

2016 Regular Session of the Kentucky General Assembly
Final Enacted Legislation Related to P-12 Education



Senate Bills

Senate Bill 16 (Sen. D. Carroll) provides civil immunity to a person for damaging a vehicle if the person enters a vehicle with the reasonable, good faith belief that a minor is in imminent danger of harm if not removed from the vehicle. Encourages the Transportation Cabinet to implement education on children left in vehicles. Emergency.

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

Senate Bill 40 (Sen. 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 129 (Sen. Harris) amends various statutes related to establishing and reviewing administrative regulations.

Senate Bill 140 (Sen. 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 169 (Sen. 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.

Senate Bill 174 (Sen. Adams) establishes a definition for "reasonable and prudent parent standard". Requires that a licensed child-care 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 185 (Sen. 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 Kentucky Department of Education (KDE).

2016 Regular Session of the Kentucky General Assembly
Final Enacted Legislation Related to P-12 Education



Senate Bill 191 (Sen. Hornback) reorganizes and expands the membership of the State Fair Board. Updates the Fair Council in the Department of Agriculture which acts as an advisory group to the Commissioner of Agriculture regarding the fair program. An agricultural education consultant from the department of education has been added as a member of the Council.

Senate Bill 209 (Sen. 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.

Senate Bill 228 (Sen. Carroll) defines "bullying" to mean any unwanted verbal, physical, or social behavior among students that involves a real or perceived power imbalance and that: is repeated or has the potential to be repeated; occurs on school premises or 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 (Sen. 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 Bill 296 (Sen. McDaniel) establishes the Governor's School for Entrepreneurs Program to implement a statewide experiential summer education program. (NOTE: There is an outstanding procedural question regarding the requisite legislative signatures and subsequent enrollment of the bill. However, the LRC continues to post the bill as enacted and has received the Governor's signature).

Senate Resolutions

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

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

Senate Resolution 7 (Sen. Schickel) honors Nell Fookes upon the occasion of her retirement as the head coach of the Boone County High School girls' basketball team.

Senate Resolution 27 (Sen. Schickel) recognizes all Kentucky school bus drivers for their service to the Commonwealth and its children.

Senate Resolution 101 (Sen. Givens) recognizes February as Kentucky Career and Technical Education Month.

Senate Resolution 103 (Sen. Neal) celebrates February as Black History Month and honors Dr. Carolyn Dupont.

Senate Resolution 125 (Sen. Ridley) honors the Union County High School Braves wrestling team upon claiming their fifth straight KYWCA State Dual Championship.

2016 Regular Session of the Kentucky General Assembly
Final Enacted Legislation Related to P-12 Education



[Senate Resolution 139](#) (Sen. Turner) honors the Cordia boys' basketball team upon winning the All "A" Classic championship.

[Senate Resolution 149](#) (Sen. Ridley) honors the Union County High School wrestling team upon winning the 2016 KHSAA state championship.

[Senate Resolution 166](#) (Sen. Ridley) honors the Livingston Central High School cheerleaders.

[Senate Resolution 167](#) (Sen. Neal) honors the Central High School Class of 1958 on its 58th reunion.

[Senate Resolution 187](#) (Sen. Jones) honors the Belfry High School football team on winning the 3A Russell Athletic/KHSAA Commonwealth Gridiron Bowl.

[Senate Resolution 199](#) (Sen. Neal) honors Butler Traditional High School girls' basketball team for winning the 2016 KHSAA Girls' Sweet Sixteen Basketball Tournament.

[Senate Resolution 211](#) (Sen. Humphries) honors the Murray High School Lady Tigers for winning the All "A" Girls' Basketball State Championship.

[Senate Resolution 223](#) (Sen. Givens) recognizes and honors the many 4-H members who are focusing on civic engagement and public policy by participating in Kentucky 4-H: A Capitol Experience.

[Senate Resolution 226](#) (Sen. Kerr) honors the Paul Laurence Dunbar boys' basketball team for winning the 99th Whitaker Bank/KHSAA Boys' Sweet Sixteen Basketball Tournament.

[Senate Resolution 227](#) (Sen. Turner) honors a century of High School Basketball in the Commonwealth of Kentucky.

[Senate Resolution 228](#) (Sen. Turner) honors the Kentucky High School Athletic Association for over a century of serving students in the Commonwealth.

[Senate Resolution 229](#) (Sen. Adams) recognizes April 2016 as Child Abuse Prevention Month.

[Senate Resolution 233](#) (Sen. Smith) honors the Buckhorn High School Wildcats for winning the 14th Region championship and making it to the Sweet Sixteen.

[Senate Resolution 234](#) (Sen. Webb) honors the Russell High School Academic Team upon winning the 2016 Governor's Cup State Academic Championship.

[Senate Resolution 239](#) (Sen. Carroll) recognizes and commends the Kentucky Higher Education Assistance Authority on its 50th anniversary.

[Senate Resolution 255](#) (Sen. Seum) confirms the appointment of Donna Rice Hedgepath to the Education Professional Standards Board for a term expiring September 18, 2018.

[Senate Resolution 266](#) (Sen. Seum) confirms the appointment of Sarah Murphy Ford to the Kentucky Board of Education representing the state at large for a term ending April 14, 2016.

2016 Regular Session of the Kentucky General Assembly
Final Enacted Legislation Related to P-12 Education



House Bills

House Bill 15 (Rep. Graham) requires new appointees to the Council on Postsecondary Education (CPE) to complete an orientation and education program to be eligible for a second term. Directs CPE to develop an orientation and education program for new governing board members of the council, public universities, and the Kentucky Community and Technical College System (KCTCS).

Also, replaces references to the ACT examination with "college admissions examination". Removes requirement to have Advanced Placement courses to be emphasized when counseling a student to enroll in accelerated courses.

House Bill 80 (Rep. Harris) contains some of the revenue provisions in the vetoed **House Bill 423** to accompany the Executive Branch Budget **House Bill 303**.

The bill increases the General Assembly's authorization threshold for university capital projects to \$1 million related to any capital construction item to make a building or utility installation complete or information technology systems.

Also, clarifies how the School Facilities Construction Commission (SFCC) may use moneys in the emergency and targeted investment fund. Codifies provisions related to the levy of a five cents equivalent rate for debt service contained in the 2010 through 2014 Executive Branch Budgets and provides that certain equalization funds will not be provided by the General Assembly unless specifically authorized by the General Assembly.

Allows a school district to be open on the day of an election if no school in the district is used as a polling place. Emergency.

House Bill 87 (Rep. 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 (Rep. 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 (Rep. 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; provides 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.

2016 Regular Session of the Kentucky General Assembly
Final Enacted Legislation Related to P-12 Education



House Bill 148 (Rep. 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 arranging for transportation of the newborn via 911 or emergency medical services, and adds liability immunity. Increases the age limit in the definition of a newborn infant to 30 days for the purposes of The Rep. Thomas J. Burch Safe Infants Act.

House Bill 158 (Rep. Palumbo) increases the amount of Kentucky educational excellence scholarships available to students enrolled in a comprehensive transition and postsecondary program.

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

House Bill 184 (Rep. 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 school 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 204 (Rep. 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 237 (Rep. DeCesare) clarifies that certain classes of data centers may constitute manufacturing establishments and therefore qualify for temporary exemption from local property taxes as an inducement to their location within an applicable city or urban-county, as provided by local ordinance; provides that the amendments made by the Act shall apply prospectively only to new manufacturing establishments.

House Bill 238 (Rep. Yonts) specifies that the actuarial analysis required on retirement legislation must include the impact on funding levels and unfunded liabilities over time. Requires the state-administered retirement systems to pay the cost of actuarial services required. Requires the Public Pension Oversight Board to retain an actuary to perform an actuarial audit of the state-administered retirement systems at least once every 10 years and to review state-administered retirement system budget requests prior to each budget biennium.

House Bill 271 (Rep. 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 benefit payments, and other retirement information for each member.

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

2016 Regular Session of the Kentucky General Assembly
Final Enacted Legislation Related to P-12 Education



House Bill 420 (Rep. Burch) allows a parent or legal guardian to establish a power of attorney for temporarily delegating parental authority to another person for a period of time. Prohibits a parent or guardian from using a power of attorney to permanently avoid or divest parental or legal responsibilities. Encourages the Cabinet for Health and Family Services (CHFS) to provide information to families in crisis, including organizations that utilize temporary power of attorney programs. Clarifies that a power of attorney cannot be utilized only to establish residency in a school district unless the child actually lives in the district.

House Resolutions

House Concurrent Resolution 185 (Rep. Nelson) directs the Legislative Research Commission to establish a Kentucky Workers' Compensation Task Force to study the workers' compensation system and develop consensus recommendations concerning that issue. Requires the final report to be submitted to the Legislative Research Commission by December 1, 2016.

House Joint Resolution 5 (Rep. Smart) designates honorary names for various roads and bridges and directs 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."

House Joint Resolution 197 (Rep. Palumbo) creates the Kentucky 225th Anniversary Commission to study and recommend activities and events to educate and commemorate the state's quasiquibicentennial.

House Resolution 74 (Rep. King) recognizes the 25th anniversary of the Family Resource and Youth Services Centers.

House Resolution 93 (Rep. Graham) recognizes February as Kentucky Career and Technical Education month.

House Resolution 128 (Rep. Owens) celebrates February as Black History Month and honors Dr. Carolyn Dupont.

House Resolution 129 (Rep. Adkins) honors a century of High School Basketball in Kentucky.

House Resolution 138 (Rep. Adkins) honors the Kentucky High School Athletic Association for over a century of serving students in the Commonwealth.

House Resolution 158 (Rep. Short) honors the Cordia boys' basketball team upon winning the All "A" Classic championship.

2016 Regular Session of the Kentucky General Assembly
Final Enacted Legislation Related to P-12 Education



House Resolution 205 (Rep. Miles) honors the Union County High School wrestling team upon winning the 2016 KHSAA state championship.

House Resolution 243 (Rep. Horlander) honors Butler Traditional High School girls' basketball team for winning the 2016 KHSAA Girls' Sweet Sixteen Basketball Tournament.

House Resolution 244 (Rep. Kay) honors the Franklin County Lady Flyers girls' basketball team for its runner-up finish in the 2016 KHSAA Girls' Sweet Sixteen State Tournament.

House Resolution 253 (Rep. Harris) honors the Belfry High School football team on winning the 3A Russell Athletic/KHSAA Commonwealth Gridiron Bowl.

House Resolution 257 (Rep. McKee) recognizes and honors the many 4-H members who are focusing on civic engagement and public policy by participating in Kentucky 4-H: A Capitol Experience.

House Resolution 273 (Rep. Linder) honors the Grant County High School Marching Band.

House Resolution 274 (Rep. Wuchner) recognizes April 2016 as Child Abuse Prevention Month.

House Resolution 275 (Rep. Nicholls) honors the Russell High School Academic Team upon winning the 2016 Governor's Cup State Academic Championship.

House Resolution 330 (Rep. York) declares April Child Abuse Prevention Month in Lawrence County, Kentucky.

Vetoed

Senate Bill 196 (Sen. 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 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.

Senate Bill 245 (Sen. Harris) creates new provisions to bring licensing and personal identification procedures into compliance with the federal REAL ID act. A person under the age of eighteen (18) years who applies for an instruction permit must (between the age of sixteen and before the person's eighteenth birthday) enroll in a designated driver training program.

House Bill 225 (Rep. 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.

2016 Regular Session of the Kentucky General Assembly
Final Enacted Legislation Related to P-12 Education



[House Bill 423](#) (Rep. Rand) enacts the revenue measures related to the Executive Branch Budget ([House Bill 303](#)). The proposal also includes additional provisions relating to revenue and taxation.

[House Bill 626](#) (Rep. Stumbo) establishes the Work Ready Kentucky Scholarship Program and directs the Kentucky Higher Education Assistance Authority (KHEAA) to administer the program. Defines student eligibility for the scholarship and prescribes the calculation of the scholarship amount. Establishes the Dual Credit Scholarship Program. Creates the Postsecondary Education Performance Fund. Establishes a program for financing workforce development partnership projects through the creation of the Workforce Investment Fund Advisory Board and the Kentucky Workforce Investment Fund.

Line-Item Vetoes

[House Bill 10](#) (Rep. Richards) amends the Executive Branch Budget [House Bill 303](#) to appropriate General Fund moneys including the College Access Program, the Kentucky Tuition Grant Program, and the Work Ready Kentucky Scholarship Program. The following provisions were vetoed in the bill:

- Removes provisions related to the College Access Program, the Kentucky Tuition Grant Program, and the Work Ready Kentucky Scholarship Program.

[House Bill 303](#) (Rep. Rand) relates to appropriations and revenue measures providing financing for the Executive Branch and its agencies. The following provisions were vetoed in the bill:

School Facility Construction Commission (SFCC)

- Removes all of the minimums for the additional offers of assistance for the listed projects (but maintains the maximum offer).

Department of Education (KDE)

- Removes ACT and WorkKeys in deference to HB 15 which passed and removed references to specific vendors and replaced this with generic language (funding remains).
- Eliminates Every1Reads funding.
- Eliminates language related to the use of school technology in school districts located in coal producing counties.
- Removes language allowing school districts to publish annual financial statements and school report cards online.
- Removes the language related to the expansion of the preschool program to 200% of poverty.

Education Professional Standards Board (EPSB)

- Removes language regarding employment of leadership personnel where EPSB has sole authority to determine the employees of EPSB who are exempt from classified service.

*NOTE: The Attorney General has opined ([OAG 16-002](#)) that "the effective date of legislation passed by the 2016 Regular Session of the Kentucky General Assembly, except for general appropriation measures and those containing emergency or delayed effective date provisions, is the first moment of **Friday, July 15, 2016**, since 90 full days will then have passed after final adjournment on April 15, 2016."*