

1 AN ACT relating to school districts.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) (a) Beginning in the 2018-2019 school year, and continuing until the end of the*  
6 *2020-2021 school year, a school district may establish a pilot program for*  
7 *teachers to develop and implement a performance-based professional*  
8 *development project, which is designed to produce measurable outcomes of*  
9 *positive impact on student performance.*

10 *(b) The pilot program shall require two (2) or more teachers to design an*  
11 *instructional practice or strategy project to address an identified school or*  
12 *district academic or non-academic classroom problem.*

13 *(c) Successful completion of a project under this section shall satisfy up to*  
14 *three (3) days of the requirement to complete four (4) days of professional*  
15 *development under subsection (3)(a) of Section 2 of this Act.*

16 *(d) A local board of education may award a teacher a stipend for successful*  
17 *completion of a project.*

18 *(2) The local board of education shall determine the parameters for the*  
19 *performance-based professional development pilot program, including but not*  
20 *limited to:*

21 *(a) A project application process;*

22 *(b) Review and approval of project proposals;*

23 *(c) Submission of completed project analysis and results;*

24 *(d) Evaluation of completed projects;*

25 *(e) The awarding of professional development credit, including the amount of*  
26 *the credit and when it will be credited; and*

27 *(f) The awarding of a stipend, if applicable.*

1 (3) (a) The Kentucky Department of Education shall study the completed pilot  
 2 projects for their impact on schools and districts to determine the attributes  
 3 of quality performance-based professional development and the best  
 4 practices for measuring its effectiveness.

5 (b) By August 1, 2022, the department shall report its findings and any  
 6 recommendations for revising professional development policy to the  
 7 Interim Joint Committee on Education.

8 ➔Section 2. KRS 158.070 is amended to read as follows:

9 (1) As used in this section:

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

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

14 (c) "School calendar" means the document adopted by a local board of education  
 15 that establishes the minimum school term, student instructional year or  
 16 variable student instructional year, and days that school will not be in session;

17 (d) "School district calendar committee" means a committee that includes at least  
 18 the following~~[consisting of]~~:

19 1. One (1) school district principal;

20 2. One (1) school district office administrator other than the  
 21 superintendent;

22 3. One (1) member of the local board of education;

23 4. Two (2) parents of students attending a school in the district;

24 5. One (1) school district elementary school teacher;

25 6. One (1) school district middle or high school teacher;

26 7. Two (2) school district classified employees; and

27 8. Two (2) community members from the local chamber of commerce,

1 business community, or tourism commission;

2 (e) "Student attendance day" means any day that students are scheduled to be at  
3 school to receive instruction, and encompasses the designated start and  
4 dismissal time;

5 (f) "Student instructional year" means at least one thousand sixty-two (1,062)  
6 hours of instructional time for students delivered on not less than one hundred  
7 seventy (170) student attendance days;

8 (g) "Teacher professional day" means any day teachers are required to report to  
9 work as determined by a local board of education, with or without the  
10 presence of students; and

11 (h) "Variable student instructional year" means at least one thousand sixty-two  
12 (1,062) hours of instructional time delivered on the number of student  
13 attendance days adopted by a local board of education which shall be  
14 considered proportionally equivalent to one hundred seventy (170) student  
15 attendance days and calendar days for the purposes of a student instructional  
16 year, employment contracts that are based on the school term, service credit  
17 under KRS 161.500, and funding under KRS 157.350.

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

22 (b) The school district calendar committee, after seeking feedback from school  
23 district employees, parents, and community members, shall recommend  
24 school calendar options to the local school district superintendent for  
25 presentation to the local board of education. The committee's  
26 recommendations shall comply with state laws and regulations and consider  
27 the economic impact of the school calendar on the community and the state.

- 1 (c) Prior to adopting a school calendar, the local board of education shall hear for  
2 discussion the school district calendar committee's recommendations and the  
3 recommendation of the superintendent at a meeting of the local board of  
4 education.
- 5 (d) During a subsequent meeting of the local board of education, the local board  
6 shall adopt a school calendar for the upcoming school year that establishes the  
7 opening and closing dates of the school term, beginning and ending dates of  
8 each school month, student attendance days, and days on which schools shall  
9 be dismissed. The local board may schedule days for breaks in the school  
10 calendar that shall not be counted as a part of the minimum school term.
- 11 (e) For local board of education meetings described in paragraphs (c) and (d) of  
12 this subsection, if the meeting is a regular meeting, notice shall be given to  
13 media outlets that have requests on file to be notified of special meetings  
14 stating the date of the regular meeting and that one (1) of the items to be  
15 considered in the regular meeting will be the school calendar. The notice shall  
16 be sent at least twenty-four (24) hours before the regular meeting. This  
17 requirement shall not be deemed to make any requirements or limitations  
18 relating to special meetings applicable to the regular meeting.
- 19 (f) Beginning with the 2018-2019 school year, and each year thereafter, a local  
20 school board of education that adopts a school calendar with the first student  
21 attendance day in the school term starting no earlier than the Monday closest  
22 to August 26 may use a variable student instructional year. Districts may set  
23 the length of individual student attendance days in a variable student  
24 instructional schedule, but no student attendance day shall contain more than  
25 seven (7) hours of instructional time unless the district submitted and received  
26 approval from the commissioner of education for an innovative alternative  
27 calendar.

- 1 (3) (a) Each local board of education shall use four (4) days of the minimum school  
2 term for professional development and collegial planning activities for the  
3 professional staff without the presence of students pursuant to the  
4 requirements of KRS 156.095. At the discretion of the superintendent, one (1)  
5 day of professional development may be used for district-wide activities and  
6 for training that is mandated by federal or state law. The use of three (3) days  
7 shall be planned by each school council, except that the district is encouraged  
8 to provide technical assistance and leadership to school councils to maximize  
9 existing resources and to encourage shared planning.
- 10 (b) In addition to the four (4) days required under paragraph (a) of this subsection,  
11 a minimum of two (2) hours of self-study review of suicide prevention  
12 materials shall be required for all high school and middle school principals,  
13 guidance counselors, and teachers each school year.
- 14 (c) 1. A local board may approve a school's flexible professional development  
15 plan that permits teachers or other certified personnel within a school to  
16 participate in professional development activities outside the days  
17 scheduled in the school calendar or the regularly scheduled hours in the  
18 school work day and receive credit towards the four (4) day professional  
19 development requirement within the minimum one hundred eighty-five  
20 (185) days that a teacher shall be employed.
- 21 2.~~[1.]~~ A flexible schedule option shall be reflected in the school's professional  
22 development component within the school improvement plan~~[—or~~  
23 ~~consolidated plan]~~ and approved by the local board. Credit for approved  
24 professional development activities may be accumulated in periods of  
25 time other than full day segments.
- 26 3.~~[2.]~~ No teacher or administrator shall be permitted to count participation in a  
27 professional development activity under the flexible schedule option

1 unless the activity is related to the teacher's classroom assignment and  
2 content area, or the administrator's job requirements, or is required by  
3 the school improvement~~[or consolidated]~~ plan, or is tied to the teacher's  
4 or the administrator's individual growth plan. The supervisor shall give  
5 prior approval and shall monitor compliance with the requirements of  
6 this paragraph. In the case of teachers, a professional development  
7 committee or the school council by council policy may be responsible  
8 for reviewing requests for approval.

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

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

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

16 1. National or state emergency or mourning when proclaimed by the  
17 President of the United States or the Governor of the Commonwealth of  
18 Kentucky;

19 2. Local emergency which would endanger the health or safety of children;  
20 and

21 3. Mourning when so designated by the local board of education and  
22 approved by the Kentucky Board of Education upon recommendation of  
23 the commissioner of education.

24 (4) (a) The Kentucky Board of Education, upon recommendation of the  
25 commissioner of education, shall adopt administrative regulations governing  
26 the use of student attendance days as a result of a local emergency, as  
27 described in subsection (3)(f)2. of this section, and regulations setting forth

1 the guidelines and procedures to be observed for the approval of waivers from  
2 the requirements of a student instructional year in subsection (1)(f) of this  
3 section for districts that wish to adopt innovative instructional calendars, or  
4 for circumstances that would create extreme hardship.

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

14 (5) (a) 1. In setting the school calendar, school may be closed for two (2)  
15 consecutive days for the purpose of permitting professional school  
16 employees to attend statewide professional meetings.  
17 2. These two (2) days for statewide professional meetings may be  
18 scheduled to begin with the first Thursday after Easter, or upon request  
19 of the statewide professional education association having the largest  
20 paid membership, the commissioner of education may designate  
21 alternate dates.  
22 3. If schools are scheduled to operate during days designated for the  
23 statewide professional meeting, the school district shall permit  
24 employees who are delegates to attend as compensated professional  
25 leave time and shall employ substitute teachers in their absence.  
26 4. The commissioner of education shall designate one (1) additional day  
27 during the school year when schools may be closed to permit

- 1 professional school employees to participate in regional or district  
2 professional meetings.
- 3 5. These three (3) days so designated for attendance at professional  
4 meetings may be counted as a part of the minimum school term.
- 5 (b) 1. If any school in a district is used as a polling place, the school district  
6 shall be closed on the day of the election, and those days may be used  
7 for professional development activities, professional meetings, or  
8 parent-teacher conferences.
- 9 2. A district may be open on the day of an election if no school in the  
10 district is used as a polling place.
- 11 (c) All schools shall be closed on the third Monday of January in observance of  
12 the birthday of Martin Luther King, Jr. Districts may:
- 13 1. Designate the day as one (1) of the four (4) holidays permitted under  
14 subsection (3)(d) of this section; or
- 15 2. Not include the day in the minimum school term specified in subsection  
16 (1) of this section.
- 17 (6) (a) The Kentucky Board of Education, or the organization or agency designated  
18 by the board to manage interscholastic athletics, shall be encouraged to  
19 schedule athletic competitions outside the regularly scheduled student  
20 attendance day.
- 21 (b) Beginning with the 2009-2010 school year, any member of a school-  
22 sponsored interscholastic athletic team who competes in a regional  
23 tournament or state tournament sanctioned by the Kentucky Board of  
24 Education, or the organization or agency designated by the board to manage  
25 interscholastic athletics, and occurring on a regularly scheduled student  
26 attendance day may be counted present at school on the date or dates of the  
27 competition, as determined by local board policy, for a maximum of two (2)



1 days per student per year. The student shall be expected to complete any  
2 assignments missed on the date or dates of the competition.

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

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

8 (8) Schools shall provide continuing education for those students who are determined  
9 to need additional time to achieve the outcomes defined in KRS 158.6451, and  
10 schools shall not be limited to the minimum school term in providing this  
11 education. Continuing education time may include extended days, extended weeks,  
12 or extended years. A local board of education may adopt a policy requiring its  
13 students to participate in continuing education. The local policy shall set out the  
14 conditions under which attendance will be required and any exceptions which are  
15 provided. The Kentucky Board of Education shall promulgate administrative  
16 regulations establishing criteria for the allotment of grants to local school districts  
17 and shall include criteria by which the commissioner of education may approve a  
18 district's request for a waiver to use an alternative service delivery option, including  
19 providing services during the student attendance day on a limited basis. These  
20 grants shall be allotted to school districts to provide instructional programs for  
21 pupils who are identified as needing additional time to achieve the outcomes  
22 defined in KRS 158.6451. A school district that has a school operating a model  
23 early reading program under KRS 158.792 may use a portion of its grant money as  
24 part of the matching funds to provide individualized or small group reading  
25 instruction to qualified students outside of the regular classroom during the student  
26 attendance day.

27 (9) Notwithstanding any other statute, each school term shall include no less than the

1 equivalent of the student instructional year in subsection (1)(f) of this section, or a  
2 variable student instructional year in subsection (1)(h) of this section, except that  
3 the commissioner of education may grant up to the equivalent of ten (10) student  
4 attendance days for school districts that have a nontraditional~~[an alternative]~~  
5 instruction plan approved by the commissioner of education~~[for the use of~~  
6 ~~alternative methods of instruction, including virtual learning,]~~ on days when the  
7 school district is closed for health or safety reasons~~[, on nontraditional days, or on~~  
8 ~~nontraditional time]~~. The district's plan shall indicate how the nontraditional  
9 instruction process shall be a continuation of learning that is occurring on  
10 regular student attendance days. Instructional delivery methods, including the  
11 use of technology, shall be clearly delineated in the plan~~[demonstrate how~~  
12 ~~teaching and learning in the district will not be negatively impacted]~~. Average daily  
13 attendance for purposes of Support Education Excellence in Kentucky program  
14 funding during the student attendance days granted shall be calculated in  
15 compliance with administrative regulations promulgated by the Kentucky Board of  
16 Education.

17 (10) By December 31, 2018, the Kentucky Board of Education shall promulgate  
18 administrative regulations to be effective beginning with the 2019-2020 school  
19 year to prescribe the conditions and procedures for districts to be approved for the  
20 nontraditional instruction program. Administrative regulations promulgated by  
21 the board under this section shall specify:

22 (a) The application, plan review, approval, and amendment process;

23 (b) Reporting requirements for districts approved for the program, which may  
24 include but are not limited to examples of student work, lesson plans,  
25 teacher work logs, and student and teacher participation on nontraditional  
26 instruction days. Documentation to support the use of nontraditional  
27 instruction days shall include clear evidence of learning continuation;

1 (c) Timelines for initial approval as a nontraditional instruction district, length  
 2 of approval, the renewal process, and ongoing evaluative procedures  
 3 required of the district;

4 (d) Reporting and oversight responsibilities of the district and the Kentucky  
 5 Department of Education, including the documentation required to show  
 6 clear evidence of learning continuation during nontraditional instruction  
 7 days; and

8 (e) Other components deemed necessary to implement this section.

9 (11) Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection  
 10 (2) of this section, a school district shall arrange bus schedules so that all buses  
 11 arrive in sufficient time to provide breakfast prior to the beginning of the student  
 12 attendance day. In the event of an unforeseen bus delay, the administrator of a  
 13 school that participates in the Federal School Breakfast Program may authorize up  
 14 to fifteen (15) minutes of the student attendance day if necessary to provide the  
 15 opportunity for children to eat breakfast not to exceed eight (8) times during the  
 16 school year within a school building.

17 (12)~~(11)~~ Notwithstanding any other statute to the contrary, the following provisions  
 18 shall apply to a school district that misses student attendance days due to  
 19 emergencies, including weather-related emergencies:

20 (a) A certified school employee shall be considered to have fulfilled the minimum  
 21 one hundred eighty-five (185) day contract with a school district under KRS  
 22 157.350 and shall be given credit for the purpose of calculating service credit  
 23 for retirement under KRS 161.500 for certified school personnel if:

- 24 1. State and local requirements under this section are met regarding the  
 25 equivalent of the number and length of student attendance days, teacher  
 26 professional days, professional development days, holidays, and days for  
 27 planning activities without the presence of students; and

- 1           2. The provisions of the district's school calendar to make up student  
2           attendance days missed due to any emergency, as approved by the  
3           Kentucky Department of Education when required, including but not  
4           limited to a provision for additional instructional time per day, are met.
- 5       (b) Additional time worked by a classified school employee shall be considered as  
6           equivalent time to be applied toward the employee's contract and calculation  
7           of service credit for classified employees under KRS 78.615 if:
- 8           1. The employee works for a school district with a school calendar  
9           approved by the Kentucky Department of Education that contains a  
10          provision that additional instructional time per day shall be used to make  
11          up full days missed due to an emergency;
- 12          2. The employee's contract requires a minimum six (6) hour work day; and
- 13          3. The employee's job responsibilities and work day are extended when the  
14          instructional time is extended for the purposes of making up time.
- 15       (c) Classified employees who are regularly scheduled to work less than six (6)  
16          hours per day and who do not have additional work responsibilities as a result  
17          of lengthened student attendance days shall be excluded from the provisions  
18          of this subsection. These employees may be assigned additional work  
19          responsibilities to make up service credit under KRS 78.615 that would be  
20          lost due to lengthened student attendance days.