

1 AN ACT relating to education on the Holocaust.

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

3 ➔Section 1. KRS 156.160 is amended to read as follows:

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

10 (a) Courses of study for the different grades and kinds of common schools
11 identifying the common curriculum content directly tied to the goals,
12 outcomes, and assessment strategies developed under KRS 158.645,
13 158.6451, and 158.6453 and distributed to local school districts and schools.

14 The administrative regulations shall provide that:

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

1 **b. The commissioner shall conduct a survey of all school districts to**
2 **identify districts, to begin with the 2023-2024 school year and to**
3 **occur every three (3) years thereafter, and shall submit results of**
4 **the survey to the Interim Joint Committee on Education by**
5 **August 1 following the school year in which the survey is**
6 **conducted. The purpose of the survey is to identify districts**
7 **adequately providing instruction on the Holocaust as required in**
8 **subdivision a. of this subparagraph. The survey shall include**
9 **questions on how the district is meeting learning standards on**
10 **the Holocaust and require an attestation from each**
11 **superintendent indicating that instruction as specified in the**
12 **survey response related to the Holocaust is being provided by all**
13 **schools in the district;**

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

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

19 (d) The minimum requirements for high school graduation in light of the
20 expected outcomes for students and schools set forth in KRS 158.6451. The
21 minimum requirements shall not include achieving any postsecondary
22 readiness indicator as described in KRS 158.6455 or any minimum score on a
23 statewide assessment administered under KRS 158.6453. Student scores from
24 any assessment administered under KRS 158.6453 that are determined by the
25 department's technical advisory committee to be valid and reliable at the
26 individual level shall be included on the student transcript. The department's
27 technical advisory committee shall submit its determination to the

- 1 commissioner of education and the Legislative Research Commission;
- 2 (e) The requirements for an alternative high school diploma for students with
3 disabilities whose individualized education program indicates that, in
4 accordance with 20 U.S.C. sec. 1414(d)(1)(A):
- 5 1. The student cannot participate in the regular statewide assessment; and
 - 6 2. An appropriate alternate assessment has been selected for the student
7 based upon a modified curriculum and an individualized course of
8 study;
- 9 (f) Taking and keeping a school census, and the forms, blanks, and software to be
10 used in taking and keeping the census and in compiling the required reports.
11 The board shall create a statewide student identification numbering system
12 based on students' Social Security numbers. The system shall provide a
13 student identification number similar to, but distinct from, the Social Security
14 number, for each student who does not have a Social Security number or
15 whose parents or guardians choose not to disclose the Social Security number
16 for the student;
- 17 (g) Sanitary and protective construction of public school buildings, toilets,
18 physical equipment of school grounds, school buildings, and classrooms. With
19 respect to physical standards of sanitary and protective construction for school
20 buildings, the Kentucky Board of Education shall adopt the Uniform State
21 Building Code;
- 22 (h) Medical inspection, physical and health education and recreation, and other
23 regulations necessary or advisable for the protection of the physical welfare
24 and safety of the public school children. The administrative regulations shall
25 set requirements for student health standards to be met by all students in
26 grades four (4), eight (8), and twelve (12) pursuant to the outcomes described
27 in KRS 158.6451. The administrative regulations shall permit a student who

1 received a physical examination no more than six (6) months prior to his or
2 her initial admission to Head Start to substitute that physical examination for
3 the physical examination required by the Kentucky Board of Education of all
4 students upon initial admission to the public schools, if the physical
5 examination given in the Head Start program meets all the requirements of the
6 physical examinations prescribed by the Kentucky Board of Education;

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

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

23 2. A child shall be referred to a licensed dentist if a dental screening or
24 examination performed by anyone other than a licensed dentist identifies
25 the possibility of dental disease;

26 (k) The transportation of children to and from school;

27 (l) The fixing of holidays on which schools may be closed and special days to be

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

1 minimum requirements for high school graduation established by the
2 Kentucky Board of Education pursuant to paragraph (d) of this
3 subsection in the district to which the student transfers, if the student
4 transfers schools at any time after the completion of the student's second
5 year of high school and the student is ineligible to graduate both from
6 the district to which the student transfers and the district from which the
7 student transferred.

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

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

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

- 23 1. Administrative regulations relating to health and safety;
- 24 2. Administrative regulations relating to civil rights;
- 25 3. Administrative regulations required by federal law; and
- 26 4. Administrative regulations promulgated in accordance with KRS
27 158.6451, 158.6453, 158.6455, and this section, relating to measurement

1 of performance outcomes and determination of successful districts or
2 schools, except upon issues relating to the grade configuration of
3 schools.

4 (c) Any waiver granted under this subsection shall be subject to revocation upon
5 a determination by the Kentucky Board of Education that the school district or
6 school holding the waiver has subsequently failed to meet the intent of the
7 waiver.

8 (3) Any private, parochial, or church school may voluntarily comply with curriculum,
9 certification, and textbook standards established by the Kentucky Board of
10 Education and be certified upon application to the board by such schools.

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

13 (a) The first violation shall result in a fine of no less than one (1) week's revenue
14 from the sale of the competitive food;

15 (b) Subsequent violations shall result in a fine of no less than one (1) month's
16 revenue from the sale of the competitive food;

17 (c) "Habitual violations," which means five (5) or more violations within a six (6)
18 month period, shall result in a six (6) month ban on competitive food sales for
19 the violating school; and

20 (d) Revenue collected as a result of the fines in this subsection shall be
21 transferred to the food service fund of the local school district.