instructional year  
 22 in subsection (1)(h) of this section. No student attendance day shall contain  
 23 more than seven (7) hours of instructional time unless the district submitted  
 24 and received approval from the commissioner of education for an innovative  
 25 alternative calendar.

26 (5) (a) 1. In setting the school calendar, school may be closed for two (2)  
 27 consecutive days for the purpose of permitting professional school

- 1 employees to attend statewide professional meetings.
- 2 2. These two (2) days for statewide professional meetings may be  
3 scheduled to begin with the first Thursday after Easter, or upon request  
4 of the statewide professional education association having the largest  
5 paid membership, the commissioner of education may designate  
6 alternate dates.
- 7 3. If schools are scheduled to operate during days designated for the  
8 statewide professional meeting, the school district shall permit  
9 employees who are delegates to attend as compensated professional  
10 leave time and shall employ substitute teachers in their absence.
- 11 4. The commissioner of education shall designate one (1) additional day  
12 during the school year when schools may be closed to permit  
13 professional school employees to participate in regional or district  
14 professional meetings.
- 15 5. These three (3) days so designated for attendance at professional  
16 meetings may be counted as a part of the minimum school term.
- 17 (b) 1. If any school in a district is used as a polling place, the school district  
18 shall be closed on the day of the election, and those days may be used  
19 for professional development activities, professional meetings, or  
20 parent-teacher conferences.
- 21 2. A district may be open on the day of an election if no school in the  
22 district is used as a polling place.
- 23 (c) All schools shall be closed on the third Monday of January in observance of  
24 the birthday of Martin Luther King, Jr. Districts may:
- 25 1. Designate the day as one (1) of the four (4) holidays permitted under  
26 subsection (3)(d) of this section; or
- 27 2. Not include the day in the minimum school term specified in subsection

1 (1) of this section.

2 (6) (a) The Kentucky Board of Education, or the organization or agency designated  
3 by the board to manage interscholastic athletics, shall be encouraged to  
4 schedule athletic competitions outside the regularly scheduled student  
5 attendance day.

6 (b) Beginning with the 2009-2010 school year, any member of a school-  
7 sponsored interscholastic athletic team who competes in a regional  
8 tournament or state tournament sanctioned by the Kentucky Board of  
9 Education, or the organization or agency designated by the board to manage  
10 interscholastic athletics, and occurring on a regularly scheduled student  
11 attendance day may be counted present at school on the date or dates of the  
12 competition, as determined by local board policy, for a maximum of two (2)  
13 days per student per year. The student shall be expected to complete any  
14 assignments missed on the date or dates of the competition.

15 (c) The school attendance record of any student for whom paragraph (b) of this  
16 subsection applies shall indicate that the student was in attendance on the date  
17 or dates of competition.

18 (7) Students applying for excused absence for attendance at the Kentucky State Fair  
19 shall be granted one (1) day of excused absence.

20 (8) Schools shall provide continuing education for those students who are determined  
21 to need additional time to achieve the outcomes defined in KRS 158.6451, and  
22 schools shall not be limited to the minimum school term in providing this  
23 education. Continuing education time may include extended days, extended weeks,  
24 or extended years. A local board of education may adopt a policy requiring its  
25 students to participate in continuing education. The local policy shall set out the  
26 conditions under which attendance will be required and any exceptions which are  
27 provided. The Kentucky Board of Education shall promulgate administrative

1 regulations establishing criteria for the allotment of grants to local school districts  
2 and shall include criteria by which the commissioner of education may approve a  
3 district's request for a waiver to use an alternative service delivery option, including  
4 providing services during the student attendance day on a limited basis. These  
5 grants shall be allotted to school districts to provide instructional programs for  
6 pupils who are identified as needing additional time to achieve the outcomes  
7 defined in KRS 158.6451. A school district that has a school operating a model  
8 early reading program under KRS 158.792 may use a portion of its grant money as  
9 part of the matching funds to provide individualized or small group reading  
10 instruction to qualified students outside of the regular classroom during the student  
11 attendance day.

12 (9) Notwithstanding any other statute, each school term shall include no less than the  
13 equivalent of the student instructional year in subsection (1)(f) of this section, or a  
14 variable student instructional year in subsection (1)(h) of this section, except that  
15 the commissioner of education may grant up to the equivalent of ten (10) student  
16 attendance days for school districts that have a nontraditional instruction plan  
17 approved by the commissioner of education on days when the school district is  
18 closed for health or safety reasons. The district's plan shall indicate how the  
19 nontraditional instruction process shall be a continuation of learning that is  
20 occurring on regular student attendance days. Instructional delivery methods,  
21 including the use of technology, shall be clearly delineated in the plan. Average  
22 daily ~~membership~~<sup>attendance</sup> for purposes of Support Education Excellence in  
23 Kentucky program funding during the student attendance days granted shall be  
24 calculated in compliance with administrative regulations promulgated by the  
25 Kentucky Board of Education.

26 (10) By December 31, 2018, the Kentucky Board of Education shall promulgate  
27 administrative regulations to be effective beginning with the 2019-2020 school year

1 to prescribe the conditions and procedures for districts to be approved for the  
2 nontraditional instruction program. Administrative regulations promulgated by the  
3 board under this section shall specify:

- 4 (a) The application, plan review, approval, and amendment process;
- 5 (b) Reporting requirements for districts approved for the program, which may  
6 include but are not limited to examples of student work, lesson plans, teacher  
7 work logs, and student and teacher participation on nontraditional instruction  
8 days. Documentation to support the use of nontraditional instruction days  
9 shall include clear evidence of learning continuation;
- 10 (c) Timelines for initial approval as a nontraditional instruction district, length of  
11 approval, the renewal process, and ongoing evaluative procedures required of  
12 the district;
- 13 (d) Reporting and oversight responsibilities of the district and the Kentucky  
14 Department of Education, including the documentation required to show clear  
15 evidence of learning continuation during nontraditional instruction days; and
- 16 (e) Other components deemed necessary to implement this section.
- 17 (11) Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection  
18 (2) of this section, a school district shall arrange bus schedules so that all buses  
19 arrive in sufficient time to provide breakfast prior to the beginning of the student  
20 attendance day. In the event of an unforeseen bus delay, the administrator of a  
21 school that participates in the Federal School Breakfast Program may authorize up  
22 to fifteen (15) minutes of the student attendance day if necessary to provide the  
23 opportunity for children to eat breakfast not to exceed eight (8) times during the  
24 school year within a school building.
- 25 (12) Notwithstanding any other statute to the contrary, the following provisions shall  
26 apply to a school district that misses student attendance days due to emergencies,  
27 including weather-related emergencies:



- 1 (a) A certified school employee shall be considered to have fulfilled the minimum  
2 one hundred eighty-five (185) day contract with a school district under  
3 Section 4 of this Act~~[KRS 157.350]~~ and shall be given credit for the purpose  
4 of calculating service credit for retirement under KRS 161.500 for certified  
5 school personnel if:
- 6 1. State and local requirements under this section are met regarding the  
7 equivalent of the number and length of student attendance days, teacher  
8 professional days, professional development days, holidays, and days for  
9 planning activities without the presence of students; and
  - 10 2. The provisions of the district's school calendar to make up student  
11 attendance days missed due to any emergency, as approved by the  
12 Kentucky Department of Education when required, including but not  
13 limited to a provision for additional instructional time per day, are met.
- 14 (b) Additional time worked by a classified school employee shall be considered as  
15 equivalent time to be applied toward the employee's contract and calculation  
16 of service credit for classified employees under KRS 78.615 if:
- 17 1. The employee works for a school district with a school calendar  
18 approved by the Kentucky Department of Education that contains a  
19 provision that additional instructional time per day shall be used to make  
20 up full days missed due to an emergency;
  - 21 2. The employee's contract requires a minimum six (6) hour work day; and
  - 22 3. The employee's job responsibilities and work day are extended when the  
23 instructional time is extended for the purposes of making up time.
- 24 (c) Classified employees who are regularly scheduled to work less than six (6)  
25 hours per day and who do not have additional work responsibilities as a result  
26 of lengthened student attendance days shall be excluded from the provisions  
27 of this subsection. These employees may be assigned additional work

1           responsibilities to make up service credit under KRS 78.615 that would be  
2           lost due to lengthened student attendance days.

3           ➔Section 13.   KRS 159.035 is repealed, reenacted, and amended to read as  
4 follows:

5   (1) Notwithstanding the provisions of any other statute, any student in a public school  
6   who is enrolled in a properly organized 4-H club shall be considered present at  
7   school for all purposes when participating in regularly scheduled 4-H club  
8   educational activities, provided, the student is accompanied by or under the  
9   supervision of a county extension agent or the designated 4-H club leader for the 4-  
10   H club educational activity participated in.

11   (2) Notwithstanding the provisions of any other statute, any student in a public school  
12   shall be considered present for all purposes for up to ten (10) days while attending  
13   basic training required by a branch of the United States Armed Forces.

14   (3) Except as provided in paragraph (e) of this subsection, a public school principal  
15   shall give a student an excused absence of up to ten (10) school days to pursue an  
16   educational enhancement opportunity determined by the principal to be of  
17   significant educational value, including but not limited to participation in an  
18   educational foreign exchange program or an intensive instructional, experiential, or  
19   performance program in one (1) of the core curriculum subjects of English, science,  
20   mathematics, social studies, foreign language, and the arts.

21   (a) A student receiving an excused absence under this subsection shall have the  
22   opportunity to make up school work missed and shall not have his or her class  
23   grades adversely affected for lack of class attendance or class participation due  
24   to the excused absence.

25   (b) Educational enhancement opportunities under this subsection shall not include  
26   nonacademic extracurricular activities, but may include programs not  
27   sponsored by the school district.

1 (c) If a request for an excused absence to pursue an educational enhancement  
2 opportunity is denied by a school principal, a student may appeal the decision  
3 to the district superintendent, who shall make a determination whether to  
4 uphold or alter the decision of the principal. If a superintendent upholds a  
5 principal's denial, a student may appeal the decision to the local board of  
6 education, which shall make a final determination. A principal,  
7 superintendent, and local board of education shall make their determinations  
8 based on the provisions of this subsection and the district's school attendance  
9 policies adopted in accordance with Section 12 of this Act~~[KRS 158.070]~~ and  
10 KRS 159.150.

11 (d) A student receiving an excused absence under the provisions of this  
12 subsection shall be considered present in school during the excused absence  
13 for the purposes of calculating average daily membership~~[attendance]~~ as  
14 defined by Section 1 of this Act~~[KRS 157.320]~~ under the Support Education  
15 Excellence in Kentucky program.

16 (e) A student shall not be eligible to receive an excused absence under the  
17 provisions of this subsection for an absence during a school's testing window  
18 established for assessments of the state assessment developed under KRS  
19 158.6453 or during a testing period established for the administration of  
20 additional district-wide assessments at the school, except if a principal  
21 determines that extenuating circumstances make an excused absence to pursue  
22 an educational enhancement opportunity appropriate.

23 (4) (a) If a student's parent, de facto custodian, or other person with legal custody or  
24 control of the student is a member of the United States Armed Forces,  
25 including a member of a state National Guard or a Reserve component called  
26 to federal active duty, a public school principal shall give the student:

27 1. An excused absence for one (1) day when the member is deployed;

- 1           2.    An additional excused absence for one (1) day when the service member  
2                    returns from deployment; and
- 3           3.    Excused absences for up to ten (10) days for visitation when the member  
4                    is stationed out of the country and is granted rest and recuperation leave.
- 5           (b)   A student receiving an excused absence under this subsection shall have the  
6                    opportunity to make up school work missed and shall not have his or her class  
7                    grades adversely affected for lack of class attendance or class participation due  
8                    to the excused absence.
- 9           (c)   A student receiving an excused absence under this subsection shall be  
10                   considered present in school during the excused absence for the purposes of  
11                   calculating average daily membership~~[attendance]~~ as defined by Section 1 of  
12                   this Act~~[KRS 157.320]~~ under the Support Education Excellence in Kentucky  
13                   program.

14           ➔Section 14.   KRS 159.075 is repealed, reenacted, and amended to read as  
15 follows:

- 16           (1)   A child of a military family may pre-enroll or participate in preadmission in a  
17                   school district if the parent or guardian of the child:
- 18                   (a)   Is transferred to or is pending transfer to a military installation or to a reserve  
19                   component within the state while on active military duty pursuant to an  
20                   official military order; or
- 21                   (b)   Is returning to the state within one (1) year of being separated from the  
22                   military with an honorable discharge, discharge under honorable conditions,  
23                   or a general discharge under honorable conditions.
- 24           (2)   A school district shall accept an application for enrollment and course registration  
25                   by electronic means for a child who meets the requirements set forth in subsection  
26                   (1) of this section, including enrollment in a specific school or program within the  
27                   school district.

- 1 (3) The parent or guardian of a child who meets the requirements set forth in subsection  
 2 (1) of this section shall provide proof of residence to the school district within ten  
 3 (10) days after the arrival date provided on official documentation. The parent or  
 4 guardian may use, as proof of residence, the address of:
- 5 (a) A temporary on-post billeting facility;
  - 6 (b) A purchased or leased home or apartment;
  - 7 (c) Any federal government housing or off-post military housing, including off-  
 8 post military housing that may be provided through a public-private venture;
  - 9 or
  - 10 (d) A home under contract to be built.
- 11 (4) A child who utilizes this section shall not, until actual attendance or enrollment in  
 12 the school district:
- 13 (a) Count for the purposes of average daily membership~~[attendance]~~ as defined in  
 14 Sections 1 or 4 of this Act~~[KRS 157.320 or 157.350]~~; or
  - 15 (b) Be included in the state assessment and system pursuant to KRS 158.6453 or  
 16 158.6455.
- 17 (5) To accommodate for temporary housing, if a child utilizes this section to enroll in a  
 18 district, but the residence identified in subsection (3) of this section has not yet  
 19 become available, then the district shall allow the child to enroll and begin attending  
 20 the district regardless of the child's temporary residence and subsequently be  
 21 included in the district's calculation of average daily membership~~[attendance]~~ under  
 22 Section 1 of this Act~~[KRS 157.320]~~, for a period of up to one (1) year from the  
 23 parent's or guardian's reporting-for-duty date or separation date before being  
 24 considered a resident of another district.

25 ➔Section 15. KRS 159.090 is repealed, reenacted, and amended to read as  
 26 follows:

27 Two (2) or more contiguous school districts may unite to form one (1)

1 ~~*membership*~~<sup>[attendance]</sup> district and the superintendent of schools of the districts shall  
2 appoint directors of pupil personnel as are necessary. The salary of directors of pupil  
3 personnel in united districts shall be borne by the employing boards in the proportion that  
4 the average daily ~~*membership*~~<sup>[attendance]</sup> of each district bears to the total average daily  
5 ~~*membership*~~<sup>[attendance]</sup> of the united district.

6 →Section 16. KRS 160.107 is repealed, reenacted, and amended to read as  
7 follows:

8 (1) A district which is an applicant to be designated as a district of innovation under  
9 KRS 156.108 shall:

10 (a) Establish goals and performance targets for the district of innovation proposal,  
11 which may include:

- 12 1. Reducing achievement gaps for groups of public school students by  
13 expanding learning experiences for students who are identified as  
14 academically low-achieving;
- 15 2. Increasing pupil learning through the implementation of high, rigorous  
16 standards for pupil performance;
- 17 3. Increasing the participation of students in various curriculum  
18 components and instructional components within selected schools to  
19 enhance students' preparation at each grade level;
- 20 4. Increasing the number of students who are postsecondary-ready; and
- 21 5. Motivating students at different grade levels by offering more  
22 curriculum choices and student learning opportunities to parents and  
23 students within the district;

24 (b) Identify changes needed in the district and schools to lead to better-prepared  
25 students for success in life and work;

26 (c) Have a district-wide plan of innovation that describes and justifies which  
27 schools and innovative practices will be incorporated;

- 1 (d) Provide documentation of community, educator, parental, and the local  
2 board's support of the proposed innovations;
- 3 (e) Provide detailed information regarding the rationale of requests for waivers  
4 from Kentucky Revised Statutes and administrative regulations, and  
5 exemptions for selected schools regarding waivers of local board of education  
6 policies;
- 7 (f) Document the fiscal and human resources the board will provide throughout  
8 the term of the implementation of the innovations within its plan; and
- 9 (g) Provide other materials as required by the Kentucky Department of Education  
10 in compliance with the state board's administrative regulations and application  
11 procedures.
- 12 (2) The district and all schools participating in a district's innovation plan shall:
- 13 (a) Ensure the same health, safety, civil rights, and disability rights requirements  
14 as are applied to all public schools;
- 15 (b) Ensure students meet compulsory attendance requirements under Section 11  
16 of this Act and KRS ~~158.030 and~~ 158.100;
- 17 (c) Ensure that high school course offerings meet or exceed the minimum  
18 required under KRS 156.160 for high school graduation or meet early  
19 graduation requirements that may be enacted by the General Assembly;
- 20 (d) Ensure the student performance standards meet or exceed those adopted by the  
21 Kentucky Board of Education, including compliance with the statewide  
22 assessment system specified in KRS 158.6453;
- 23 (e) Adhere to the same financial audits, audit procedures, and audit requirements  
24 as are applied under KRS 156.265;
- 25 (f) Require state and criminal background checks for staff and volunteers as  
26 required of all public school employees and volunteers within the public  
27 schools and specified in KRS 160.380 and 161.148;

- 1 (g) Comply with open records and open meeting requirements under KRS  
2 Chapter 61;
- 3 (h) Comply with purchasing requirements and limitations under KRS Chapter  
4 45A and KRS 156.074 and 156.480;
- 5 (i) Provide overall instructional time that is equivalent to or greater than that  
6 required under Section 12 of this Act [~~KRS 158.070~~], but which may include  
7 on-site instruction, distance or virtual learning, and work-based learning on  
8 nontraditional school days or hours; and
- 9 (j) Provide data to the Kentucky Department of Education as deemed necessary  
10 to generate school and district reports.
- 11 (3) (a) Only schools that choose to be designated as schools of innovation shall be  
12 included in a district's application.
- 13 (b) 1. As used in this paragraph, "eligible employees" means employees that  
14 are regularly employed at the school and those employees whose  
15 primary job duties will be affected by the plan.
- 16 2. A vote shall be taken among eligible employees in a school to determine  
17 if the school shall be an applicant as a school of innovation in a district's  
18 proposal and to approve the school's plan of innovation before it is  
19 submitted to the district. At least seventy percent (70%) of those casting  
20 votes shall vote in the affirmative in order for the school to request  
21 inclusion in the district's plan and to approve the school's plan of  
22 innovation.
- 23 3. The school-based decision making council shall be responsible for  
24 conducting the vote provided for in subparagraph 2. of this paragraph,  
25 which shall be by secret ballot.
- 26 (c) Notwithstanding the provisions of paragraph (a) of this subsection, a local  
27 board of education may require a school that has been identified for



- 1 comprehensive support and improvement under KRS 160.346 to participate in  
2 the district's plan of innovation.
- 3 (4) (a) With approval of the state board, a school of innovation may request and be  
4 granted waivers from all or selected provisions of Section 17 of this Act~~[KRS~~  
5 ~~160.345]~~ relating to school-based decision making.
- 6 (b) To be exempt from Section 17 of this Act~~[KRS 160.345]~~, a school-based  
7 decision making council shall vote by secret ballot to determine if it wishes to  
8 request a waiver from Section 17 of this Act~~[KRS 160.345]~~ or specific  
9 provisions within that statute. Only a school that has seventy percent (70%) or  
10 more of the teachers and staff in the school voting to waive its rights and  
11 responsibilities under Section 17 of this Act~~[KRS 160.345]~~ shall be eligible.
- 12 (c) No local board of education or superintendent nor the Kentucky Board of  
13 Education may compel a school to waive its rights under Section 17 of this  
14 Act~~[KRS 160.345]~~, except as provided in KRS 160.346.
- 15 (d) Before the provisions of Section 17 of this Act~~[KRS 160.345]~~ are waived by  
16 the Kentucky Board of Education for a specific school, there shall be  
17 assurances that teachers, parents, and staff in the affected school will be  
18 actively involved in the management and decision-making operations of the  
19 schools, including input into employment matters and selection of personnel.
- 20 (5) Notwithstanding any statutes to the contrary, the Kentucky Board of Education may  
21 approve the requests of districts of innovation to:
- 22 (a) Use capital outlay funds for operational costs;
- 23 (b) Hire persons for classified positions in nontraditional school and district  
24 assignments who have bachelor's and advanced degrees from postsecondary  
25 education institutions accredited by a regional accrediting association as  
26 defined in KRS 164.740;
- 27 (c) Employ teachers on extended employment contracts or extra duty contracts

- 1 and compensate them on a salary schedule other than the single salary  
 2 schedule;
- 3 (d) Extend the school days as is appropriate within the district with compensation  
 4 for the employees as determined locally;
- 5 (e) Establish alternative education programs and services that are delivered in  
 6 nontraditional hours and which may be jointly provided in cooperation with  
 7 another school district or consortia of districts;
- 8 (f) Establish a virtual school within the district for delivering alternative classes  
 9 to meet high school graduation requirements;
- 10 (g) Use a flexible school calendar;
- 11 (h) Convert existing schools into schools of innovation; and
- 12 (i) Modify the formula under subsection (2) of Section 5 of this Act~~[KRS~~  
 13 ~~157.360(2)]~~ for distributing support education excellence in Kentucky funds  
 14 for students in average daily membership~~[attendance]~~ in nontraditional  
 15 programming time, including alternative programs and virtual programs.  
 16 Funds granted to a district shall not exceed those that would have otherwise  
 17 been distributed based on average daily membership~~[attendance]~~ during  
 18 regular instructional days.

19 ➔Section 17. KRS 160.345 is repealed, reenacted, and amended to read as  
 20 follows:

- 21 (1) For the purpose of this section:
- 22 (a) "Minority" means American Indian; Alaskan native; African-American;  
 23 Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or  
 24 South American origin; Pacific islander; or other ethnic group  
 25 underrepresented in the school;
- 26 (b) "School" means an elementary or secondary educational institution that is  
 27 under the administrative control of a principal and is not a program or part of

1 another school. The term "school" does not include district-operated schools  
2 that are:

- 3 1. Exclusively vocational-technical, special education, or preschool
- 4 programs;
- 5 2. Instructional programs operated in institutions or schools outside of the
- 6 district; or
- 7 3. Alternative schools designed to provide services to at-risk populations
- 8 with unique needs;

9 (c) "Teacher" means any person for whom certification is required as a basis of  
10 employment in the public schools of the state, with the exception of principals  
11 and assistant principals; and

12 (d) "Parent" means:

- 13 1. A parent, stepparent, or foster parent of a student; or
- 14 2. A person who has legal custody of a student pursuant to a court order
- 15 and with whom the student resides.

16 (2) Each local board of education shall adopt a policy for implementing school-based  
17 decision making in the district which shall include but not be limited to a  
18 description of how the district's policies, including those developed pursuant to  
19 KRS 160.340, have been amended to allow the professional staff members of a  
20 school to be involved in the decision-making process as they work to meet  
21 educational goals established in KRS 158.645 and 158.6451. The policy may  
22 include a requirement that each school council make an annual report at a public  
23 meeting of the board describing the school's progress in meeting the educational  
24 goals set forth in KRS 158.6451 and district goals established by the board. The  
25 policy shall also address and comply with the following:

26 (a) Except as provided in paragraph (b)2. of this subsection, each participating  
27 school shall form a school council composed of two (2) parents, three (3)

1 teachers, and the principal or administrator. The membership of the council  
2 may be increased, but it may only be increased proportionately. A parent  
3 representative on the council shall not be an employee or a relative of an  
4 employee of the school in which that parent serves, nor shall the parent  
5 representative be an employee or a relative of an employee in the district  
6 administrative offices. A parent representative shall not be a local board  
7 member or a board member's spouse. None of the members shall have a  
8 conflict of interest pursuant to KRS Chapter 45A, except the salary paid to  
9 district employees;

10 (b) 1. The teacher representatives shall be elected for one (1) year terms by a  
11 majority of the teachers. A teacher elected to a school council shall not  
12 be involuntarily transferred during his or her term of office. The parent  
13 representatives shall be elected for one (1) year terms. The parent  
14 members shall be elected by the parents of students preregistered to  
15 attend the school during the term of office in an election conducted by  
16 the parent and teacher organization of the school or, if none exists, the  
17 largest organization of parents formed for this purpose. A school  
18 council, once elected, may adopt a policy setting different terms of  
19 office for parent and teacher members subsequently elected. The  
20 principal shall be the chair of the school council.

21 2. School councils in schools having eight percent (8%) or more minority  
22 students enrolled, as determined by the enrollment on the preceding  
23 October 1, shall have at least one (1) minority member. If the council  
24 formed under paragraph (a) of this subsection does not have a minority  
25 member, the principal, in a timely manner, shall be responsible for  
26 carrying out the following:

27 a. Organizing a special election to elect an additional member. The

- 1 principal shall call for nominations and shall notify the parents of  
2 the students of the date, time, and location of the election to elect a  
3 minority parent to the council by ballot; and
- 4 b. Allowing the teachers in the building to select one (1) minority  
5 teacher to serve as a teacher member on the council. If there are no  
6 minority teachers who are members of the faculty, an additional  
7 teacher member shall be elected by a majority of all teachers. Term  
8 limitations shall not apply for a minority teacher member who is  
9 the only minority on faculty;
- 10 (c) 1. The school council shall have the responsibility to set school policy  
11 consistent with district board policy which shall provide an environment  
12 to enhance the students' achievement and help the school meet the goals  
13 established by KRS 158.645 and 158.6451. The principal shall be the  
14 primary administrator and the instructional leader of the school, and  
15 with the assistance of the total school staff shall administer the policies  
16 established by the school council and the local board.
- 17 2. If a school council establishes committees, it shall adopt a policy to  
18 facilitate the participation of interested persons, including, but not  
19 limited to, classified employees and parents. The policy shall include the  
20 number of committees, their jurisdiction, composition, and the process  
21 for membership selection;
- 22 (d) The school council and each of its committees shall determine the frequency  
23 of and agenda for their meetings. Matters relating to formation of school  
24 councils that are not provided for by this section shall be addressed by local  
25 board policy;
- 26 (e) The meetings of the school council shall be open to the public and all  
27 interested persons may attend. However, the exceptions to open meetings

1 provided in KRS 61.810 shall apply;

2 (f) After receiving notification of the funds available for the school from the local  
3 board, the school council shall determine, within the parameters of the total  
4 available funds, the number of persons to be employed in each job  
5 classification at the school. The council may make personnel decisions on  
6 vacancies occurring after the school council is formed but shall not have the  
7 authority to recommend transfers or dismissals;

8 (g) The school council shall determine which textbooks, instructional materials,  
9 and student support services shall be provided in the school. Subject to  
10 available resources, the local board shall allocate an appropriation to each  
11 school that is adequate to meet the school's needs related to instructional  
12 materials and school-based student support services, as determined by the  
13 school council. The school council shall consult with the school media  
14 librarian on the maintenance of the school library media center, including the  
15 purchase of instructional materials, information technology, and equipment;

16 (h) Personnel decisions at the school level shall be as follows:

17 1. From a list of qualified applicants submitted by the local superintendent,  
18 the principal at the participating school shall select personnel to fill  
19 vacancies, after consultation with the school council, consistent with  
20 paragraph (i)11. of this subsection. The superintendent shall provide  
21 additional applicants to the principal upon request when qualified  
22 applicants are available. The superintendent may forward to the school  
23 council the names of qualified applicants who have pending certification  
24 from the Education Professional Standards Board based on recent  
25 completion of preparation requirements, out-of-state preparation, or  
26 alternative routes to certification pursuant to KRS 161.028 and 161.048.  
27 Requests for transfer shall conform to any employer-employee bargained

- 1 contract which is in effect;
- 2 2. a. i. If the vacancy to be filled is the position of principal, the
- 3 outgoing principal shall not serve on the council during the
- 4 principal selection process. The superintendent or the
- 5 superintendent's designee shall serve as the chair of the
- 6 council for the purpose of the hiring process and shall have
- 7 voting rights during the selection process.
- 8 ii. Except as provided in subdivision b. of this subparagraph,
- 9 the council shall have access to the applications of all
- 10 persons certified for the position. The principal shall be
- 11 elected on a majority vote of the membership of the council.
- 12 The school council shall receive training in recruitment and
- 13 interviewing techniques prior to carrying out the process of
- 14 selecting a principal. The council shall select the trainer to
- 15 deliver the training;
- 16 b. An alternative principal selection process may be used by the
- 17 school council as follows:
- 18 i. Prior to a meeting called to select a principal, all school
- 19 council members shall receive informational materials
- 20 regarding Kentucky open records and open meetings laws
- 21 and sign a nondisclosure agreement forbidding the sharing of
- 22 information shared and discussions held in the closed
- 23 session;
- 24 ii. The superintendent shall convene the school council and
- 25 move into closed session as provided in KRS 61.810(1)(f) to
- 26 confidentially recommend a candidate;
- 27 iii. The council shall have the option to interview the

- 1 recommended candidate while in closed session; and
- 2 iv. After any discussion, at the conclusion of the closed session,
- 3 the council shall decide, in a public meeting by majority vote
- 4 of the membership of the council, whether to accept or reject
- 5 the recommended principal candidate;
- 6 c. If the recommended candidate is selected, and the recommended
- 7 candidate accepts the offer, the name of the candidate shall be
- 8 made public during the next meeting in open session;
- 9 d. i. If the recommended candidate is not accepted by the school
- 10 council under subdivision b. of this subparagraph, then the
- 11 process set forth in subdivision a. of this subparagraph shall
- 12 apply.
- 13 ii. The confidentially recommended candidate's name and the
- 14 discussions of the closed session shall remain confidential
- 15 under KRS 61.810(1)(f), and any documents used or
- 16 generated during the closed meeting shall not be subject to an
- 17 open records request as provided in KRS 61.878(1)(i) and (j).
- 18 iii. A recommended candidate who believes a violation of this
- 19 subdivision has occurred may file a written complaint with
- 20 the Kentucky Board of Education.
- 21 iv. A school council member who is found to have disclosed
- 22 confidential information regarding the proceeding of the
- 23 closed session shall be subject to removal from the school
- 24 council by the Kentucky Board of Education under
- 25 subsection (9)(e) of this section;
- 26 3. No principal who has been previously removed from a position in the
- 27 district for cause may be considered for appointment as principal in that



- 1 district;
- 2 4. Personnel decisions made at the school level under the authority of
- 3 subparagraphs 1. and 2. of this paragraph shall be binding on the
- 4 superintendent who completes the hiring process;
- 5 5. Applicants subsequently employed shall provide evidence that they are
- 6 certified prior to assuming the duties of a position in accordance with
- 7 KRS 161.020;
- 8 6. Notwithstanding other provisions of this paragraph, if the applicant is
- 9 the spouse of the superintendent and the applicant meets the service
- 10 requirements of KRS 160.380(3)(a), the applicant shall only be
- 11 employed upon the recommendation of the principal and the approval of
- 12 a majority vote of the school council; and
- 13 7. Beginning June 27, 2019, notwithstanding the requirement that a
- 14 principal be elected on a majority vote of the council in subparagraph 2.
- 15 of this paragraph, if the school council is in a county school district in a
- 16 county with a consolidated local government adopted under KRS
- 17 Chapter 67C, then the selection of a principal shall be subject to
- 18 approval by the superintendent. If the superintendent does not approve
- 19 the principal selected by the council, then the superintendent may select
- 20 the principal;
- 21 (i) The school council shall adopt a policy to be implemented by the principal in
- 22 the following additional areas:
- 23 1. Determination of curriculum, including needs assessment, curriculum
- 24 development and responsibilities under KRS 158.6453(19);
- 25 2. Assignment of all instructional and noninstructional staff time;
- 26 3. Assignment of students to classes and programs within the school;
- 27 4. Determination of the schedule of the school day and week, subject to the

- 1 beginning and ending times of the school day and school calendar year  
2 as established by the local board;
- 3 5. Determination of use of school space during the school day related to  
4 improving classroom teaching and learning;
- 5 6. Planning and resolution of issues regarding instructional practices;
- 6 7. Selection and implementation of discipline and classroom management  
7 techniques as a part of a comprehensive school safety plan, including  
8 responsibilities of the student, parent, teacher, counselor, and principal;
- 9 8. Selection of extracurricular programs and determination of policies  
10 relating to student participation based on academic qualifications and  
11 attendance requirements, program evaluation, and supervision;
- 12 9. Adoption of an emergency plan as required in KRS 158.162;
- 13 10. Procedures, consistent with local school board policy, for determining  
14 alignment with state standards, technology utilization, and program  
15 appraisal; and
- 16 11. Procedures to assist the council with consultation in the selection of  
17 personnel by the principal, including but not limited to meetings,  
18 timelines, interviews, review of written applications, and review of  
19 references. Procedures shall address situations in which members of the  
20 council are not available for consultation; and
- 21 (j) Each school council shall annually review data as shown on state and local  
22 student assessments required under KRS 158.6453. The data shall include but  
23 not be limited to information on performance levels of all students tested, and  
24 information on the performance of students disaggregated by race, gender,  
25 disability, and participation in the federal free and reduced price lunch  
26 program. After completing the review of data, each school council, with the  
27 involvement of parents, faculty, and staff, shall develop and adopt a plan to

1 ensure that each student makes progress toward meeting the goals set forth in  
2 KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan  
3 to the superintendent and local board of education for review as described in  
4 KRS 160.340. The Kentucky Department of Education shall provide each  
5 school council the data needed to complete the review required by this  
6 paragraph no later than October 1 of each year. If a school does not have a  
7 council, the review shall be completed by the principal with the involvement  
8 of parents, faculty, and staff.

9 (3) The policies adopted by the local board to implement school-based decision making  
10 shall also address the following:

11 (a) School budget and administration, including: discretionary funds; activity and  
12 other school funds; funds for maintenance, supplies, and equipment; and  
13 procedures for authorizing reimbursement for training and other expenses;

14 (b) Assessment of individual student progress, including testing and reporting of  
15 student progress to students, parents, the school district, the community, and  
16 the state;

17 (c) School improvement plans, including the form and function of strategic  
18 planning and its relationship to district planning, as well as the school safety  
19 plan and requests for funding from the Center for School Safety under KRS  
20 158.446;

21 (d) Professional development plans developed pursuant to KRS 156.095;

22 (e) Parent, citizen, and community participation including the relationship of the  
23 council with other groups;

24 (f) Cooperation and collaboration within the district, with other districts, and with  
25 other public and private agencies;

26 (g) Requirements for waiver of district policies;

27 (h) Requirements for record keeping by the school council; and

- 1 (i) A process for appealing a decision made by a school council.
- 2 (4) In addition to the authority granted to the school council in this section, the local  
3 board may grant to the school council any other authority permitted by law. The  
4 board shall make available liability insurance coverage for the protection of all  
5 members of the school council from liability arising in the course of pursuing their  
6 duties as members of the council.
- 7 (5) All schools shall implement school-based decision making in accordance with this  
8 section and with the policy adopted by the local board pursuant to this section.  
9 Upon favorable vote of a majority of the faculty at the school and a majority of at  
10 least twenty-five (25) voting parents of students enrolled in the school, a school  
11 meeting its goal as determined by the Department of Education pursuant to KRS  
12 158.6455 may apply to the Kentucky Board of Education for exemption from the  
13 requirement to implement school-based decision making, and the state board shall  
14 grant the exemption. The voting by the parents on the matter of exemption from  
15 implementing school-based decision making shall be in an election conducted by  
16 the parent and teacher organization of the school or, if none exists, the largest  
17 organization of parents formed for this purpose. Notwithstanding the provisions of  
18 this section, a local school district shall not be required to implement school-based  
19 decision making if the local school district contains only one (1) school.
- 20 (6) The Department of Education shall provide professional development activities to  
21 assist schools in implementing school-based decision making. School council  
22 members elected for the first time shall complete a minimum of six (6) clock hours  
23 of training in the process of school-based decision making, no later than thirty (30)  
24 days after the beginning of the service year for which they are elected to serve.  
25 School council members who have served on a school council at least one (1) year  
26 shall complete a minimum of three (3) clock hours of training in the process of  
27 school-based decision making no later than one hundred twenty (120) days after the

1 beginning of the service year for which they are elected to serve. Experienced  
2 members may participate in the training for new members to fulfill their training  
3 requirement. School council training required under this subsection shall be  
4 conducted by trainers endorsed by the Department of Education. By November 1 of  
5 each year, the principal through the local superintendent shall forward to the  
6 Department of Education the names and addresses of each council member and  
7 verify that the required training has been completed. School council members  
8 elected to fill a vacancy shall complete the applicable training within thirty (30)  
9 days of their election.

10 (7) A school that chooses to have school-based decision making but would like to be  
11 exempt from the administrative structure set forth by this section may develop a  
12 model for implementing school-based decision making, including but not limited to  
13 a description of the membership, organization, duties, and responsibilities of a  
14 school council. The school shall submit the model through the local board of  
15 education to the commissioner of education and the Kentucky Board of Education,  
16 which shall have final authority for approval. The application for approval of the  
17 model shall show evidence that it has been developed by representatives of the  
18 parents, students, certified personnel, and the administrators of the school and that  
19 two-thirds (2/3) of the faculty have agreed to the model.

20 (8) The Kentucky Board of Education, upon recommendation of the commissioner of  
21 education, shall adopt by administrative regulation a formula by which school  
22 district funds shall be allocated to each school council. Included in the school  
23 council formula shall be an allocation for professional development that is at least  
24 sixty-five percent (65%) of the district's per pupil state allocation for professional  
25 development for each student in average daily membership~~[attendance]~~ in the  
26 school. The school council shall plan professional development in compliance with  
27 requirements specified in KRS 156.095, except as provided in KRS 158.649.

1 School councils of small schools shall be encouraged to work with other school  
2 councils to maximize professional development opportunities.

3 (9) (a) No board member, superintendent of schools, district employee, or member of  
4 a school council shall intentionally engage in a pattern of practice which is  
5 detrimental to the successful implementation of or circumvents the intent of  
6 school-based decision making to allow the professional staff members of a  
7 school and parents to be involved in the decision making process in working  
8 toward meeting the educational goals established in KRS 158.645 and  
9 158.6451 or to make decisions in areas of policy assigned to a school council  
10 pursuant to paragraph (i) of subsection (2) of this section.

11 (b) An affected party who believes a violation of this subsection has occurred may  
12 file a written complaint with the Office of Education Accountability. The  
13 office shall investigate the complaint and resolve the conflict, if possible, or  
14 forward the matter to the Kentucky Board of Education.

15 (c) The Kentucky Board of Education shall conduct a hearing in accordance with  
16 KRS Chapter 13B for complaints referred by the Office of Education  
17 Accountability.

18 (d) If the state board determines a violation has occurred, the party shall be  
19 subject to reprimand. A second violation of this subsection may be grounds  
20 for removing a superintendent or a member of a school council from office or  
21 grounds for dismissal of an employee for misconduct in office or willful  
22 neglect of duty.

23 (e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the  
24 state board determines a violation of the confidentiality requirements set forth  
25 in subsection (2)(h)2. of this section by a school council member has  
26 occurred, the state board shall remove the member from the school council,  
27 and the member shall be permanently prohibited from serving on any school

1 council in the district.

2 (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or  
3 maintain a school-based decision making council and the powers, duties, and  
4 authority granted to a school council may be rescinded or the school council's role  
5 may be advisory if the commissioner of education or the Kentucky Board of  
6 Education takes action under KRS 160.346.

7 (11) Each school council of a school containing grades K-5 or any combination thereof,  
8 or if there is no school council, the principal, shall develop and implement a  
9 wellness policy that includes moderate to vigorous physical activity each day and  
10 encourages healthy choices among students. The policy may permit physical activity  
11 to be considered part of the instructional day, not to exceed thirty (30) minutes per  
12 day, or one hundred and fifty (150) minutes per week. Each school council, or if  
13 there is no school council, the principal, shall adopt an assessment tool to determine  
14 each child's level of physical activity on an annual basis. The council or principal  
15 may utilize an existing assessment program. The Kentucky Department of  
16 Education shall make available a list of available resources to carry out the  
17 provisions of this subsection. The department shall report to the Legislative  
18 Research Commission no later than November 1 of each year on how the schools  
19 are providing physical activity under this subsection and on the types of physical  
20 activity being provided. The policy developed by the school council or principal  
21 shall comply with provisions required by federal law, state law, or local board  
22 policy.

23 (12) Discretionary authority exercised under subsection (2)(h)2.b. of this section shall  
24 not violate provisions of any employer-employee bargained contract existing  
25 between the district and its employees.

26 ➔Section 18. KRS 160.486 is repealed, reenacted, and amended to read as  
27 follows:

1 The license fees imposed by authority of KRS 160.482 to 160.488 shall be collected by  
2 the fiscal court or its agent, and the proceeds thereof shall be promptly divided and  
3 distributed to each school district within the county in proportion to the number of pupils  
4 in average daily membership~~[attendance]~~ in each school district as shown by the most  
5 recent statistics certified by the chief state school officer pursuant to KRS 157.310 to  
6 157.440. The fees shall be used for any purpose for which other common school funds  
7 may be used.

8 ➔Section 19. KRS 160.593 is repealed, reenacted, and amended to read as  
9 follows:

10 (1) Any board of education of a school district may, after compliance with the public  
11 hearing requirement contained in KRS 160.603, levy school taxes authorized by  
12 KRS 160.593 to 160.597, 160.601 to 160.633, and 160.635 to 160.648. The  
13 imposition of any tax levied under the provisions of KRS 160.593 to 160.597,  
14 160.601 to 160.633, and 160.635 to 160.648 shall be limited to the territory of the  
15 school district except as provided in subsection (2) of this section.

16 (2) Two (2) or more boards of education may agree in writing to levy identical school  
17 taxes authorized by KRS 160.605 to 160.611, 160.613 to 160.617, and 160.621 to  
18 160.633. After the levying in each district so agreeing of a tax under the terms of  
19 such agreement, the receipts from said tax shall be held in a common fund and  
20 disbursed therefrom to each district on the basis of average daily  
21 membership~~[attendance]~~, as set forth in Section 21 of this Act~~[KRS 160.644]~~. Any  
22 districts levying taxes under the terms of such an agreement shall be deemed to  
23 constitute a combined taxing district for the purposes of reference in KRS Chapter  
24 160.

25 ➔Section 20. KRS 160.6152 is repealed, reenacted, and amended to read as  
26 follows:

27 (1) The superintendent of schools in each school district levying the tax permitted by



1        **Section 19 of this Act**~~[KRS 160.593]~~ shall, on or before March 31, 2005, provide to  
2        the department and to each entity providing utility services within the school  
3        district, the boundaries of the school district.

4        (2) If the boundaries reported to the department and to each entity providing utility  
5        services within the school district change, the superintendent of schools shall report  
6        the boundary changes to the department and to each entity providing utility services  
7        within the school district.

8        (3) The department and entities providing utility services within the school district shall  
9        allocate tax payments among the various school districts imposing the taxes  
10       authorized by KRS 160.613 and 160.614 in accordance with the most recent  
11       boundary information provided by the superintendents, as adjusted by any  
12       agreements entered into pursuant to KRS 160.6153. The department and entities  
13       providing utility services within a school district shall not be responsible for nor  
14       subject to the imposition of penalties or interest relating to, distribution errors  
15       resulting from incorrect boundary information provided pursuant to this section, and  
16       may rely upon the most recent boundary information and any agreements entered  
17       into pursuant to KRS 160.6153 and provided by each superintendent as accurate.

18       (4) If more than one (1) school district board of education within a county levies the  
19       taxes permitted under KRS 160.613 or 160.614, the participating districts may  
20       choose to allocate the taxes collected and distributed by the department in  
21       proportion to the number of pupils in average daily **membership**~~[attendance]~~ in the  
22       participating districts that levy the tax as shown by the final certification by the  
23       chief state school officer for the previous school year pursuant to the provisions of  
24       KRS 157.310 to 157.440. Implementation of this allocation shall be based on the  
25       following provisions:

26       (a) The participating districts shall provide a jointly executed agreement to the  
27       department thirty (30) days prior to the first distribution to be so allocated;

1 (b) The agreement shall remain in effect until one (1) of the participating districts  
2 notifies the department and any other participating districts by certified mail  
3 thirty (30) days prior to the effective date of any change in allocation that the  
4 agreement is dissolved; and

5 (c) The department shall make annual adjustments to allocations made pursuant  
6 to an agreement entered into under this subsection based upon changes in the  
7 number of pupils in average daily membership~~[attendance]~~ in the  
8 participating districts as shown by the final certification by the chief state  
9 school officer for the previous school year pursuant to the provisions of KRS  
10 157.310 to 157.440.

11 (5) If there is a conflict regarding school district boundaries, the department may, until  
12 the conflict is resolved, distribute the total tax revenues collected for the districts  
13 involved in the conflict proportionately to the districts based upon the average daily  
14 membership~~[attendance]~~ in the districts for the previous school year.

15 ➔Section 21. KRS 160.644 is repealed, reenacted, and amended to read as  
16 follows:

17 The school taxes and penalties collected under KRS 160.593 to 160.597, 160.601 to  
18 160.633, 160.635 to 160.648 shall be distributed to the treasurer of the board of education  
19 of the school district. In the event that more than one (1) board of education within the  
20 county is participating in one (1) of these tax levies, the funds collected shall be  
21 distributed in proportion to the tax rate levied and the number of pupils in average daily  
22 membership~~[attendance]~~ in the participating districts as shown by the final certification  
23 by the chief state school officer for the previous school year pursuant to the provisions of  
24 KRS 157.310 to 157.440.

25 ➔Section 22. KRS 164.380 is repealed, reenacted, and amended to read as  
26 follows:

27 (1) The board of regents of Eastern Kentucky University shall operate, maintain, and

1       serve as the fiscal agent for a model and practice school which shall be an  
2       educational laboratory school under the supervision of thoroughly trained and  
3       certified education professionals for the purpose of piloting and testing kindergarten  
4       through high school educational pedagogies, practices, programs, assessments, and  
5       innovations to further the educational mission of the Commonwealth.

6       (2) The model and practice school shall:

- 7       (a) Be a university-operated public school under the governance of the Eastern  
8       Kentucky University board of regents that is separate from any school district;
- 9       (b) If confirmed by the board of regents, serve as a local education agency for the  
10       purposes of federal programs;
- 11       (c) Be subject to all statutes and regulations applicable to any other subdivision of  
12       the university, and to those statutes and regulations identified in this section or  
13       those relating to health, safety, and civil rights that are applicable to school  
14       districts;
- 15       (d) Enroll students in grades kindergarten through twelve (12), from any district  
16       in the Commonwealth, in compliance with the university's nondiscrimination  
17       policy and in alignment with the school's research objectives;
- 18       (e) Ensure students meet compulsory attendance requirements under **Section 11**  
19       **of this Act and KRS**~~[KRS 158.030 and ]~~158.100;
- 20       (f) Ensure high school course offerings meet or exceed the minimum high school  
21       requirements established pursuant to KRS 156.160;
- 22       (g) Participate in the assessment and accountability system under KRS Chapter  
23       158 in the same manner as a school district and be rated and reported in the  
24       same manner as a school district;
- 25       (h) Use the same system for recording student information data as utilized by  
26       local school districts across the state in the same manner as a school district;
- 27       (i) Be subject to the same statutes requiring or authorizing criminal background

- 1 checks and clear CA/N checks as specified in KRS 160.380 and 161.148 in  
2 the same manner as a school district;
- 3 (j) Provide instructional time that is at least equivalent to the student instructional  
4 year specified in Section 12 of this Act~~[KRS 158.070]~~;
- 5 (k) Be eligible to participate in the education technology funding program under  
6 the same conditions as a district under KRS 157.655 and 157.665;
- 7 (l) Provide sufficient data to the Department of Education to generate school  
8 report cards under KRS 158.6453;
- 9 (m) Unless otherwise prevented by state or federal law, be eligible to apply for or  
10 participate in any state grant programs offered to school districts;
- 11 (n) Be eligible to participate in alternative educator certification, educator rank  
12 change, and educator internship programs in the same manner as a school  
13 district; and
- 14 (o) Be eligible to participate in state-sponsored interscholastic athletics, academic  
15 programs, competitions, awards, scholarships, and recognition programs for  
16 students, educators, administrators, and schools to the same extent, and  
17 subject to the same conditions, as any other public school or individual.
- 18 (3) The board of regents shall adopt model and practice school policies to:
- 19 (a) Develop and identify the research objectives to be conducted in the school that  
20 shall respond to the education needs within the Commonwealth and may be  
21 coordinated with the Department of Education, the Education Professional  
22 Standards Board, other academic colleges at Eastern Kentucky University,  
23 other universities or state agencies, or as directed by the General Assembly;
- 24 (b) Govern the conduct of research at the school by the university and other  
25 research partners;
- 26 (c) Establish tuition and fees, if any, for student enrollment. The policy shall  
27 include that no student who would qualify under federal law for free or

- 1 reduced-price lunch shall be required to pay fees and no student shall be  
2 required to pay additional tuition or fees for exceptional education services;
- 3 (d) Establish enrollment guidelines that reflect the school's research objectives  
4 and may include a maximum enrollment cap of students residing in a local  
5 school district through an agreement entered into with the district's local board  
6 of education;
- 7 (e) Provide for the operation and management of the school, which shall include  
8 establishing the guidelines for the selection, implementation, and procurement  
9 of instructional programs, resources, materials, technology, and textbooks;  
10 and
- 11 (f) Issue high school diplomas to students who meet the state graduation  
12 requirements established pursuant to KRS 156.160.
- 13 (4) The Eastern Kentucky University board of regents shall establish a model and  
14 practice school advisory council to provide general oversight and guidance for the  
15 operation of the school.
- 16 (a) The advisory council shall be composed of:
- 17 1. The superintendent of the school, who shall serve as chair;  
18 2. One (1) member who shall be a faculty member working at the school;  
19 3. Two (2) members who shall be faculty working outside of the school;  
20 4. Two (2) members who shall be residing in counties in which students  
21 attending the school reside;  
22 5. Two (2) members who shall be parents of students attending the school;  
23 and  
24 6. One (1) member who shall be a secondary student at the school.
- 25 (b) Other than the superintendent, all members of the advisory council shall be  
26 appointed by the president of the university for two (2) year terms beginning  
27 on July 1 and any vacancy shall be filled in the same manner for the balance

- 1 of the unexpired term.
- 2 (c) The council shall annually elect a vice chair at the first meeting of the school  
3 year.
- 4 (d) Council members shall not receive a per diem for their service but may be  
5 reimbursed for travel related expenses according to policies adopted by the  
6 board of regents.
- 7 (e) The council shall advise the superintendent, president, and board of regents on  
8 matters relating to the function of the school and shall:
- 9 1. Meet at least quarterly;
  - 10 2. Review and provide feedback on the strategic plan of the school;
  - 11 3. Review and provide feedback on the results of student performance,  
12 programs and initiatives, and the implementation of the strategic plan;
  - 13 4. Provide recommendations on programming and research; and
  - 14 5. Provide feedback to the president on the performance of administrative  
15 team members of the school.
- 16 (5) The average daily membership~~[attendance]~~ of the students attending the model and  
17 practice school shall be included in the average daily membership~~[attendance]~~ of  
18 the students' districts of residence for the purpose of determining equalization under  
19 KRS 157.440(1)(a) and (b) and Section 9 of this Act~~[KRS 157.621]~~. The  
20 Department of Education shall also grant a district of residence a deduction for each  
21 of the district's students attending the model and practice school that adjusts the  
22 calculation under subsection (5) of Section 7 of this Act~~[KRS 157.390(5)]~~ of the  
23 district's amount of local tax revenues generated for school purposes.
- 24 (6) The superintendent of the model and practice school and the commissioner of  
25 education shall collaborate on the identification of research initiatives for the model  
26 and practice school that may be relevant to the Commonwealth.
- 27 (7) All personnel of the model and practice school shall be university employees and

- 1           shall be hired and employed subject to the university's policies and procedures.
- 2   (8)   Nothing in this section shall prohibit the superintendent or other model and practice
- 3           school personnel from serving in other roles within the university. School personnel
- 4           shall possess appropriate certifications and licenses as determined by the Education
- 5           Professional Standards Board. However, school personnel shall be subject to the
- 6           university's promotion, compensation, and tenure policies and other personnel
- 7           policies adopted by the board of regents.
- 8           ➔Section 23. This Act takes effect July 1, 2024.