

# Kentucky Department of Education

## Legislative Update

Kentucky Board of Education

June 3, 2020





# Final Enacted Legislation Related to Elementary and Secondary Education

2020 Regular Session of the Kentucky General Assembly

# 2020 Regular Session

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

- ▶ 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.
- ▶ Requires each school resource officer to be armed with a firearm.
- ▶ Updates the goal that beginning July 1, 2021, or as funds and qualified personnel become available, each school district 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.



# 2020 Regular Session

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.
  - ▶ 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.



# 2020 Regular Session

[Senate Bill 57](#) (Sen. D. Carroll) changes the requirement that the Commissioner of Education only approve local school district plans for school construction or renovation that include water bottle filling stations and/or drinking fountains. This law deletes the water bottle filling station requirements for renovations but maintains the requirement for new construction.



# 2020 Regular Session

[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 to 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:

- ▶ 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
- ▶ 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.



# 2020 Regular Session

[Senate Bill 79](#) (Sen. Raque Adams) relates to the employment of school personnel and background checks. The law changes the criteria by which a classified or certified employee of a school district must self-report a finding of child abuse or neglect to the superintendent. Previously this requirement applied to employees with any substantiated finding of child abuse or neglect. As revised, this requirement applies to employees with an “administrative finding of child abuse or neglect”, defined as a substantiated finding that is:

- not appealed through an administrative hearing;
- upheld at an administrative hearing and not appealed to the Circuit Court; or
- upheld by a Circuit Court on appeal.

[Senate Bill 82](#) (Sen. Raque Adams) establishes the Kentucky Eating Disorder Council in CHFS. The membership includes the Commissioner or 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).



# 2020 Regular Session

[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.





# 2020 Regular Session

[Senate Bill 158](#) (Sen. Givens) makes significant changes to the statewide accountability system, school improvement provisions, state and local graduation requirements, charter authorizer training for members of local boards of education, and the achievement gap definition and expectations.

## ***Accountability and Assessment***

- ▶ Requires a new accountability system for districts, schools and student populations with implementation beginning with data from the 2020-2021 and 2021-2022 school years.
- ▶ Requires a new rating system requiring state indicators to be evaluated on two categories, "status" and "change" and defines the terms.
- ▶ Indicators include student assessment results, progress toward achieving English proficiency by English Learners, quality of school climate and safety, high school graduation rates, and postsecondary readiness.
- ▶ The “status” rating will be based on current scores, from very high to very low.
- ▶ The “change” rating will range from a significant increase to a significant decline.
- ▶ Establishes that new cut scores for “status” and “change” ratings are based on percentiles and distribution. Cut scores must be approved by the Kentucky Board of Education (KBE) and the Local Superintendents Advisory Council (LSAC). These cut scores are to stay in place for six years unless existing cut scores no longer support meaningful differentiation of schools.
- ▶ Beginning in the fall of 2022, KDE must have in place a new reporting requirement/dashboard demonstrating the “status” and “change” for each indicator based on new cut scores.
- ▶ Requires scores on IB examinations of 4 or higher to be included on the school report card.
- ▶ Allows for an overall performance that will aggregate or combine all available data for the state indicators.



# 2020 Regular Session

[Senate Bill 158](#) (continued)

## ***Identification for Support and Improvement***

- ▶ Beginning in the 2020-2021 school year, requires identification annually of schools for targeted support and improvement (TSI) if a school has one or more of the same subgroup whose performance is at or below that of all students in the lowest performing five percent of schools for three consecutive years.
- ▶ Beginning in the 2021-2022 school year, changes from annual to every three years the identification of schools for additional targeted support and improvement (ATSI) if the school has one or more subgroups whose performance is at or below the summative performance of all students in the lowest performing five percent of schools identified for comprehensive support and improvement (CSI) and the school was identified in the immediately preceding year for TSI.
- ▶ Beginning in the 2021-2022 school year, changes from annual to every three years the identification of schools for CSI and continues to require identification of a school for CSI if the school is:
  - in the lowest performing five percent (5%) of all schools in its level based on the school's performance in the state accountability system;
  - a high school with a four-year cohort graduation rate less than eighty percent (80%); or
  - identified for additional targeted support and improvement and fails to exit ATSI status.



# 2020 Regular Session

## [Senate Bill 158](#) (continued)

### ***Audit and Turnaround***

- ▶ Requires KDE to conduct the audit when a school is identified for CSI.
  - Requires the audit to include a diagnosis of the causes of the school's low performance and best strategies to address the school's specific needs.
  - Removes an assessment and recommendation of whether the principal has the capacity to function as a turnaround specialist.
- ▶ Requires KBE to establish annual statewide exit criteria for schools identified for TSI, ATSI and CSI.
- ▶ Creates and defines an "approved turnaround vendor list" which includes at least three (3) vendors approved by KBE as having documented success at providing turnaround diagnosis, training, and improved performance of organizations.
- ▶ Requires local boards choose a turnaround team from KBE approved vendor list.
- ▶ Removes the option for local boards to create their own turnaround teams (which was included in [Senate Bill 1, 2017](#)).
- ▶ Removes language allowing local boards of education to choose a turnaround specialist and now requires local boards to choose from a KBE approved vendor list.
- ▶ Clarifies that a school or school district can appeal a judgment on the performance of a principal, superintendent, school, or school district utilizing appeal procedures approved by KBE.
- ▶ Requires the local school board to consult with the department on the turnaround plan.



# 2020 Regular Session

## Senate Bill 158 (continued)

### ***Title I Funds***

- ▶ Requires KBE to promulgate administrative regulations on how the department will disburse school improvement funds to schools identified for comprehensive support and improvement.

### ***Graduation Requirements***

- ▶ Prohibits the minimum requirements for high school graduation to include a postsecondary readiness indicator used in the state accountability system or a minimum score on a statewide assessment.
- ▶ Prohibits a local board from adopting any high school graduation requirements to include achieving a minimum score on a statewide assessment.

### ***KDE Annual Report to Legislature on Turnaround Vendors***

- ▶ Beginning in 2023, requires KDE to submit an annual report by November 30 to the Interim Joint Committee on Education (IJCE) on the performance of turnaround vendors.
- ▶ This annual report must include the school's performance in the state accountability system while the turnaround vendor is utilized, as well as the costs of using the vendor, and any other information deemed necessary to evaluate the performance of the vendor.

### ***Achievement Gap Definition***

- ▶ Revises the definition of "achievement gap" to mean the difference between performance goals and actual performance on each of the tested areas by grade level of the state assessment program for each of the various subgroups of students per the Every Student Succeeds Act (ESSA) of 2015, [Public Law 114-95](#).



# 2020 Regular Session

[Senate Bill 158](#) (continued)

## **Charter Authorizer Training**

- ▶ Prohibits requiring charter authorizer training for local school boards members until a charter application is received.
- ▶ Once an application is received, if a local board member hasn't received authorizer training in the previous twelve (12) months preceding the date of the application, the member must receive six (6) hours of in-service training prior to evaluating the charter application.
- ▶ Requires charter training be in addition to any other annual training required for local boards.

[Senate Bill 174](#) (Sen. McGarvey) allows national board certification to qualify a teacher for Rank II status. Provides that a teacher who attains national board certification after July 1, 2020, receive an annual supplement in the amount appropriated by the General Assembly and allows a local board to provide an additional supplement up to an amount for the total supplement to equal \$2,000. Updates the principal certification requirement – removing the “Kentucky Specialty Test” and instead requiring the “School Leader Licensure Assessment”.



# 2020 Regular Session

[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).
- ▶ Requires that students must receive a minimum of 1,062 instructional hours, less the amount of instructional time waived as detailed below.
- ▶ A school district may reach 1,062 instructional hours by adding time to the day.
  - 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.
  - A school district may schedule instructional days on Saturdays.
  - 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).



# 2020 Regular Session

## Senate Bill 177 (continued)

- ▶ If a school district wanting to complete 1,062 instructional hours by June 12, 2020, but is unable to do so under its current school calendar, then the district must 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.
  - 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.
  - 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.
- ▶ The KDE must make a report to IJCE by October 30, 2020, on how school districts completed the 1,062 instructional hours.



# 2020 Regular Session

## Senate Bill 177 (continued)

- ▶ 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.
- ▶ Directs 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 KBE to waive requirements of the statewide assessment and accountability system in accordance with any federal waiver regarding those requirements.
- ▶ Directs 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. 211400 et. seq.](#) that may be necessary to allow flexibility needed for school districts.





# 2020 Regular Session

## Senate Bill 177 (continued)

- ▶ 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.



# 2020 Regular Session

[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, KDE must submit a report to KBE and 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”.



# 2020 Regular Session

[Senate Bill 249](#) (Sen. McDaniel) increases the amortization period for financing the unfunded liability for the Kentucky Employee Retirement System (KERS), County Employees Retirement System (CERS), and the State Police Retirement System (SPRS) from 24 years to 30 years as of June 30, 2019.

Freezes CERS employer contribution rates for one year.



# 2020 Regular Session

[House Bill 266](#) (Rep. Koch) expands provisions for military families to pre-enroll a child in a school district if the parent or guardian is transferring to a reserve component or separating from the military under honorable conditions and has a home under contract to be built in the district. The home under contract must be considered a qualifying residence and the school district must allow the child to enroll and begin attending school regardless of the child's temporary residence. The child must also be 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](#) (Rep. Meade) requires 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 KDE to report to IJCE by December 1, 2020, on possible system improvements in the transmission of records.



# 2020 Regular Session

[House Bill 352](#) (Rep. Rudy) establishes the Executive Branch budget for fiscal year 2020-2021. Rather than a two-year biennial budget, the executive branch budget bill covers only one fiscal year 2020-2021. This means the General Assembly will have to craft a budget in the next regular session or through a special session called by the Governor. Major provisions related to elementary and secondary education for fiscal year 2021 are below.

## ***Support Education Excellence in Kentucky (SEEK)***

- ▶ Base guarantee of \$4,000 per student in average daily attendance in fiscal year 2020-2021.
- ▶ Sets limited English proficiency multiplier at 0.096.
- ▶ If funds appropriated to the SEEK Program are insufficient to provide the amount of money required, allotments to local school districts may be reduced.
- ▶ Any unexpended SEEK funds in fiscal year 2019-2020 must lapse to the General Fund.
- ▶ Hold-harmless guarantee remains.
- ▶ No school district will be equalized for an equivalent tax rate of more than 15 cents.
- ▶ Provides twenty-five percent (25%) equalization for districts who have not previously received equalization on the Original Growth Nickel.
- ▶ Provides one hundred percent (100%) equalization for districts that have levied the recallable nickel prior to January 1, 2018.
- ▶ Provides twenty-five percent (25%) equalization for districts that have levied the recallable nickel after January 1, 2018 but before January 1, 2020.
- ▶ Provides twenty-five percent 25% equalization for districts who have not previously received equalization for the Equalized Facility Funding (EFF) Nickel.



# 2020 Regular Session

Support Education Excellence in Kentucky (SEEK)	Fiscal Year 2019-2020	Fiscal Year 2020-2021
	2018 HB 200	2020 HB 352
<b>Per Pupil Guarantee</b>	<b>\$4,000</b>	<b>\$4,000</b>
Base Funding	\$2,068,339,200	\$1,978,539,700
Transportation	\$214,752,800	\$214,752,800
Tier I	\$176,702,400	\$179,738,200
Facilities Support Program of KY (FSPK)	\$84,695,100	\$93,014,600
Growth Levy Equalization	\$18,303,900	\$24,430,700
Retroactive Equalized Facility	\$23,415,000	\$34,181,600
Equalized Facility	\$7,133,500	\$9,055,300
Secondary Vocational Education	\$22,881,900	--
Vocational Education Transportation	\$2,416,900	\$2,416,900
Local District Teachers' Retirement Match	\$417,600,000	\$425,565,500
National Board Certified Salary Supplement	\$2,750,000	\$2,750,000
Equalization Funding for Critical Construction Needs Schools	\$6,473,400	\$6,932,600
BRAC Equalized Facility	\$2,016,800	\$2,318,800
*Health Insurance Adjustment	-\$17,200,000	
<b>Total</b>	<b>\$3,030,280,900</b>	<b>\$2,973,696,700</b>



# 2020 Regular Session

[House Bill 352](#) (continued)

## ***Operations and Support Services***

- ▶ Provides language that a district may modify its district facility plan without convening the local planning committee for the sole purpose of complying with practices to control entry into each school building.
- ▶ Any modification must identify an unmet requirement of securing entries to school buildings as the highest priority on the modified district facility plan, subject to approval by the local board of education and the Commissioner of Education.



# 2020 Regular Session



Operations and Support Services	Fiscal Year 2020	Fiscal Year 2021
	2018 HB 200	2020 HB 352
Kentucky Educational Network (KEN)	\$17,277,600	\$17,277,600
KY Education Technology System (KETS)	\$15,374,500	\$15,374,500
School Food Services Match	\$3,555,900	\$3,555,900
Blind/Deaf Residential Travel	\$492,300	\$492,300
Debt Service (bonds)	\$0	\$959,500
Review of Classification of Primary and Secondary School Buildings (KFICS)	\$600,000	\$600,000
Advanced Placement and International Baccalaureate Exams	\$1,000,000	\$1,000,000
<b>Total</b>	<b>\$38,300,300</b>	<b>\$39,259,800</b>



# 2020 Regular Session

## House Bill 352 (continued)

### ***Learning and Results Services***

- ▶ Provides additional flexibility in the utilization of funds for Extended School Services (ESS) and Safe Schools. Local school districts must continue to address the governing statutes and serve the intended student population but may utilize funds from these programs for general operating expenses. Local school districts that utilize these funds for general operating expenses must report to KDE and the IJCE the amount of funding from each program utilized for general operating expenses.
- ▶ A local board of education may reduce the allocations to School-Based Decision-Making Councils (SBDMs) but not be less than \$100 per pupil in average daily attendance.
- ▶ A member of the State Advisory Council for Gifted and Talented Education may be reappointed but must not serve more than five consecutive terms. A member of the Kentucky Association for Gifted Education (KAGE) must be a voting member of the State Advisory Council for Gifted and Talented Education.



# 2020 Regular Session

[House Bill 352](#) (continued)

## ***Learning and Results Services***

- ▶ Provides \$7,412,500 in fiscal year 2020-2021 to fund additional school-based mental health services provider full-time equivalent positions on a reimbursement basis.
- ▶ Requires KCSS, in consultation with the Office of the State School Security Marshal, to develop criteria to determine which districts must receive funding to meet requirements.
- ▶ The criteria must include:
  - a local district's use of Medicaid funding to supplement General Fund;
  - an equitable and balanced statewide distribution; and
  - any other criteria to support a trauma-informed approach in schools.



# 2020 Regular Session

[House Bill 352](#) (continued)

## ***Learning and Results Services***

To pay for the new mental health positions, no General Fund is provided for the following programs:

<b>Learning &amp; Results Services</b>	<b>Fiscal Year 2020</b>	<b>Fiscal Year 2021</b>
	<b>2018 HB 200</b>	<b>2020 HB 352</b>
Commonwealth School Improvement Fund	\$0	\$0
Kentucky Academy for Equity in Teaching (KAET)	\$1,000,000	\$0
Kentucky Principal Internship Program	\$0	\$0
Kentucky Teacher Internship Program	\$0	\$0
Leadership & Mentor Fund	\$0	\$0
Middle School Academic Achievement Center	\$0	\$0
Professional Development	\$0	\$0
Teacher Academy	\$0	\$0
Teacher's Professional Growth Fund	\$0	\$0
Writing Program	\$0	\$0



# 2020 Regular Session

## [House Bill 352](#) (continued)

### ***Learning and Results Services***

- ▶ Provides language for Area Technology Centers (ATCs) to become locally operated by a school district. In the first year, the local board of education receives one hundred percent (100%) of funding allotted for that center. In the second year, the local board receives not less than seventy-five percent (75%) of the amount allocated to it the previous year.
- ▶ The remaining twenty-five percent (25%) of funds previously allocated to the center must annually be allocated to locally operated secondary area centers and vocational departments that do not receive state supplemental funds.
- ▶ The local board assuming control must continue to serve the additional school district or districts through an interlocal agreement that the ATC was serving.
- ▶ Allows a certified employee who has earned continuing status in the state certified personnel system may be granted a continuing service contract upon transfer to a local board of education.
- ▶ Allows a principal who has earned continuing status prior to transfer may be granted a continuing service contract, but the provisions relating to demotion of the principal under KRS 161.765 must apply.
- ▶ Allows a classified employee who has four years of continuous active service in the state certified personnel system at the time of transfer may be offered an employment contract at the time of transfer that must be considered a continuing service contract for a minimum of five complete school terms.



Learning & Results Services	Fiscal Year 2020	Fiscal Year 2021
	2018 HB 200	2020 HB 352
ACT Grade 10 Testing	\$0	\$0
Advanced Kentucky	\$1,700,000	\$1,700,000
Appalachian Tutoring Program	\$0	\$0
Assessment	\$15,006,600	\$15,006,600
Assessment Security	\$0	\$0
Career & Tech Education	\$39,770,600	\$64,149,700
Collaborative Center For Literacy Development	\$1,200,000	\$1,200,000
Community Education	\$1,850,000	\$1,850,000
Dropout Prevention	\$0	\$0
Elementary - Arts & Humanities	\$397,600	\$0
Extended School Services	\$23,916,300	\$23,916,300
Family Resource Youth Service Center (FRYSCs)	\$48,889,000	\$48,889,000
Georgia Chaffee Teenage Parent Program	\$0	\$0
Gifted and Talented	\$6,208,400	\$6,208,400
Health Insurance FY20 Appropriation	\$17,200,000	\$0
Heuser Hearing and Language Academy	\$100,000	\$100,000
Insurance: Health	\$724,376,000	\$749,844,400
Insurance: Life	\$1,391,000	\$1,391,000
Jobs for America's Graduates Program	\$0	\$250,000
Kentucky School for the Blind (KSB)	\$6,853,100	\$6,853,100
Kentucky School for the Deaf (KSD)	\$10,080,600	\$10,080,600
KY Alliance of Boys & Girls Clubs	\$0	\$250,000
Mathematics Achievement Fund	\$5,019,000	\$5,019,000
Preschool	\$84,481,100	\$84,481,100
Read to Achieve	\$15,936,600	\$15,936,600
Safe Schools	\$13,000,000	\$13,000,000
Save the Children	\$1,300,000	\$1,300,000
School Counselors/Mental Health Professionals	\$0	\$7,412,500
State Agency Children (KECSAC)	\$9,465,500	\$9,465,500
Teach for America	\$250,000	\$500,000
Textbooks (Instructional Resources)	\$0	\$0
The Hearing & Speech Center	\$100,000	\$100,000
Virtual Learning	\$0	\$0
Visually Impaired Preschool Services	\$93,800	\$250,000
<b>Total</b>	<b>\$1,028,585,200</b>	<b>\$1,069,153,800</b>



# 2020 Regular Session

[House Bill 352](#) (continued)

## **General Provisions**

- ▶ Provides local School District Expenditure Flexibility by allowing local school districts to adopt and KBE may approve a working budget that includes a minimum reserve of less than two percent of the total budget.
- ▶ KDE must monitor the financial position of any district that receives approval for a working budget with a reserve of less than two percent and must provide a financial report for those districts at each meeting of KBE.

## **Education and Workforce Development Cabinet**

- ▶ Provides \$581,100 for the Office of Employer and Apprenticeship Services. The Education and Workforce Development Cabinet must provide a report by December 1, 2020, to IJCE detailing the use of these funds.

## **Energy and Environment Cabinet**

- ▶ Volkswagen Settlement provides funds to administer the Consent Decrees in Volkswagen "Clean Diesel" Marketing, Sales 14 Practices, and Products Liability litigation.
- ▶ Provides \$8,521,700 to reimburse school districts for fifty percent (50%) of the purchase cost to replace up to five school buses per district currently in daily use meeting the criteria with a chassis year of 2001 or earlier.
- ▶ If these funds are insufficient to cover fifty percent (50%) of the purchase costs of districts that have requested reimbursement by June 1, 2021, the reimbursement must be pro rata reduced.



# 2020 Regular Session

[House Bill 352](#) (continued)

## **School Facilities Construction Commission (SFCC)**

### **Additional Offers of Assistance**

- ▶ The SFCC is authorized to make an additional \$58,000,000 in offers of assistance during the 2020-2022 fiscal biennium in anticipation of debt service availability during the 2022-2024 fiscal biennium.

### **Urgent Needs School Assistance**

- ▶ The SFCC is authorized to make additional offers of assistance in the specified amounts in fiscal year 2020-2021 to the following local school districts:
  - not more than \$19,784,500 to Mason County Schools for Mason County Middle School;
  - not more than \$12,931,700 to Lewis County Schools for Garrison Elementary School;
  - not more than \$7,527,100 to Rowan County Schools for Clearfield Elementary School; and
  - not more than \$7,283,700 to Green County Schools for Green County High School.



# 2020 Regular Session

[House Bill 352](#) (continued)

## **Eastern Kentucky University**

Provides \$4,571,900 for the Model Laboratory School.

▶ *Note: See HB 366.*

## **Public Protection Cabinet / Housing, Buildings and Construction**

Local governments may have jurisdiction for plan review, inspection, and enforcement responsibilities over buildings intended for educational purposes, other than licensed day-care centers, at the discretion of the local school districts.

## **Phase I Tobacco Settlement**

Master Settlement Agreement payments of \$25,439,100 is appropriated to Early Childhood Development Initiatives.

- ▶ Provides \$1,400,000 for the Early Childhood Advisory Council.
- ▶ Provides \$9,750,000 for the Early Childhood Development Program.
- ▶ Provides \$2,500,000 for the Early Childhood Adoption and Foster Care Supports Program.
- ▶ Provides \$7,000,000 for the Health Access Nurturing Development Services (HANDS) Program.
- ▶ Provides \$942,000 for Healthy Start initiatives.
- ▶ Provides \$942,000 for Early Childhood Mental Health.
- ▶ Provides \$989,100 for Early Childhood Oral Health.





# 2020 Regular Session

[House Bill 352](#) (continued)

## **Kentucky Higher Education Assistance Authority (KHEAA)**

The dual credit tuition rate ceiling must be two-fifths of the per credit hour tuition amount charged by KCTCS for in-state students. Priority for awarding scholarships must be given in order to high school seniors, juniors, sophomores, and freshmen.

Eligible high school students may receive a dual credit scholarship for two career and technical education dual credit courses per academic year and two general education dual credit courses over the junior and senior years, up to a maximum of ten approved dual credit courses.

Dual credit scholarships awarded for the spring 2020 semester must not be reduced if the dual credit course is not successfully completed by the student as a result of the student's inability to properly access the new course delivery method due to the novel coronavirus (COVID-19).

- Provides \$13,150,000 for the Dual Credit Scholarship Program.
- Provides \$7,300,000 for the Work Ready Scholarship Program (the dual credit component of the Work Ready Scholarship Program for high school students must be funded and administered through the Dual Credit Scholarship Program).
- Provides \$113,768,600 for the Kentucky Educational Excellence Scholarships (KEES).
- Provides \$87,555,200 for the College Access Program.
- Provides \$44,078,100 for the Kentucky Tuition Grant Program.
- Provides \$7,398,100 for the National Guard Tuition Award Program.
- Provides \$5,248,000 to fund 164 veterinary slots.
- Provides \$795,600 to fund 44 optometry slots.



# 2020 Regular Session

[House Bill 366](#) (Rep. Frazier) establishes guidelines for the operation and management of the model and practice school operated by Eastern Kentucky University (EKU).

- ▶ Removes language allowing universities and colleges other than EKU to operate and maintain a model school.
- ▶ Allows students kindergarten through grade twelve (12) to enroll from any district in the state per enrollment policies established by EKU. State compulsory attendance and graduation requirements apply.
- ▶ Must participate in the statewide assessments and accountability system and with the same reporting requirements of progress and the production of school report cards.
- ▶ Must utilize the student information system.
- ▶ Model can issue high school diplomas to students who meet the state graduation requirements.
- ▶ Model will be eligible to participate in the education technology funding program and unless otherwise prevented by state or federal law, will also be eligible to apply for or participate in any state grant programs offered to school districts.
- ▶ Model will be eligible to participate in state-sponsored interscholastic athletics, academic programs, competitions, awards, scholarships, and recognition programs for students, educators, administrators, and schools.
- ▶ Allows for the establishment of tuition and fees for student enrollment, except:
  - No student who would qualify under federal law for free or reduced-price lunch will be required to pay fees.
  - No student will be required to pay additional tuition or fees for exceptional education services.
- ▶ Allows for the average daily attendance of the students attending the model and practice school to be included in the average daily attendance of the students' districts of residence for the purpose of determining equalization for the Facilities Support Program of Kentucky (FSPK) as well as the additional "nickel" levies for facilities.
- ▶ Requires KDE to grant a district of residence a deduction to the amount of local tax revenues generated for school purposes that are included in the SEEK formula based on the number of the district's students attending the model and practice school.



# 2020 Regular Session

[House Bill 458](#) (Rep. Huff) clarifies current home and hospital provisions to reflect all students, not just exceptional students. Updates the list of licensed health and mental health providers that can sign off on home and hospital provisions to align with the compulsory attendance exemptions.

- ▶ If the condition is medical/general health related, then the signed statement must be completed by either a:
  - licensed physician;
  - advanced practice registered nurse;
  - physician's assistance;
  - psychologists; or
  - psychiatrist.
- ▶ If the condition is mental health related, then the signed statement must be completed by either a:
  - licensed physician;
  - psychiatrist;
  - psychologist;
  - physician's assistant; or
  - advanced practiced registered nurse.

Expands how local districts can provide instruction to students on home and hospital to include electronic delivery of instruction.

[House Resolution 130](#) (Rep. Prunty) encourages local boards of education to solicit private support to provide bleeding control kits and training.



# Presidential Executive Orders and Legislation from the 116<sup>th</sup> Congress 2019-2020, 2d Session

Federal Action Related to COVID  
and Elementary and Secondary Education



# Presidential Proclamations

[Suspension of Entry as Nonimmigrants of Certain Students and Researchers From the People's Republic of China](#)  
Proclamation 10043, Signed May 29, 2020

[Amendment to Proclamation of May 24, 2020, Suspending Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus](#) Proclamation 10042, Signed May 25, 2020

[Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus](#) Proclamation 10041, Signed May 24, 2020

[Honoring the Victims of the Novel Coronavirus Pandemic](#) Proclamation 10039, Signed May 21, 2020

[Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus](#) Proclamation 10014, Signed April 22, 2020

[Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus](#) Proclamation 9996, Signed March 14, 2020

[Declaring a National Emergency Concerning the Novel Coronavirus Disease \(COVID-19\) Outbreak](#) Proclamation 9994, Signed March 13, 2020

[Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus](#) Proclamation 9993, Signed March 11, 2020

[Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus](#) Proclamation 9992, Signed February 29, 2020

[Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus](#) Proclamation 9984, Signed January 31, 2020



# Presidential Executive Orders

[Regulatory Relief To Support Economic Recovery](#) Executive Order (EO) 13924, May 19, 2020

[Delegating Authority Under the Defense Production Act to the Chief Executive Officer of the United States International Development Finance Corporation To Respond to the COVID-19 Outbreak](#) Executive Order (EO) 13922, May 14, 2020

[Ordering the Selected Reserve of the Armed Forces to Active Duty](#) Executive Order (EO) 13919, Signed April 30, 2020

[Delegating Authority Under the Defense Production Act with Respect to Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID- 19](#) Executive Order (EO) 13917, Signed April 28, 2020

[National Emergency Authority to Temporarily Extend Deadlines for Certain Estimated Payments](#) Executive Order (EO) 13916, Signed April 18, 2020

[National Emergency Authority to Order the Selected Reserve and Certain Members of the Individual Ready Reserve of the Armed Forces to Active Duty](#) Executive Order (EO) 13912, Signed March 27, 2020

[Prioritizing Delegating Additional Authority Under the Defense Production Act With Respect to Health and Medical Resources To Respond to the Spread of COVID-19](#) Executive Order (EO) 13911, March 27, 2020

[Preventing Hoarding of Health and Medical Resources To Respond to the Spread of COVID-19](#) Executive Order (EO) 13910, March 23, 2020

[Prioritizing and Allocating Health and Medical Resources to Respond to the Spread of COVID-19](#) Executive Order (EO) 13909, March 18, 2020



# Congressional Legislation

## Coronavirus Preparedness and Response Supplemental Appropriations Act

H.R. 6074, Public Law No: 116-123 (March 6, 2020)

Provides \$8.3B in funding for federal agencies to respond to the coronavirus outbreak.

## Families First Coronavirus Response Act

H.R. 6201, Public Law 116-127 (March 18, 2020)

Provides \$3.471B in funding to provide extended food services (including WIC, SNAP and the elderly); allows the Secretary of Agriculture to grant waivers to states to provide meals and meal supplements under the federal school breakfast and lunch programs; expands FMLA and paid sick leave coverage; expands access for free COVID testing; expanded unemployment insurance; and increased Medicaid match rate or states; and expanded payroll and individual tax credits for paid sick and paid FMLA.

## Coronavirus Aid, Relief, and Economic Security Act (CARES Act)

H.R. 748, Public Law 116-136 (March 27, 2020)

Provides \$1.76T (updated CBO estimate is down from \$2.2T) in emergency funding. This includes the Education Stabilization Fund (ESF) in emergency funding for elementary and secondary education and institutes of higher education.

## Health and Economic Recovery Omnibus Emergency Solutions Act (HEROES Act)

H.R. 6800, Passed/agreed to in House: On passage Passed by the Yeas and Nays: 208 - 199 ([Roll No. 109](#)).

The bill would provide \$3T emergency supplemental appropriations to federal agencies and provide payments and other assistance to state, local, tribal, and territorial governments.



# Congressional Legislation

## [Coronavirus Aid, Relief, and Economic Security Act \(CARES Act\)](#)

Includes \$30.75 billion in emergency education funding to Governors in each State, State educational agencies (SEAs) and institutions of higher education (IHEs).

Two main K-12 funding sources:

- ▶ ***Elementary and Secondary School Emergency Relief Fund (ESSER)***
- ▶ ***Governor's Emergency Education Relief Fund (GEER)***

[CARES Act Funding Matrix](#)

[CARES Act Allocations 051520](#)





# Congressional Legislation

## [Coronavirus Aid, Relief, and Economic Security Act \(CARES Act\)](#)

### ***Elementary and Secondary School Emergency Relief Fund (ESSER)***

- \$13.2B administered through State Education Agencies (SEAs).
- \$193M to Kentucky.
- Distributed through the Title I-A formula.
- Funds flow from the United States Department of Education (ED) to SEAs, which then must allocate 90 percent of the funding to Local Education Agencies (LEAs).
- SEAs may use some funds for administration (0.5%) and the rest for emergency needs to respond to the coronavirus as determined by the SEA.
- LEAs may use funds for:
  - Any activity authorized under ESEA, IDEA, Perkins, or McKinney-Vento; and
  - Many other activities to help with the response to COVID-19 (including preparedness and response efforts, sanitation, professional development, distance learning, and others).

## [KDE Guidance - Elementary and Secondary School Emergency Relief \(ESSER\) Fund](#)



# Congressional Legislation

## [Coronavirus Aid, Relief, and Economic Security Act \(CARES Act\)](#)

### ***Governor's Emergency Education Relief Fund (GEER)***

- \$2.9B in funding administered by Governors.
- \$43.79M to Kentucky.
- \$30M of Kentucky's allocation is being directed by Governor Beshear to support elementary and secondary education.
- Funds can be used for:
  - Emergency support to LEAs the SEA deems most significantly impacted by coronavirus;
  - Emergency support to IHEs the Governor determines are most significantly impacted by coronavirus; and
  - Support to any other IHE, LEA, or education related entity within the State that the Governor deems essential for carrying out educational services.

## [KDE Guidance - Governor's Emergency Education Relief \(GEER\) Fund](#)



# Questions or Comments

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