

## 2017 Regular Session of the Kentucky General Assembly *Legislation Related to P-12 Education – February Update*

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During the first week of the 2017 Regular Session, the General Assembly passed 7 bills, some of which impact Kentucky's public schools. All have been signed into law by the Governor and are in effect.

### **Passed and Signed into Law**

**House Bill 1** (Representative Hoover) requires that no public employee, collectively or individually, may strike or engage in a work stoppage. Also, it prohibits mandatory membership in or financial support of a labor organization as a condition of employment. The bill defines employee as any person employed by or suffered or permitted to work for a public or private employer. It requires the Labor Cabinet to investigate complaints of violations of the prohibitions and may initiate a criminal complaint to ensure enforcement of the prohibitions. The bill updates the definition for labor organization and adds the definition for employer, which includes public school employers, and public colleges, universities, institutions, and education agencies. It also adds a definition for public employee and does not alter, amend, grant or remove the rights of public employees to collectively bargain. *An emergency clause is included.*

The bill creates new law to exempt existing contracts or agreements and to prohibit deduction of membership dues to a labor organization without express written consent of the employee. Also, the bill creates new law to restrict certain local governments from enforcing an ordinance contrary to the provisions of the Act. *An emergency clause is included.*

**House Bill 3** (Representative Hoover) deletes prevailing wage provisions and abolishes the Prevailing Wage Review Board. Also, it prohibits local governments from requiring employers to pay prevailing wage to employees. The repeal applies to public works projects for which bids have not yet been awarded. *An emergency clause is included.*

**Senate Bill 6** (Senator Stivers) requires that employees of labor organizations provide written or electronic authorization for the payment of dues or other fees excluding employees subject to the National Relations Labor Act and Federal Railway Labor Act. Employers cannot require a waiver of these provisions as a condition to obtain or maintain employment. Labor organizations must maintain financial records per federal law. The bill excludes any agreement between employers and employees of labor organizations entered into before the effective date of the Act. It provides for civil penalties for labor organization violations. *An emergency clause is included.*

**Senate Bill 12** (Senator Stivers) reduces the number of members on the University of Louisville board of trustees from 17 to ten. It identifies members and sets qualifications and conditions for membership. The bill requires Senate confirmation of appointments and sets initial terms for members. It specifies how to determine proportional minority representation on the board and provides procedures for vacancies. The bill defines a quorum for the transaction of business and prohibits compensation and provides for reimbursement. It requires the Governor's Postsecondary Nominating Committee to submit 30 nominations for the Governor's consideration for appointment and allows current or previously serving trustees to be considered for nomination. The bill abolishes the prior board and transfers powers to the newly established board upon appointment. *An emergency clause is included.*

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### **Legislation Filed and Pending Action**

**House Bill 20** (Representative Jenkins) names the Kentucky educational excellence scholarship the "Arch Gleason Kentucky Educational Excellence Scholarship".

**House Bill 25** (Representative Moffett) requires a school or district to prominently display on its website's homepage a report of the aggregate percentage of students meeting or exceeding standards on specified assessments.

**House Bill 33** (Representative King) requires the Cabinet for Health and Family Services, if the cabinet is granted custody of a dependent, neglected, or abused child, to notify the school in which the child is enrolled of persons authorized to contact the child or remove the child from school grounds.

**House Bill 36** (Representative Couch) expands the existing public hearing requirements for property taxes levied by school district boards of education to apply to all property tax rates rather than only rates exceeding the calculated compensating tax rate. It requires notice of the public hearings to be posted on the school district website in addition to the required newspaper advertisement.

**House Bill 37** (Representative Couch) exempts unmined coal reserves from state and local property taxation if on January 1 of any tax year the owner or lessee of the reserve does not hold a valid permit from both the state and federal governments to mine coal from the reserve, and does not anticipate that coal will be mined from the reserve at any point during the tax year. The bill applies to property assessed on and after January 1, 2018.

**House Bill 58** (Representative Lee) authorizes participation in a public school interscholastic extracurricular activity by a home school; it establishes criteria for participation therein.

**House Bill 62** (Representative Schamore) provides KEES scholarships to students enrolled in a registered apprenticeship program. It defines student eligibility and directs the Kentucky Higher Education Assistance Authority to promulgate regulations for awarding the scholarships. *An emergency clause is included.*

**House Bill 103** (Representative Moffett) describes the intent of the General Assembly and the purposes of authorizing public charter schools.

**House Bill 106** (Representative Nelson) requires the executive branch of state government to designate every multiple occupancy bathroom or changing facility it controls to only be used by persons based on their biological sex. It also requires local boards of education and the governing boards of institutions of higher education to designate every multiple occupancy bathroom or changing facility it controls to only be used by persons based on their biological sex.

**House Bill 113** (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. It grants the administrative body the right to deny licensure or certification if training is not equivalent; it allows appeal rights. The bill requires administrative bodies to promulgate administrative regulations to implement the section and clarifies that 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.

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**House Bill 126** (Representative Morgan) requires public postsecondary education institutions' governing boards to adopt regulations defining a student code of conduct and the disciplinary process, and penalties for violations of the code.

**House Bill 127** (Representative Morgan) ensures that public postsecondary education institutions do not restrict the right to free expression on the institutions' campuses.

**House Bill 128** (Representative Johnson) requires the Kentucky Board of Education to promulgate administrative regulations to establish an elective social studies course on the Hebrew Scriptures, Old Testament of the Bible, the New Testament, or a combination of the Hebrew Scriptures and the New Testament of the Bible.

**House Bill 141** (Representative Nelson) requires that students born male use only those facilities designated to be used by males and students born female to use only those facilities designated to be used by females. It requires schools to provide the best available accommodation to students who assert that their gender is different from their biological gender. *An emergency clause is included.*

**House Bill 145** (Representative Tipton) requires the Kentucky Board of Education to promulgate administrative regulations to require physical and health education instruction in prescription opioid abuse prevention and the connection between abuse and addiction to other drugs. Also, it requires the Office of Drug Control Policy to develop recommendations for the instruction in prescription opioid abuse prevention to be published on the website of the Department of Education.

**House Bill 146** (Representative Stewart) allows for the donation of sick leave from teachers and employees of one school district to the teachers and employees of another school district. It authorizes the Department of Education to promulgate administrative regulations to establish an inter-district sick leave donation program.

**House Bill 147** (Representative Wuchner) requires students entering postsecondary education institutions to submit documentation of vaccination for diseases required by the Cabinet for Health and Family Services. It provides for a religious exemption. The bill also provides that the cabinet is not required to pay for the vaccinations.

**House Bill 151** (Representative Bratcher) permits a student to enroll in the school nearest to his/her home, except in cases in which there are academic or skill prerequisites for attendance in the school.

**House Bill 152** (Representative Linder) includes an option to maintain an initial regular provisional teaching certificate by receiving positive performance evaluations and completing professional development requirements. It adds an option to maintain subsequent regular provisional certificates by completing professional development requirements and submitting evidence of continued character and fitness. The bill allows a teacher to receive a one-year temporary provisional certificate to correct any deficiency in meeting the requirements under these options or to maintain certification by any other method available. It allows an experienced, out-of-state teacher to qualify for a regular provisional certificate if the teacher submits an application and holds a valid teaching certificate issued by a state that grants reciprocal privileges to holders of Kentucky teaching certificates.

**House Bill 162** (Representative Carney) establishes a separate income tax credit for tuition assistance based on contributions made to a qualified scholarship-granting organization.

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**Senate Bill 1** (Senator Wilson) amends various provisions related to the professional growth and effectiveness system; the response-to-intervention system; statewide assessment and accountability system; industry certifications; school improvement processes; and academic standards.

**Senate Bill 12** (Senator Stivers) reduces the number of members on the University of Louisville board of trustees from 17 to ten and sets qualifications and conditions for membership. It requires Senate confirmation of appointments and sets initial terms for members. The bill specifies how to determine proportional minority representation on the board and provides procedures for vacancies. It defines a quorum for the transaction of business and prohibits compensation and provides for reimbursement. It requires the Governor's Postsecondary Nominating Committee to submit 30 nominations for the Governor's consideration for appointment and allows current or previously serving trustees to be considered for nomination. The bill abolishes the prior board and transfers powers to the newly established board upon appointment. *An emergency clause is included.*

**Senate Bill 17** (Senator Robinson) permits students to voluntarily express religious or political viewpoints in school assignments free from discrimination. It requires local boards of education to ensure that the selection of student speakers is made in a viewpoint-neutral manner, the student's prepared remarks are not altered before delivery without the student's consent, religious and political organizations are allowed equal access to public forums on the same basis as nonreligious and nonpolitical organizations, and no recognized religious or political student organization is discriminated against in the ordering of its internal affairs.

**Senate Bill 24** (Senator Thomas) requires the appointment of a school equity council member to the superintendent screening committee, if an equity council exists. It allows a board to add a high school student to the superintendent screening committee.

**Senate Bill 27** (Senator Schickel) requires the board of directors of a community and technical college to approve biennial budget requests and to accept or reject donations of land or funds to the college; amends KRS 164.600 to change the terms of office for members of boards of directors; holds members of boards of directors harmless for proper actions and requires that they be provided legal counsel upon request; requires an outside agency or foundation associated with a college to notify the local board of directors of upcoming meetings, to conduct open meetings, to publicly disclose all financial documents, including donations and moneys raised and expended, and to prohibit the agency's or foundation's citizen members from having a conflict of interest or being a relative of a college employee.

**Senate Bill 50** (Senator Thayer) establishes a school district calendar committee and determines its membership; it allows inclusion of a variable student instructional year in a school calendar. The bill defines a variable student instructional year and establishes school calendar adoption procedures. It requires notice to be given to the media for school board meetings regarding the school calendar and provides that districts adopting a school calendar with the first student attendance day no earlier than the Monday closest to August 26 may use a variable student instructional year.

**Senate Bill 54** (Senator Schickel) requires the local school superintendent or designee to establish school policies, make personnel decisions, determine instructional materials, determine student support services, plan professional development, and fill principal vacancies. It requires the superintendent to consult with principals and school councils and requires the principal or principal's designee in a school containing any combination of grades K-5 to develop and implement a school wellness policy.

**Senate Bill 70** (Senator Neal) authorizes public charter schools and establishes a charter school pilot project.

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**Senate Bill 78** (Senator Alvarado) prohibits use of tobacco products by students, school personnel, and visitors in schools, school vehicles, properties, and activities. It requires policies to be in place by the 2018-2019 school year. The bill requires smoke-free policies and signage be adopted and specifies punishments for use of tobacco products.

**Senate Bill 80** (Senator Wilson) prohibits the Education Professional Standards Board (EPSB) from imposing conditions for a teacher to maintain his or her certification and prohibits EPSB from requiring a Rank III teacher to obtain a Rank II or Rank I to maintain his or her certificate.

**Senate Bill 84** (Senator Thomas) creates the position of school health coordinator in Kentucky schools.

**Senate Bill 102** (Senator Alvarado) establishes a separate income tax credit for tuition assistance based on contributions made to a qualified scholarship-granting organization and provides goals and reporting of metrics related to those goals. It establishes the order in which the credits may be taken and allows financial institutions to take the tax credit. The bill requires the Kentucky Department of Education to publish a list of certified nonpublic schools and nonpublic schools seeking certification and requires the Department of Revenue to report information to the Legislative Research Commission.

**Senate Bill 106** (Senator Parrett) requires the Department of Education to develop and implement the Kentucky Financial Literacy Program and requires a high school student to complete instruction in financial literacy prior to graduation. It also requires the Department of Education to develop and implement the Kentucky Civic Literacy Program and requires a high school student to complete instruction in civic literacy prior to graduation.

**Senate Bill 107** (Senator Stivers) permits the Governor or other appointing authority to remove and replace certain board or council appointments to comply with statutory proportional representation requirements for the board or council and permits the Governor to remove and replace appointments if a board or council is unable to perform its statutory duties.