

2020 Regular Session of the Kentucky General Assembly
Legislation Signed into Law through April 7, 2020

Senate Bills

Senate Bill 8 (Sen. Wise) updates many of the provisions of the School Safety and Resiliency Act ([2019 KYGA, Senate Bill 1](#)).

The law updates the definition of a "school resource officer" or "SRO" to mean an officer whose primary job function is to work with youth at a school site and who has specialized training to work with youth at a school site.

- The language is also updated related to the superintendent appointing an individual, rather than a district-level school administrator, to serve as the district's school safety coordinator and primary point of contact for public school safety and security functions.
- Adds administrators of state-controlled facilities to the list of those cooperating to assign one (1) or more certified SROs to serve each campus where one (1) or more school buildings are used to deliver instruction to students on a continuous basis and as funds become available.
- Requires each school resource officer to be armed with a firearm.
- Continues to require all SROs to have completed forty (40) hours of annual in-service training, but does update language to require that any SRO who fails to successfully complete training requirements not only loses the SRO certification but can no longer serve as an SRO in a school. However, adds language to allow an SRO to resume work after completing the required training.
- Updates the goal that beginning July 1, 2021, or as funds and qualified personnel become available, each school district must employ at least one (1) school counselor in each school with the goal of the school counselor spending sixty percent (60%) or more of his or her time providing counseling and related services directly to students.
- Also requires the goal that each school district must provide at least one (1) school counselor or school-based mental health services provider who is employed by the school district for every two hundred fifty (250) students, including but not limited to the school counselor.
- Adds school resource officer to the list of state employees, whose death occurs on or after July 1, 2002, as a direct result of an act in the line of duty, whose spouse can receive a lump-sum payment of eighty thousand dollars (\$80,000) if there are no surviving children.
- Allows the Justice and Public Safety Cabinet to commission special law enforcement officers, to protect and to enforce the law on public property and to allow that in the case of a special law enforcement officer employed as a school resource officer, the commission must be for four (4) years, provided the officer continues to meet all statutory and regulatory requirements.
- Changes the primary agency responsible for providing active shooter training to the Department of Criminal Justice in collaboration with the Kentucky Law Enforcement Council (KLEC), the KDE, and the Kentucky Center for School Safety (KCSS).
- Changes language to provide an exemption to requiring classroom doors to remain closed and locked during instruction except when only one (1) student and one (1) are in a classroom or when approved in writing by the state school security marshal.
- Expands "terroristic threatening in the second degree" to include when a person makes false statements by any means, including by electronic communication to indicate that an act likely to result in death or serious physical injury is occurring or will occur for the purpose of: 1) causing evacuation of a school building, school property, or school-sanctioned activity; 2) causing cancellation of school classes or school-sanctioned activity; or 3) creating fear of death or serious physical injury among students, parents, or school personnel.

Senate Bill 42 (Sen. Harper Angel) requires that beginning August 1, 2020, that any student identification badge issued to a student in grades six (6) through twelve (12) by a public school must contain the contact information for a national hotline for each: 1) domestic violence; 2) sexual assault; and 3) suicide prevention.

Requires that by July 20, 2020, the Cabinet for Health and Family Services (CHFS) must publish recommendations for at least one (1) national hotline that specializes in each of the hotline categories required.

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Also requires beginning August 1, 2020, any student identification badge issued by a public or private postsecondary education institution, vocational school, or any other institution that offers a postsecondary degree, certificate, or licensure must also contain the contact information for the same designated categories.

Senate Bill 45 (Sen. D. Carroll) creates operational standards for child-care centers in Kentucky to include: nutrition standards, if the child-care center provides food, that are consistent with the meal and snack patterns of the most recent version of the United States Department of Agriculture's (USDA) Food and Nutrition Service standards for the Child and Adult Care Food Program. This includes physical activity standards; screen time standards; and sugary drink standards. The CHFS must promulgate regulations in consultation with the Kentucky Early Childhood Advisory Council (ECAC) and the Kentucky Child Care Advisory Council (CCAC). This law aligns early child health standards with Kentucky's Academic Standards for Health Education.

Senate Bill 56 (Sen. Alvarado) raises the minimum age of the purchase of tobacco, alternative nicotine, and vapor products from eighteen (18) to twenty-one (21) and prohibits anyone from selling a tobacco, alternative nicotine, or vapor product to a person under twenty-one (21). Adds that anyone under twenty-one (21) purchasing or attempting to purchase would be subject to having the product confiscated by law enforcement or the Department of Alcoholic Beverage Control (ABC), but the individual could not be issued a citation, placed under arrest, taken into custody, or fined. All status offense designations for the sale, purchase, or distribution of tobacco, alternative nicotine, and vapor products by juveniles are removed. "Status offense action" is any action brought when a child who is accused of committing an act, if the act was committed by an adult, would not be a crime (habitual runaway, habitual truancy, etc.).

Senate Bill 57 (Sen. D. Carroll) amends a statute that was put in place during the 2019 Regular Session that required the Commissioner of Education to not approve local school district plans for school construction or renovation unless the plans included water bottle filling stations and/or drinking fountains. This law deletes the water bottle filling station requirements for renovations and is now only applicable for new construction.

Senate Bill 63 (Sen. Higdon) permits a local board of education to establish a virtual high school completion program. The program would be designed to allow high school dropouts who are at least twenty-one (21) years of age to complete high school graduation requirements through virtual instruction.

A student is eligible to enroll in a district's program if:

1. Is a resident of the district;
2. Is at least twenty-one (21) years of age;
3. Had previously dropped out of a high school; and
4. Had earned at least sixteen (16) credits at the time of dropping out.

A program may enroll a nonresident student if the student otherwise qualifies for enrollment.

Requires enrolling students supply notarized transcripts evidencing any credits earned previously towards graduation that are not from that district.

A student, in order to earn a high school diploma, may either:

1. Complete the high school graduation requirements of the district that were or would have been applicable at the time the student dropped out of high school; or
2. Complete the high school graduation requirements of the district in effect at the time of enrolling in the virtual program.

Permits a district to charge reasonable tuition and fees for the virtual high school completion program.

Senate Bill 72 (Sen. Raque Adams) defines "female genital mutilation" and requires the Department for Public Health (DPH) in the CHFS to develop and produce educational materials about the practice, the

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health risks and emotional trauma inflicted, and the criminal penalties and disseminate the educational material to health care providers, teachers, law enforcement personnel, immigration and refugee resettlement agencies, and any other professionals or community entities who may reasonably be expected to come into contact with individuals who may be at risk.

Senate Bill 79 (Sen. Raque Adams) relates to the employment of school personnel and background checks. The law defines "administrative findings of child abuse or neglect" to mean a substantiated finding that is:

1. Not appealed through an administrative hearing;
2. Upheld at an administrative hearing and not appealed to the Circuit Court; or
3. Upheld by a Circuit Court in an appeal.

The bill maintains the requirement that a classified or certified employee of a school district self-report a substantiated finding to the superintendent.

Senate Bill 82 (Sen. Raque Adams) establishes the Kentucky Eating Disorder Council in the CHFS. The membership includes the commissioner of education or designee. Beginning December 1, 2020, the council must report annually on its activities, findings, and recommendations to the Governor and the Legislative Research Commission (LRC).

Senate Bill 101 (Sen. Wilson) requires the Council on Postsecondary Education (CPE) to facilitate the development and implementation of a statewide standardized articulation agreement to be executed by July 1, 2021, between public colleges and universities and the Kentucky Department of Education (KDE) for each approved high school career pathway that leads to a postsecondary credential, certification, license, or degree. Upon meeting the requirements of the standardized articulation agreement, a student must be awarded postsecondary credit for prior learning at any public college or university.

Senate Bill 102 (Sen. Mills) amends various statutes related to CHFS. One change is to the Kentucky Commission on Services and Supports for Individuals with an Intellectual Disability and Other Developmental Disabilities. The commission's membership is expanded and updated to include the commissioner of education or designee.

Senate Bill 134 (Sen. Givens) establishes the Optometry Scholarship Program to provide eligible Kentucky students the opportunity to attend an accredited school of optometry to become certified practitioners rendering medical service in the Commonwealth. The Kentucky Higher Education Assistance Authority (KHEAA) will administer the program.

Senate Bill 150 (Sen. Alvarado) provides emergency relief for citizens and businesses during the state of emergency declared in response to COVID-19.

- Permits the Education and Workforce Development Cabinet to seek assistance from the federal government and use other resources to reimburse the unemployment insurance trust fund.
- Allows the Governor to provide administrative directives to the Education and Workforce Development Cabinet based on United States Department of Labor guidance.
- Requires the Department of Revenue to adhere to tax payment requirement changes made by federal authorities and provide the same for comparable Kentucky payment requirements and require that penalties and interest not be imposed for any extensions.
- Provides when health care providers must be considered in compliance with Executive Orders and directives related to elective procedures.
- Establishes immunity for health care providers who in good faith render care or treatment during the state of emergency.
- Provides definitions for "emergent" and "urgent".
- Extends deadline for responding to Open Records requests to 10 days.
- Suspends Open Meetings laws to allow for live audio or live video teleconference meetings.
- Allows for live audio or live video teleconference for court-ordered counseling and educational classes.

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- Suspends deadlines for hearings and decisions by local legislative bodies, boards, or commissions relating to land use, planning, or zoning.
- Suspends deadlines for code enforcement proceedings or hearings under certain circumstances.
- Provides that a tax district may suspend or otherwise extend applicable deadlines for filing taxable net profit or taxable gross receipt returns.
- Establishes immunity for businesses that make or provide personal protective equipment or personal hygiene supplies that do not make or provide these types of products in the normal course of their businesses.
- Provides that a real-time video teleconference must be considered in the presence of one another for the purposes of complying with testimony, signature, or notarization requirements.
- Suspends requirement to obtain temporary restricted CDL licenses for farm-related services under certain circumstances.
- Provides that the State Boards of Medical Licensure, Emergency Medical Services, and Nursing may waive or modify certain laws.
- Requires the Governor to declare, in writing, the date upon which the state of emergency in response to COVID-19 has ceased.
- Emergency.

Senate Bill 177 (Sen. Kerr) provides emergency relief for school districts during the state of emergency declared in response to COVID-19.

- Provides an unlimited number of nontraditional instruction (NTI) days (which may include virtual or distance learning).
 - (1) Requires that students must receive a minimum of 1,062 instructional hours, less the amount of instructional time waived as detailed below.
 - (2) A school district may reach 1,062 instructional hours by adding time to the day.
 - a. A day cannot exceed seven hours of instructional time, unless the district submitted and received approval from the commissioner of education for an innovative alternative calendar.
 - b. A school district may schedule instructional days on Saturdays.
 - c. A local board of education may submit a plan to the Department of Education demonstrating how 1,062 instructional hours will be completed, (and the plan **must** be approved).
 - (3) A school district wanting to complete 1,062 instructional hours by June 12, 2020, but is unable to under its current school calendar, the district must
 - a. Request assistance from the commissioner of education by May 1, 2020, to determine a plan for maximizing instructional time to complete 1,062 instructional hours by June 12, 2020.
 - b. If the district presents compelling rationale that adding instructional time to the day would create logistical hardships, the commissioner cannot require adding time to the day as part of the district's plan.
 - c. If, after providing planning assistance to the school district, the commissioner of education determines the school district has maximized instructional time but cannot complete 1,062 hours by June 12, 2020, the commissioner must waive the remaining instructional hours required.
 - (4) The KDE must make a report to the Interim Joint Committee on Education (IJCE) by October 30, 2020, on how school districts completed the 1,062 instructional hours.
- An extended school calendar will not be required for any program serving state agency children (Kentucky Educational Collaborative for State Agency Children - KECSAC).
- State agency children must receive the same minimum number of instructional hours provided to students generally by the applicable school district, less the amount of instructional time waived.
- A local board of education must allow emergency leave to any full-time or part-time classified or certified employee if the local board determines it is necessary in relation to the COVID-19 public health emergency. A local board must waive any requirement under local policy for an employee to file a personal affidavit in order to take emergency leave allowed pursuant to this section.

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- Directs the KDE to seek any waivers from any federal government agency that may be necessary to allow for school districts to be reimbursed under the federal Richard B. Russell National School Lunch Act.
- Allows the Kentucky Board of Education (KBE) to waive requirements of the statewide assessment and accountability system in accordance with any federal waiver regarding those requirements.
- Directs the KDE to seek and utilize any waivers from any federal government agency involving requirements of the Individuals with Disabilities Education Act (IDEA), [20 U.S.C. secs. 21 1400 et. seq.](#) that may be necessary to allow flexibility needed for school districts.
- A local board of education may revise the district's certified evaluation plan.
- A principal may award the number of educational enhancement opportunity days needed by a graduating student to meet military service or postsecondary education enrollment obligations that occur prior to the last day of school.
- Written notices required to be provided to classified and certified school district employees regarding salary or nonrenewal of contracts may be delivered via regular mail or via email to the email address on record in the school district.
- Local school districts may, when submitting the Superintendent's Annual Attendance Report (SAAR), substitute attendance data for school year 2018-2019 for attendance data for school year 2019-2020.
- If a school district submits data for school year 2018-2019, this data must be utilized to calculate the average daily attendance that will be used in calculating SEEK funds and any other state funding based in whole or in part on average daily attendance (AADA) for the district.
- Emergency.

[Senate Bill 193](#) (Sen. Raque Adams) establishes a goal of increasing the number and percentage of students in underrepresented groups participating in computer science courses in middle and high school. These populations include females, minorities, students with disabilities, English language learners, and students whose families are eligible for free or reduced-price lunch.

Also, by December 1, 2020 and annually thereafter, the KDE must submit a report to the KBE and the Interim Joint Committee on Education (IJCE) that includes an unduplicated count of the number and percentage of public school students participating in computer science courses and other computer science educational opportunities. The data must be disaggregated by gender, race, disability, English proficiency, and participation in the federal free and reduced-price lunch program. The report must also include the number of computer science courses or programs offered in each school, the nature of the computer science courses or programs, the number of advanced placement computer science classes offered, and the number of computer science instructors at each school disaggregated by certification, gender, and terminal degree.

The law also amends the long-term and annual statewide goals for increasing number of students scoring a "4" or better on the international baccalaureate (IB) rather than the current "5".

House Bills

[House Bill 214](#) (Rep. Tipton) establishes the Veterinary Contract Spaces Program and requires the KHEAA to administer the program. Requires the KHEAA to purchase enrollment spaces annually for Kentucky students at participating veterinary schools and establishes the Veterinary Contract Spaces Program trust fund.

[House Bill 266](#) (Rep. Koch) expands provisions in place that allows a child in a military family to pre-enroll in a school district. This now includes the scenario that if the parent or guardian of the child is transferring to a reserve component or separating from the military under honorable conditions who have a home under contract to be built as a qualifying residence in the district. The school district must allow the child to enroll and begin attending school regardless of the child's temporary residence and to also be

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included in the district's calculation of average daily attendance for a period of up to one (1) year from the parent's or guardian's reporting for duty date or separation date before being considered a resident of another district.

House Bill 312 , requires the KDE to develop protocols for student records within the student information system to promote expeditious enrollment and placement of students in foster care who are transferring to a new school or district. Requires a foster child's state agency caseworker to immediately contact the receiving school district to inform the district of the pending enrollment. Requires the caseworker or case manager to either accompany the child and the foster parent to the new school to enroll or contact district staff via telephone during the day of enrollment and provide relevant information to the child's enrolling.

Requires that records in the student information system be transferred by the end of the working day on which the request is received. If the record is incomplete, districts have three days to send the complete record. The law also requires the KDE to report to the IJCE by December 1, 2020 on possible system improvements in the transmission of records.

House Bill 331 (Rep. Heavrin) includes in the definition of "qualified educational expenses" certain qualified education loan repayments and certain expenses for registered apprenticeship programs. For qualified education loan repayments, the amounts paid as principal or interest on any qualified education loan, of the beneficiary or his or her sibling, not to exceed an aggregate amount of ten thousand dollars (\$10,000) per person. For registered apprenticeship programs, expenses for fees, books, supplies, and equipment for participation in an apprenticeship program registered and certified with the United States Secretary of Labor.

House Bill 366 (Rep. Frazier) establishes guidelines for the operation and management of the model and practice school operated by Eastern Kentucky University (EKU). Requires the board of regents to adopt policies for the operation of the model and practice school and establishes an advisory council. Provides that for the purposes of determining equalization and local effort the model and practice school students must be included in the residing district's average daily attendance.