

1 AN ACT relating to early childhood education.

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

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

4 (1) Each local school district shall assure that a developmentally appropriate full-  
5 day~~half-day~~ preschool education program is provided for each child who is:

6 **(a) Four (4) years of age by August 1; or**

7 **(b) 1. Three (3) years of age by August 1; and**

8 **2. At risk of educational failure**~~and who is four (4) years of age:~~

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

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

11 All other **three (3)**~~four (4)~~ year old children shall be served to the extent  
12 placements are available. The Kentucky Board of Education, upon the  
13 recommendation of the chief state school officer, shall adopt administrative  
14 regulations establishing the guidelines for the program. Administrative regulations  
15 shall establish eligibility criteria, program guidelines, and standards for personnel.

16 (2) "Developmentally appropriate preschool program" means a program which focuses  
17 on the physical, intellectual, social, and emotional development of young children.  
18 The preschool program shall help children with their interpersonal and socialization  
19 skills.

20 (3) Funds appropriated by the General Assembly for the preschool education programs  
21 shall be granted to local school districts according to a grant allotment system  
22 approved by the Kentucky Board of Education. Children who are at risk shall be  
23 identified based on the Federal School Lunch Program eligibility criteria for free  
24 lunch. Appropriations shall be separate from all other funds appropriated to the  
25 Department of Education and shall be administered in accordance with applicable  
26 federal and state statutes and administrative regulations. ~~Eligible~~ Local school  
27 districts shall receive funds based on the average number of preschool children

1 being served on December 1 and March 1 of the prior academic year who are  
2 appropriately identified as:

- 3 (a) Three (3) ~~and four (4)~~ years of age **and at risk of educational failure** ~~[with~~  
4 ~~disabilities]~~; and  
5 (b) Four (4) years of age ~~[identified as at risk of educational failure].~~

6 Local school districts may develop cooperative arrangements with other school  
7 districts or organizations in accordance with KRS 157.280.

8 (4) A child shall be eligible for a free and appropriate preschool education and related  
9 services if:

10 (a) **The child is three (3) years of age by August 1 and:**

- 11 1. The child has been identified as a child with a disability in accordance  
12 with the Individuals with Disabilities Education Act, 20 U.S.C. secs.  
13 1400 et seq.; or  
14 2. The child has been identified in accordance with the definitions and  
15 procedures for exceptional children and youth in accordance with KRS  
16 157.200(1)(a) to (m); **or** ~~[and]~~

17 (b) The child is ~~[three (3) or ]~~four (4) years of age~~]:~~

- 18 1. ~~By October 1, for any year before 2017; or~~  
19 2. ~~by August 1, for 2017 or any year thereafter].~~

20 (5) The chief state school officer shall receive and review proposals from local school  
21 districts for grants to operate or oversee the operation of developmentally  
22 appropriate preschool education programs. Districts may submit proposals for  
23 implementing new services, enhancing existing preschool education services, or  
24 contracting for services. In designing a local early childhood education program,  
25 each district shall work with existing preschool programs to avoid duplication of  
26 programs and services, to avoid supplanting federal funds, and to maximize Head  
27 Start funds ~~[in order to serve as many four (4) year old children as possible].~~

- 1 (6) Each program proposal shall include, at a minimum:
- 2 (a) A description of the process conducted by the district to assure that the parents
- 3 or guardians of all eligible participants have been made aware of the program
- 4 and of their right to participate;
- 5 (b) A description of the planned educational programming and related services;
- 6 (c) The estimated number of children participating in the program;
- 7 (d) Strategies for involving children with disabilities;
- 8 (e) Estimated ratio of staff to children with the maximum being one (1) adult for
- 9 each ten (10) children;
- 10 (f) The estimated percentage of children participating in the program who are at
- 11 risk of educational failure;
- 12 (g) Information on the training and qualifications of program staff and
- 13 documentation that the staff meet required standards;
- 14 (h) A budget and per-child expenditure estimate;
- 15 (i) A plan to facilitate active parental involvement in the preschool program,
- 16 including provisions for complementary parent education when appropriate;
- 17 (j) Facilities and equipment which are appropriate for young children;
- 18 (k) The days of the week and hours of a day during which the program shall
- 19 operate;
- 20 (l) A plan for coordinating the program with existing medical and social services,
- 21 including a child development and health screening component;
- 22 (m) Assurances that participants shall receive breakfast or lunch;
- 23 (n) Program sites which meet state and local licensure requirements;
- 24 (o) A plan for coordinating program philosophy and activities with the local
- 25 district's primary school program;
- 26 (p) An evaluation component; and
- 27 (q) Certification from the Head Start director that the Head Start program is fully

1 utilized pursuant to subsection (4) of this section.

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

4 ➔Section 2. KRS 157.320 is amended to read as follows:

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

- 6 (1) "Average daily attendance" means the aggregate days attended by pupils in a public  
7 school, adjusted for weather-related low attendance days if applicable, divided by  
8 the actual number of days the school is in session, after the five (5) days with the  
9 lowest attendance have been deducted.
- 10 (a) Aggregate days shall include, in addition to the aggregate number of days  
11 attended by a pupil who was suspended during a school year, the number of  
12 days the pupil was suspended, not to exceed ten (10) days in total for the  
13 school year; and
- 14 (b) Aggregate days shall include, in addition to the aggregate number of days  
15 attended by a pupil who was expelled for behavioral problems, the number of  
16 days the pupil was expelled up to a total of one hundred seventy-five (175)  
17 days. This total may extend into the next school year and shall be counted in  
18 the average daily attendance for the next year;
- 19 (2) "Base funding level" means a guaranteed amount of revenue per pupil to be  
20 provided for each school district, to be used for regular operating and capital  
21 expenditures;
- 22 (3) "Board" means the board of education of any county or independent school district;
- 23 (4) "District" means any school district as defined by law;
- 24 (5) "Elementary school" means a school consisting of the primary school program as  
25 defined in KRS 158.031 through grade eight (8)~~[as defined in KRS 158.030]~~, or  
26 any appropriate combination of grades within this range, as determined by the plan  
27 of organization for schools authorized by the district board;

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

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

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

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

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

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

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

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

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

14 ➔Section 3. KRS 157.360 is amended to read as follows:

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

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

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

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



1 making, the commissioner of education shall enforce maximum class sizes for  
2 every academic course requirement in all grades except in vocal and  
3 instrumental music, and physical education classes. Except as provided in  
4 subsection (6) of this section, the maximum number of pupils enrolled in a  
5 class shall be as follows:

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

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

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

23 (d) In all schools the commissioner of education shall enforce the special  
24 education maximum class sizes set by administrative regulations adopted by  
25 the Kentucky Board of Education. A superintendent may request an  
26 exemption pursuant to paragraph (c) of this subsection. A local school council  
27 may request a waiver pursuant to KRS 156.160(2). An exemption or waiver

1           shall not be granted if the increased class size will impede any exceptional  
2           child from achieving his or her individual education program in the least  
3           restrictive environment.

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

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

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

26 (9) Program funding shall be increased when the average daily attendance in any  
27          district for the first two (2) months of the current school year is greater than the

1 average daily attendance of the district for the first two (2) months of the previous  
2 school year. The program funds allotted the district shall be increased by the percent  
3 of increase.~~[- The average daily attendance in kindergarten is the kindergarten full-~~  
4 ~~time equivalent pupils in average daily attendance.]~~

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

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

19 (12) (a) Instructional salaries for vocational agriculture classes shall be for twelve (12)  
20 months per year. Vocational agriculture teachers shall be responsible for the  
21 following program of instruction during the time period beyond the regular  
22 school term established by the local board of education: supervision and  
23 instruction of students in agriculture experience programs; group and  
24 individual instruction of farmers and agribusinessmen; supervision of student  
25 members of agricultural organizations who are involved in leadership training  
26 or other activity required by state or federal law; or any program of vocational  
27 agriculture established by the Department of Education. During extended

1 employment, no vocational agriculture teacher shall receive salary on a day  
2 that the teacher is scheduled to attend an institution of higher education class  
3 which could be credited toward meeting any certification requirement.

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

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

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

- 1 regulations to include such factors as a reasonable per hour, per child  
2 allotment for teacher instructional time, with a maximum number of funded  
3 hours per week, a reasonable allotment for teaching supplies and equipment,  
4 and a reasonable allotment for travel expenses to and from instructional  
5 assignments, but the formula shall not include an allotment for capital outlay.  
6 Attendance shall be calculated pursuant to KRS 158.033~~[157.270]~~ and shall  
7 be reported annually on forms provided by the Department of Education.
- 8 (14) Except for those schools which have implemented school-based decision making  
9 and the school council has voted to waive this subsection, kindergarten aides shall  
10 be provided for each twenty-four (24) ~~[full-time equivalent]~~ kindergarten students  
11 enrolled.
- 12 (15) ~~[Effective July 1, 2001, ]~~There shall be no deduction applied against the base  
13 funding level for any pupil in average daily attendance who spends a portion of his  
14 or her school day in a program at a state-operated career and technical education or  
15 vocational facility.
- 16 (16) During a fiscal year, a school district may request that the Department of Education  
17 recalculate its funds allocated under this section if the current year average daily  
18 attendance for the twenty (20) day school month as defined in KRS 158.060(1) that  
19 contains the most days within the calendar month of January exceeds the prior year  
20 adjusted average daily attendance plus growth by at least one percent (1%). Any  
21 adjustments in the allotments approved under this subsection shall be proportional  
22 to the remaining days in the school year and subject to available funds under the  
23 program to support education excellence in Kentucky.
- 24 (17) To calculate the state portion of the program to support education excellence in  
25 Kentucky for a school district, the Department of Education shall subtract the local  
26 effort required under KRS 157.390(5) from the calculated base funding under the  
27 program to support education excellence in Kentucky, as required by this section.

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

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

9 ➔Section 4. KRS 158.030 is amended to read as follows:

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

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

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

10 ➔Section 5. KRS 158.060 is amended to read as follows:

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

13 (2) Each full-time teacher shall be provided with a duty-free lunch period each day  
14 during the regularly scheduled student lunch period. The duty-free lunch period  
15 shall be not less than the length of the lunch period specified in the school calendar  
16 approved by the chief state school officer. A full-time teacher may be assigned to  
17 lunch room duty during the regularly scheduled student lunch period only for an  
18 amount of time equal to the noninstructional time in excess of fifty-five (55)  
19 minutes included in the teacher's daily schedule. The calculation of noninstructional  
20 time shall not include the teacher's duty-free lunch period, the time teachers are  
21 required to be at school prior to the start of the student's instructional day, or the  
22 time teachers are required to remain at school after the students are dismissed.

23 (3) Except for children with disabilities and children attending the primary school  
24 program who may attend a program of less than six (6) hours per day under policy  
25 adopted by the local school district board of education and approved by the  
26 commissioner of education and children attending a school district where the local  
27 board has approved a schedule that provides at least the equivalent of six (6) hours

1 of daily instruction during the school year, a minimum of six (6) hours of actual  
2 school work shall constitute a school day. [~~Kindergarten programs may be operated~~  
3 ~~for less than six (6) hours without state board approval.~~]The Kentucky Board of  
4 Education, upon recommendation of the chief state school officer, shall develop and  
5 approve regulations governing make up by school districts of whole days missed  
6 due to emergencies, or partial days missed as a result of shortening regularly  
7 scheduled school days due to emergencies.

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

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