

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

7 (b) **An eligible child is a child** who is at risk of educational failure and who is
8 **three (3) or** four (4) years of age ~~[-~~

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

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

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

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

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

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

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

22 (4)~~(2)~~ **As used in this section,** "developmentally appropriate **full-day** preschool
23 **education** program" **or "preschool education program"** means a program which:

24 (a) Focuses on the physical, intellectual, social, and emotional development of
25 young children; **and**~~[- The preschool program shall help]~~

26 (b) **Helps** children with their interpersonal and socialization skills.

27 **(5) (a)**~~(3)~~ Funds appropriated by the General Assembly for ~~the~~ preschool

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

9 (b) For the 2024-2025 school year, eligible local school districts shall receive
 10 funds based on the average number of preschool children being served on
 11 December 1 and March 1 of the prior academic year.

12 (c) For the 2025-2026 school year and school years thereafter, eligible local
 13 school districts shall receive funds based on the average number of three (3)
 14 year old preschool children being served on December 1 and March 1 of the
 15 prior academic year ~~who are appropriately identified as:~~

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

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

18 (6) Eligible four (4) year old children enrolled in a preschool education program
 19 shall be included in the average daily attendance of the elementary school
 20 providing preschool education for purposes of funding under KRS 157.310 to
 21 157.440.

22 (7) Local school districts may develop cooperative arrangements with other school
 23 districts or organizations in accordance with KRS 157.280.

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

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

1 ~~1400 et seq.; or~~

2 ~~2.—The child has been identified in accordance with the definitions and~~
 3 ~~procedures for exceptional children and youth in accordance with KRS~~
 4 ~~157.200(1)(a) to (m); and~~

5 ~~(b)—The child is three (3) or four (4) years of age:~~

6 ~~1.—By October 1, for any year before 2017; or~~

7 ~~2.—By August 1, for 2017 or any year thereafter.]~~

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

17 ~~(9)~~~~(6)~~ Each ***preschool education*** program proposal shall include, at a minimum:

18 (a) A description of the process conducted by the district to ensure that the
 19 parents or guardians of all eligible participants have been made aware of the
 20 program and of their right to participate;

21 (b) A description of the planned educational programming and related services;

22 (c) The estimated number of children participating in the program;

23 (d) Strategies for involving children with disabilities ***and continuing their***
 24 ***education if the disability is resolved;***

25 (e) Estimated ratio of staff to children with the maximum being one (1) adult for
 26 each ten (10) children;

27 (f) The estimated percentage of children participating in the program who are at

- 1 risk of educational failure;
- 2 (g) Information on the training and qualifications of program staff and
3 documentation that the staff meet required standards;
- 4 (h) A budget and per-child expenditure estimate;
- 5 (i) A plan to facilitate active parental involvement in the ~~pre-school~~ program,
6 including provisions for complementary parent education when appropriate;
- 7 (j) Facilities and equipment which are appropriate for young children;
- 8 (k) The days of the week and hours of a day during which the program shall
9 operate, **as specified by the school calendar adopted by the local school**
10 **board**;
- 11 (l) A plan for coordinating the program with existing medical and social services,
12 including a child development and health screening component;
- 13 (m) Assurances that participants shall receive breakfast or lunch;
- 14 (n) Program sites which meet state and local licensure requirements;
- 15 (o) A plan for coordinating program philosophy and activities with the
16 **school** ~~local~~ district's primary school program;
- 17 (p) An evaluation component; and
- 18 (q) **A plan for providing transportation services to eligible students** ~~[Certification~~
19 ~~from the local Head Start director that the Head Start program is fully utilized~~
20 ~~pursuant to subsection (4) of this section].~~
- 21 ~~(7) If the superintendent and local Head Start director are unable to reach an agreement~~
22 ~~on whether a Head Start program is fully utilized, the superintendent or local Head~~
23 ~~Start director shall notify the chief state school officer. The local Head Start director~~
24 ~~shall provide the chief state school officer all information relevant to the utilization~~
25 ~~of the Head Start program. Within thirty (30) days of notification from the~~
26 ~~superintendent or local Head Start director, the chief state school officer shall make~~
27 ~~a determination of whether a Head Start program is fully utilized and may execute~~

1 ~~the certification required by subsection (6)(q) of this section on behalf of the local~~
2 ~~Head Start director.~~

3 ~~(8) Programs shall reflect an equitable geographic distribution representative of all~~
4 ~~areas of the Commonwealth.]~~

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

6 (1) In this section, "primary school program" ***or "primary program"*** means that part of
7 the elementary school program in which children are enrolled from the time they
8 begin school, ***including enrollment in a preschool education program, as defined***
9 ***in Section 1 of this Act, for four (4) year old children,*** until they are ready to enter
10 the fourth grade. Notwithstanding any statute to the contrary, successful completion
11 of the primary school program shall be a prerequisite for a child's entrance into
12 fourth grade.

13 (2) The Kentucky Board of Education shall establish, by administrative regulation,
14 methods of verifying successful completion of the primary school program in
15 carrying out the goals of education as described in KRS 158.6451.

16 (3) The primary program shall include the following critical attributes:
17 developmentally appropriate educational practices; multiage and multiability
18 classrooms; continuous progress; authentic assessment; qualitative reporting
19 methods; professional teamwork; and positive parent involvement.

20 (4) Each school council or, if none exists, the school shall determine the organization
21 of its ungraded primary program including the extent to which multiage groups are
22 necessary to implement the critical attributes based on the critical attributes and
23 meeting individual student needs.

24 (5) The implementation of the primary program may take into consideration the
25 necessary arrangements required for students attending part-time and will allow for
26 grouping of students attending their first year of school when determined to be
27 developmentally appropriate.

1 (6) A school district may advance a student through the primary program when it is
 2 determined that it is in the best educational interest of the student. A student who is
 3 at least five (5) years of age, but less than six (6) years of age, and is advanced in
 4 the primary program may be classified as other than a kindergarten student for
 5 purposes of funding under KRS 157.310 to 157.440 if the student is determined to
 6 have acquired the academic and social skills taught in kindergarten as determined
 7 by local board policy in accordance with the process established by Kentucky
 8 Board of Education administrative regulation.

9 (7) Data shall be collected by each school district on the number of students, in each
 10 school having a primary program, who take:

11 (a) Five (5) years to complete the primary program *if original enrollment was in*
 12 *kindergarten; or*

13 (b) *Six (6) years to complete the primary program if original enrollment was in*
 14 *a preschool education program for four (4) year old children.*

15 The data shall be reported in the annual performance report described in KRS
 16 158.6453.

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

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

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

23 (b)~~(a)~~ Aggregate days shall include, in addition to the aggregate number of
 24 days attended by a pupil who was suspended during a school year, the number
 25 of days the pupil was suspended, not to exceed ten (10) days in total for the
 26 school year; and

27 (c)~~(b)~~ Aggregate days shall include, in addition to the aggregate number of

1 days attended by a pupil who was expelled for behavioral problems, the
2 number of days the pupil was expelled up to a total of one hundred seventy-
3 five (175) days. This total may extend into the next school year and shall be
4 counted in the average daily attendance for the next year;

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

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

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

10 (5) "Elementary school" means a school consisting of the primary school program as
11 defined in Section 2 of this Act through grade eight (8) ~~as defined in KRS~~
12 ~~158.030~~, or any appropriate combination of grades within this range, as determined
13 by the plan of organization for schools authorized by the district board;

14 (6) "Support Education Excellence in Kentucky" means the level of educational
15 services and facilities which is to be provided in each district from the public school
16 fund;

17 ~~(7) ["Kindergarten full-time equivalent pupil in average daily attendance" means each~~
18 ~~kindergarten pupil counted no more than one half (1/2) day in the aggregate days~~
19 ~~attended by kindergarten pupils in a public school divided by the actual number of~~
20 ~~days school is in session after the five (5) days with the lowest attendance have~~
21 ~~been deducted. Kindergarten is the entry level of the primary program and shall be~~
22 ~~provided no less than the equivalent of one half (1/2) day, five (5) days a week for a~~
23 ~~full school year for each kindergarten pupil;~~

24 ~~(8)~~ "Public school fund" means the fund created by KRS 157.330 for use in financing
25 education in public elementary and secondary schools;

26 ~~(8)~~~~(9)~~ "Administrative regulations of the Kentucky Board of Education" means
27 those regulations which the Kentucky Board of Education may adopt upon the

1 recommendation and with the advice of the commissioner of education. The
2 commissioner of education shall recommend administrative regulations necessary
3 for carrying out the purposes of KRS 157.310 to 157.440;

4 (9)~~[(10)]~~ "Experience" means employment as a teacher, other than as a substitute or
5 nursery school teacher, for a minimum of one hundred forty (140) days during a
6 school year in a public or nonpublic elementary or secondary school or college or
7 university that is approved by the public accrediting authority in the state in which
8 the teaching duties were performed. A teacher who is employed by a board for at
9 least one hundred forty (140) days of a school year and who performs teaching
10 duties for the equivalent of at least seventy (70) full school days during that school
11 year, regardless of the schedule on which those duties were performed, shall be
12 credited with one (1) year of experience. A teacher who is employed by a board for
13 at least one hundred forty (140) days during each of two (2) school years and who
14 performs teaching duties for the equivalent of at least seventy (70) full school days
15 during those years shall be credited with one (1) year of experience. No more than
16 one (1) year of experience shall be credited for the performance of teaching duties
17 during a single school year;

18 (10)~~[(11)]~~ "Secondary school" means a school consisting of grades seven (7) through
19 twelve (12), or any appropriate combination of grades within this range as
20 determined by the plan of organization for schools authorized by the district board.
21 When grades seven (7) through nine (9) or ten (10) are organized separately as a
22 junior high school, or grades ten (10) through twelve (12) are organized separately
23 as a senior high school and are conducted in separate school plant facilities, each
24 shall be considered a separate secondary school for the purposes of KRS 157.310 to
25 157.440;

26 (11)~~[(12)]~~ "Single salary schedule" means a schedule adopted by a local board from
27 which all teachers are paid for one hundred eighty-five (185) days and is based on

1 training, experience, and such other factors as the Kentucky Board of Education
2 may approve and which does not discriminate between salaries paid elementary and
3 secondary teachers. If the budget bill contains a minimum statewide salary
4 schedule, no teacher shall be paid less than the amount specified in the biennial
5 budget salary schedule for the individual teacher's educational qualifications and
6 experience;

7 (12)~~((13))~~ "Teacher" means any regular or special teacher, principal, supervisor,
8 superintendent, assistant superintendent, librarian, director of pupil personnel, or
9 other member of the teaching or professional staff engaged in the service of the
10 public elementary and secondary school for whom certification is required as a
11 condition of employment;

12 (13)~~((14))~~ "Percentage of attendance" means the aggregate days attended by pupils in a
13 public school for the school year divided by the aggregate days' membership of
14 pupils in a public school for the school year;

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

18 (15)~~((16))~~ "National board certification salary supplement" means an annual supplement
19 added for the life of the certificate to the base salary of a teacher who attains
20 national board certification; and

21 (16)~~((17))~~ "Weather-related low attendance day" means a school day on which the
22 district's attendance falls below the average daily attendance for the prior year due
23 to inclement weather. The district shall submit a request to substitute the prior
24 year's average daily attendance for its attendance on up to ten (10) designated days,
25 along with documentation that the low attendance was due to inclement weather,
26 for approval by the commissioner of education in accordance with Kentucky Board
27 of Education administrative regulations.

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

- 2 (1) (a) In determining the cost of the program to support education excellence in
3 Kentucky, the statewide guaranteed base funding level, as defined in KRS
4 157.320, shall be computed by dividing the amount appropriated for this
5 purpose by the prior year's statewide average daily attendance.
- 6 (b) When determining the biennial appropriations for the program, the average
7 daily attendance for each fiscal year shall include an estimate of the number
8 of students graduating early under the provisions of KRS 158.142.
- 9 (2) Each district shall receive an amount equal to the base funding level for each pupil
10 in average daily attendance in the district in the previous year, except a district shall
11 receive an amount equal to one-half (1/2) of the state portion of the average
12 statewide per pupil guaranteed base funding level for each student who graduated
13 early under the provisions of KRS 158.142. Each district's base funding level shall
14 be adjusted by the following factors:
- 15 (a) The number of at-risk students in the district. At-risk students shall be
16 identified as those approved for the free lunch program under state and federal
17 guidelines. The number of at-risk students shall be multiplied by a factor to be
18 established by the General Assembly. Funds generated under this paragraph
19 may be used to pay for:
- 20 1. Alternative programs for students who are at risk of dropping out of
21 school before achieving a diploma; and
- 22 2. A hazardous duty pay supplement as determined by the local board of
23 education to the teachers who work in alternative programs with
24 students who are violent or assaultive;
- 25 (b) The number and types of exceptional children in the district as defined by
26 KRS 157.200. Specific weights for each category of exceptionality shall be
27 used in the calculation of the add-on factor for exceptional children;~~and~~

1 (c) *The number of eligible four (4) year old children enrolled in a preschool*
2 *education program. The number of eligible four (4) year old children shall*
3 *be multiplied by a factor to be established by the General Assembly; and*

4 (d) Transportation costs. The per-pupil cost of transportation shall be calculated
5 as provided by KRS 157.370. Districts which contract to furnish
6 transportation to students attending nonpublic schools may adopt any payment
7 formula which ensures that no public school funds are used for the
8 transportation of nonpublic students.

9 (3) ~~[Beginning with the 2015-2016 school year and each year thereafter,]~~ The General
10 Assembly shall annually allocate funds equal to one-half (1/2) of the state portion
11 of the average statewide per pupil guaranteed base funding level for each student
12 who graduated early under the provisions of KRS 158.142 the previous school year
13 to the Kentucky Higher Education Assistance Authority for deposit in the early
14 graduation scholarship trust fund.

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

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

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

27 (b) Except for those schools which have implemented school-based decision

1 making, class size loads for middle and secondary school classroom teachers
2 shall not exceed the equivalent of one hundred fifty (150) pupil hours per day.

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

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

21 (6) In grades four (4) through six (6) with combined grades, the maximum class size
22 shall be the average daily attendance upon which funding is appropriated for the
23 lowest assigned grade in the class. There shall be no exceptions to the maximum
24 class size for combined classes. In combined classes other than the primary grades,
25 no ungraded students shall be placed in a combined class with graded students. In
26 addition, there shall be no more than two (2) consecutive grade levels combined in
27 any one (1) class in grades four (4) through six (6). However, this shall not apply to

1 schools which have implemented school-based decision making.

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

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

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

22 (10) If the average daily attendance for the current school year in any district decreases
23 by ten percent (10%) or more than the average daily attendance for the previous
24 school year, the average daily attendance for purposes of calculating program
25 funding for the next school year shall be increased by an amount equal to two-thirds
26 (2/3) of the decrease in average daily attendance. If the average daily attendance
27 remains the same or decreases in the succeeding school year, the average daily

1 attendance for purposes of calculating program funding for the following school
2 year shall be increased by an amount equal to one-third (1/3) of the decrease for the
3 first year of the decline.

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

9 (12) (a) Instructional salaries for vocational agriculture classes shall be for twelve (12)
10 months per year. Vocational agriculture teachers shall be responsible for the
11 following program of instruction during the time period beyond the regular
12 school term established by the local board of education: supervision and
13 instruction of students in agriculture experience programs; group and
14 individual instruction of farmers and agribusinessmen; supervision of student
15 members of agricultural organizations who are involved in leadership training
16 or other activity required by state or federal law; or any program of vocational
17 agriculture established by the Department of Education. During extended
18 employment, no vocational agriculture teacher shall receive salary on a day
19 that the teacher is scheduled to attend an institution of higher education class
20 which could be credited toward meeting any certification requirement.

21 (b) Each teacher of agriculture employed shall submit an annual plan for summer
22 program to the local school superintendent for approval. The summer plan
23 shall include a list of tasks to be performed, purposes for each task, and time
24 to be spent on each task. Approval by the local school superintendent shall be
25 in compliance with the guidelines developed by the Department of Education.
26 The supervision and accountability of teachers of vocational agriculture's
27 summer programs shall be the responsibility of the local school

1 superintendent. The local school superintendent shall submit to the
2 commissioner of education a completed report of summer tasks for each
3 vocational agriculture teacher. Twenty percent (20%) of the approved
4 vocational agriculture programs shall be audited annually by the State
5 Department of Education to determine that the summer plan has been properly
6 executed.

7 (13) (a) In allotting program funds for home and hospital instruction, statewide
8 guaranteed base funding, excluding the capital outlay, shall be allotted for
9 each child in average daily attendance in the prior school year who has been
10 properly identified according to Kentucky Board of Education administrative
11 regulations. Attendance shall be calculated pursuant to KRS
12 158.033~~157.270~~ and shall be reported monthly on forms provided by the
13 Department of Education; and

14 (b) Pursuant to administrative regulations of the Kentucky Board of Education,
15 local school districts shall be reimbursed for home and hospital instruction for
16 pupils unable to attend regular school sessions because of short-term health
17 impairments. A reimbursement formula shall be established by administrative
18 regulations to include such factors as a reasonable per hour, per child
19 allotment for teacher instructional time, with a maximum number of funded
20 hours per week, a reasonable allotment for teaching supplies and equipment,
21 and a reasonable allotment for travel expenses to and from instructional
22 assignments, but the formula shall not include an allotment for capital outlay.
23 Attendance shall be calculated pursuant to KRS 158.033~~157.270~~ and shall
24 be reported annually on forms provided by the Department of Education.

25 (14) Except for those schools which have implemented school-based decision making
26 and the school council has voted to waive this subsection, kindergarten aides shall
27 be provided for each twenty-four (24) ~~full-time equivalent~~ kindergarten students

1 enrolled.

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

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

14 (17) To calculate the state portion of the program to support education excellence in
15 Kentucky for a school district, the Department of Education shall subtract the local
16 effort required under KRS 157.390(5) from the calculated base funding under the
17 program to support education excellence in Kentucky, as required by this section.
18 The value of the real estate used in this calculation shall be the lesser of the current
19 year assessment or the prior year assessment increased by four percent (4%) plus
20 the value of current year new property. The calculation under this subsection shall
21 be subject to available funds.

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

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

27 (1) "Common school" means an elementary or secondary school of the state supported

1 in whole or in part by public taxation. No school shall be deemed a "common
 2 school" or receive support from public taxation unless the school is taught by a
 3 certified teacher for a minimum school term as defined by KRS 158.070 and every
 4 child residing in the district who satisfies the age requirements of this section has
 5 had the privilege of attending it. Provided, however, that: ~~any child who is six (6)~~
 6 ~~years of age, or who may become six (6) years of age by October 1, shall attend~~
 7 ~~public school or qualify for an exemption as provided by KRS 159.030. Any child~~
 8 ~~who is five (5) years of age, or who may become five (5) years of age by October 1,~~
 9 ~~may enter a primary school program, as defined in KRS 158.031, and may advance~~
 10 ~~through the primary program without regard to age in accordance with KRS~~
 11 ~~158.031(6).~~

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

13 (a) Any child who is six (6) years of age, or who may become six (6) years of age
 14 by August 1, shall attend public school or qualify for an exemption as
 15 provided by KRS 159.030; ~~and~~

16 (b) Any child who is five (5) years of age, or who may become five (5) years of
 17 age by August 1, may enter a primary school program, as defined in KRS
 18 158.031, and may advance through the primary program without regard to age
 19 in accordance with KRS 158.031(6); and

20 (c) Any eligible child as described in Section 1 of this Act who is four (4) years
 21 of age may enter a preschool education program, as defined in Section 1 of
 22 this Act, for four (4) year old children.

23 ~~(2)(3)~~ Each local school board shall adopt a policy to permit a parent or guardian to
 24 petition the board to allow a student to attend public school who does not meet the
 25 ~~age~~ requirements of subsection (1) ~~or (2)~~ of this section. The policy shall include
 26 an evaluation process that will help determine a student's readiness for school and
 27 shall ensure that any tuition amount charged under this policy is the same amount

1 charged to a student who meets the ~~age~~ requirements of subsection (1) ~~or (2)~~ of
2 this section. Students enrolled under this policy shall be included in a school's
3 average daily attendance for purposes of funding as provided in KRS 157.310 to
4 157.440.

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

- 6 (1) Twenty (20) school days, or days in which teachers are actually employed in the
7 schoolroom, shall constitute a school month in the common schools.
- 8 (2) Each full-time teacher shall be provided with a duty-free lunch period each day
9 during the regularly scheduled student lunch period. The duty-free lunch period
10 shall be not less than the length of the lunch period specified in the school calendar
11 approved by the chief state school officer. A full-time teacher may be assigned to
12 lunch room duty during the regularly scheduled student lunch period only for an
13 amount of time equal to the noninstructional time in excess of fifty-five (55)
14 minutes included in the teacher's daily schedule. The calculation of noninstructional
15 time shall not include the teacher's duty-free lunch period, the time teachers are
16 required to be at school prior to the start of the student's instructional day, or the
17 time teachers are required to remain at school after the students are dismissed.
- 18 (3) Except for children with disabilities and children attending the primary school
19 program who may attend a program of less than six (6) hours per day under policy
20 adopted by the local school district board of education and approved by the
21 commissioner of education and children attending a school district where the local
22 board has approved a schedule that provides at least the equivalent of six (6) hours
23 of daily instruction during the school year, a minimum of six (6) hours of actual
24 school work shall constitute a school day. ~~[Kindergarten programs may be operated
25 for less than six (6) hours without state board approval.]~~ The Kentucky Board of
26 Education, upon recommendation of the chief state school officer, shall develop and
27 approve regulations governing make up by school districts of whole days missed

1 due to emergencies, or partial days missed as a result of shortening regularly
2 scheduled school days due to emergencies.

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

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

11 ➔Section 7. KRS 160.1596 is amended to read as follows:

12 (1) (a) For purposes of this section, a member of the board of directors of a public
13 charter school shall be considered an officer under KRS 61.040 and shall,
14 within sixty (60) days of final approval of an application, take an oath of
15 office as required under KRS 62.010.

16 (b) Within seventy-five (75) days of the final approval of an application, the
17 board of directors and the authorizer shall enter into a binding charter contract
18 that establishes the academic and operational performance expectations and
19 measures by which the public charter school will be evaluated.

20 (c) The executed charter contract shall become the final authorization for the
21 public charter school. The charter contract shall include:

- 22 1. The term of the contract;
- 23 2. The agreements relating to each item required under KRS 160.1592(3)
24 and 160.1593(3), as modified or supplemented during the approval
25 process;
- 26 3. The rights and duties of each party;
- 27 4. The administrative relationship between the authorizer and the public

- 1 charter school;
- 2 5. The allocation of state, local, and federal funds, and the schedule to
- 3 disburse funds to the public charter school by the authorizer;
- 4 6. The process the authorizer will use to provide ongoing oversight,
- 5 including a process to conduct annual site visits;
- 6 7. The specific commitments of the public charter school authorizer
- 7 relating to its obligations to oversee, monitor the progress of, and
- 8 supervise the public charter school;
- 9 8. The process and criteria the authorizer will use to annually monitor and
- 10 evaluate the overall academic, operating, and fiscal conditions of the
- 11 public charter school, including the process the authorizer will use to
- 12 oversee the correction of any deficiencies found in the annual review;
- 13 9. The process for revision or amendment to the terms of the charter
- 14 contract agreed to by the authorizer and the board of directors of the
- 15 public charter school;
- 16 10. The process agreed to by the authorizer and the board of directors of the
- 17 public charter school that identifies how disputes between the authorizer
- 18 and the board will be handled; and
- 19 11. Any other terms and conditions agreed to by the authorizer and the
- 20 board of directors, including pre-opening conditions. Reasonable
- 21 conditions shall not include enrollment caps or operational requirements
- 22 that place undue constraints on a public charter school or are
- 23 contradictory to the provisions of KRS 160.1590 to 160.1599 and
- 24 161.141. Such conditions, even when incorporated in a charter contract,
- 25 shall be considered unilaterally imposed conditions.
- 26 (d) 1. The performance provisions within a charter contract shall be based on a
- 27 performance framework that sets forth the academic and operational

1 performance indicators, measures, and metrics to be used by the
2 authorizer to evaluate each public charter school. The performance
3 framework shall include at a minimum indicators, measures, and metrics
4 for:

- 5 a. Student academic proficiency;
- 6 b. Student academic growth;
- 7 c. Achievement gaps in both student proficiency and student growth
8 for student subgroups, including race, sex, socioeconomic status,
9 and areas of exceptionality;
- 10 d. Student attendance;
- 11 e. Student suspensions;
- 12 f. Student withdrawals;
- 13 g. Student exits;
- 14 h. Recurrent enrollment from year to year;
- 15 i. College or career readiness at the end of grade twelve (12);
- 16 j. Financial performance and sustainability; and
- 17 k. Board of directors' performance and stewardship, including
18 compliance with all applicable statutes, administrative regulations,
19 and terms of the charter contract.

20 2. The performance framework shall allow the inclusion of additional
21 rigorous, valid, and reliable indicators proposed by a public charter
22 school to augment external evaluations of its performance. The proposed
23 indicators shall be consistent with the purposes of KRS 160.1590 to
24 160.1599 and 161.141 and shall be negotiated with the authorizer.

25 3. The performance framework shall require the disaggregation of student
26 performance data by subgroups, including race, sex, socioeconomic
27 status, and areas of exceptionality.

- 1 4. The authorizer shall be responsible for collecting, analyzing, and
2 reporting to the state board all state-required assessment and
3 achievement data for each public charter school it oversees.
- 4 (e) Annual student achievement performance targets shall be set, in accordance
5 with the state accountability system, by each public charter school in
6 conjunction with its authorizer, and those measures shall be designed to help
7 each school meet applicable federal, state, and authorizer goals.
- 8 (f) The charter contract shall be signed by the chair of the governing board of the
9 authorizer and the chair of the board of directors of the public charter school.
10 An approved charter application shall serve as a charter contract for the public
11 charter school.
- 12 (g) No public charter school may commence operations without a charter contract
13 executed according to this section and approved in an open meeting of the
14 governing board of the authorizer.
- 15 (2) Within five (5) days after entering into a charter contract, a copy of the executed
16 contract shall be submitted by the authorizer to the commissioner of education.
- 17 (3) For the purposes of local and state funding, a public charter school shall serve as a
18 school of the district of location.
- 19 (4) For the purposes of federal funding, a public charter school shall serve as a local
20 education agency.
- 21 (5) All students enrolled in a public charter school shall be included in the average
22 daily attendance calculation under KRS 157.360 and the aggregate and average
23 daily attendance of transported pupils calculation under KRS 157.370 of the district
24 of location in the same manner as any other public schools in the district and shall
25 be reported by the public charter schools to the school district and state Department
26 of Education for purposes of calculating the state and local share of funding for
27 each public charter school.

1 (6) Notwithstanding the formula for allocating district funds under KRS 160.345(8)
2 and any other statute governing a district's funding of schools, unless an authorizing
3 district agrees to provide a larger sum of funding in the charter contract, after local
4 capital outlay funds that are restricted in use pursuant to KRS 157.420(4) and funds
5 under KRS 157.440(1)(b) and 157.621 necessary to meet debt service obligations
6 on bonds or other financing mechanisms for new construction and renovation
7 projects for school facilities are excluded, and before any other funds are budgeted
8 for district use, a district shall transfer to each of the public charter schools located
9 within the district:

10 (a) The amount that is proportional to the public charter school's enrollment or
11 average daily attendance in comparison with the overall district qualifying
12 numbers for:

- 13 1. Funds that are related to students' attendance and enrollment and
14 allocated to the district of location pursuant to KRS 157.360;
- 15 2. Any add-on or funding factors provided for in the state budget;
- 16 3. Any add-on or funding factors provided for by the Kentucky
17 Department of Education; and
- 18 4. Funds pursuant to KRS 157.360(2)(a), ~~and (b)~~, **and (c)** and (13)(a).

19 For each funding source identified in this paragraph, the transfer amount shall
20 be based on the public charter school's qualifying student enrollment or
21 average daily attendance, depending on the method used in the funding
22 source's calculation;

23 (b) On a proportionate per pupil basis:

- 24 1. Education funds allocated to the school district pursuant to KRS
25 157.440(1)(a) and (2)(a), or pursuant to any applicable federal statute;
26 and
- 27 2. All taxes and payments in lieu of taxes transferred to the district of

- 1 location or levied and collected by the district of location; and
- 2 (c) On a proportionate per pupil transported basis, transportation funds calculated
3 pursuant to KRS 157.360(2)(~~d~~)(e) and 157.370 and distributed to the district
4 of location, unless the school district provides transportation to students
5 attending the public charter school under written terms agreed upon by the
6 district and the public charter school in either the charter contract or, if the
7 district is not the public charter school's authorizer, a separate agreement.
- 8 (7) (a) If transportation funds are transferred under this section to a public charter
9 school, then the public charter school receiving those funds shall provide
10 transportation services to the enrolled students residing within the district of
11 location.
- 12 (b) If funds designated for providing additional services to specific students are
13 transferred under this section, then the public charter school receiving those
14 funds shall provide those services in the same manner as the district of
15 location.
- 16 (c) If transportation services are not provided by the public charter school and no
17 written agreement to provide transportation services with the district of
18 location exists, then no transportation funds shall be transferred and the
19 district of location shall not be responsible for providing transportation to the
20 public charter school's students.
- 21 (8) Notwithstanding the identification of funds to be transferred in this section, a
22 collaborative among local school boards authorizing a public charter school may
23 negotiate among the local boards and a charter applicant to identify the amount of
24 funds to be transferred to the public charter school. The agreement shall be detailed
25 in the charter contract.
- 26 (9) (a) For the calculation of amounts under subsections (6) and (7) of this section
27 during the first school year of operation of a public charter school in a school

1 district, beginning with the start of instruction:

- 2 1. The public charter school's average daily attendance shall be calculated
3 based on a projection of the public charter school's enrollment and the
4 district's overall average daily attendance;
- 5 2. The public charter school's aggregate daily attendance of students
6 transported shall be calculated based on a projection of the public
7 charter school's enrollment and transportation plan and the district's
8 overall aggregate daily attendance of students transported; and
- 9 3. The amounts attributable to each individual student's attendance at the
10 public charter school shall be calculated based on a projection of the
11 public charter school's enrollment and demographics and the district's
12 overall enrollment and demographics.

13 (b) The calculations shall be adjusted in January of the first school year of
14 operation to reflect the first semester's actual data. Subsequent years of
15 operation shall be calculated using actual data from the prior school year.

16 (10) (a) Funds identified for transfer under this section shall be transferred by a district
17 of location to each of the public charter schools located within the district.
18 However, up to three percent (3%) of the funds identified under this section
19 for transfer to a public charter school may be retained by an authorizer as an
20 authorizer fee.

21 (b) If the authorizer of a public charter school does not include the local board of
22 education of the district of location, then the district of location shall transfer
23 the authorizer fee to the public charter school's authorizer.

24 (c) If the Kentucky Board of Education requires the authorization of a public
25 charter school on appeal from an authorizer, the board shall receive twenty-
26 five percent (25%) of the authorizing fee for the duration of joint oversight
27 required by KRS 160.1595.

- 1 (11) Funds identified for transfer by a district of location to a public charter school under
2 this section shall be transferred throughout the school year according to a schedule
3 determined by the state board. The scheduled dates shall be within thirty (30) days
4 of the dates of state disbursement of funds to school districts. Failure to transfer
5 required funds shall, for every five (5) days late, result in a fine to the violator of
6 not less than five percent (5%) of the total funds per funding period to be
7 transferred. Fines imposed shall be transferred to the public charter school affected
8 by the delay.
- 9 (12) A public charter school shall be eligible for federal and state competitive grants and
10 shall not be excluded from an opportunity to apply or participate so long as the
11 public charter school meets the criteria established for the respective grants. Each
12 public charter school that receives grant aid shall comply with all requirements to
13 receive such aid.
- 14 (13) A public charter school shall receive a proportionate per pupil share of any state
15 moneys not otherwise identified in this section that is received by the school district
16 of location. The public charter school shall also receive, according to federal law,
17 moneys generated under federal categorical aid programs for students that are
18 eligible for the aid and attending the public charter school. Each public charter
19 school that receives such aid shall comply with all requirements to receive such aid.
- 20 (14) The commissioner of education shall apply for all federal funding that supports
21 charter school initiatives for which a state must be the applicant and shall cooperate
22 with any public charter school in its efforts to seek federal funding.
- 23 (15) If a public charter school closes for any reason, the assets of the school shall be
24 distributed first to satisfy outstanding payroll obligations for employees of the
25 school, then to the creditors of the school, then to the district of location or
26 authorizing districts if authorized by a collaborative of local boards of education. If
27 the assets are insufficient to satisfy outstanding obligations, the authorizer shall

1 petition to Circuit Court of the county in which the public charter school is located
2 to prioritize the distribution of assets.

3 (16) The state board shall promulgate administrative regulations to:

4 (a) Establish the process to be used to evaluate the performance of a charter
5 school authorizer, based upon the requirements of KRS 160.1590 to 160.1599
6 and 161.141, and the actions to be taken in response to failures in
7 performance; and

8 (b) Govern the calculation and distribution of funds due to public charter schools
9 from school districts, the schedule of distribution of funds, and the imposition
10 of fines for late distribution of funds.

11 (17) By August 31, 2023, and annually thereafter, each public charter school authorizer
12 shall submit to the commissioner of education, the secretary of the Education and
13 Labor Cabinet, and the Interim Joint Committee on Education a report to include:

14 (a) The names of each public charter school operating under contract with the
15 authorizer during the previous academic year that:

16 1. Closed during or after the academic year; or

17 2. Had the contract nonrenewed or revoked;

18 (b) The names of each public charter school operating under contract with the
19 authorizer during the previous academic year that have not yet begun to
20 operate;

21 (c) The number of applications received, the number reviewed, and the number
22 approved;

23 (d) A summary of the academic and financial performance of each public charter
24 school operated under contract with the authorizer during the previous
25 academic year; and

26 (e) The authorizing duties and functions performed by the authorizer during the
27 previous academic year.