

**2016 Regular Session of the Kentucky General Assembly**  
**Status of Education Legislation as of 4/11/2016**

***(Note: Those in italics are specifically related to P-12 education.)***

**Law, signed by Governor:**

**Senate Bill 33** (Senator Wise) *requires public high schools to provide CPR training while students are enrolled in a health, physical education, or Junior Reserve Officers Training Corps course that meets the physical education graduation requirement.*

**Senate Bill 40** (Senator Adams) requests that the Supreme Court establish a pilot project to permit participating courts to make juvenile proceedings related to dependency, neglect, and abuse proceedings under KRS Chapter 620 and termination of parental rights proceedings under KRS Chapter 625 presumptively open to the public.

**Senate Bill 140** (Senator Wise) authorizes the Council on Postsecondary Education (CPE) to enter into the State Authorization Reciprocity Agreement, for the purpose of authorizing a postsecondary institution located in another state to provide distance education to Kentucky residents. CPE is to serve as the lead agency responsible for contact with other states on matters pertaining to interstate reciprocity agreements and to promulgate administrative regulations.

**Senate Bill 185** (Senator Adams) confirms Executive Order 2015-397 and establishes the Advisory Council on Autism Spectrum Disorders attached to the newly created Office of Autism in the Cabinet for Health and Family Services (CHFS). The Office of Autism may be housed at the University of Louisville or the University of Kentucky. The advisory council has members appointed by the Governor, including a representative of the department of education.

**Senate Bill 228** (Senator Carroll) *defines "bullying" to mean any unwanted verbal, physical, or social behavior among students that involves a real or perceived power imbalance and is repeated or has the potential to be repeated: that occurs on school premises, on school-sponsored transportation, or at a school-sponsored event; or that disrupts the education process. A school board's code of acceptable behavior must prohibit bullying and requires the code to include procedures for investigating and responding to reports of bullying and a method to protect a person reporting a bullying incident.*

**Senate Bill 256** (Senator McGarvey) (see **House Bill 87**) *allows for any high school student participating in basic training required by a branch of the United States Armed Forces to be considered present for all purposes for up to ten days.*

**Senate Concurrent Resolution 9** (Senator Thomas) recognizes the importance of removing barriers to breastfeeding in the Commonwealth.

**Senate Concurrent Resolution 135** (Senator Humphries) recognizes Kentucky Educational Television (KET) and encourages all cable and satellite providers to offer KET programming to their customers.

**House Bill 204** (Representative Floyd) *allows the high school graduation requirement for law enforcement personnel to be met through graduation from a non-accredited or noncertified school that meets basic standards set by the Kentucky Department of Education, a GED exam, or the external diploma program. Emergency.*

**House Bill 271** (Representative Miller) requires the state-administered retirement systems to disclose data on each member or recipient of a benefit, including a unique identification number which shall not be the member's Social Security number or personal identification number issued by the systems, information on the retirement status, actual or projected benefits payments, and other retirement information for each member.

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**Law, without Governor's signature – filed with the Secretary of State:**

**Senate Bill 169** (Senator Robinson) creates a new section of KRS Chapter 160 to address the issue of election of school board members where the district boundary extends beyond the boundary of a single county. This requires that candidates for election to the school board be elected from the district at large.

**Enrolled, Delivered to Governor:**

**Senate Bill 174** (Senator Adams) establishes a definition for "reasonable and prudent parent standard". Requires that a licensed child-caring facility or child-placing agency designate an on-site official who is trained and authorized to apply the reasonable and prudent parent standard. Also establishes a definition for "age or developmentally-appropriate". Defines "caregiver" and establishes requirements for caregivers using the reasonable and prudent parent standard.

The bill also expands the list of who can access investigative reports or assessments of suspected child abuse, neglect, or dependency to include licensed child-caring facilities or child-placing agencies evaluating placement for or serving a child who is believed to be the victim of abuse, neglect, or dependency. Also requires the cabinet to share information about a child in custody of the cabinet with a relative or a parent of the child's sibling for the purposes of evaluation or arranging a placement for the child, arranging appropriate treatment services for the child, or establishing visitation between the child and a relative, including a sibling of the child.

**Senate Bill 209** (Senator Bowen) provides that an employer ceasing participation in the Kentucky Employees Retirement System or the County Employees Retirement System as provided by KRS 61.522 that elects to provide an alternative retirement plan with mandatory employee contributions may "pick-up" the employee contributions in the alternative retirement plan so that the contributions will be made on a tax-deferred basis.

**House Bill 87** (Representative Bratcher) (see **Senate Bill 256**) *allows for any high school student participating in basic training required by a branch of the United States Armed Forces to be considered present for all purposes for up to ten days.*

**House Bill 100** (Representative Hoover) requires that health benefit plans that provide benefits for autism spectrum disorders treatment provide a liaison to the insured to facilitate communication between the insured and the insurer.

**House Bill 111** (Representative Belcher) *requires every public school to post the Kentucky child abuse hotline number. Also provides that school districts that want to complete 1,062 instructional hours by June 5, 2016, but are unable to under the current school calendar, can request assistance from the commissioner of education to determine a plan for completing the required hours; provide that, after determining a district cannot complete 1,062 hours by June 5, 2016, and after maximizing instructional time, the commissioner will waive the remaining required hours. Authorizes school districts to schedule graduation ceremonies before the final instructional day and to be open on the day of a primary election if no school in the district is used as a polling place. Prohibits school districts from scheduling instructional time on Saturdays and requires the Department of Education to report to the Interim Joint Committee on Education how school districts completed the 1,062 instructional hours. Emergency clause for school calendar language.*

**House Bill 148** (Representative Belcher) permits licensed child-care centers and certified family child-care homes to obtain a prescription for and store epinephrine auto-injectors for emergency use. Requires the Cabinet for Health and Family Services to promulgate administrative regulations to implement the requirement and includes licensed child-care centers and certified family child-care homes in the definition of "authorized entity." Allows places of worship to voluntarily participate in the safe haven program by

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arranging for transportation of the newborn via 911 or emergency medical services, and add liability immunity. Increases the age limit in the definition of a newborn infant to 30 days for the purposes of The Representative Thomas J. Burch Safe Infants Act.

**House Bill 162** (Representative Koenig) includes electronic communications within the definition of harassing communications.

**House Bill 184** *(Representative Donohue) provides an alternative principal selection process for county school districts in a county with a consolidated local government adopted under KRS Chapter 67C (Jefferson County). Sets penalties for a school council member violating confidentiality of the alternative principal selection process and makes any discretionary action taken under the alternative method of principal selection subject to provisions of employer-employee bargained contracts between districts and employees. Allows the council to have the option to interview the recommended candidate while in closed session. Also allows a superintendent's spouse who has previously been employed in a school system to be an employee of the school district.*

**House Bill 225** (Representative Richards) requires administrative bodies to issue professional licenses or certificates to military service members or veterans within two years of an honorable discharge if the training received by the service member or veteran could reasonably be expected to provide the necessary experience and skills. Military training and experience cannot be substituted for the acquisition of a college degree or passage of a specific examination when either is a prerequisite for licensure or certification. Grants the administrative body the right to deny licensure or certification if training is not equivalent and allows appeal rights. Requires administrative bodies to promulgate administrative regulations to carry out the provisions.

**House Bill 276** (Representative Moore) allows public universities to offer in-state tuition to members of any United States Reserve component.

**House Joint Resolution 5** (Representative Smart)

A joint resolution designating honorary names for various roads and bridges and directing the placement of honorary roadside signs.

Honors the Shopville Elementary archery team by erecting signs on Kentucky Route 80 approaching the school in each direction that read "Shopville Elementary Archery, 2014 NASP State Champions, 2015 NASP State and National Champions."

Honors the Corbin High School Cheerleading Team by erecting signs on United States Highway 25E at the Laurel/Knox County line and on United States Highway 25W in the city of Corbin, near its intersection with Snyder Street that read, "Home of the Corbin High School Cheerleading Team 2016 UCA National Champions/Medium Division II."

Honors the Clay County 13-14 year old softball team by placing signs at mile-points 17 and 18.9 on United States Highway 421 in Clay County that read "Home of 2015 Clay County Girls 13-14 Year Old Little League Softball Team/State and Central Region Champions/7th Place World Series."

**Vetoed**

**Senate Bill 196** (Senator Humphries) establishes the Books for Brains Program to promote the development of a comprehensive statewide program for encouraging preschool children to develop an appreciation of books. Attaches the program to the Department for Libraries and Archives for administrative purposes and establishes a governing board of seven members appointed by the Governor for staggered four-year terms. Establishes the Books for Brains Program trust fund to consist of funds collected through

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state appropriations, gifts, grants, and any other funds from the public and private sectors; directs the department to promulgate administrative regulations to establish the procedures for working with local partners to provide books for registered children. Appropriation.

**House Bill 423** (Representative Rand) enacts the revenue measures related to the Executive Branch Budget. The proposal also includes additional provisions relating to revenue and taxation.

- Extends the new tire fee of \$1 until June 30, 2018.
- Changes the distribution of coal severance tax receipts.
- Exempts drugs and over-the-counter drugs for certain agricultural animals, including cattle, sheep, goats, swine, poultry, ratite birds, llamas, alpacas, buffalo, aquatic organisms, cervids, and bees. Purchases on or after August 1, 2016, but before August 1, 2022, are exempted.
- Exempts bees used in a commercial enterprise and certain items used in that enterprise, when sold or purchased on or after August 1, 2016, but before August 1, 2022.
- Establishes a refundable income tax credit equal to the noise-mitigation costs incurred by an individual that would have been paid for or reimbursed if the residence had been located in a noise contour higher than 60 DNLs (capped at \$3 million annually).
- Excludes from adjusted gross income contributions to the Kentucky Education Savings Plan Trust up to \$5,000 for the taxpayer and each dependent, limited to a maximum annual exclusion of \$10,000, beginning January 1, 2019, and ending prior to January 1, 2025.
- Updates the Internal Revenue Code reference date to the Internal Revenue Code in effect on December 31, 2015.

Other changes apply to the Executive Branch Budget, beginning July 1, 2016, and, ending June 30, 2018, and they expire at the end of June 30, 2018:

- Allows the KIA to impose a fee of 0.5% for the administration of each project funded through the Infrastructure for Economic Development Funds for coal producing and Tobacco counties.
- Increases the fees paid by lobbyists to \$275 and allows penalties collected by the Executive Branch Ethics Commission to be deposited into a trust and agency fund.
- Allows the Auditor of Public Accounts to charge agencies for additional expenses incurred in the performance of audits.
- Allows a fee to be imposed on each agency in the Executive Branch for the operation of the Personnel Board.
- Prohibits any state or local taxes to be imposed on fees assessed by the Kentucky River Authority.
- Allows a pro rata assessment from all state agencies, in all three branches of government that are supported by the personnel system.
- Requires premium and retaliatory taxes be credited to the General Fund.
- Requires salvage or rebuilt titles to be processed through the speed title procedure when an electronic notification is issued by a county clerk's office.