

Subject: KASC Legislative Update March 8, 2019

Date: Friday, March 8, 2019 at 10:25:45 AM Central Standard Time

From: KASC

To: Callaway, Rhonda - Superintendent

KASC Logo

Legislative News

3-8-2019

The General Assembly amended the regular session calendar and the House meets this Tuesday, March 12 and could consider SB 250. Today is the seventh in a series of weekly legislative emails to keep you informed about relevant education bills. KASC is tracking numerous bills that have direct impact on teaching and learning for teachers, parents, principals, students, and councils.

Major legislative attack to derail SBDM is heading to the House where they could vote on SB 250 on Tuesday March 12.

In this announcement we will share...

1. [Senate Bill 250 - Major SBDM concern that is before the House for a vote](#)
2. [House Bill 166 - A Senate Floor Amendment to this Student Day of Prayer Bill would give the superintendent the power to fill principal vacancies](#)
3. [Bills To Watch](#)

SENATE BILL 250

[Senate Bill 250](#) takes principal selection away from the SBDM Councils in Jefferson County only. This attack on school councils began earlier this legislative session with the Senate passing SB 3. On February 26, the Senate adopted SB 250 that gives the superintendent the right to override a school council's principal selection decision in Jefferson County. On March 6, the bill passed out of a House Committee and is heading to the full House for a vote. Rep. J. Donohue filed a SBDM-friendly House Floor Amendment 1 that would remove objectionable principal selection language from SB 250 but keep the language to help Jefferson County with purchasing and central office administration. [KASC likes this Floor Amendment and so do Jefferson County teachers and parents.](#)

We all should be concerned with these continued efforts to silence parent and teacher voices. The Senate was swayed by the business community's arguments that the JCPS superintendent knows best who should be the leader in the 116 + SBDM schools in Jefferson County. This ignores the insight and opinions of the parents and teachers who are intimately familiar with the students, staff and the culture of the school.

Please stand behind the Jefferson County school councils who are fighting for their right to keep principal selection. We know that several powerful education administrator groups are going all out to thwart school council authority and have the principal selection decision made solely by one person. School councils work because they collaborate and everyone has a chance to voice their opinion. Keep the principal selection authority in the hands of the stakeholders where it has successfully rested for almost 27 years.

The House will vote on SB 250 as early as Tuesday March 12.

ACTION YOU CAN TAKE:

1. Call 800-372-7181, Legislative Message Line, open Monday-Thursday from 7 a.m.-9 p.m. (EST) and Friday until 6 p.m. Ask to leave a message for the ALL members of the House of Representatives. Some options for messages include:

- Please oppose SB 250 because the current principal selection process includes the council working with the superintendent. Collaboration works!
- I oppose SB 250 because I support decision-making at the school level.
- SBDM councils and the constituents who serve on them know the school's strengths and needs. Parents and teachers should keep their voice in selecting a school leader with the superintendent.
- I like the House Floor Amendment 1 to SB 250 because it gives the superintendent some more authority in central office and purchasing but keeps principal selection with the school council.

2. Email your House Representative (If you don't know your House Representative use [Find My Legislator](#))

Remember to put in the subject line that you live in the House Representative's district because that is important to legislators. Express your opinion on SB 250 and share how school councils provide a voice for parents, teachers, and students. Principal selection by the people who know the school community, in cooperation with the superintendent, is the most collaborative process and should not change. Urge the House Representative to keep the current school council law and do not take principal selection duties away from the school council.

3. Use your social media accounts to raise awareness on SB 250. Check out KASC's tweets and Facebook posts for ideas or use the messages above.

Please take action by phone and email.

BAD FLOOR AMENDMENT TO [HB 166](#)

A Senate Floor Amendment to the popular International Day of Prayer Bill ([HB 166](#)) would change the SBDM law to give **ALL** superintendents the right to override a school council's principal selection decision.

Call LRC message line and leave a message for all Senators to vote against all Floor Amendments to HB 166. Give students the day of prayer but don't change our school council law on principal selection. Feel free to use the same messages above (SB 250) but stress that Floor Amendment 1 is the issue and you oppose.

BILLS TO WATCH (new bills in red)

Senate Bills

[SB 1 School Safety Bill](#) (Sen. Max Wise) This bill would add more school resource officers and mental health professionals in Kentucky public schools; require active shooter training for certain school employees; require that districts appoint a school safety coordinator; mandate that access points to school buildings be secured by July 1, 2022; specifically criminalize making false threats against schools; require middle and high school administrators to provide suicide prevention materials to all students; require school boards to adopt trauma-informed approaches in schools to

improve their internal climates; and create a new state school security marshal position. Introduced January 9 and assigned to Senate Education Committee on January 11. On February 7 the Senate Education Committee voted in favor of this bill. February 8, the Senate voted unanimously in favor of the bill with a committee substitute providing that if funds are available each school district shall provide a school counselor for each 250 students. February 20 the House Education Committee approved the bill with committee substitute. February 28 the Senate voted to concur with the House changes and the bill was delivered to the Governor for his signature.

SB 3 Amending school council authority (Senator John Schickel, Boone Co.) As you've read from us, SB3 would drastically alter School Based Decision Making in Kentucky because it can remove the local teacher and parent voices from a school and replace with decisions by the superintendent and school board. Our SBDM system is working, and it will not benefit our schools to revert to a system where school decisions are politicized and made from the top down. This bill passed Senate Education and then the full Senate on January 11. In the House, the bill was assigned to the House Education Committee on February 6. Our hope is that the House Education Committee will NOT hear this bill that will severely decrease School Based Decision Making and remove a proven process to improve Kentucky schools at the most local of levels. The House Education Committee has heard our messages opposing this bill, but we still keep an eye and ear open for any movement. **The House Education Committee meets this Tuesday March 12 at 9 a.m. but they have not released an agenda.**

SB 8 Teacher Tribunal law (Sen. S. West) SB 8 would amend KRS 161.790 to clarify the causes for which a contract of a teacher may be terminated; require an attorney to serve as hearing officer and chair of the tribunal; remove the lay person from the tribunal; establish selection and training requirements for hearing officers; establish a prehearing conference for motions and mediation; establish the tribunal's decision as a recommended order and allow parties to file exceptions to the recommended order; allow hearing officer to respond to exceptions by entering original recommended order or an amended order as a final order; limit decisions to upholding or overturning the decision of the superintendent. Introduced January 8; approved by Senate Education Committee January 10; entire Senate voted in favor on January 11; February 5 received in House and assigned to the House Education Committee. Passed the House Education Committee on February 24 and passed the full House on March 6.

SB 15 Hiring relatives of school board members, superintendents, and principals and criminal records checks. (Sen. J. Adams) Clarifies that a district shall not employ the relative of a school board member; relatives of superintendent must have been employed for minimum 36 months in the district before the superintendent is hired; no principal relative shall be employed in same school as principal; clarifies definition of "contractor" for purposes of criminal records check law when a "contractor" will have direct contact with students. *There is no change proposed to the current law that requires SBDM parent members to submit to a federal, state criminal records check and child abuse/neglect report from the Cabinet for Health and Family. A parent member shall be removed if there is a record of abuse or neglect, of a sex crime or criminal offense against a victim who is a minor as defined in KRS 17.500, or as a violent offender as defined in KRS 17.165.* Introduced January 8 and assigned to Senate Education Committee on January 10. On February 7 the Senate Education Committee voted in favor of this bill. February 12, the bill passed unanimously in the Senate and has been received in House. February 25 the bill with committee substitute passed the House Education Committee and passed the full House on March 6.

SB 27 Smoke free school premises. (Sen. R. Alvarado) Prohibit use of tobacco products by students, school personnel, and visitors in schools, school vehicles, properties, and activities; require policies to be in place by the 2020-21 school year. Introduced on January 8 and assigned to Senate Education Committee.

SB 118 Tuition Tax Credit for Private Schools (Sen. R. Alvarado) *similar to HB 205. Provides an almost 100 percent tax credit for tuition to private schools. February 5 filed in Senate; February 8 assigned to the Senate Appropriations & Revenue Committee.

SB 175 Amend Assessment and Accountability and TSI (Sen. D. Givens) Amend the standards and assessments process review committee; revise requirements for state accountability system; amend the requirements for the targeted support and improvement designation. Currently, if a TSI school does not exit this status then the school will be identified as a Comprehensive Support and Improvement status and will lose their SBDM. This bill recognizes the overreach of the present law that identifies 30 percent of Kentucky schools as TSI but does not provide increased resources to assist the schools. Instead it sets the schools on a path to remove stakeholder voice and be labeled as a failing school. February 12 introduced; February 14 discussed in Senate Education Committee with KDE Commissioner Lewis objecting to parts of bill. On February 21 the Senate Education Committee approved a committee substitute that reduces the number of TSI schools from 30 % to 15 % of all Kentucky Schools. Currently, half of middle and high schools are in TSI status and the state does not have the resources to supply the necessary targeted intervention to this large number of schools. There is concern that the proposed changes might not receive Federal ESSA approval. On February 25 the bill with committee substitute passed the Senate and on February 27 was assigned to House Education Committee. On March 5 the bill passed the House Education Committee and is currently before the full House for a vote.

SB 250 Principal Selection SBDM Jefferson County (Sen. J. Adams) The bill includes a substitute, plus three main amendments that apply to Jefferson County Public Schools. First, removes principal selection from the SBDM and gives to the Superintendent. Second, provides that the superintendent does not have to get prior approval from the school board for purchases under \$20,000. Third, amends the central office tenure laws to allow the superintendent to remove central office administrators without following the state tenure laws. February 15 filed and February 21 the Senate Education Committee approved the committee substitute. On February 26, the Senate voted in favor of this bill. The bill was received in the House and on February 27 it was assigned to the House Local Government Committee (and not the House Education Committee as this committee hears bills on public education.) See notes above for more about contacting ALL House members to oppose this bill.

House Bills

HB 11 Prohibit smoking on school premises by school employees (Rep. K. Moser) This bill would prohibit smoking by persons affiliated with the school on school premises, school vehicles or while on a school related trip. January 8 introduced and February 5 assigned to the House Health & Family Services Committee. On February 7 it passed the committee and will be sent on to the full House for a vote. As of March 6 there have been seven house floor amendments have been filed.

HB 21 Family Resource and Youth Service Centers (Rep. R. Huff) Amend KRS 156.496 to allow school districts to accept monetary donations for the operation and maintenance of family resource and youth services centers; require that donations be used exclusively for those purposes. Introduced January 8 and approved by the House Education Committee on February 25. On February 28 the bill was passed unanimously by the House March 7 the Senate Education Committee voted in favor of the bill and it is heading to the full Senate for a vote.

HB 58 Return Pension Income Exclusion to \$41,440 (Rep. R. Huff) Amend KRS 141.019 to increase the pension income exclusion from \$31,110 to \$41,110. January 8 introduced and January 10 assigned to House Appropriations and Revenue Committee. March 5 the committee voted in favor of the bill and is heading to the full House for a vote.

HB 166 Student Led Day of Prayer (Rep. R. Huff) This is a global initiative for voluntary student led non-sectarian day of prayer for students in public school. This bill passed in the House Education Committee and the House voted in favor of the bill. On February 28, Senator J. Schickel filed [Senate Floor Amendment 1](#) (see page six of SFA 1) which would provide that superintendents have the power to fill principal vacancies. This Floor Amendment addressing SBDM authority has not been officially adopted and is not germane to student prayer. On March 7 the bill passed in the Senate Veterans, Military Affairs and Public Protection Committee. The bill is heading to the full

Senate and KASC supports the student prayer portion of the bill but is against the Senate Floor Amendment 1 which would take away SBDM principal selection authority.

HB 202 Corporal Punishment (Rep. S. Riley) Prohibits a school district employee or coach from using corporal punishment. Introduced February 5 and assigned to House Education Committee on February 6. (HB 82 on corporal punishment was withdrawn) On February 20, the House Education Committee had a discussion only meeting on this bill.

HB 205 Tuition Tax Credit for Private Schools (Rep. J. Carney) *similar to SB 118. Direct public spending on private schools through vouchers is prohibited by Kentucky's constitution. This bill would give an almost 100 percent tax credit for tuition to private schools. Here is a link to a [Kentucky Center for Economic Policy \(KCEP\)](#) analysis on the impact of these private school tax credits: February 5 introduced into House; February 6 assigned to House Appropriations & Revenue Committee. On March 5 the House A&R committee heard this bill for discussion purposes only.

HB 272 Fourth Grade Promotion Literacy and Mathematics Remediation Act (Rep. J. Tipton) This bill was first filed to require third grade summer school and possible retention for students with deficiencies in reading and math. On February 26 the bill was drastically amended to only address required reading and math instruction for students in elementary teacher education programs. February 7 introduced into House and February 8 assigned to House Education Committee. February 26, House Education Committee approved committee substitute that only addresses teacher college education programs. On February 28 the bill, with committee substitute, passed the House and is heading to the Senate. March 4 the bill was assigned to the Senate Education Committee.

HB 331 Opt Out of State Assessment (Rep. J. Nemes) This bill allows parents the right to opt out of state assessments. February 12, introduced into House and February 13 assigned to House Education Committee.

HB 405 Racial Trauma Professional Development (Rep. C. Booker) Adds mandatory professional development in racial trauma for principals, guidance counselors, and teachers. The training will be every other year and may be included in the four days of professional development. The trainings shall be conducted by a qualified mental health professional with experience in treating racial trauma and address recognizing racial trauma in the school environment, responding to racial trauma's impact on a student and best teaching practices in addressing racial trauma. February 15 filed and February 19 assigned to House Education Committee.

HB 504 Teacher Pension (Rep. S. Lewis) This bill applies only to teachers hired after January 1, 2020 and does not make changes to the existing benefits of current teachers and current retirees. The bill creates a two-tier benefit system for future teachers and they would contribute to a traditional defined-benefit plan and to a new supplemental account that is a hybrid between a defined-benefit plan and a 401(k) account. Future teachers would need to work until age 55 to draw a pension. This bill had input from many stakeholders including KEA, TRS, and many of the K education groups. February 20 the bill was introduced. February 21, assigned to State Government Committee.

HB 508 The Educators Employment Liability Insurance Program (Rep. D. Meade) New law would provide up to \$2 million in liability coverage for each certified public school employee in the state. The bill would appropriate \$7 million in funding from the state Budget Reserve Trust Fund for the program over the next fiscal year. Future funding could come from the state General Fund, gifts and grants from public and private sources, and federal funds. February 20 filed and February 26 approved by Appropriations & Revenue Committee. Heading to the full House for a vote. There are several floor amendments filed and one would expand to cover Classified Employees. On February 28 a fourth floor amendment was filed that allows a certified employee to decline coverage and request a \$150 annual reimbursement and requires a local school district to provide equal opportunity to professional organizations to present information on their liability insurance programs.

HB 525 Teacher Retirement System Trustees (Rep. K. Upchurch) Reorganizes nomination and election procedures for trustees of the Teachers' Retirement System board. A committee substitute was filed to increase the number of Trustees from 11 up to 13 (eight educators; three Governor Appointees with investment expertise; Commissioner of Education; State Treasurer.) The Trustee nomination procedure was significantly amended. This bill provides that one trustee nomination would be selected from each of the following organizations: the Kentucky Education Association, the Kentucky School Boards Association, the Kentucky Association of School Superintendents, the Kentucky Association of Professional Educators, Jefferson County Teacher's Association, Kentucky Association of School Administrators and a retired member from Kentucky Education Association and Kentucky Retired Teachers Association. Additionally, a trustee selected by the Governor from a list submitted by the Kentucky Society of Certified Public Accountants. February 20 filed and February 21 assigned to the State Government Committee. This bill was the reason for the teacher "sick out" movement on Thursday February 28, 2019 when several school districts cancelled school due to the inability to obtain substitutes. On February 28 the committee approved the committee substitute and the bill is heading to the full House for a vote. On March 5, the Representative who introduced this bill filed a floor amendment that would delete the original bill and require the Public Pension Oversight Board to study the Teachers' Retirement System's board composition, nomination and election process for elected trustees.

Bills previously reported but have not moved in committee in several weeks

SB 68 Mandatory instruction for all students on child abuse and child sexual abuse

HB 1 School Safety Bill

HB 8 Dyslexia

HB 88 Increase physical activity time for elementary schools

HB 185 Human Sexuality Curriculum

HB 377 Arts Education Equity Act

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