

STATEMENT OF EMERGENCY  
701 KAR 5:170E

This emergency administrative regulation is being promulgated to meet an imminent deadline for the promulgation of an administrative regulation that is established by state statute. During the 2025 Ordinary Session of the Kentucky General Assembly, Senate Bill (SB) 207 was passed and became law. Codified at KRS 156.161, the legislation prescribes a new procedure for local boards of education to submit requests to the Kentucky Board of Education to waive statutes or administrative regulations. KRS 156.161(10) provides that the Kentucky Board of Education “shall promulgate administrative regulations in accordance with KRS Chapter 13A to adopt a standardized waiver request form and establish any procedures for processing waiver requests in compliance with this section.” This emergency administrative regulation is being promulgated to ensure that local boards of education have immediate access to the forms and procedures for seeking waivers of statutes and administrative regulations from the Kentucky Board of Education. Given the repeal of KRS 156.160(2) contained within SB 207, without this emergency administrative regulation, the Kentucky Board of Education will have no means to waive administrative regulations upon request of a local board of education until an ordinary administrative regulation becomes effective. This emergency administrative regulation will be replaced by an ordinary administrative regulation. The companion ordinary administrative regulation is identical to this emergency administrative regulation.

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Andy Beshear, Governor

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Sharon Porter Robinson, Chair  
Kentucky Board of Education

1 EDUCATION AND LABOR CABINET

2 Kentucky Board of Education

3 Department of Education

4 (New Emergency Administrative Regulation)

5 701 KAR 5:170E. Waiver Requests.

6 RELATES TO: KRS 156.070, 156.160, 156.161, 157.360, 158.854.

7 STATUTORY AUTHORITY: KRS 156.070, 156.161.

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070 authorizes the Kentucky Board

9 of Education to manage and control the common schools, including prescribing administrative

10 regulations the Kentucky Board of Education deems necessary for the efficient management,

11 control and operation of public schools. KRS 156.161 authorizes the Kentucky Board of

12 Education to promulgate administrative regulations to establish procedures for processing

13 requests to waive statutes or administrative regulations pursuant to KRS 156.161. This

14 administrative regulation sets forth the procedures for processing requests to waive statutes or

15 administrative regulations pursuant to KRS 156.161.

16 Section 1. Definitions.

17 (1) “Amendment application” means a waiver request wherein a school district board of

18 education seeks to amend the waiver of a statute or administrative regulation previously granted

19 to the requestor by the Kentucky Board of Education and still in effect as of the date of the

20 waiver request.

21 (2) “Commissioner” means the commissioner of the department.

1 (3) “Department” means the Kentucky Department of Education.

2 (4) “New application” means a waiver request wherein a school district board of education seeks  
3 a waiver of a statute or administrative regulation not previously granted to the requestor by the  
4 Kentucky Board of Education, or previously granted to the requestor by the Kentucky Board of  
5 Education but expired or terminated as of the date of the waiver request.

6 (5) “Renewal application” means a waiver request wherein a school district board of education  
7 seeks renewal of a waiver of a statute or administrative regulation previously granted to the  
8 requestor by the Kentucky Board of Education and still in effect as of the date of the waiver  
9 request.

10 (6) “Special education maximum class size application” means a waiver request wherein a  
11 superintendent or school based decision making council seeks a waiver of the special education  
12 class sizes prescribed in 707 KAR 1:350, or to renew a waiver of the special education class  
13 sizes prescribed in 707 KAR 1:350 previously granted to the requestor by the Kentucky Board of  
14 Education and still in effect as of the date of the waiver request.

15 (7) “Waiver request” means a request to waive statutes or administrative regulations made  
16 pursuant to KRS 156.161 and this administrative regulation.

17 Section 2. Waiver Request Application.

18 (1) A waiver request shall be in the form of a new application, a renewal application, an  
19 amendment application, or a special education maximum class size application, and shall comply  
20 with the requirements of this section.

21 (2) A waiver request shall be submitted by U.S. mail to the department with the phrase “Attn:  
22 Waiver Request” in the address. The Commissioner may allow email submission of waiver  
23 requests at his or her discretion to an email address selected by the Commissioner.

1 (3) A new application shall include an Application Cover Sheet (E), and attached thereto a  
2 Specific Waiver Request Form for each statute or administrative regulation from which the  
3 requestor seeks a waiver.

4 (4) A renewal application shall include an Application Cover Sheet (E), and attached thereto a  
5 Renewal Application Form (E).

6 (5) An amendment application shall include an Application Cover Sheet (E), and attached thereto  
7 an Amendment Request Form (E).

8 (6) A special education maximum class size application shall include a Special Education  
9 Maximum Class Size Request Form.

10 (7) A waiver request shall be deemed incomplete if:

11 (a) The request fails to include all forms required for the waiver request as provided in  
12 subsections (3) – (6) of this section;

13 (b) The forms required for the waiver request as provided in subsections (3) – (6) of this section  
14 contain missing or incomplete responses; or

15 (c) Attachments prescribed within the forms required for the waiver request as provided in  
16 subsections (3) – (6) of this section are missing or incomplete.

### 17 Section 3. Receipt and Technical Review.

18 (1) Upon receipt of a waiver request, the department shall:

19 (a) Notate the date the department received the request;

20 (b) Assign a number to identify the request;

21 (c) Notify the Kentucky Board of Education that the waiver request should appear on its next  
22 regular meeting for review and decision; and

23 (d) Perform a technical review of the waiver request as set forth in subsection (2) of this section.

(2) The department shall perform the following technical review for each waiver request received:

(a) Calculate the number of calendar days from the date noted on the waiver request pursuant to subsection (1)(a) of this section and the next regular meeting of the Kentucky Board of Education following that date;

(b) Determine whether the waiver request seeks waiver of any statute or administrative regulation set forth in KRS 156.161(1)(a)-(j); and

(c) Determine whether the waiver request meets the requirements of KRS 156.161(2) and Section 2 of this administrative regulation.

(3) Following the technical review performed pursuant to subsection (2) of this section, the department shall notify the party submitting the waiver request of the following:

(a) The date the department received the waiver request;

(b) The number assigned by the department to identify the waiver request;

(c) The Kentucky Board of Education meeting date when the waiver request will be acted upon;

(d) If the number of calendar days calculated pursuant to subsection (2)(a) of this section is less than forty-five (45), that denial of the waiver request shall be recommended to the Kentucky Board of Education due to insufficient time to conduct a meaningful review of the request, unless the Commissioner determines the waiver request is narrowly tailored to address an emergency situation requiring timely action by the Kentucky Board of Education;

(e) If the waiver request seeks waiver of any statute or administrative regulation set forth in KRS 156.161(1)(a)-(j), that denial of those portions of the request shall be recommended to the Kentucky Board of Education;

1 (f) If the waiver request does not meet the requirements of KRS 156.161(2) or Section 2 of this  
2 administrative regulation, that denial of the request shall be recommended to the Kentucky Board  
3 of Education, along with a description of how the request does not meet the requirements of KRS  
4 156.161(2) or Section 2 of this administrative regulation;

5 (g) Instructions on how the party submitting the waiver request may voluntarily withdraw its  
6 request from Kentucky Board of Education review prior to the date set forth in paragraph (c) of  
7 this subsection; and

8 (h) Instructions on how the party submitting the waiver request may request that the Kentucky  
9 Board of Education act upon the request on a date different from that set forth in paragraph (c) of  
10 this subsection.

11 (4) Following the notice provided in subsection (3) of this section, the department shall take the  
12 following steps in processing the waiver request:

13 (a) If the waiver request is recommended to the Kentucky Board of Education for denial as set  
14 forth in paragraph (d) or (f) of subsection (3) of this section, then such recommendation shall be  
15 forwarded to the Kentucky Board of Education and the department shall terminate further review  
16 of the waiver request pursuant to this administrative regulation;

17 (b) If portions of the waiver request are recommended to the Kentucky Board of Education for  
18 denial as set forth in paragraph (e) of subsection (3) of this section, then such recommendation  
19 shall be forwarded to the Kentucky Board of Education and the department shall terminate  
20 further review of those portions of the waiver request pursuant to this administrative regulation;

21 and

(c) Any waiver request, or portion thereof, not recommended for denial to the Kentucky Board of Education as set forth in paragraphs (d) – (f) of subsection (3) of this section shall proceed to substantive review pursuant to Section 4 of this administrative regulation.

#### Section 4. Substantive Review.

(1) A waiver request, or portion thereof, that proceeds to substantive review pursuant to subsection (4)(c) of Section 3 of this administrative regulation shall be reviewed and recommended by the Commissioner to the Kentucky Board of Education for approval or denial following such review.

(2) In reviewing and evaluating the waiver request for a recommendation pursuant to subsection (1) of this section, the Commissioner shall consider the following factors:

(a) The entirety of the waiver request as set forth in subsections (3) – (6) of Section 2 of this administrative regulation;

(b) Student academic achievement for the past three full school years for which data is available in the schools and programs identified in the waiver request;

(c) Whether and to what extent the waiver request describes processes the requesting party will utilize to measure success as a result of the waiver, if granted, using data and accountability;

(d) The likelihood of the schools and programs identified in the waiver request realizing meaningful operational efficiency improvements if the waiver is granted;

(e) The likelihood of the students enrolled in the schools and programs identified in the waiver request realizing improved academic achievement if the waiver is granted;

(f) Whether and to what extent the waiver request reasonably anticipates potential adverse impacts on student academic achievement and addresses such potential adverse impacts;

(g) Whether and to what extent the waiver request demonstrates the establishment of high expectations for student learning and evidence based best practices for learning in the schools and programs identified in the request; and

(h) For special education maximum class size applications, any additional factors to be considered pursuant to 707 KAR 1:350 for waiver or exemption of special education maximum class sizes.

(3) Following review and evaluation as provided in subsection (2) of this section, the Commissioner shall recommend approval of a waiver request, or portion thereof, only if he or she finds the requested waiver is more likely than not:

(a) To improve school or program operations without hindering student academic achievement; or

(b) To improve student academic achievement at the school or program.

#### Section 5. Notification of Kentucky Board of Education Action.

(1) Within ten (10) business days following action by the Kentucky Board of Education on any waiver request, the department shall notify the requesting party of:

(a) The action taken by the Kentucky Board of Education on the waiver request; and

(b) If any portion of the waiver request was granted:

1. The specific statutes or administrative regulations waived;

2. The schools or programs to which the waiver applies;

3. The expiration date of the waiver granted;

4. The process to file a renewal application to avoid expiration of the waiver granted; and

5. The process to file an amendment application to seek future amendments to the waiver granted.



(2) The department shall maintain a list of waiver requests granted by the Kentucky Board of Education. The department shall remove from the list any waivers that are no longer effective due to expiration or termination.

#### Section 6. Termination of Waiver.

(1) A party to whom a waiver request is granted may request voluntary termination of the waiver by submitting an amendment application using the procedures set forth in Section 2 of this administrative regulation.

(2) The Kentucky Board of Education may terminate a waiver it previously granted as provided in KRS 156.161(9). No less than twenty (20) calendar days prior to a meeting of the Kentucky Board of Education to consider termination of a waiver pursuant to this subsection, the department shall provide written notice to the party to whom the waiver was granted of the following:

(a) That the Kentucky Board of Education will consider termination of a previously granted waiver as provided in KRS 156.161(9);

(b) The Kentucky Board of Education meeting date when such consideration and action shall occur;

(c) The reasons for potential termination of the previously granted waiver along with copies of any documents that will be considered by the Kentucky Board of Education as evidence in support of the reasons for potential termination; and

(d) That any written response of the party to whom the waiver was granted, received by the department within fifteen (15) calendar days following the date of the notice, shall be provided to the Kentucky Board of Education for its consideration prior to any action to terminate a previously granted waiver as provided in KRS 156.161(9).

(3) Within five (5) business days following any action by the Kentucky Board of Education pursuant to subsection (2) of this section, the department shall provide written notice to the party granted a waiver subject to termination action of the outcome of the Kentucky Board of Education's action pursuant to KRS 156.161(9).

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application Cover Sheet (E)", June 2025;

(b) "Specific Waiver Request Form", June 2025;

(c) "Renewal Application Form (E)", June 2025;

(d) "Amendment Request Form (E)", June 2025; and

(e) "Special Education Maximum Class Size Request Form", June 2025.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Department of Education, 300 Sower Blvd. 5<sup>th</sup> Floor, Frankfort, Kentucky, Monday through Friday, 8:00 a.m to 4:30 p.m. eastern time. This material may also be accessed on the Kentucky Department of Education website at:

<https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx>.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Dr. Robbie Fletcher  
Commissioner of Education

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Sharon Porter Robinson, Chair  
Kentucky Board of Education

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on **DATE**, at **TIME**, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through **DATE**. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person:

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, KY 40601, phone 502-564-4474, fax 502-564-9321, email: [regcomments@education.ky.gov](mailto:regcomments@education.ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

702 KAR 5:170E

Contact Person: Todd G. Allen

Phone: 502-564-4474

Email: todd.allen@education.ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the procedures for processing requests to waive statutes or administrative regulations pursuant to KRS 156.161.

(b) The necessity of this administrative regulation: KRS 156.161 authorizes the Kentucky Board of Education to promulgate administrative regulations to establish the procedures for processing requests to waive statutes or administrative regulations. Without this regulation, no procedure will exist for local boards of education to utilize KRS 156.161 to request that the Kentucky Board of Education waive statutes or administrative regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.161 specifically authorizes the Kentucky Board of Education to promulgate administrative regulations to establish the procedures for processing requests to waive statutes or administrative regulations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth the procedures for processing requests to waive statutes or administrative regulations pursuant to KRS 156.161.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky Department of Education and 171 public school districts.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The Kentucky Department of Education must follow the procedures listed in the regulation for review, processing, and recommendation to the Kentucky Board of Education for any waiver request received from a local board of education. Local boards of education are not required to take any action as a result of the administrative regulation. However, if they choose to apply to the Kentucky Board of Education for a waiver pursuant to KRS 156.161, they must utilize the forms and comply with the procedures set forth in the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal. Costs to local boards of education are in the form of staff time completing required forms if the school district chooses to pursue a waiver request. These costs are estimated to be minimal.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The Kentucky Department of Education will be guided by clear procedures that are uniform to all applicants. Local school boards will have access to fillable forms and instructions to guide them through the process of requesting a waiver pursuant to KRS 156.161.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal.

(b) On a continuing basis: Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The administrative regulation does not establish or increase any fees. Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal. If this changes in the future, the Kentucky Department of Education will explore the need for additional funding.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with this administrative regulation.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied. The regulation applies uniformly.

## FISCAL IMPACT STATEMENT

701 KAR 5:170E

Contact Person: Todd G. Allen

Phone: 502-564-4474

Email: todd.allen@education.ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 156.070, 156.161.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by KRS 156.161.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Education and Kentucky Department of Education.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal.

For subsequent years: Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: This regulation is not expected to result in cost savings to the Kentucky Department of Education.

For subsequent years: This regulation is not expected to result in cost savings to the Kentucky Department of Education.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local school districts.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: Costs to local school districts are in the form of staff time completing required forms if the school district chooses to pursue a waiver request. These costs are estimated to be minimal.

For subsequent years: Costs to local school districts are in the form of staff time completing required forms if the school district chooses to pursue a waiver request. These costs are estimated to be minimal.



2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: Local school districts may realize cost savings depending on the specific waivers requests and granted.

For subsequent years: Local school districts may realize cost savings depending on the specific waivers requests and granted.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: Not applicable.

For subsequent years: Not applicable.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal. Costs to local school districts are in the form of staff time completing required forms if the school district chooses to pursue a waiver request. These costs are estimated to be minimal. This regulation is not expected to generate revenue. Local school districts may realize cost savings depending on the specific waivers requests and granted.

(b) Methodology and resources used to reach this conclusion: The agency considered the procedures called for by this administrative regulation, as well as historical volume of requests from school district to waive administrative regulations.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13): This regulation will not have a “major economic impact” as defined by KRS 13A.010(13).

(b) The methodology and resources used to reach this conclusion: As previously stated, local boards of education are not required to take any action as a result of the administrative regulation. However, if they choose to apply to the Kentucky Board of Education for a waiver pursuant to KRS 156.161, they must utilize the forms and comply with the procedures set forth

in the regulation. Costs to local school districts are in the form of staff time completing required forms if the school district chooses to pursue a waiver request. These costs are estimated to be minimal. Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal based on historical volume of requests from school districts to waive administrative regulations.

## Summary Page - Incorporation by Reference

### 701 KAR 5:170E. Waiver Requests.

The following documents are incorporated by reference:

- (1) “Application Cover Sheet (E)”, June 2025. This form serves as the required cover sheet for a new waiver application, a renewal application, and an amendment application. The form collects information uniform to all three types of waiver applications and provides applicants with notice of various requirements of KRS 156.161 and this administrative regulation.
- (2) “Specific Waiver Request Form”, June 2025. This form is attached to the Application Cover Sheet in the case of a new waiver application for each statute or administrative regulation that an applicant requests be waived. This form collects information required by KRS 156.161 and this administrative regulation for evaluating each request to waive statute or administrative regulation.
- (3) “Renewal Application Request Form (E)”, June 2025. This form is attached to the Application Cover Sheet in the case of a request to renew a previously granted waiver from statutes or administrative regulations. This form collects information required by KRS 156.161 and this administrative regulation for evaluating whether or not to grant a renewal of a previously granted waiver from statute or administrative regulation.
- (4) “Amendment Request Form (E)”, June 2025. This form is attached to the Application Cover Sheet in the case of a request to renew a previously granted waiver from statutes or administrative regulations. This form collects information required by KRS 156.161 and this administrative regulation for evaluating whether or not to grant an amendment to a previously granted waiver from statute or administrative regulation.
- (5) “Special Education Maximum Class Size Request Form”, June 2025. This form collects information required to request a waiver from the education class sizes and caseloads prescribed in 707 KAR 1:350 as permitted by KRS 157.360(5) and this administrative regulation.

KRS 13A.190(1) Documentary Evidence For  
701 KAR 5:170E, Waiver Requests

**CHAPTER 113****( SB 207 )**

AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Board of Education, upon the request of the local board of education of a school district, may grant a waiver from the requirements of an administrative regulation promulgated by the state board or from a statute over which the state board has authority to enforce. A waiver granted by the state board shall expire on June 30 of the third full school year after the request was first approved, regardless of subsequent amendment, unless the state board renews the waiver prior to expiration. The state board shall not waive any statute or administrative regulation:*
  - (a) *Relating to health and safety, including required criminal background checks for staff and volunteers specified in KRS 160.380 and 161.148;*
  - (b) *Relating to civil rights;*
  - (c) *Required by federal law;*
  - (d) *Relating to compulsory attendance requirements under KRS 158.030 and 158.100 or the recording of data necessary for participation in the fund to support education excellence in Kentucky;*
  - (e) *Establishing certification requirements for teachers in core academic areas, except a waiver may authorize up to twenty-five percent (25%) of the teaching staff of a school may be employed without teacher certification if the individual possesses a baccalaureate or graduate degree in the subject the individual is hired to teach;*
  - (f) *Requiring students' participation in state assessment of student performance, as required under KRS 158.6453;*
  - (g) *Financial audits, audit procedures, and audit requirements under KRS 156.265;*
  - (h) *Open records and open meeting requirements under KRS Chapter 61;*
  - (i) *Purchasing requirements and limitations under KRS Chapter 45A and KRS 156.074 and 156.480; or*
  - (j) *Requiring instructional time that is at least equivalent to the student instructional year specified in KRS 158.070.*
- (2) *A waiver request under subsection (1) of this section shall:*
  - (a) *Identify the specific statutes and administrative regulations for which the local board is seeking a waiver;*
  - (b) *Specify the schools or programs within the district to which the waiver shall apply;*
  - (c) *Explain how the waiver for the schools or programs of each specific statute or administrative regulation will improve operations or student academic achievement; and*
  - (d) *Include any evidence the district wishes to submit to support the request.*
- (3) *Upon the majority vote of a local board approving a waiver request, the superintendent of the district shall submit the waiver request to the state board. The state board shall consider the waiver of each statute or administrative regulation included in the request at the next regularly scheduled meeting after submission and shall either approve or deny the request. In considering approval for each statute or administrative regulation identified in a waiver request, the state board shall grant the request if it demonstrates that the waiver is more likely than not:*
  - (a) *To improve that school's or program's operation without hindering student academic achievement; or*
  - (b) *To improve student academic achievement at that school or program.*

- (4) *In submitting a waiver request under subsection (3) of this section, a local board may seek to identify the school or program that is the subject of the request as a school of innovation. In addition to any other waivers granted for the school or program, a school of innovation shall be granted a waiver from all statutes and administrative regulations that would prevent the district from entering into an agreement with an education service provider to assist in the management and operation of the school or program. The state board shall approve the school of innovation request if the request demonstrates that identification as a school of innovation is more likely than not to improve either that school's or program's operation or student academic achievement.*
- (5) *A local board whose request to waive a statute or administrative regulation under subsection (3) or (4) of this section was denied may amend the original request for reconsideration at the state board's next regularly scheduled meeting. A local board may request assistance from the Kentucky Department of Education in the development of the local board's waiver request or an amendment.*
- (6) *A local board may seek to amend a previously approved waiver request by submitting the amendment for approval by the state board under the same procedures as the original request.*
- (7) *A local board that is granted a waiver under subsection (3) or (4) of this section may submit a request to renew the waiver to the state board. A renewal request shall be submitted no earlier than six (6) months prior to that waiver's expiration. The renewal request shall include evidence of the operational improvement of the school or program that is subject to the waiver, the academic achievement of the students enrolled in the schools or program, comparisons of those students with similar students across the state, and any other evidence of the waiver's benefit to student academic achievement. If the state board finds that the waiver has had a positive impact on the school's or program's operation or the academic achievement of students, then the renewal request shall be approved. An approved renewal request shall extend the waiver for an additional three (3) school years.*
- (8) *Any school that is subject to a waiver shall admit any and all children eligible to attend the school subject to the local board's policies.*
- (9) *If the state board at any time finds by a two-thirds (2/3) majority vote that a specific waiver previously granted has hindered school or program operations, endangered students, impeded student academic achievement, or supported financial malfeasance or criminal activity, then the waiver shall be rescinded. The existence of a waiver shall not negate the legal duties or professional responsibilities of a district employee.*
- (10) *The state board shall promulgate administrative regulations in accordance with KRS Chapter 13A to adopt a standardized waiver request form and establish any procedures for processing waiver requests in compliance with this section.*

➔Section 2. KRS 156.160 is amended to read as follows:

- (1) With the advice of the Local Superintendents Advisory Council, the Kentucky Board of Education shall promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. These regulations shall comply with the expected outcomes for students and schools set forth in KRS 158.6451. Administrative regulations shall be promulgated for the following:
  - (a) Courses of study for the different grades and kinds of common schools identifying the common curriculum content directly tied to the goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453 and distributed to local school districts and schools. The administrative regulations shall provide that:
    - 1. If a school offers American sign language, the course shall be accepted as meeting the foreign language requirements in common schools notwithstanding other provisions of law;
    - 2. If a school offers the Reserve Officers Training Corps program, the course shall be accepted as meeting the physical education requirement for high school graduation notwithstanding other provisions of law;
    - 3. Every public middle and high school's curriculum shall include instruction on the Holocaust and other cases of genocide, as defined by the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, that a court of competent jurisdiction, whether a court in the United States or the International Court of Justice, has determined to have been committed by applying rigorous standards of due process; and

4. Beginning in the 2025-2026 school year, cursive writing shall be included as a course of study in all elementary schools and shall be designed to ensure proficiency in cursive writing by the end of grade five (5);
- (b) Courses of study or educational experiences available to students in all middle and high schools to fulfill the prerequisites for courses in advanced science and mathematics as defined in KRS 158.845;
- (c) The acquisition and use of educational equipment for the schools as recommended by the Council for Education Technology;
- (d) The minimum requirements for high school graduation in light of the expected outcomes for students and schools set forth in KRS 158.6451. The minimum requirements shall not include achieving any postsecondary readiness indicator as described in KRS 158.6455 or any minimum score on a statewide assessment administered under KRS 158.6453. Student scores from any assessment administered under KRS 158.6453 that are determined by the department's technical advisory committee to be valid and reliable at the individual level shall be included on the student transcript. The department's technical advisory committee shall submit its determination to the commissioner of education and the Legislative Research Commission;
- (e) The requirements for an alternative high school diploma for students with disabilities whose individualized education program indicates that, in accordance with 20 U.S.C. sec. 1414(d)(1)(A):
  1. The student cannot participate in the regular statewide assessment; and
  2. An appropriate alternate assessment has been selected for the student based upon a modified curriculum and an individualized course of study;
- (f) Taking and keeping a school census, and the forms, blanks, and software to be used in taking and keeping the census and in compiling the required reports. The board shall create a statewide student identification numbering system based on students' Social Security numbers. The system shall provide a student identification number similar to, but distinct from, the Social Security number, for each student who does not have a Social Security number or whose parents or guardians choose not to disclose the Social Security number for the student;
- (g) Sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings, and classrooms. With respect to physical standards of sanitary and protective construction for school buildings, the Kentucky Board of Education shall adopt the Uniform State Building Code;
- (h) Medical inspection, physical and health education and recreation, and other regulations necessary or advisable for the protection of the physical welfare and safety of the public school children. The administrative regulations shall set requirements for student health standards to be met by all students in grades four (4), eight (8), and twelve (12) pursuant to the outcomes described in KRS 158.6451. The administrative regulations shall permit a student who received a physical examination no more than six (6) months prior to his or her initial admission to Head Start to substitute that physical examination for the physical examination required by the Kentucky Board of Education of all students upon initial admission to the public schools, if the physical examination given in the Head Start program meets all the requirements of the physical examinations prescribed by the Kentucky Board of Education;
- (i) A vision examination by an optometrist or ophthalmologist that shall be required by the Kentucky Board of Education. The administrative regulations shall require evidence that a vision examination that meets the criteria prescribed by the Kentucky Board of Education has been performed. This evidence shall be submitted to the school no later than January 1 of the first year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a public school, public preschool, or Head Start program;
- (j)
  1. Beginning with the 2010-2011 school year, a dental screening or examination by a dentist, dental hygienist, physician, registered nurse, advanced practice registered nurse, or physician assistant that shall be required by the Kentucky Board of Education. The administrative regulations shall require evidence that a dental screening or examination that meets the criteria prescribed by the Kentucky Board of Education has been performed. This evidence shall be submitted to the school no later than January 1 of the first year that a five (5) or six (6) year-old child is enrolled in a public school.

2. A child shall be referred to a licensed dentist if a dental screening or examination performed by anyone other than a licensed dentist identifies the possibility of dental disease;
  - (k) The transportation of children to and from school;
  - (l) The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;
  - (m) The preparation of budgets and salary schedules for the several school districts under the management and control of the Kentucky Board of Education;
  - (n) A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts;
  - (o) The disposal of real and personal property owned by local boards of education; and
  - (p) The development and implementation of procedures, for all students who are homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do the following:
    1. Awarding and accepting of credit, including partial credit, for all coursework satisfactorily completed by a student while enrolled at another school;
    2. Allowing a student who was previously enrolled in a course required for graduation the opportunity, to the extent practicable, to complete the course, at no cost to the student, before the beginning of the next school year;
    3. Awarding a diploma, at the student's request, by a district from which the student transferred, if the student transfers schools at any time after the completion of the student's second year of high school and the student is ineligible to graduate from the district to which the student transfers, but meets the graduation requirements of the district from which the student transferred; and
    4. Exempting the student from all coursework and other requirements imposed by the local board of education that are in addition to the minimum requirements for high school graduation established by the Kentucky Board of Education pursuant to paragraph (d) of this subsection in the district to which the student transfers, if the student transfers schools at any time after the completion of the student's second year of high school and the student is ineligible to graduate both from the district to which the student transfers and the district from which the student transferred.
- (2) ~~{(a) At the request of a local board of education or a school council, a local school district superintendent shall request that the Kentucky Board of Education waive any administrative regulation promulgated by that board. Beginning in the 1996-97 school year, a request for waiver of any administrative regulation shall be submitted to the Kentucky Board of Education in writing with appropriate justification for the waiver. The Kentucky Board of Education may approve the request when the school district or school has demonstrated circumstances that may include but are not limited to the following:~~
- ~~1. An alternative approach will achieve the same result required by the administrative regulation;~~
  - ~~2. Implementation of the administrative regulation will cause a hardship on the school district or school or jeopardize the continuation or development of programs; or~~
  - ~~3. There is a finding of good cause for the waiver.~~
- ~~(b) The following shall not be subject to waiver:~~
- ~~1. Administrative regulations relating to health and safety;~~
  - ~~2. Administrative regulations relating to civil rights;~~
  - ~~3. Administrative regulations required by federal law; and~~
  - ~~4. Administrative regulations promulgated in accordance with KRS 158.6451, 158.6453, 158.6455, and this section, relating to measurement of performance outcomes and determination of successful districts or schools, except upon issues relating to the grade configuration of schools.~~
- ~~(c) Any waiver granted under this subsection shall be subject to revocation upon a determination by the Kentucky Board of Education that the school district or school holding the waiver has subsequently failed to meet the intent of the waiver.~~



~~(3)~~ Any private, parochial, or church school may voluntarily comply with curriculum, certification, and textbook standards established by the Kentucky Board of Education and be certified upon application to the board by such schools.

~~(3)~~~~(4)~~ Any public school that violates the provisions of KRS 158.854 shall be subject to a penalty to be assessed by the commissioner of education as follows:

- (a) The first violation shall result in a fine of no less than one (1) week's revenue from the sale of the competitive food;
- (b) Subsequent violations shall result in a fine of no less than one (1) month's revenue from the sale of the competitive food;
- (c) "Habitual violations," which means five (5) or more violations within a six (6) month period, shall result in a six (6) month ban on competitive food sales for the violating school; and
- (d) Revenue collected as a result of the fines in this subsection shall be transferred to the food service fund of the local school district.

➔Section 3. KRS 156.445 is amended to read as follows:

- (1) No textbook or program shall be used in any public school in Kentucky as a basal title unless it has been recommended and listed on the state multiple list by the State Textbook Commission or unless a school and district has met the notification requirements under subsection (2) of this section. Any changes of textbooks made by the State Textbook Commission shall not become effective until grades and classes of the respective county and independent school districts have completed work for which the adopted book then in use was originally intended. Nothing in this section shall apply to the supplementary books that are needed from time to time.
- (2) A school council, or if none exists, the principal, may notify, through the superintendent, the State Textbook Commission that it plans to adopt a basal textbook or program that is not on the recommended list by submitting evidence that the title it has chosen meets the selection criteria of the State Textbook Commission in KRS 156.405(3)(b) and the subject specific criteria of the textbook reviewers pursuant to KRS 156.407(5) and complies with the required publisher specifications.
- (3) In approving text materials for private and parochial schools for the purpose of KRS 156.160(2)~~(3)~~ the text materials shall be approved if they are comprehensive and appropriate to the grade level in question notwithstanding the fact that they may contain elements of religious philosophy.

➔Section 4. KRS 157.360 is amended to read as follows:

- (1) (a) In determining the cost of the program to support education excellence in Kentucky, the statewide guaranteed base funding level, as defined in KRS 157.320, shall be computed by dividing the amount appropriated for this purpose by the prior year's statewide average daily attendance.
- (b) When determining the biennial appropriations for the program, the average daily attendance for each fiscal year shall include an estimate of the number of students graduating early under the provisions of KRS 158.142.
- (2) Each district shall receive an amount equal to the base funding level for each pupil in average daily attendance in the district in the previous year, except a district shall receive an amount equal to one-half (1/2) of the state portion of the average statewide per pupil guaranteed base funding level for each student who graduated early under the provisions of KRS 158.142. Each district's base funding level shall be adjusted by the following factors:
  - (a) The number of at-risk students in the district. At-risk students shall be identified as those approved for the free lunch program under state and federal guidelines. The number of at-risk students shall be multiplied by a factor to be established by the General Assembly. Funds generated under this paragraph may be used to pay for:
    - 1. Alternative programs for students who are at risk of dropping out of school before achieving a diploma; and
    - 2. A hazardous duty pay supplement as determined by the local board of education to the teachers who work in alternative programs with students who are violent or assaultive;

- (b) The number and types of exceptional children in the district as defined by KRS 157.200. Specific weights for each category of exceptionality shall be used in the calculation of the add-on factor for exceptional children; and
  - (c) Transportation costs. The per-pupil cost of transportation shall be calculated as provided by KRS 157.370. Districts which contract to furnish transportation to students attending nonpublic schools may adopt any payment formula which ensures that no public school funds are used for the transportation of nonpublic students.
- (3) Beginning with the 2015-2016 school year and each year thereafter, the General Assembly shall annually allocate funds equal to one-half (1/2) of the state portion of the average statewide per pupil guaranteed base funding level for each student who graduated early under the provisions of KRS 158.142 the previous school year to the Kentucky Higher Education Assistance Authority for deposit in the early graduation scholarship trust fund.
- (4) The program to support education excellence in Kentucky shall be fully implemented by the 1994-95 school year.
- (5) (a) Except for those schools which have implemented school-based decision making, the commissioner of education shall enforce maximum class sizes for every academic course requirement in all grades except in vocal and instrumental music, and physical education classes. Except as provided in subsection (6) of this section, the maximum number of pupils enrolled in a class shall be as follows:
- 1. Twenty-four (24) in primary grades (kindergarten through third grade);
  - 2. Twenty-eight (28) in grade four (4);
  - 3. Twenty-nine (29) in grades five (5) and six (6);
  - 4. Thirty-one (31) in grades seven (7) to twelve (12).
- (b) Except for those schools which have implemented school-based decision making, class size loads for middle and secondary school classroom teachers shall not exceed the equivalent of one hundred fifty (150) pupil hours per day.
- (c) The commissioner of education, upon approval of the Kentucky Board of Education, shall adopt administrative regulations for enforcing this provision. These administrative regulations shall include procedures for a superintendent to request an exemption from the Kentucky Board of Education when unusual circumstances warrant an increased class size for an individual class. A request for an exemption shall include specific reasons for the increased class size with a plan for reducing the class size prior to the beginning of the next school year. A district shall not receive in any one (1) year exemptions for more classes than enroll twenty percent (20%) of the pupils in the primary grades and grades four (4) through eight (8).
- (d) In all schools the commissioner of education shall enforce the special education maximum class sizes set by administrative regulations adopted by the Kentucky Board of Education. A superintendent may request an exemption pursuant to paragraph (c) of this subsection. A local school council may request a waiver *relating to maximum class size* pursuant to *Section 1 of this Act in the same manner as a local board of education* ~~[KRS 156.160(2)]~~. An exemption or waiver shall not be granted if the increased class size will impede any exceptional child from achieving his or her individual education program in the least restrictive environment.
- (6) In grades four (4) through six (6) with combined grades, the maximum class size shall be the average daily attendance upon which funding is appropriated for the lowest assigned grade in the class. There shall be no exceptions to the maximum class size for combined classes. In combined classes other than the primary grades, no ungraded students shall be placed in a combined class with graded students. In addition, there shall be no more than two (2) consecutive grade levels combined in any one (1) class in grades four (4) through six (6). However, this shall not apply to schools which have implemented school-based decision making.
- (7) If a local school district, through its admission and release committee, determines that an appropriate program in the least restrictive environment for a particular child with a disability includes either part-time or full-time enrollment with a private school or agency within the state or a public or private agency in another state, the school district shall count as average daily attendance in a public school the time that the child is in attendance at the school or agency, contingent upon approval by the commissioner of education.

- (8) Pupils attending a center for child learning and study established under an agreement pursuant to KRS 65.210 to 65.300 shall, for the purpose of calculating average daily attendance, be considered as in attendance in the school district in which the child legally resides and which is party to the agreement. For purposes of subsection (1) of this section, teachers who are actually employees of the joint or cooperative action shall be considered as employees of each school district which is a party to the agreement.
- (9) Program funding shall be increased when the average daily attendance in any district for the first two (2) months of the current school year is greater than the average daily attendance of the district for the first two (2) months of the previous school year. The program funds allotted the district shall be increased by the percent of increase. The average daily attendance in kindergarten is the kindergarten full-time equivalent pupils in average daily attendance.
- (10) If the average daily attendance for the current school year in any district decreases by ten percent (10%) or more than the average daily attendance for the previous school year, the average daily attendance for purposes of calculating program funding for the next school year shall be increased by an amount equal to two-thirds ( $\frac{2}{3}$ ) of the decrease in average daily attendance. If the average daily attendance remains the same or decreases in the succeeding school year, the average daily attendance for purposes of calculating program funding for the following school year shall be increased by an amount equal to one-third ( $\frac{1}{3}$ ) of the decrease for the first year of the decline.
- (11) If the percentage of attendance of any school district shall have been reduced more than two percent (2%) during the previous school year, the program funding allotted the district for the current school year shall be increased by the difference in the percentage of attendance for the two (2) years immediately prior to the current school year less two percent (2%).
- (12)
  - (a) Instructional salaries for vocational agriculture classes shall be for twelve (12) months per year. Vocational agriculture teachers shall be responsible for the following program of instruction during the time period beyond the regular school term established by the local board of education: supervision and instruction of students in agriculture experience programs; group and individual instruction of farmers and agribusinessmen; supervision of student members of agricultural organizations who are involved in leadership training or other activity required by state or federal law; or any program of vocational agriculture established by the Department of Education. During extended employment, no vocational agriculture teacher shall receive salary on a day that the teacher is scheduled to attend an institution of higher education class which could be credited toward meeting any certification requirement.
  - (b) Each teacher of agriculture employed shall submit an annual plan for summer program to the local school superintendent for approval. The summer plan shall include a list of tasks to be performed, purposes for each task, and time to be spent on each task. Approval by the local school superintendent shall be in compliance with the guidelines developed by the Department of Education. The supervision and accountability of teachers of vocational agriculture's summer programs shall be the responsibility of the local school superintendent. The local school superintendent shall submit to the commissioner of education a completed report of summer tasks for each vocational agriculture teacher. Twenty percent (20%) of the approved vocational agriculture programs shall be audited annually by the State Department of Education to determine that the summer plan has been properly executed.
- (13)
  - (a) In allotting program funds for home and hospital instruction, statewide guaranteed base funding, excluding the capital outlay, shall be allotted for each child in average daily attendance in the prior school year who has been properly identified according to Kentucky Board of Education administrative regulations. Attendance shall be calculated pursuant to KRS 157.270 and shall be reported monthly on forms provided by the Department of Education; and
  - (b) Pursuant to administrative regulations of the Kentucky Board of Education, local school districts shall be reimbursed for home and hospital instruction for pupils unable to attend regular school sessions because of short-term health impairments. A reimbursement formula shall be established by administrative regulations to include such factors as a reasonable per hour, per child allotment for teacher instructional time, with a maximum number of funded hours per week, a reasonable allotment for teaching supplies and equipment, and a reasonable allotment for travel expenses to and from instructional assignments, but the formula shall not include an allotment for capital outlay. Attendance shall be calculated pursuant to KRS 157.270 and shall be reported annually on forms provided by the Department of Education.

- (14) Except for those schools which have implemented school-based decision making and the school council has voted to waive this subsection, kindergarten aides shall be provided for each twenty-four (24) full-time equivalent kindergarten students enrolled.
- (15) Effective July 1, 2001, there shall be no deduction applied against the base funding level for any pupil in average daily attendance who spends a portion of his or her school day in a program at a state-operated career and technical education or vocational facility.
- (16) During a fiscal year, a school district may request that the Department of Education recalculate its funds allocated under this section if the current year average daily attendance for the twenty (20) day school month as defined in KRS 158.060(1) that contains the most days within the calendar month of January exceeds the prior year adjusted average daily attendance plus growth by at least one percent (1%). Any adjustments in the allotments approved under this subsection shall be proportional to the remaining days in the school year and subject to available funds under the program to support education excellence in Kentucky.
- (17) To calculate the state portion of the program to support education excellence in Kentucky for a school district, the Department of Education shall subtract the local effort required under KRS 157.390(5) from the calculated base funding under the program to support education excellence in Kentucky, as required by this section. The value of the real estate used in this calculation shall be the lesser of the current year assessment or the prior year assessment increased by four percent (4%) plus the value of current year new property. The calculation under this subsection shall be subject to available funds.
- (18) Notwithstanding any other statute or budget of the Commonwealth language to the contrary, time missed due to shortening days for emergencies may be made up by lengthening school days in the school calendar without any loss of funds under the program to support education excellence in Kentucky.

➔Section 5. KRS 158.070 is amended to read as follows:

- (1) As used in this section:

- (a) "Election" has the same meaning as in KRS 121.015;
- (b) "Minimum school term" or "school term" means not less than one hundred eighty-five (185) days composed of the student attendance days, teacher professional days, and holidays;
- (c) "School calendar" means the document adopted by a local board of education that establishes the minimum school term, student instructional year or variable student instructional year, and days that school will not be in session;
- (d) "School district calendar committee" means a committee that includes at least the following:
  - 1. One (1) school district principal;
  - 2. One (1) school district office administrator other than the superintendent;
  - 3. One (1) member of the local board of education;
  - 4. Two (2) parents of students attending a school in the district;
  - 5. One (1) school district elementary school teacher;
  - 6. One (1) school district middle or high school teacher;
  - 7. Two (2) school district classified employees; and
  - 8. Two (2) community members from the local chamber of commerce, business community, or tourism commission;
- (e) "Student attendance day" means any day that students are scheduled to be at school to receive instruction, and encompasses the designated start and dismissal time;
- (f) "Student instructional year" means at least one thousand sixty-two (1,062) hours of instructional time for students delivered on not less than one hundred seventy (170) student attendance days;
- (g) "Teacher professional day" means any day teachers are required to report to work as determined by a local board of education, with or without the presence of students; and
- (h) "Variable student instructional year" means at least one thousand sixty-two (1,062) hours of instructional time delivered on the number of student attendance days adopted by a local board of education which shall be considered proportionally equivalent to one hundred seventy (170) student

attendance days and calendar days for the purposes of a student instructional year, employment contracts that are based on the school term, service credit under KRS 161.500, and funding under KRS 157.350.

- (2) (a) The local board of education, upon recommendation of the local school district superintendent, shall annually appoint a school district calendar committee to review, develop, and recommend school calendar options.
- (b) The school district calendar committee, after seeking feedback from school district employees, parents, and community members, shall recommend school calendar options to the local school district superintendent for presentation to the local board of education. The committee's recommendations shall comply with state laws and regulations and consider the economic impact of the school calendar on the community and the state.
- (c) Prior to adopting a school calendar, the local board of education shall hear for discussion the school district calendar committee's recommendations and the recommendation of the superintendent at a meeting of the local board of education.
- (d) During a subsequent meeting of the local board of education, the local board shall adopt a school calendar for the upcoming school year that establishes the opening and closing dates of the school term, beginning and ending dates of each school month, student attendance days, and days on which schools shall be dismissed. The local board may schedule days for breaks in the school calendar that shall not be counted as a part of the minimum school term.
- (e) For local board of education meetings described in paragraphs (c) and (d) of this subsection, if the meeting is a regular meeting, notice shall be given to media outlets that have requests on file to be notified of special meetings stating the date of the regular meeting and that one (1) of the items to be considered in the regular meeting will be the school calendar. The notice shall be sent at least twenty-four (24) hours before the regular meeting. This requirement shall not be deemed to make any requirements or limitations relating to special meetings applicable to the regular meeting.
- (f) A local school board of education that adopts a school calendar with the first student attendance day in the school term starting no earlier than the Monday closest to August 26 may use a variable student instructional year. Districts may set the length of individual student attendance days in a variable student instructional schedule, but no student attendance day shall contain more than seven (7) hours of instructional time unless the district submitted and received approval from the commissioner of education for an innovative alternative calendar.
- (3) (a) Each local board of education shall use four (4) days of the minimum school term for professional development and collegial planning activities for the professional staff without the presence of students pursuant to the requirements of KRS 156.095. At the discretion of the superintendent, one (1) day of professional development may be used for district-wide activities and for training that is mandated by federal or state law. The use of three (3) days shall be planned by each school council, except that the district is encouraged to provide technical assistance and leadership to school councils to maximize existing resources and to encourage shared planning.
- (b) At least one (1) hour of self-study review of seizure disorder materials shall be required for all principals, guidance counselors, and teachers hired after July 1, 2019.
- (c)
  1. A local board may approve a school's flexible professional development plan that permits teachers or other certified personnel within a school to participate in professional development activities outside the days scheduled in the school calendar or the regularly scheduled hours in the school work day and receive credit towards the four (4) day professional development requirement within the minimum one hundred eighty-five (185) days that a teacher shall be employed.
  2. A flexible schedule option shall be reflected in the school's professional development component within the school improvement plan and approved by the local board. Credit for approved professional development activities may be accumulated in periods of time other than full day segments.
  3. No teacher or administrator shall be permitted to count participation in a professional development activity under the flexible schedule option unless the activity is related to the

teacher's classroom assignment and content area, or the administrator's job requirements, or is required by the school improvement plan, or is tied to the teacher's or the administrator's individual growth plan. The supervisor shall give prior approval and shall monitor compliance with the requirements of this paragraph. In the case of teachers, a professional development committee or the school council by council policy may be responsible for reviewing requests for approval.

- (d) The local board of each school district may use up to a maximum of four (4) days of the minimum school term for holidays; provided, however, any holiday which occurs on Saturday may be observed on the preceding Friday.
- (e) Each local board may use two (2) days for planning activities without the presence of students.
- (f) Each local board may close schools for the number of days deemed necessary for:
  - 1. National or state emergency or mourning when proclaimed by the President of the United States or the Governor of the Commonwealth of Kentucky;
  - 2. Local emergency which would endanger the health or safety of children; and
  - 3. Mourning when so designated by the local board of education and approved by the Kentucky Board of Education upon recommendation of the commissioner of education.
- (4) (a) The Kentucky Board of Education, upon recommendation of the commissioner of education, shall adopt administrative regulations governing the use of student attendance days as a result of a local emergency, as described in subsection (3)(f)2. of this section, and regulations setting forth the guidelines and procedures to be observed for the approval of waivers from the requirements of a student instructional year in subsection (1)(f) of this section for districts that wish to adopt innovative instructional calendars, or for circumstances that would create extreme hardship.
- (b) If a local board of education amends its school calendar after its adoption due to an emergency, it may lengthen or shorten any remaining student attendance days by thirty (30) minutes or more, as it deems necessary, provided the amended calendar complies with the requirements of a student instructional year in subsection (1)(f) of this section or a variable student instructional year in subsection (1)(h) of this section. No student attendance day shall contain more than seven (7) hours of instructional time unless the district submitted and received approval from the commissioner of education for an innovative alternative calendar.
- (5) (a)
  - 1. In setting the school calendar, school may be closed for two (2) consecutive days for the purpose of permitting professional school employees to attend statewide professional meetings.
  - 2. These two (2) days for statewide professional meetings may be scheduled to begin with the first Thursday after Easter, or upon request of the statewide professional education association having the largest paid membership, the commissioner of education may designate alternate dates.
  - 3. If schools are scheduled to operate during days designated for the statewide professional meeting, the school district shall permit employees who are delegates to attend as compensated professional leave time and shall employ substitute teachers in their absence.
  - 4. The commissioner of education shall designate one (1) additional day during the school year when schools may be closed to permit professional school employees to participate in regional or district professional meetings.
  - 5. These three (3) days so designated for attendance at professional meetings may be counted as a part of the minimum school term.
- (b)
  - 1. If any school in a district is used as a polling place, the school district shall be closed on the day of the election, and those days may be used for professional development activities, professional meetings, or parent-teacher conferences.
  - 2. A district may be open on the day of an election if no school in the district is used as a polling place.
- (c) All schools shall be closed on the third Monday of January in observance of the birthday of Martin Luther King, Jr. Districts may:

1. Designate the day as one (1) of the four (4) holidays permitted under subsection (3)(d) of this section; or
  2. Not include the day in the minimum school term specified in subsection (1) of this section.
- (6) (a) The Kentucky Board of Education, or the organization or agency designated by the board to manage interscholastic athletics, shall be encouraged to schedule athletic competitions outside the regularly scheduled student attendance day.
- (b) Any member of a school-sponsored interscholastic athletic team who competes in a regional tournament or state tournament sanctioned by the Kentucky Board of Education, or the organization or agency designated by the board to manage interscholastic athletics, and occurring on a regularly scheduled student attendance day may be counted present at school on the date or dates of the competition, as determined by local board policy, for a maximum of two (2) days per student per year. The student shall be expected to complete any assignments missed on the date or dates of the competition.
- (c) The school attendance record of any student for whom paragraph (b) of this subsection applies shall indicate that the student was in attendance on the date or dates of competition.
- (7) Schools shall provide continuing education for those students who are determined to need additional time to achieve the outcomes defined in KRS 158.6451, and schools shall not be limited to the minimum school term in providing this education. Continuing education time may include extended days, extended weeks, or extended years. A local board of education may adopt a policy requiring its students to participate in continuing education. The local policy shall set out the conditions under which attendance will be required and any exceptions which are provided. The Kentucky Board of Education shall promulgate administrative regulations establishing criteria for the allotment of grants to local school districts and shall include criteria by which the commissioner of education may approve a district's request for a waiver *under Section 1 of this Act* to use an alternative service delivery option, including providing services during the student attendance day on a limited basis. These grants shall be allotted to school districts to provide instructional programs for pupils who are identified as needing additional time to achieve the outcomes defined in KRS 158.6451. A school district that has a school operating a model early reading program under KRS 158.792 may use a portion of its grant money as part of the matching funds to provide individualized or small group reading instruction to qualified students outside of the regular classroom during the student attendance day.
- (8) Notwithstanding any other statute, each school term shall include no less than the equivalent of the student instructional year in subsection (1)(f) of this section, or a variable student instructional year in subsection (1)(h) of this section, except that the commissioner of education may grant up to the equivalent of ten (10) student attendance days for school districts that have a nontraditional instruction plan approved by the commissioner of education on days when the school district is closed for health or safety reasons. The district's plan shall indicate how the nontraditional instruction process shall be a continuation of learning that is occurring on regular student attendance days. Instructional delivery methods, including the use of technology, shall be clearly delineated in the plan. Average daily attendance for purposes of Support Education Excellence in Kentucky program funding during the student attendance days granted shall be calculated in compliance with administrative regulations promulgated by the Kentucky Board of Education.
- (9) The Kentucky Board of Education shall promulgate administrative regulations to prescribe the conditions and procedures for districts to be approved for the nontraditional instruction program. Administrative regulations promulgated by the board under this section shall specify:
- (a) The application, plan review, approval, and amendment process;
  - (b) Reporting requirements for districts approved for the program, which may include but are not limited to examples of student work, lesson plans, teacher work logs, and student and teacher participation on nontraditional instruction days. Documentation to support the use of nontraditional instruction days shall include clear evidence of learning continuation;
  - (c) Timelines for initial approval as a nontraditional instruction district, length of approval, the renewal process, and ongoing evaluative procedures required of the district;
  - (d) Reporting and oversight responsibilities of the district and the Kentucky Department of Education, including the documentation required to show clear evidence of learning continuation during nontraditional instruction days; and
  - (e) Other components deemed necessary to implement this section.

- (10) Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection (2) of this section, a school district shall arrange bus schedules so that all buses arrive in sufficient time to provide breakfast prior to the beginning of the student attendance day. The superintendent of a school district that participates in the Federal School Breakfast Program may also authorize up to fifteen (15) minutes of the student attendance day to provide the opportunity for children to eat breakfast during instructional time.
- (11) Notwithstanding any other statute to the contrary, the following provisions shall apply to a school district that misses student attendance days due to emergencies, including weather-related emergencies:
- (a) A certified school employee shall be considered to have fulfilled the minimum one hundred eighty-five (185) day contract with a school district under KRS 157.350 and shall be given credit for the purpose of calculating service credit for retirement under KRS 161.500 for certified school personnel if:
    - 1. State and local requirements under this section are met regarding the equivalent of the number and length of student attendance days, teacher professional days, professional development days, holidays, and days for planning activities without the presence of students; and
    - 2. The provisions of the district's school calendar to make up student attendance days missed due to any emergency, as approved by the Kentucky Department of Education when required, including but not limited to a provision for additional instructional time per day, are met.
  - (b) Additional time worked by a classified school employee shall be considered as equivalent time to be applied toward the employee's contract and calculation of service credit for classified employees under KRS 78.615 if:
    - 1. The employee works for a school district with a school calendar approved by the Kentucky Department of Education that contains a provision that additional instructional time per day shall be used to make up full days missed due to an emergency;
    - 2. The employee's contract requires a minimum six (6) hour work day; and
    - 3. The employee's job responsibilities and work day are extended when the instructional time is extended for the purposes of making up time.
  - (c) Classified employees who are regularly scheduled to work less than six (6) hours per day and who do not have additional work responsibilities as a result of lengthened student attendance days shall be excluded from the provisions of this subsection. These employees may be assigned additional work responsibilities to make up service credit under KRS 78.615 that would be lost due to lengthened student attendance days.

➔Section 6. KRS 158.080 is amended to read as follows:

Private and parochial schools certified in accordance with KRS 156.160(3) shall:

- (1) Be taught in the English language and shall offer instruction in the several branches of study required to be taught in the public schools of the state, ~~consistent with KRS 156.445(3)~~; and
- (2) Operate on a school calendar with a minimum school term and student instructional year, as defined in KRS 158.070.

➔Section 7. KRS 158.854 is amended to read as follows:

- (1) The Kentucky Board of Education shall promulgate an administrative regulation in accordance with KRS Chapter 13A to specify the minimum nutritional standards for all foods and beverages that are sold outside the National School Breakfast and National School Lunch programs, whether in vending machines, school stores, canteens, or a la carte cafeteria sales. Minimum nutritional standards shall be based on the most recent edition of the United States Department of Agriculture's Dietary Guidelines for Americans. The administrative regulation shall address serving size, sugar, and fat content of the foods and beverages. School districts may impose more stringent standards than the standards implemented under the administrative regulation. A school shall follow the minimum standards specified in the administrative regulation unless a waiver has been requested *under Section 1 of this Act* by the school district for the school from the Kentucky Board of Education. *Notwithstanding the duration of a waiver granted under Section 1 of this Act*, any waiver approved by the Board of Education *relating to this section* shall be reviewed on an annual basis.
- (2) As used in this section:



- (a) "Competitive food" means any food or beverage item sold in competition with the National School Breakfast and National School Lunch programs. The term does not include any food or beverage sold a la carte in the cafeteria;
  - (b) "School day" means the period of time between the arrival of the first student at the school building and the end of the last instructional period; and
  - (c) "School-day-approved beverage" means water, one hundred percent (100%) fruit juice, lowfat milk, and any beverage that contains no more than ten (10) grams of sugar per serving.
- (3) No school may sell competitive foods or beverages from the time of the arrival of the first student at the school building until thirty (30) minutes after the last lunch period.
  - (4) Only school-day-approved beverages shall be sold in elementary schools during the school day in vending machines, school stores, canteens, or fundraisers that sell beverages by students, teachers, or groups.
  - (5) Nothing in this section or KRS 158.850 shall be construed to limit the sale of any foods or beverages by fundraisers off school property.

➔ Section 8. KRS 160.151 is amended to read as follows:

- (1) (a) 1. A private, parochial, or church school that has voluntarily been certified by the Kentucky Board of Education in accordance with KRS 156.160(2)~~(3)~~ may require a national and state criminal background check and require a clear CA/N check, as defined in KRS 160.380, on all new certified hires in the school and student teachers assigned to the school and may require a new national and state criminal background check and require a clear CA/N check on each certified teacher once every five (5) years of employment.
- 2. Certified individuals who were employed in another certified position in a Kentucky school within six (6) months of the date of the hire and who had previously submitted to a national and state criminal background check and were required to have a clear CA/N check for previous employment may be excluded from the initial national or state criminal background checks.
- (b) The national criminal history background check shall be conducted by the Federal Bureau of Investigation. The state criminal history background check shall be conducted by the Department of Kentucky State Police or the Administrative Office of the Courts.
- (c) All fingerprints requested under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police. The fingerprint cards shall be forwarded to the Federal Bureau of Investigation by the Department of Kentucky State Police after a state criminal background check has been conducted. Any fee charged by the Department of Kentucky State Police, the Administrative Office of the Courts, or the Federal Bureau of Investigation shall be an amount no greater than the actual cost of processing the request and conducting the search.
- (2) (a) If a school requires a criminal background check or requires a clear CA/N check for a new hire, the school shall conspicuously include the following disclosure statement on each application or renewal form provided by the employer to an applicant for a certified position: "STATE LAW AUTHORIZES THIS SCHOOL TO REQUIRE A CRIMINAL HISTORY BACKGROUND CHECK AND A LETTER FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT IS CLEAR TO HIRE BASED ON NO FINDINGS OF SUBSTANTIATED CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS AS A CONDITION OF EMPLOYMENT FOR THIS TYPE OF POSITION."
- (b) The school or school board may require an adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity, a volunteer, or a visitor to submit to a national criminal history check by the Federal Bureau of Investigation and state criminal history background check by the Department of Kentucky State Police or Administrative Office of the Courts and require a clear CA/N check.
- (c) Any request for records from the Department of Kentucky State Police under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police if required. The results of the state criminal background check and the results of the national criminal history background check, if requested, shall be sent to the hiring superintendent. If a background check of child abuse and

neglect records is requested, the person seeking employment shall provide to the hiring superintendent a clear CA/N check.

- (d) Any fee charged by the Department of Kentucky State Police shall be an amount no greater than the actual cost of processing the request and conducting the search.
- (3) (a) A nonpublic school voluntarily implementing the provisions of this chapter may choose not to employ any person who is a violent offender as defined by KRS 17.165(2), has been convicted of a sex crime which is classified as a felony as defined by KRS 17.165(1), or has committed a violent crime as defined in KRS 17.165(3) or persons with a substantiated finding of child abuse or neglect in records maintained by the Cabinet for Health and Family Services. A nonpublic school may employ, at its discretion, persons convicted of sex crimes classified as a misdemeanor.
- (b) If a school term has begun and a certified position remains unfilled or if a vacancy occurs during a school term, a nonpublic school implementing this chapter may employ an individual who will have supervisory or disciplinary authority over minors on probationary status pending receipt of a criminal history background check or the receipt of a clear CA/N check, provided by the individual.
- (c) Employment at a nonpublic school implementing this chapter may be contingent on the receipt of a criminal history background check documenting a record as a violent offender, of a sex crime, or of a violent crime as defined in KRS 17.165 or the receipt of a clear CA/N check, provided by the individual.
- (d) Nonpublic schools implementing this chapter may terminate probationary employment under this section upon receipt of a criminal history background check documenting a record as a violent offender, of a sex crime, or of a violent crime as defined in KRS 17.165 or the receipt of a clear CA/N check.
- (4) The form for requesting a clear CA/N check shall be made available on the Cabinet for Health and Family Services Web site.

➔Section 9. KRS 160.380 is amended to read as follows:

- (1) As used in this section:

- (a) "Administrative finding of child abuse or neglect" means a substantiated finding of child abuse or neglect issued by the Cabinet for Health and Family Services that is:
  - 1. Not appealed through an administrative hearing conducted in accordance with KRS Chapter 13B;
  - 2. Upheld at an administrative hearing conducted in accordance with KRS Chapter 13B and not appealed to a Circuit Court; or
  - 3. Upheld by a Circuit Court in an appeal of the results of an administrative hearing conducted in accordance with KRS Chapter 13B;
- (b) "Alternative education program" means a program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience. Alternative education programs do not include career or technical centers or departments;
- (c) "Clear CA/N check" means a letter from the Cabinet for Health and Family Services indicating that there are no administrative findings of child abuse or neglect relating to a specific individual;
- (d) "Relative" means father, mother, brother, sister, husband, wife, son and daughter; and
- (e) "Vacancy" means any certified position opening created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member of a local school district, or a new position created in a local school district for which certification is required. However, if an employer-employee bargained contract contains procedures for filling certified position openings created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member, or creation of a new position for which certification is required, a vacancy shall not exist, unless certified positions remain open after compliance with those procedures.

- (2) Except as provided in KRS 160.346, the school district personnel actions identified in this section shall be carried out as follows:

- (a) All appointments, promotions, and transfers of principals, supervisors, teachers, and other public school employees shall be made only by the superintendent of schools, who shall notify the board of the action taken. All employees of the local district shall have the qualifications prescribed by law and by the administrative regulations of the Kentucky Board of Education and of the employing board. Supervisors, principals, teachers, and other employees may be appointed by the superintendent for any school year at any time after February 1 preceding the beginning of the school year. No superintendent of schools shall appoint or transfer himself or herself to another position within the school district;
  - (b) When a vacancy occurs in a local school district, the superintendent shall submit the job posting to the statewide job posting system described in KRS 160.152 fifteen (15) days before the position shall be filled. The local school district shall post position openings in the local board office for public viewing;
  - (c) When a vacancy needs to be filled in less than fifteen (15) days' time to prevent disruption of necessary instructional or support services of the school district, the superintendent may seek a waiver from the chief state school officer *outside of the process established in Section 1 of this Act*. If the waiver is approved, the appointment shall not be made until the person recommended for the position has been approved by the chief state school officer. The chief state school officer shall respond to a district's request for waiver or for approval of an appointment within two (2) working days; and
  - (d) When a vacancy occurs in a local district, the superintendent shall conduct a search to locate minority teachers to be considered for the position. The superintendent shall, pursuant to administrative regulations of the Kentucky Board of Education, report annually the district's recruitment process and the activities used to increase the percentage of minority teachers in the district.
- (3) Restrictions on employment of relatives shall be as follows:
- (a) No relative of a superintendent of schools shall be an employee of the school district. However, this shall not apply to a relative who is a classified or certified employee of the school district for at least thirty-six (36) months prior to the superintendent assuming office and who is qualified for the position the employee holds. A superintendent's spouse who has previously been employed in a school system may be an employee of the school district. A superintendent's spouse who is employed under this provision shall not hold a position in which the spouse supervises certified or classified employees. A superintendent's spouse may supervise teacher aides and student teachers. However, the superintendent shall not promote a relative who continues employment under an exception of this subsection;
  - (b) No superintendent shall employ a relative of a school board member of the district;
  - (c) No principal's relative shall be employed in the principal's school; and
  - (d) A relative that is ineligible for employment under paragraph (a), (b), or (c) of this subsection may be employed as a substitute for a certified or classified employee if the relative is not:
    - 1. A regular full-time or part-time employee of the district;
    - 2. Accruing continuing contract status or any other right to continuous employment;
    - 3. Receiving fringe benefits other than those provided other substitutes; or
    - 4. Receiving preference in employment or assignment over other substitutes.
- (4) No superintendent shall assign a certified or classified staff person to an alternative education program as part of any disciplinary action taken pursuant to KRS 161.011 or 161.790 as part of a corrective action plan established pursuant to the local district evaluation plan.
- (5) No superintendent shall employ in any position in the district any person who:
- (a) Has been convicted of an offense that would classify a person as a violent offender under KRS 439.3401;
  - (b) Has been convicted of a sex crime as defined by KRS 17.500 or a misdemeanor offense under KRS Chapter 510;
  - (c) Is required to register as a sex offender under KRS 17.500 to 17.580; or
  - (d) Has an administrative finding of child abuse or neglect in records maintained by the Cabinet for Health and Family Services.

## (6) Requirements for background checks shall be as follows:

- (a) A superintendent shall require the following individuals to submit to a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation and have a clear CA/N check, provided by the individual:
  - 1. Each new certified or classified hire;
  - 2. A nonfaculty coach or nonfaculty assistant as defined under KRS 161.185;
  - 3. A student teacher;
  - 4. A school-based decision making council parent member; and
  - 5. Any adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity;
- (b)
  - 1. The requirements of paragraph (a) of this subsection shall not apply to:
    - a. Classified and certified individuals employed by the school district prior to June 27, 2019;
    - b. Certified individuals who were employed in another certified position in a Kentucky school district within six (6) months of the date of hire and who had previously submitted to a national and state criminal background check and who have a clear CA/N check for the previous employment; or
    - c. Student teachers who have submitted to and provide a copy of a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation through an accredited teacher education institution in which the student teacher is enrolled and who have a clear CA/N check.
  - 2. The Education Professional Standards Board may promulgate administrative regulations to impose additional qualifications to meet the requirements of Pub. L. No. 92-544;
- (c) A parent member may serve prior to the receipt of the criminal history background check and CA/N letter required by paragraph (a) of this subsection but shall be removed from the council on receipt by the school district of a report documenting a record of abuse or neglect, or 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, and no further procedures shall be required;
- (d) A superintendent may require a volunteer or a visitor to submit to a national and state criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation and have a clear CA/N check, provided by the individual; and
- (e) The superintendent of a school district operating under an alternative transportation plan approved by the Kentucky Department of Education in accordance with KRS 156.153(3) shall require the driver of any non-school bus passenger vehicle authorized to transport students to and from school pursuant to the alternative transportation plan who does not have a valid commercial driver's license issued in accordance with KRS Chapter 281A with an "S" endorsement to:
  - 1. Submit to a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation at least once every three (3) years and a criminal records check conducted in accordance with KRS 27A.090 in all other years;
  - 2. Submit to drug testing consistent with the requirements of 49 C.F.R. pt. 40;
  - 3. Provide a biannual driving history record check performed by the Transportation Cabinet;
  - 4. Provide an annual clear CA/N check;
  - 5. Immediately notify the superintendent of any conviction for a violation under KRS Chapter 189 for which penalty points are assessed; and
  - 6. Immediately notify the superintendent of any citation or arrest for a violation of any provision of KRS Chapter 189A. The superintendent shall inform the Kentucky Department of Education of the notification.

- (7)
  - (a) If a certified or classified position remains unfilled after July 31 or if a vacancy occurs during a school term, a superintendent may employ an individual, who will have supervisory or disciplinary authority over minors, on probationary status pending receipt of the criminal history background check and a clear CA/N check, provided by the individual. Application for the criminal record and a request for a clear CA/N check of a probationary employee shall be made no later than the date probationary employment begins.
  - (b) Employment shall be contingent on the receipt of the criminal history background check documenting that the probationary employee has no record of a sex crime nor as a violent offender as defined in KRS 17.165 and receipt of a letter, provided by the individual, from the Cabinet for Health and Family Services stating the employee is clear to hire based on no administrative findings of child abuse or neglect found through a background check of child abuse and neglect records maintained by the Cabinet for Health and Family Services.
  - (c) Notwithstanding KRS 161.720 to 161.800 or any other statute to the contrary, probationary employment under this section shall terminate on receipt by the school district of a criminal history background check documenting a record of a sex crime or as a violent offender as defined in KRS 17.165 and no further procedures shall be required.
- (8) The provisions of KRS 161.790 shall apply to terminate employment of a certified employee on the basis of a criminal record other than a record of a sex crime or as a violent offender as defined in KRS 17.165, or on the basis of a CA/N check showing an administrative finding of child abuse or neglect.
- (9)
  - (a) All fingerprints requested under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police. The fingerprint cards shall be forwarded to the Federal Bureau of Investigation from the Department of Kentucky State Police after a state criminal background check is conducted. The results of the state and federal criminal background check shall be sent to the hiring superintendent. Any fee charged by the Department of Kentucky State Police, the Federal Bureau of Investigation, and the Cabinet for Health and Family Services shall be an amount no greater than the actual cost of processing the request and conducting the search.
  - (b) Each application form, provided by the employer to an applicant for a certified or classified position, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES."
  - (c) Each application form for a district position shall require the applicant to:
    - 1. Identify the states in which he or she has maintained residency, including the dates of residency; and
    - 2. Provide picture identification.
- (10) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, when an employee of the school district is charged with any offense which is classified as a felony, the superintendent may transfer the employee to a second position until such time as the employee is found not guilty, the charges are dismissed, the employee is terminated, or the superintendent determines that further personnel action is not required. The employee shall continue to be paid at the same rate of pay he or she received prior to the transfer. If an employee is charged with an offense outside of the Commonwealth, this provision may also be applied if the charge would have been treated as a felony if committed within the Commonwealth. Transfers shall be made to prevent disruption of the educational process and district operations and in the interest of students and staff and shall not be construed as evidence of misconduct.
- (11) Notwithstanding any law to the contrary, each certified and classified employee of the school district shall notify the superintendent if he or she has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if he or she has waived the right to appeal a substantiated finding of child abuse or neglect or if the substantiated incident was upheld upon appeal. Any failure to report this finding shall result in the certified or classified employee being subject to dismissal or termination.

- (12) The form for requesting a CA/N check shall be made available on the Cabinet for Health and Family Services website.

➔Section 10. KRS 164.769 is amended to read as follows:

- (1) It is the intent of the General Assembly to establish a teacher scholarship program to assist highly qualified individuals to become certified Kentucky teachers and render teaching service in Kentucky schools.
- (2) For purposes of this section, the terms listed below shall have the following meanings:
- (a) "Critical shortage area" means an understaffing of teachers in particular subject matters at the secondary level, in grade levels, or in geographic locations at the elementary and secondary level, as determined by the commissioner of education in consultation with the authority. The commissioner and the authority may use any source considered reliable, including but not limited to local education agencies, to identify the critical shortage areas;
  - (b) "Dual credit" has the same meaning as in KRS 158.007;
  - (c) "Eligible program of study" means an undergraduate or graduate program of study which is preparatory to teacher certification;
  - (d) "Expected family contribution" means the amount that a student and his family are expected to contribute toward the cost of the student's education determined by applying methodology set forth in 20 U.S.C. sec. 1087 kk to 1087 vv;
  - (e) "Participating institution" means an institution of higher education located in Kentucky which offers an eligible program of study and has in force an agreement with the authority providing for administration of this program;
  - (f) "Qualified teaching service" means teaching the major portion of each school day for at least seventy (70) days each semester in a public school of the Commonwealth or a private school certified pursuant to KRS 156.160(2)~~[(3)]~~, except that an individual having a disability defined by Title II of the Americans with Disabilities Act (42 U.S.C. secs. 12131 et seq.) or serious and extended illness, whose disability or illness, certified by a licensed physician, prevents that individual from teaching a major portion of each school day, shall be deemed to perform qualified teaching service by teaching the maximum time permitted by the attending physician;
  - (g) "Semester" means a period of about eighteen (18) weeks, which usually makes up one-half (1/2) of a school year or one-half (1/2) of a participating institution's academic year; and
  - (h) "Summer term" means an academic period consisting of one (1) or more sessions of instruction between a spring and a fall semester.
- (3) The authority may, to the extent of appropriations and other funds available to it pursuant to subsection (9) of this section, award teacher scholarships to persons eligible under subsection (4) of this section, who initially demonstrate financial need in accordance with standards and criteria established by the authority or received teacher scholarships pursuant to this section prior to July 1, 1996. Each teacher scholarship shall be evidenced by a promissory note that requires repayment or cancellation pursuant to subsection (6) of this section.
- (4) Kentucky residents who are United States citizens and enrolled or accepted for enrollment in an eligible program of study at a participating institution shall be eligible to apply for and be awarded teacher scholarships. Teacher scholarships shall first be awarded to highly qualified eligible students who meet standards and requirements established by the Education Professional Standards Board pursuant to KRS 161.028 for admission to a teacher education program at a participating institution in pursuit of initial teacher certification. If funds are not depleted after awarding teacher scholarships to students who meet the preceding criteria, then awards shall be made to any otherwise eligible students.
- (5) The authority shall establish, by administrative regulation, the maximum amount of scholarship to be awarded for each semester and summer term under this section. The amount of each scholarship to be awarded shall not exceed the applicant's total cost of education minus other financial assistance received or expected to be received by the applicant during the academic period.
- (6) (a) The authority shall disburse teacher scholarships to eligible students who agree to render qualified teaching service as certified teachers, and are unconditionally admitted and enrolled in an eligible program of study.

- (b) A teacher scholarship shall not be awarded or a promissory note cancellation shall not be granted to any person who is in default on any obligation to the authority under any program administered by the authority pursuant to KRS 164.740 to 164.785 until financial obligations to the authority are satisfied, except that ineligibility for this reason may be waived by the authority for cause.
  - (c) Recipients shall render one (1) semester of qualified teaching service for each semester or summer term of scholarship received, except that recipients who teach in a critical shortage area designated by the authority or teach dual credit coursework in a certified Kentucky high school shall render one (1) semester of qualified teaching service as repayment for two (2) semesters or summer terms of scholarships received. Upon completion of each semester of qualified teacher service, the authority shall cancel the appropriate number of promissory notes.
  - (d) If the recipient of a teacher scholarship fails to complete an eligible program of study at a participating institution or fails to render qualified teaching service in any semester following certification or recertification, unless the failure is temporarily waived for cause by the authority, the recipient shall immediately become liable to the authority for repayment of the sum of all outstanding promissory notes and accrued interest. Persons liable for repayment of scholarships under this paragraph shall be liable for interest accruing from the dates on which the teacher scholarships were disbursed.
  - (e) Recipients who have outstanding loans or scholarships under KRS 156.611, 156.613, 164.768, or 164.770 respectively, and who render qualified teaching service, shall have their notes canceled in accordance with subsection (6)(c) of this section.
  - (f) The authority shall establish, by administrative regulation, the terms and conditions for the award, cancellation, and repayment of teacher scholarships including, but not limited to, the selection criteria, eligibility for renewal awards, amount of scholarship payments, deferments, the rate of repayment, and the interest rate thereon.
  - (g) Notwithstanding any other statute to the contrary, the maximum interest rate applicable to repayment of a promissory note under this section shall be eight percent (8%) per annum, except that if a judgment is rendered to recover payment, the judgment shall bear interest at the rate of five percent (5%) greater than the rate actually charged on the promissory note.
- (7) A repayment obligation imposed by this section shall not be voidable by reason of the age of the recipient at the time of receiving the teacher scholarship.
  - (8) Failure to meet repayment obligations imposed by this section shall be cause for the revocation of a person's teaching certificate, subject to the procedures set forth in KRS 161.120.
  - (9) All moneys repaid to the authority under this section shall be added to the appropriations made for purposes of this section, and the funds and unobligated appropriations shall not lapse.
  - (10) The authority may execute appropriate contracts and promissory notes for administering this section.
  - (11) Notwithstanding any other statute to the contrary, if available funds are insufficient for all requested scholarships for eligible applicants during any fiscal year, the authority shall give priority consideration to eligible applicants who previously received teacher scholarships and, until June 30, 2018, to loan forgiveness for teachers who have outstanding loan balance eligibility for Best in Class loans issued prior to June 30, 2008. If funds are insufficient to make all requested renewal scholarships to eligible applicants, the authority shall reduce all scholarship awards to the extent necessary to provide scholarships to all qualified renewal applicants. If, after awarding all eligible renewal applicants, funds are not depleted, initial applications shall be ranked according to regulatory selection criteria, which may include expected family contribution and application date, and awards shall be made to highly qualified applicants until funds are depleted.
  - (12) The authority shall submit a report on the number of teacher scholarships provided in each fiscal year, the program of study in which recipients are enrolled, recipient retention rates, total number of applications, and scholarship recruitment strategies to the Interim Joint Committee on Education by December 1 of each year.

➔SECTION 11. A NEW SECTION OF KRS 156.395 TO 156.476 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *The Kentucky Department of Education shall establish an instructional materials depository for the schools of the Commonwealth.*

- (b) *The department may enter into contracts to designate an entity to serve as the department's agent to carry out the responsibilities of the depository under KRS 156.395 to 156.476.*
- (c) *To leverage the purchasing power of the Commonwealth's schools, the depository shall negotiate prices on behalf of the department and all school districts.*
- (2) (a) *In accordance with KRS Chapter 45A, school districts and the department shall use the depository in purchasing the instructional materials included in the state-approved list established by the State Quality Curriculum Task Force under KRS 156.395 to 156.476.*
- (b) *Superintendents of school districts shall use the instructional materials depository to report the school district's selection of instructional materials to the department, unless the school district purchases approved alternate instructional materials under Section 20 of this Act.*
- (3) *The depository shall make available to school districts and the public the necessary information for assessing the instructional materials included in the state-approved list. The information shall include but not be limited to:*
  - (a) *Each of the instructional materials included in the state-approved list, capable of being organized by grade or grade band and content area;*
  - (b) *Summary results of the instructional materials evaluations conducted by the task force and any factual error identified in the instructional materials;*
  - (c) *A list of the accompanying manuals, workbooks, and other ancillary items for instructional materials included in the state-approved list; and*
  - (d) *A list of the school districts within the state that have adopted each of the instructional materials, including for each school district:*
    - 1. *The statewide assessment results in the associated content area; and*
    - 2. *Identification of any interim or formative assessment utilized by the district pursuant to subsection (8) of Section 28 of this Act.*

➔Section 12. KRS 156.395 is amended to read as follows:

*As used in*~~[For purposes of]~~ KRS 156.395~~[156.400]~~ to 156.476, unless the context requires otherwise:

- (1) *"Department" means the Kentucky Department of Education;*
- (2) *"Grade band" means a collection of two (2) or more consecutive grade levels that are interconnected for cohesive instructional purposes in a content area;*
- (3) ~~[—]"Instructional materials"~~ *means tools used to assist in student learning, as defined in administrative regulations promulgated by the Kentucky Board of Education in accordance with KRS Chapter 13A;*
- (4) *"Instructional materials depository" or "depository" means the instructional materials depository established under Section 11 of this Act;*
- (5) *"Instructional materials reviewer" means a professional or lay citizen recommended and approved under Section 15 of this Act to provide assistance to the department and task force in the review of instructional materials;*
- (6) *"State-approved list" means the list of high quality instructional materials and programs developed, approved, and published under KRS 156.395 to 156.476; and*
- (7) *"Task force" means the State Quality Curriculum Task Force established in Section 14 of this Act.*

➔Section 13. KRS 156.400 is amended to read as follows:

- (1) The chief state school officer shall arrange the elementary, middle, and high school subjects *of reading and writing, mathematics, science, and social studies into instructional materials review and selection*~~[included in the state courses of study as prescribed by the Kentucky Board of Education into six (6) adoption]~~ groups *aligned with the process and schedule for reviewing Kentucky's academic standards and assessments established under KRS 158.6453.*~~†~~
- ~~(2) Contracts for each of the six (6) adoption groups shall be for a period of six (6) years and shall be executed on a staggered basis, with one (1) group being up for adoption each year. The six (6) adoption groups shall be arranged by similarity of content to the extent possible, while being arranged as nearly equal in number and~~



~~purchase cost as possible.~~ Subjects **by grade or by grade band** with rapidly changing or highly technical content may be considered more frequently than once during a six (6) year cycle.

- (2)(3) The chief state school officer may delay the purchase of **instructional materials**~~{books}~~ due to insufficient funds, but any purchases of **instructional materials by a school district or the department**~~{books}~~ shall be in accordance with this chapter.

➔Section 14. KRS 156.405 is amended to read as follows:

- (1) The ~~{purpose of the }~~State **Quality Curriculum Task Force is hereby established to:**~~{Textbook Commission is}~~
  - (a) **Promote increased access to high quality instructional materials;**
  - (b) **Support school districts in the evaluation, selection, and use of high quality instructional materials;**~~{to }~~
  - (c) Provide a **state-approved**~~{recommended}~~ list of current and high quality textbooks and instructional materials to ~~{local }~~school districts that complement the educational program in Kentucky schools;~~{to }~~
  - (d) Provide a consumer guide to schools to aid with the selection of **high quality instructional materials**~~{; }~~ and~~{to }~~
  - (e) Provide for public participation in the **review**~~{evaluation}~~ process.
- (2)
  - (a) The **task force**~~{State Textbook Commission}~~ shall consist of **a minimum of**~~{the chief state school officer and}~~ ten (10) appointive members **who**~~{. The ten (10) members}~~ shall be appointed by the ~~{Kentucky Board of Education upon the recommendation of the }~~chief state school officer **in accordance with subsection (6) of this section** for terms of four (4) years, with two (2) appointments each year, except that every fourth year there shall be four (4) appointments. ~~A{No}~~ member shall **not** be eligible to serve more than two (2) full terms consecutively.
  - (b) All vacancies that occur on the **task force**~~{State Textbook Commission}~~ shall be filled in like manner for the remainder of the unexpired terms.
  - (c) The department **and the task force**~~{of Education and the State Textbook Commission}~~ shall receive assistance in the **instructional materials review**~~{textbook evaluation}~~ process from professionals and lay citizens **appointed to be instructional materials reviewers under subsection (4) of this section.**~~{who will be referred to in this chapter as the "textbook reviewers."}~~
- (3) **For the subjects of reading and writing, mathematics, science, and social studies,** the **task force**~~{State Textbook Commission}~~ shall:
  - (a) Select and direct the activities of the **instructional materials**~~{textbook}~~ reviewers, who **shall develop and recommend subject specific** selection criteria and **evaluation forms to be used in a school district's selection of**~~{review}~~ **instructional materials**~~{textbooks}~~ and programs;
  - (b) Develop **general** selection criteria and evaluation forms with the help of the **instructional materials**~~{textbook}~~ reviewers and ~~{Kentucky }~~department ~~{of Education }~~staff to be used in **a school district's selection of instructional materials and programs**~~{the state level review process}~~;
  - (c) Approve the **selection criteria and evaluation forms developed by**~~{evaluative criteria and forms used by the commission and}~~ **instructional materials**~~{textbook}~~ reviewers **under paragraph (a) of this subsection;**
  - (d) Review the **instructional materials**~~{textbook}~~ reviewers' evaluations, and **consider instructional materials**~~{textbooks}~~ or programs as it deems necessary, in order to select from them a **state-approved**~~{recommended}~~ list of high quality **instructional materials**;
  - (e) Provide notice of and the opportunity for public inspection of **the instructional materials**~~{textbooks}~~ and programs **that are included in the state-approved list and** offered for adoption and use in the public schools, **which may be done through the instructional materials depository;**
  - (f) ~~{Conduct a public hearing for the purpose of receiving public comment concerning textbooks and programs under consideration;~~

- ~~(e)~~ Select, recommend, and publish *from the list provided by the instructional materials depository under Section 15 of this Act the* ~~the~~ *state-approved* list of high quality *instructional materials* ~~textbooks~~ and programs; and
- ~~(g)~~ ~~(h)~~ Publish a consumer guide and distribute it to Kentucky public schools *that shall include the general selection criteria, subject-specific selection criteria, and the evaluation forms for a school district's review and selection of instructional materials and programs.*
- (4) The *instructional materials* ~~textbook~~ reviewers shall be:
- (a) *Composed* ~~comprised~~ of *a minimum of eight (8)* ~~twelve (12)~~ individuals *who served on the advisory panels or review committees as part of the standards review process established in KRS 158.6453 for the area or areas being considered, two (2) of whom are parents who have a child currently enrolled in public schools in Kentucky; and* ~~for adoption. The textbook reviewers shall be~~
- (b) Approved by the *task force* ~~State Textbook Commission~~ based on the recommendation of the chief state school officer.
- (5) The *instructional materials* ~~textbook~~ reviewers shall:
- (a) Develop and submit to the *task force* ~~commission~~ subject specific *selection criteria and evaluation forms* ~~evaluative criteria~~ to be used *by school districts* in reviewing *instructional materials* ~~textbooks~~ and programs; *and*
- (b) ~~Review textbooks and programs to determine those of high quality, using evaluative criteria and forms approved by the commission;~~
- ~~(c)~~ Submit to the commission reviews and evaluative forms regarding reviewed textbooks and programs;
- ~~(d)~~ Attend meetings and training sessions as requested by the *task force* ~~commission~~ and the department of Education; *and*
- ~~(e)~~ Ensure that textbooks are free from factual error.
- (6) (a) *The chief state school officer shall appoint the following members of the task force:*
1. Eight (8) ~~of the appointive~~ members *who* ~~of the State Textbook Commission shall~~ have had not less than five (5) years teaching or supervising experience in the public schools of Kentucky and shall have had at the time of their appointment at least four (4) years of college training in a recognized institution of higher education *of whom:*
    - a. ~~Two (2)~~ ~~Five (5)~~ members *who are* ~~of the commission shall be~~ classroom teachers *or instructional coaches* actively employed in the public schools of Kentucky as teachers *or instructional coaches* in subject field or fields for which the *task force* ~~commission~~ will *select instructional materials; and* ~~select books.~~
    - b. ~~Six (6)~~ ~~Two (2)~~ members *who are* ~~shall be~~ principals, *instructional* supervisors, or superintendents of public schools or public school systems; ~~and~~
  2. ~~At least one (1) member who is~~ ~~shall be~~ a member of the faculty of a public institution of higher education engaged in teacher preparation; *and* ~~and~~
  3. ~~At least one (1) member who is a~~ ~~two (2) members shall be~~ lay citizen *who has* ~~citizens, one (1) of whom shall have~~ a child enrolled in a public school at the time of appointment.
- (b) In *appointing* ~~recommending~~ the members of the *task force*, ~~State Textbook Commission~~ the chief state school officer shall give due regard to representation from rural and urban areas and from ~~the~~ ~~elementary, middle, and high school levels~~ ~~when the educational levels are included in the subject field or fields for which adoptions are to be made~~.
- (7) ~~Textbook reviewers shall have the following qualifications: Six (6) of the textbook reviewers shall be instructional supervisors and classroom teachers in various and appropriate grade levels primary through grade twelve (12), with experience and training in the subject areas to be reviewed. One (1) reviewer shall have expertise and training in learning theory as applied to the classroom situation. One (1) reviewer shall be a current or former university faculty member with expertise in the content area of the textbooks to be reviewed. One (1) reviewer shall have experience and training in readability and formatting of textbooks. Three (3) reviewers shall be parents, two (2) of whom shall have a child currently enrolled in public schools in Kentucky.~~

~~(8) —~~ *Members of the task force and the instructional materials reviewers shall serve without compensation but shall be reimbursed for necessary travel and expenses while attending meetings at the same per diem rate promulgated in administrative regulation for state employees under KRS Chapter 45. The department shall provide funds to school districts to cover the cost of substitute teachers for those teacher members of the task force at the rate established for substitute teachers at each school district.* ~~Members of the State Textbook Commission shall receive fifty (\$50) dollars per day and reimbursement for their actual expenses while attending commission meetings. Textbook reviewers shall receive remuneration based on the amount of textbooks and programs to be reviewed and criteria to be developed as determined by the chief state school officer. Textbook reviewers shall be paid one hundred dollars (\$100) per day, not to exceed one thousand dollars (\$1,000) annually. Textbook reviewers shall also receive reimbursement for actual expenses while attending reviewer or commission meetings.~~

~~(8)~~~~(9)~~ The meetings of the *task force*~~[State Textbook Commission]~~ shall be open to the public,~~and shall be held at least once every quarter~~ and notice of *meetings*~~[such meeting]~~ shall be given in accordance with KRS 61.805 to 61.850~~[424.110 to 424.210]~~.

~~(9)~~~~(10)~~ Not later than May 1 each year, *if funding is available*, the chief state school officer shall call the *task force*~~[State Textbook Commission]~~ into session. The members of the *task force*~~[State Textbook Commission]~~ shall elect one (1) of its voting members as *chair*~~[chairman and shall adopt administrative regulations for the procedure of the commission. The chief state school officer shall be the secretary of the commission]~~.

(10) *At the direction of the chief state school officer, the task force may select, recommend, and publish instructional materials in subjects beyond reading and writing, mathematics, science, and social studies to be added to the state-approved list. The review and selection process shall be in accordance with KRS 156.395 to 156.476.*

➔Section 15. KRS 156.407 is amended to read as follows:

(1) The chief state school officer shall, not later than *one (1) academic year following the academic standards and assessment review process established in KRS 158.6453 for reading and writing, mathematics, science, and social studies, recommend at least eight (8) nominees for instructional materials reviewers who previously served on advisory panels or review committees under KRS 158.6453 for the content area or areas being reviewed*~~[February 1 of each year in which an adoption is to be made, solicit applications for filling twelve (12) positions for textbook reviewers]~~.

(2) ~~[Solicitation shall be statewide for all appointments and include specifications which ensure candidates have professional expertise in the subject areas to be reviewed if appropriate for the appointment.]~~

~~(3) —~~ The State *Quality Curriculum Task Force*~~[Textbook Commission, at its first yearly meeting,]~~ shall *review and approve instructional materials*~~[select textbook]~~ reviewers based on~~[a list of qualified applicants prepared by]~~ the chief state school officer's~~[officer and giving consideration to the]~~ recommendations as specified in KRS 156.405.

~~(3)~~~~(4)~~ The *department's*~~[Department of Education's]~~ curriculum and instruction specialists shall serve as staff to the *task force*~~[commission]~~ and reviewers *and*~~[The staff]~~ shall:

- (a) Orient and train the *task force*~~[commission]~~ and reviewers regarding departmental policy and review procedures; *and*
- (b) Make available existing *academic standards, the model curriculum framework established in KRS 158.6451, and selection criteria and evaluation forms for the review of instructional materials*~~[for textbook evaluation; and]~~
- ~~(c) — Provide supplies and sample textbooks for the review process.~~

~~(4)~~~~(5)~~ The *instructional materials*~~[textbook]~~ reviewers shall develop subject specific criteria for *instructional materials selection*~~[textbook review]~~ and evaluation, *including but not limited to*~~[in]~~ the following~~[textbook]~~ areas:

- (a) Subject content, including its *alignment*~~[relationship]~~ to the academic *standards and* expectations *established in KRS 158.6453*;
- (b) Audience;
- (c) Format, *including print, nonprint, and electronic modes of instruction*;

- (d) Readability *and accessibility for all learners*;
  - (e) Accuracy *and evidence of a research basis with external validity and reliability*; ~~and~~
  - (f) *Cultural relevance and freedom from bias*;
  - (g) *Projected cost of the materials*; and
  - (h) Ancillary materials.
- (5) ~~((6))~~ ~~{On or before July 15, }~~ ~~The *task force*~~ ~~{State Textbook Commission}~~ shall develop general criteria, review and approve subject specific criteria, and provide the standard criteria and evaluation forms to be used by *local schools and school districts in the evaluation, selection, and use of high quality instructional materials and programs* ~~{the commission and textbook reviewers}~~.
- ~~(7) Based upon approval of the standard criteria and evaluation forms, the textbook reviewers shall review textbooks and programs. The committee shall submit evaluation forms for each textbook or program reviewed in each of the five (5) areas, set forth in subsection (5) of this section, with comments related to strengths and weaknesses in each area.~~
- (6) (a) ~~((8))~~ ~~The *task force*~~ ~~{State Textbook Commission}~~ shall review the work of the *instructional materials* ~~{textbook}~~ reviewers and, based on this review and any of its own reviews of textbooks or programs, establish *the state-approved list of* ~~{a state multiple list of recommended}~~ *instructional materials* ~~{textbooks}~~ and programs.
- (b) The *state-approved* list of ~~{recommended}~~ *instructional materials* ~~{textbooks}~~ and programs shall be free of factual error.
- (c) Copies of all *selection criteria and* evaluation forms submitted by the *instructional materials* ~~{textbook}~~ reviewers shall be:
1. Made available to *task force* ~~{commission}~~ members and maintained on file within the department ~~{of Education}~~ for the *duration of the review* cycle; and
  2. *Provided in a consumer guide to schools and districts to aid in the selection of high quality instructional materials* ~~{length of the books. For those materials placed on the state multiple list of recommended textbooks and programs, the Department of Education shall publish a consumer guide that includes summary results of the evaluations and any factual error identified in the textbooks, and shall distribute it to all public schools in the state}.~~

➔Section 16. KRS 156.410 is amended to read as follows:

- (1) The chief state school officer shall prepare minimum manufacturing standards, delineate content specifications~~{}~~ in accordance with *the academic standards established in KRS 158.6453* ~~{the curriculum requirements of the program of studies}~~ for Kentucky schools ~~in~~ grades *kindergarten through twelve (12)* ~~{K-12}~~, and formulate other criteria for use in the evaluation of *instructional materials to guide the instructional resources depository established in Section 11 of this Act, which* ~~{textbooks and programs in Kentucky. Criteria}~~ shall require that all materials be suitable for use with a diverse population and be free of social, ethnic, racial, religious, age, gender, and geographic bias.
- (2) ~~{It shall be the duty of the chief state school officer to prepare all necessary forms for use in the evaluation of textbooks and programs, such as advertising for textbook bids; forms for bids, bonds, and contracts; and other forms.~~
- ~~(3)~~ ~~The Kentucky Board of Education, upon the recommendation of the chief state school officer, shall have authority to~~ *promulgate administrative regulations in accordance with KRS Chapter 13A* ~~{prescribe}~~:
  - (a) ~~{Administrative regulations}~~ *Pertaining to the evaluation, selection, and use of high quality instructional materials and programs* ~~{all textbook samples for use}~~ on the state and local levels; and
  - (b) ~~{Shall have authority to promulgate administrative regulations}~~ *Relating to the agents and representatives of instructional materials* ~~{textbooks}~~ and programs *and* ~~{, as to}~~ the methods and procedures for use in adoptions on the state and local levels.
- ~~(3)~~ ~~((4))~~ The *instructional materials depository* ~~{chief state school officer, on or before May 1 prior to any adoption year,}~~ shall properly advertise the subjects for which *instructional materials* ~~{textbook}~~ adoptions will be made and notify the different publishers *and developers* of *instructional materials* ~~{the textbooks}~~. The publishers *or developers* ~~{, on or before July 15, of any adoption year,}~~ shall file with the *depository* ~~{chief state~~

~~school officer textbook~~ samples of *instructional materials*, filing fees, ~~textbook~~ bids and bonds, and other specified information relative to the *instructional materials*~~books~~ that they desire to offer for adoption.

(4)~~(5)~~ The *instructional materials depository*~~chief state school officer~~ shall:

- (a) Review the bid information submitted by the publishers *and developers*;
- (b) Verify that the bid complies with the specifications; and
- (c) Prepare a list of *instructional materials*~~textbooks~~ and programs, for consideration by the *task force*~~State Textbook Commission~~ indicating those in compliance with the standards and specifications and those not in compliance, detailing areas of noncompliance.

➔Section 17. KRS 156.415 is amended to read as follows:

Before *instructional materials*~~textbooks~~ and programs offered for adoption and use in public schools of Kentucky may be *placed on the state-approved list*~~lawfully recommended and listed by the State Textbook Commission or purchased by any board of education~~, the person, firm, or corporation offering the materials for adoption and use shall file with the *instructional materials depository*~~chief state school officer~~:

- (1) Copies of all *instructional materials*~~textbooks~~ and programs that the person, firm, or corporation desires to offer for adoption and use, with a sworn statement of the list price and the lowest wholesale price at which each of the titles is sold in any adopting unit;
- (2) A statement that all the titles offered for sale, adoption, and use, do comply with the standards and specifications for *instructional materials*~~textbooks~~ designated by the chief state school officer as regards paper, binding, printing, illustrations, subject matter, and other items included in the standards and specifications;
- (3) Copies of any revision or special editions of the *instructional materials*~~textbooks~~ and programs filed, with a statement describing in detail each point of difference from the regular edition filed, and the list price and the lowest wholesale price at which the revision or special edition is sold anywhere in the United States; *and*
- (4) ~~A fee of five dollars (\$5) for each book filed except when a series of books is filed, in which case the fee shall be five dollars (\$5) for the first book and one dollar (\$1) for each additional book in the series. The fee provided by this subsection shall be paid at each and every adoption period;~~
- ~~(5) A bond running to the Commonwealth of Kentucky, executed by a surety company authorized to do business in this state, in a sum not less than two thousand dollars (\$2,000) nor more than ten thousand dollars (\$10,000), to be determined by the chief state school officer; and~~
- ~~(6) An affidavit certifying any *instructional materials* that~~textbook~~ the publisher or *developer*~~manufacturer~~ offers in the state is~~to be~~ free of factual error at the time the publisher or *developer* is *placed on the state-approved list*~~manufacturer executes a contract~~.~~

➔Section 18. KRS 156.433 is amended to read as follows:

- (1) The Kentucky Board of Education, upon recommendation of the chief state school officer, shall promulgate an administrative regulation identifying instructional materials eligible for purchase with state *instructional materials*~~textbook~~ funds. The regulation shall identify instructional materials which are subject to review before being recommended for use, establish a procedure for the review, and a process for adding an instructional material to the *state-approved*~~recommended~~ list.~~[The Department of Education may pay instructional materials reviewers an amount not to exceed one thousand dollars (\$1,000) annually per reviewer for their services using funds from the appropriation for state textbooks.]~~
- (2) The department ~~of Education~~ shall *report*~~establish~~ *the*~~a~~ *state-approved* list of ~~recommended~~ instructional materials for the use of school personnel *as selected by the task force*.
- (3) *The chief state school officer, subject to the approval of the Kentucky Board of Education, may purchase instructional materials from the publishers or developers whose instructional materials have been adopted by a school district for grades kindergarten through twelve (12) and distribute them without cost to the pupils attending the public schools in the school district.*
- (4) *Allocations and purchases using state instructional materials funds shall be conducted in accordance with KRS 156.395 to 156.476.*

➔Section 19. KRS 156.435 is amended to read as follows:

- (1) The State *Quality Curriculum Task Force*~~[Textbook Commission]~~ shall~~[, not later than September 20 of any year in which an adoption is to be made,]~~ select, recommend, and publish *the*~~[a]~~ *state-approved* list of *instructional materials*~~[books]~~ or programs *for reading and writing, mathematics, science, and social studies* in each ~~[subject and ]~~*grade or grade band*, taking into account the needs of the various types of students.
- (2) The *task force*~~[State Textbook Commission]~~ shall have the authority to reject any book which:
  - (a) Contains subversive material or information that is offered for listing or adoption. If the *task force*~~[commission]~~ finds on the *state-approved*~~[multiple]~~ list any book which contains subversive material or information~~[, provided the publisher of the book has been given written notice by the secretary of the commission not less than thirty (30) days prior to the meeting,]~~ the *task force*~~[textbook commission]~~ shall have authority to remove the book from the *state-approved*~~[multiple]~~ list;
  - (b) Is in noncompliance with *academic* standards *established in KRS 158.6453*~~[and specifications set forth in KRS 156.410];~~ or
  - (c) Is not of high quality in terms of the content provided, the audience addressed, the format used, the readability *and accessibility* of material or the ancillary materials provided the teacher and students.
- (3) The *task force*~~[State Textbook Commission]~~ shall have the authority to solicit additions for the *state-approved* list *to be included in the instructional materials depository established in Section 11 of this Act*~~[when the list does not contain books or materials for subjects added to the state courses of study].~~
- (4) ~~[The chief state school officer shall make and execute contracts for the recommended textbooks and programs with the publishers on or before May 1 following the establishment of the state multiple list of recommended titles selected by the commission. Except as described in KRS 156.400, all contracts shall run for six (6) years.]~~
- ~~(5) [The chief state school officer shall prepare *the*~~[a]~~ *state-approved*~~[multiple]~~ list of *instructional materials*~~[recommended textbooks]~~ or programs *for reading and writing, mathematics, science, and social studies* and publish the list along with a consumer guide and distribute the *selection criteria and evaluation forms*~~[documents]~~ to the superintendents of each ~~[county and independent ]~~ school district in Kentucky on or before November 15 of each adoption year.]~~

➔Section 20. KRS 156.439 is amended to read as follows:

- (1) The Kentucky Board of Education shall promulgate ~~[by ]~~administrative regulations *in accordance with KRS Chapter 13A to establish* the method for calculating and distributing a district's~~[ textbook and instructional materials]~~ allocation *of state instructional materials funds*. The district's allocation shall be used by schools to purchase:
  - (a) *Instructional materials*~~[Textbooks]~~ and programs from the *state-approved*~~[recommended]~~ list;
  - (b) *Instructional materials*~~[Textbooks]~~ and programs not on the *state-approved*~~[state's recommended]~~ list~~[,]~~ if notification is submitted to the department ~~[of Education ]~~that the material meets the selection criteria of the *task force*~~[State Textbook Commission]~~ in KRS 156.405(3)(a) *or* (b), the subject specific criteria of the *instructional materials*~~[textbook]~~ reviewers pursuant to KRS 156.407(4)~~[(5)]~~, and compliance with the required ~~[publisher ]~~specifications;
  - (c) Instructional materials *and programs*, with an approved plan pursuant to subsection (2) of this section;~~[ or ]~~
  - (d) *Instructional materials and programs for a subject not included in the state-approved list if the district demonstrates that the district already maintains high quality instructional materials in the subjects included on the state-approved list and has a need in a subject not included on the state-approved list; or*
  - (e) Any combination of the above.
- (2) The district shall *use the instructional materials depository established in Section 11 of this Act* to identify all purchases *it makes*~~[made]~~ with *an*~~[the textbook and ]~~instructional materials allocation and shall keep on file a plan developed by each school, in accordance with administrative regulations promulgated by the Kentucky Board of Education, for providing the necessary ~~[textbooks and ]~~instructional materials for all grades *for reading and writing, mathematics, science, and social studies*~~[, and subject areas, including the replacement of books and materials during the six (6) year adoption period]~~. A school may carry forward to the next school year any part of its ~~[textbook and ]~~instructional materials allocation which has been distributed

to the district. ~~If a local board does not approve a school council's plan, the council may appeal to the commissioner and an administrative hearing shall be conducted in accordance with KRS Chapter 13B.~~

➔Section 21. KRS 156.440 is amended to read as follows:

Publishers *or developers*, upon the request of the *instructional materials depository established in Section 11 of this Act* ~~or~~ superintendents of ~~the county and independent~~ school districts, shall furnish ~~to the local boards of education~~ the requested sample copies of their materials that were selected and placed on the state-~~approved~~ ~~multiple~~ list of recommended *instructional materials* ~~textbooks~~ by the State *Quality Curriculum Task Force* ~~Textbook Commission~~.

➔Section 22. KRS 156.445 is amended to read as follows:

- (1) *Instructional materials* ~~No textbook~~ or *programs for reading and writing, mathematics, science, and social studies* ~~program~~ shall *not* be used in any public school in Kentucky as a *core comprehensive resource* ~~basal title~~ unless *they have* ~~it has~~ been recommended and listed on the state-~~approved~~ ~~multiple~~ list by the State *Quality Curriculum Task Force*, ~~Textbook Commission~~ or unless a school and district has met the notification requirements under subsection (2) of this section. Any changes of *instructional materials* ~~textbooks~~ made by the *task force* ~~State Textbook Commission~~ shall not become effective until grades and classes of ~~the respective county and independent~~ school districts have completed work for which the adopted *materials* ~~book~~ then in use was originally intended. ~~Nothing in~~ This section shall *not* apply to the supplementary *materials* ~~books~~ that are needed from time to time.
- (2) *The superintendent of a school district shall submit a notification to the department if the school district* ~~A school council, or if none exists, the principal, may notify, through the superintendent, the State Textbook Commission that it~~ plans to adopt *instructional materials* ~~a basal textbook~~ or a program as a *core comprehensive resource for reading and writing, mathematics, science, or social studies* that is not on the ~~state-approved~~ ~~recommended~~ list by submitting evidence that the *instructional materials or program* ~~title~~ it has chosen meets the selection criteria of the *task force* ~~State Textbook Commission~~ in KRS 156.405(3)(a) or (b) and the subject specific criteria of the textbook reviewers pursuant to KRS 156.407(4) ~~(5)~~ and complies with the required ~~publisher~~ specifications.
- (3) In approving text materials for private and parochial schools for the purpose of KRS 156.160(2) ~~(3)~~ the text materials shall be approved if they are comprehensive and appropriate to the grade level in question notwithstanding the fact that they may contain elements of religious philosophy.

➔Section 23. KRS 156.460 is amended to read as follows:

~~A~~ ~~No~~ superintendent, teacher, or other official or employee of any institution supported wholly or in part by public funds shall *not* act, directly or indirectly, as agent for any person whose *instructional materials* ~~school textbooks~~ are *identified on the state-approved list* ~~filed with the chief state school officer~~.

➔Section 24. KRS 156.465 is amended to read as follows:

No person shall secure or attempt to secure the adoption of any *instructional materials* ~~school textbook~~ in any school district in this state, by rewarding or promising to reward, directly or indirectly, any person in any public school district in the state. No person shall offer or give any emolument to any person in any school district in this state for any vote or promise to vote, or the use of his influence, for any *instructional materials* ~~school textbook~~ to be used in this state.

➔Section 25. KRS 156.476 is amended to read as follows:

- (1) The Kentucky Board of Education, upon the recommendation of the chief state school officer, shall select suitable *instructional materials* ~~textbooks~~ and programs in an appropriate format, which include braille textbooks, and other materials available in clear type of eighteen (18) to twenty-four (24) points in the different subject areas for children with impaired vision who are attending the public schools of the Commonwealth of Kentucky in grades kindergarten through twelve (12). These *instructional* ~~books and~~ materials shall not be subject to the official bids, filing fees, sampling, and the stipulated list prices, lowest wholesale prices, and the standards and specifications required for the *instructional* ~~books and~~ materials approved and listed by the State *Quality Curriculum Task Force under KRS 156.395 to 156.476* ~~Textbook Commission~~ for regular use by the pupils attending the public schools of the State of Kentucky. The Kentucky Board of Education, upon the recommendation of the chief state school officer, may promulgate an administrative regulation determining the pupils eligible for the *instructional* ~~books and~~ materials, the number ~~of books~~ and types of *instructional* materials to be purchased, and the general administration of the

program. The chief state school officer, subject to the approval of the Kentucky Board of Education, may purchase these books and materials and distribute them without cost to the pupils with impaired vision attending the public schools of the state. All *instructional materials*~~[books]~~ and programs purchased under this section for the pupils with impaired vision are the property of the state.

- (2) The Department of Education shall require any publisher *or developer* of *an instructional material*~~[a textbook]~~ or program adopted for use in the public schools of the Commonwealth to furnish the American Printing House for the Blind with *an electronic version*~~[computer diskettes or tapes]~~ of those *instructional*~~[print]~~ materials either in the American Standard Code for Information Interchange, (ASCII), or in any other format~~[, either electronic or print,]~~ which can be readily translated into braille or large print.

➔Section 26. KRS 156.990 is amended to read as follows:

- (1) Any witness who fails, without legal excuse, to attend or to testify, when required by the chief state school officer under these provisions, shall be fined not more than twenty-five dollars (\$25) for each offense.
- (2) Any person who violates any of the provisions of KRS *156.395 to 156.476*~~[156.400 to 156.470]~~ shall be fined not more than five hundred dollars (\$500) or imprisoned not more than three (3) months, or both.
- (3) A violation of subsection (1) of KRS 156.483 shall cause the Department of Education to be fined not less than five hundred dollars (\$500) or more than one thousand dollars (\$1,000).
- (4) Any person who operates a non-school bus passenger vehicle to transport a student or students within the Commonwealth without holding a current valid license as required pursuant to KRS 156.153(3)(c) shall be guilty of a Class D felony.

➔Section 27. KRS 171.215 is amended to read as follows:

- (1) The Department for Libraries and Archives shall purchase textbooks from publishers whose books have been adopted by the State *Quality Curriculum Task Force under KRS 156.395 to 156.476*~~[textbook commission]~~ for distribution without cost to pupils attending grade one (1) through grade twelve (12) of the state's nonpublic schools which have been accredited by the State Department of Education.
- (2) The chief school administrator of each eligible school may file a requisition with the state librarian for the books needed for the next ensuing school term. Textbooks eligible for distribution by grade level or subject shall conform to the schedule in use by the Kentucky Board of Education for distribution to the public schools.
- (3) The state librarian shall develop rules and regulations governing the purchase, requisition, distribution, assignment to students, care, use and return of textbooks, and a plan for permanently labeling the textbooks as the property of the Department for Libraries and Archives. The rules and regulations shall provide for the allocation of textbooks in a manner reflecting, and not to exceed the expressly limited appropriation to fund the allocation. The rules and regulations shall be developed in consultation with the Department of Education and shall conform, within statutory limits, to the rules and regulations already established by the Kentucky Board of Education.
- (4) All textbooks purchased under the provisions of this section are the property of the state. Each school administrator obtaining books through the Department for Libraries and Archives is custodian of the books in his school. He shall issue the books to the students according to the rules and regulations formulated by the state librarian.
- (5) Funds appropriated by the General Assembly to the Department for Libraries and Archives for this purpose shall not be expended for any textbooks which present a particular religious philosophy and shall not be considered as or commingled with common school funds and shall be allocated each year to the nonpublic school students as provided by rule and regulation of the Department for Libraries and Archives to the extent allowed by the appropriation provided in Acts 1978, ch. 139, sec. 2.

➔Section 28. KRS 158.6453 is amended to read as follows:

- (1) As used in this section:
  - (a) "Accelerated learning" means an organized way of helping students meet individual academic goals by providing direct instruction to eliminate student performance deficiencies or enable students to move more quickly through course requirements and pursue higher level skill development;
  - (b) "Constructed-response items" or "performance-based items" means individual test items that require the student to create an answer rather than select a response and may include fill-in-the-blank, short-answer, extended-answer, open-response, and writing-on-demand formats;



- (c) "Criterion-referenced test" means a test that is aligned with defined academic content standards and measures an individual student's level of performance against the standards;
  - (d) ~~["End of course examination" means the same as defined in KRS 158.860;~~
  - ~~(e)~~ "Formative assessment" means a process used by teachers and students during instruction to adjust ongoing teaching and learning to improve students' achievement of intended instructional outcomes. Formative assessments may include the use of commercial assessments, classroom observations, teacher-designed classroom tests and assessments, and other processes and assignments to gain information about individual student learning;
  - ~~(e)(f)~~ "Interim assessments" means assessments that are given periodically throughout the year to provide diagnostic information and to show individual student performance against content standards;
  - ~~(f)(g)~~ "Summative assessment" means an assessment given at the end of the school year, semester, or other period of time to evaluate students' performance against content standards within a unit of instruction or a course; and
  - ~~(g)(h)~~ "Writing" means a purposeful act of thinking and expression that uses language to explore ideas and communicate meaning to others. Writing is a complex, multifaceted act of communication and is distinct from basic handwriting or penmanship.
- (2) (a) ~~Beginning in fiscal year 2017-2018, and~~ Every six (6) years ~~thereafter~~, the Kentucky Department of Education shall implement a process for reviewing Kentucky's academic standards and the alignment of corresponding assessments for possible revision or replacement to ensure alignment with transition readiness standards necessary for global competitiveness, state career and technical education standards, and KRS 158.196.
- (b) The revisions to the content standards shall:
1. Focus on critical knowledge, skills, and capacities needed for success in the global economy;
  2. Result in fewer but more in-depth standards to facilitate mastery learning;
  3. Communicate expectations more clearly and concisely to teachers, parents, students, and citizens;
  4. Be based on evidence-based research;
  5. Consider international benchmarks; and
  6. Ensure that the standards are aligned from elementary to high school to postsecondary education so that students can be successful at each education level.
- (c) 1. The department shall establish four (4) standards and assessments review committees, with each committee composed of a minimum of six (6) Kentucky public school teachers and a minimum of two (2) representatives from Kentucky institutions of higher education, including at least one (1) representative from a public institution of higher education. Each committee member shall teach in the subject area that his or her committee is assigned to review and have no prior or current affiliation with a curriculum or assessment resources vendor.
2. One (1) of the four (4) committees shall be assigned to focus on the review of language arts and writing academic standards and assessments, one (1) on the review of mathematics academic standards and assessments, one (1) on the review of science academic standards and assessments, and one (1) on the review of social studies academic standards and assessments.
- (d) 1. The department shall establish twelve (12) advisory panels to advise and assist each of the four (4) standards and assessments review committees.
2. Three (3) advisory panels shall be assigned to each standards and assessments review committee. One (1) panel shall review the standards and assessments for kindergarten through grade five (5), one (1) shall review the standards and assessments for grades six (6) through eight (8), and one (1) shall review the standards and assessments for grades nine (9) through twelve (12).
3. Each advisory panel shall be composed of at least one (1) representative from a Kentucky institution of higher education and a minimum of six (6) Kentucky public school teachers who

teach in the grade level and subject reviewed by the advisory panel to which they are assigned and have no prior or current affiliation with a curriculum or assessment resources vendor.

- (e) The commissioner of education and the president of the Council on Postsecondary Education shall also provide consultants for the standards and assessments review committees and the advisory panels who are business and industry professionals actively engaged in career fields that depend on the various content areas.
- (f)
  1. The standards and assessments process review committee is hereby established and shall be composed of the commissioner of education or designee as a nonvoting member and nine (9) voting representatives of public schools, of whom at least two (2) shall be parents of public school students, appointed by the Governor and confirmed by the Senate in accordance with KRS 11.160 as follows:
    - a. One (1) language arts teacher;
    - b. One (1) math teacher;
    - c. One (1) science teacher;
    - d. One (1) social studies teacher;
    - e. Two (2) school principals;
    - f. Two (2) school superintendents; and
    - g. One (1) school board member.
  2. On making appointments to the committee, the Governor shall ensure broad geographical urban and rural representation and representation of elementary, middle, and high school levels; ensure equal representation of the two (2) sexes, inasmuch as possible; and ensure that appointments reflect the minority racial composition of the Commonwealth.
  3. The review of the committee shall be limited to the procedural aspects of the review process undertaken prior to its consideration.
  4. Notwithstanding KRS 12.028, the committee shall not be subject to reorganization by the Governor.
- (g)
  1. The review process implemented under this subsection shall be an open, transparent process that allows all Kentuckians an opportunity to participate. The department shall ensure the public's assistance in reviewing and suggesting changes to the standards and alignment adjustments to corresponding state assessments by establishing a website dedicated to collecting comments by the public and educators. An independent third party, which has no prior or current affiliation with a curriculum or assessment resources vendor, shall be selected by the department to collect and transmit the comments to the department for dissemination to the appropriate advisory panel for review and consideration.
  2. Each advisory panel shall review the standards and assessments for its assigned subject matter and grade level and the suggestions made by the public and educators. After completing its review, each advisory panel shall make recommendations for changes to the standards and alignment adjustments for assessments to the appropriate standards and assessments review committee.
  3. Each standards and assessments review committee shall review the findings and make recommendations to revise or replace existing standards and to adjust alignment of assessments.
  4. The recommendations shall be published on the website established in this subsection for the purpose of gathering additional feedback from the public. The commissioner shall subsequently present the recommendations and the public feedback to the Interim Joint Committee on Education.
  5. The commissioner shall subsequently provide a report to the standards and assessments process review committee summarizing the process conducted under this subsection and the resulting recommendations. The report shall include but not be limited to the timeline of the review process, public feedback, and responses from the Interim Joint Committee on Education.

6. After receiving the commissioner's report, the standards and assessments process review committee shall either concur that stakeholders have had adequate opportunity to provide input on standards and the corresponding alignment of state assessments or find the input process deficient. If the process is found deficient, the recommendations may be returned to the appropriate standards and assessments review committee for review as described in subparagraph 3. of this paragraph. If the process is found sufficient, the recommendations shall be forwarded without amendment to the Kentucky Board of Education.
- (h) The Kentucky Board of Education shall promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed for the administration of the review process, including staggering the timing and sequence of the review process by subject area and remuneration of the review committees and advisory panels described in paragraphs (c) and (d) of this subsection.
- (i)
  1. The Kentucky Board of Education shall consider for approval the revisions to academic standards for a content area and the alignment of the corresponding state assessment once recommendations are received from the standards and assessments process review committee. Existing state academic standards shall remain in place until the board approves new standards.
  2. Any revision to, or replacement of, the academic standards and assessments as a result of the review process conducted under this subsection shall be implemented in Kentucky public schools no later than the second academic year following the review process. Existing academic standards shall be used until new standards are implemented.
  3. The Department of Education shall disseminate the academic content standards to the schools and teacher preparation programs.
- (j) The Department of Education shall provide or facilitate statewide training sessions for existing teachers and administrators on how to:
  1. Integrate the revised content standards into classroom instruction;
  2. Better integrate performance assessment of students within their instructional practices; and
  3. Help all students use higher-order thinking and communication skills.
- (k) The Education Professional Standards Board in cooperation with the Kentucky Board of Education and the Council on Postsecondary Education shall coordinate information and training sessions for faculty and staff in all of the teacher preparation programs in the use of the revised academic content standards. The Education Professional Standards Board shall ensure that each teacher preparation program includes use of the academic standards in the pre-service education programs and that all teacher interns will have experience planning classroom instruction based on the revised standards.
- (l) The Council on Postsecondary Education in cooperation with the Kentucky Department of Education and the postsecondary education institutions in the state shall coordinate information sessions regarding the academic content standards for faculty who teach in the various content areas.
- (m) ***The Education Professional Standards Board shall, as a condition of program approval, require teacher preparation programs to align curriculum with the expectations set forth in the state's academic content standards.***
- (3)
  - (a) The Kentucky Board of Education shall be responsible for creating and implementing a balanced statewide assessment program that measures the students', schools', and districts' achievement of the goals set forth in KRS 158.645 and 158.6451, to ensure compliance with the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure school accountability.
  - (b) The board shall revise the annual statewide assessment program as needed in accordance with revised academic standards and corresponding assessment alignment adjustments approved by the board under subsection (2) of this section.
  - (c) The statewide assessments shall not include any academic standards not approved by the board under subsection (2) of this section.
  - (d) The board shall seek the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; the Education Assessment and Accountability Review Subcommittee, and the department's technical advisory committee in the development of the assessment

program. The statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.

- (4) (a) The academic components of the statewide assessment program shall be composed of annual student summative tests, which may include a combination of multiple competency-based assessment and performance measures approved by the Kentucky Board of Education.
- (b) The annual student summative tests shall:
  1. Measure individual student achievement in language, reading, English, mathematics, science, and social studies at designated grades;
  2. Provide teachers and parents a valid and reliable comprehensive analysis of skills mastered by individual students;
  3. Provide diagnostic information that identifies strengths and academic deficiencies of individual students in the content areas;
  4. Provide information to teachers that can enable them to improve instruction for current and future students;
  5. Provide longitudinal profiles for students; and
  6. Ensure school and district accountability for student achievement of the goals set forth in KRS 158.645 and 158.6451, except the statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.
- (5) The state student assessments shall include the following components:
  - (a) Elementary and middle grades requirements are:
    1. A criterion-referenced test each in mathematics and reading in grades three (3) through eight (8) that is valid and reliable for an individual student and that measures the depth and breadth of Kentucky's academic content standards;
    2. A criterion-referenced test each in science and social studies that is valid and reliable for an individual student as necessary to measure the depth and breadth of Kentucky's academic content standards to be administered one (1) time within the elementary and middle grades, respectively;
    3. An on-demand assessment of student writing to be administered one (1) time within the elementary grades and one (1) time within the middle grades; and
    4. An editing and mechanics test relating to writing, using multiple choice and constructed response items, to be administered one (1) time within the elementary and the middle grades, respectively;
  - (b) High school requirements are:
    1. A criterion-referenced test in mathematics, reading, and science that is valid and reliable for an individual student and that measures the depth and breadth of Kentucky's academic content standards to be administered one (1) time within the high school grades;
    2. A criterion-referenced test in social studies that is valid and reliable for an individual student as necessary to measure the depth and breadth of Kentucky's academic content standards to be administered one (1) time within the high school grades;
    3. An on-demand assessment of student writing to be administered one (1) time within the high school grades;
    4. An editing and mechanics test relating to writing, using multiple choice and constructed response items, to be administered one (1) time within the high school grades; and
    5. A college admissions examination to assess English, reading, mathematics, and science in the spring of grade eleven (11);
  - (c) The Kentucky Board of Education shall add any other component necessary to comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, as determined by the United States Department of Education;

- (d) The criterion-referenced components required in this subsection shall be composed of constructed response items and multiple choice items; *and*
  - (e) ~~The Kentucky Board of Education may incorporate end of course examinations into the assessment program to be used in lieu of requirements for criterion-referenced tests required under paragraph (b) of this subsection; and~~
  - ~~(f) The results of the assessment program developed under this subsection shall be used by schools and districts to determine appropriate instructional modifications for all students in order for students to make continuous progress, including that needed by advanced learners.~~
- (6) Each school district shall administer the statewide student assessment during the last fourteen (14) days of school in the district's instructional calendar. The Kentucky Board of Education may change the testing window to allow for innovative assessment systems or other online test administration and shall promulgate administrative regulations that minimize the number of days of testing and outline the procedures to be used during the testing process to ensure test security, including procedures for testing makeup days, and to comply with federal assessment requirements.
  - (7) A student enrolled in a district-operated or district-contracted alternative program shall participate in the appropriate assessments required by this section.
  - (8) A local school district may select and use commercial interim or formative assessments or develop and use its own formative assessments to provide data on how well its students are growing toward mastery of Kentucky academic standards, so long as the district's local school board develops a policy minimizing the reduction in instructional time related to the administration of the interim assessments. Nothing in this section precludes teachers from using ongoing teacher-developed formative processes.
  - (9) Each school that enrolls primary students shall use diagnostic assessments and prompts that measure readiness in reading and mathematics for its primary students as determined by the school to be developmentally appropriate. The schools may use commercial products, use products and procedures developed by the district, or develop their own diagnostic procedures. The results shall be used to inform the teachers and parents or guardians of each student's skill level.
  - (10) The state board shall ensure that a technically sound longitudinal comparison of the assessment results for the same students shall be made available.
  - (11) The following provisions shall apply to the college admissions examination described in subsection (5)(b)5. of this section:
    - (a) The cost of the college admissions examination administered to students in high school shall be paid for by the Kentucky Department of Education. The costs of additional college admissions examinations shall be the responsibility of the student;
    - (b) If funds are available, the Kentucky Department of Education shall provide a college admissions examination preparation program to all public high school juniors. The department may contract for necessary services; and
    - (c) Accommodations provided to a student with a disability taking the college admissions assessment under this subsection shall consist of:
      - 1. Accommodations provided in a manner allowed by the college admissions assessment provider when results in test scores are reportable to a postsecondary institution for admissions and placement purposes, except as provided in subparagraph 2. of this paragraph; or
      - 2. Accommodations provided in a manner allowed by a student's individualized education program as defined in KRS 158.281 for a student whose disability precludes valid assessment of his or her academic abilities using the accommodations provided under subparagraph 1. of this paragraph when the student's scores are not reportable to a postsecondary institution for admissions and placement purposes.
  - (12) Kentucky teachers shall have a significant role in providing feedback about the design of the assessments, except for the college admissions exam described in subsection (5)(b)5. of this section. The assessments shall be designed to:

- (a) Measure grade appropriate core academic content, basic skills, and higher-order thinking skills and their application;
  - (b) Provide valid and reliable scores for schools. If scores are reported for students individually, they shall be valid and reliable;
  - (c) Minimize the time spent by teachers and students on assessment; and
  - (d) Assess Kentucky academic standards only.
- (13) The results from assessment under subsections (3) and (5) of this section shall be reported to the school districts and schools no later than seventy-five (75) days following the last day the assessment can be administered. Assessment reports provided to the school districts and schools shall include an electronic copy of an operational subset of test items from each assessment administered to their students and the results for each of those test items by student and by school.
- (14) The Department of Education shall gather information to establish the validity of the assessment and accountability program. It shall develop a biennial plan for validation studies that shall include but not be limited to the consistency of student results across multiple measures, the congruence of school scores with documented improvements in instructional practice and the school learning environment, and the potential for all scores to yield fair, consistent, and accurate student performance level and school accountability decisions. Validation activities shall take place in a timely manner and shall include a review of the accuracy of scores assigned to students and schools, as well as of the testing materials. The plan shall be submitted to the Commission by July 1 of the first year of each biennium. A summary of the findings shall be submitted to the Legislative Research Commission by September 1 of the second year of the biennium.
- (15) The Department of Education and the state board shall offer optional assistance to local school districts and schools in developing and using continuous assessment strategies needed to ensure student progress. The continuous assessment shall provide diagnostic information to improve instruction to meet the needs of individual students.
- (16) The Administration Code for Kentucky's Assessment Program shall include prohibitions of inappropriate test preparation activities by school district employees charged with test administration and oversight, including but not limited to the issue of teachers being required to do test practice in lieu of regular classroom instruction and test practice outside the normal work day. The code shall include disciplinary sanctions that may be taken toward a school or individuals.
- (17) The Kentucky Board of Education, after the Department of Education has received advice from the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the department's technical advisory committee, shall promulgate an administrative regulation under KRS Chapter 13A to establish the components of a reporting structure for assessments administered under this section. The reporting structure shall include the following components:
- (a) A school report card that clearly communicates with parents and the public about school performance. The school report card shall be sent to the parents of the students of the districts, and information on electronic access to a summary of the results for the district shall be published in the newspaper with the largest circulation in the county. It shall include but not be limited to the following components reported by race, gender, and disability when appropriate:
    - 1. Student academic achievement, including the results from each of the assessments administered under this section;
    - 2. For Advanced Placement, Cambridge Advanced International, and International Baccalaureate, the courses offered, the number of students enrolled, completing, and taking the examination for each course, and the percentage of examinees receiving a score of three (3) or better on AP examinations, a score of "e" or better on Cambridge Advanced International examinations, or a score of four (4) or better on IB examinations. The data shall be disaggregated by gender, race, students with disabilities, and economic status;
    - 3. Nonacademic achievement, including the school's attendance, retention, graduation rates, and student transition to postsecondary;
    - 4. School learning environment, including measures of parental involvement; and
    - 5. Any other school performance data required by the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;

- (b) An individual student report to parents for each student in grades three (3) through eight (8) summarizing the student's skills in reading, science, social studies, and mathematics. The school's staff shall develop a plan for accelerated learning for any student with identified deficiencies or strengths; and
  - (c) A student's score on the college admissions assessment administered under subsection (5)(b)5. of this section.
- (18) (a) ~~{Beginning in fiscal year 2017-2018, and }~~Every six (6) years~~{thereafter}~~, the Kentucky Department of Education shall implement a comprehensive process for reviewing and revising the academic standards in visual and performing arts and practical living skills and career studies for all levels and in foreign language for middle and high schools. The department shall develop review committees for the standards for each of the content areas that include representation from certified specialist public school teachers and postsecondary teachers in those subject areas.
- (b) The academic standards in practical living skills for elementary, middle, and high school levels shall include a focus on drug abuse prevention, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin and synthetic drugs.
  - (c) The department shall provide to all schools guidelines for programs that incorporate the adopted academic standards in visual and performing arts and practical living and career studies. The department shall provide to middle and high schools guidelines for including a foreign language program. The guidelines shall address program length and time, courses offered, staffing, resources, and facilities.
  - (d) The Kentucky Department of Education, in consultation with certified public school teachers of visual and performing arts, may develop program standards for the visual and performing arts.
- (19) The Kentucky Department of Education shall provide to all school districts guidelines for including an effective writing program within the curriculum.
- (20) (a) The Kentucky Department of Education, in consultation with the review committees described in subsection (18) of this section, shall develop a school profile report to be used by all schools to document how they will address the adopted academic standards in their implementation of the programs as described in subsection (18) of this section, which may include student opportunities and experiences in extracurricular activities. The department shall include the essential workplace ethics program on the school profile report.
- (b) By October 1 of each year, each school principal shall complete the school profile report, which shall be signed by the members of the school council, or the principal if no school council exists, and the superintendent. The report shall be electronically transmitted to the Kentucky Department of Education, and the original shall be maintained on file at the local board office and made available to the public upon request. The department shall include a link to each school's profile report on its website.
  - (c) If a school staff member, student, or a student's parent has concerns regarding deficiencies in a school's implementation of the programs described in subsection (18) of this section, he or she may submit a written inquiry to the school council.

➔Section 29. The following KRS sections are repealed:

- 156.420 Bond conditions for person, firm, or corporation offering textbooks.
- 156.425 Form of statement and bond -- Supplemental statement and bond.
- 156.430 Violation of bond -- Suit on bond.
- 156.437 Administrative regulations for listing, adoption, and purchase of subject programs.
- 156.438 Administrative regulations for reviewing and resolving claims of factual errors in adopted textbooks.
- 156.470 Copy of recommended titles to remain in specified office for period of adoption.
- 156.474 Multiple textbook adoptions.
- 156.475 Title.

➔Section 30. The following KRS sections are repealed:

156.108 Districts of innovation -- Definitions -- Approval by Kentucky Board of Education -- Administrative regulations to prescribe conditions and procedures to be used by local boards.

160.107 Application and implementation requirements for districts of innovation.

➔Section 31. Sections 1 to 10 of this Act may be cited as the School Innovation Act.

➔Section 32. Sections 11 to 29 of this Act take effect July 1, 2026.

**Veto Overridden March 27, 2025.**



*For official use only.*

Date Received:

Waiver Application No.:

### APPLICATION COVER SHEET (E)

Pursuant to KRS 156.161 and 701 KAR 5:170E, [Click or tap here to enter text.](#) School District “District” hereby submits this waiver request to the Kentucky Board of Education seeking waiver from compliance with one or more statutes or administrative regulations.

The waiver(s) sought herein by District are sought to apply to the following District schools or programs: [Click or tap here to enter text..](#)

This waiver request is a:

*District must select only one of the following*

- ☐ NEW APPLICATION. District seeks new waiver(s) of statutes or administrative regulations not previously granted to District by the Kentucky Board of Education pursuant to 701 KAR 5:170E, or previously granted pursuant to 701 KAR 5:170E but now expired.
- ☐ RENEWAL APPLICATION. District seeks renewal of waiver(s) previously granted by the Kentucky Board of Education pursuant to 701 KAR 5:170E and still in effect as of the date of this application.
- ☐ AMENDMENT APPLICATION. District seeks to amend waiver(s) of statutes or administrative regulations previously granted to District by the Kentucky Board of Education pursuant to 701 KAR 5:170E and still in effect as of the date of this application.

In submitting this waiver request, District acknowledges and agrees to each of the following:

1. The Kentucky Board of Education does not have the authority to waive any statute or administrative regulation:
  - (a) Relating to health and safety, including required criminal background checks for staff and volunteers specified in KRS 160.380 and 161.148;
  - (b) Relating to civil rights;
  - (c) Required by federal law;
  - (d) Relating to compulsory attendance requirements under KRS 158.030 and 158.100 or the recording of data necessary for participation in the fund to support education excellence in Kentucky;
  - (e) Establishing certification requirements for teachers in core academic areas, except a waiver may authorize up to twenty-five percent (25%) of the teaching staff of a school may be employed without teacher certification if the individual possesses a baccalaureate or graduate degree in the subject the individual is hired to teach;
  - (f) Requiring students' participation in state assessment of student performance, as required under KRS 158.6453;

- (g) Financial audits, audit procedures, and audit requirements under KRS 156.265;
  - (h) Open records and open meeting requirements under KRS Chapter 61;
  - (i) Purchasing requirements and limitations under KRS Chapter 45A and KRS 156.074 and 156.480; or
  - (j) Requiring instructional time that is at least equivalent to the student instructional year specified in KRS 158.070.
2. The Kentucky Board of Education does not have the authority to waive any statute outside of its enforcement authority, or any administrative regulation promulgated by an agency other than the Kentucky Board of Education.
  3. District conducted a thorough review of this waiver request prior to submission to ensure that no part of its waiver request involves statutes or administrative regulations beyond the authority of the Kentucky Board of Education to waive as described in paragraphs (1) and (2) above. District understands that if it is determined that any portion of its request involves statutes or administrative regulations beyond the authority of the Kentucky Board of Education to waive as described in paragraphs (1) and (2) above, District's waiver request will be denied.
  4. District reviewed and understands the requirements and provisions of 701 KAR 5:170E as it relates to this waiver request.
  5. If District selected above that this is a NEW APPLICATION, District attaches to this Application Cover Sheet a Specific Waiver Request Form for each statute or administrative regulation for which District requests a waiver, and that District identified within each Specific Waiver Request Form the specific section, subsection, paragraph, or subparagraph of each statute or administrative regulation from which District requests a waiver.
  6. If District selected above that this is a RENEWAL APPLICATION, District attaches to this Application Cover Sheet a Renewal Application Form and all attachments required by the Renewal Application Form.
  7. If District selected above that this is an AMENDMENT APPLICATION, District attaches to this Application Cover Sheet an Amendment Request Form for a previously granted and unexpired waiver.
  8. If the District seeks identification of a school(s) or program(s) listed in the forms attached hereto as a School of Innovation pursuant to KRS 156.161 (4), it has: (a) utilized the Specific Waiver Request Form for each statute or administrative regulation from which District requests a waiver that prevents the District from entering into an agreement with an education service provider to assist in the management and operation of the school(s) or program(s) identified on the form; and (b) attached to the Specific Waiver Request Form a copy of the proposed agreement with the education service provider for the school(s) or program(s).
  9. In determining whether to grant this waiver request, in whole or in part, the Kentucky Board of Education will evaluate whether the request demonstrates that the waiver is more likely than not: (a) to improve the operation of the school(s) or program(s) listed in the forms attached

hereto, without hindering student academic achievement; or (b) to improve student academic achievement at the school(s) or program(s) listed in the forms attached hereto. District recognizes that such evaluation and determination is within the discretion of the Kentucky Board of Education.

10. District understands that if the Kentucky Board of Education at any time finds by a two-thirds (2/3) vote that a waiver granted pursuant to this request hindered school or program operations, endangered students, impeded student academic achievement, or supported financial malfeasance or criminal activity, then the waiver shall be rescinded. District recognizes that such a determination is within the discretion of the Kentucky Board of Education.
11. District recognizes that the existence of a waiver shall not negate the legal duties or professional responsibilities of a District employee, and agrees that it shall implement policies and procedures accordingly.
12. District understands and agrees that any waiver granted pursuant to this request, except for a waiver of minimum nutritional standards as provided in KRS 158.854, shall expire on June 30 of the third full school year following the date the request was approved by the Kentucky Board of Education, regardless of subsequent amendment, unless the Kentucky Board of Education renews the waiver prior to expiration. Waivers of minimum nutritional standards as provided in KRS 158.854 shall expire one year following the date the request was approved by the Kentucky Board of Education, regardless of subsequent amendment, unless the Kentucky Board of Education renews the waiver prior to expiration. District further understands and agrees that it shall track the expiration date of any waiver(s) granted pursuant to this request and will immediately implement all statutory and regulatory requirements upon the expiration date of any waivers granted pursuant to this request. District acknowledges that it is District's responsibility to request any renewals pursuant to the requirements of 701 KAR 5:170E.
13. The information provided in this waiver request application and the attachments hereto are true and correct to the best of District's knowledge. The representations made by District in this waiver request application and the attachments hereto will be relied upon by the Kentucky Board of Education as material in its decision making. Upon learning that any information provided herein is inaccurate or incomplete, District will take affirmative steps to correct such information.
14. District represents that this waiver request, including any attachments hereto, were presented to the District board of education and approved by said board during a meeting on [Click or tap to enter a date..](#)
15. District understands that no waiver granted as part of this request shall imply, suggest, or otherwise indicate that any other statute or administrative regulation is implicitly waived and that District will continue to comply with all statutes and administrative regulations not specifically waived by the Kentucky Board of Education in response to this request.

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Signature

Click or tap here to enter text.

District Board Chair

Click or tap to enter a date.

Date

*Mail this completed form and all attachments to:*

Kentucky Department of Education

ATTN: Waiver Request

300 Sower Blvd. 5<sup>th</sup> Floor

Frankfort, KY 40601



## **SPECIFIC WAIVER REQUEST FORM**

**District Name:**

Click or tap here to enter text.

**School(s)/Program(s) to Which Waiver Request Applies:**

Click or tap here to enter text.

**Statute or Administrative Regulation District Requests be Waived:**

*Districts should include the specific section(s), subsection(s), paragraph(s), or subparagraph(s) that it requests be waived for the statute or administrative regulation listed. A separate Specific Waiver Request Form is required for each statute or administrative regulation that District requests be waived.*

Click or tap here to enter text.

### **School of Innovation Designation**

A District may seek to have school(s) or program(s) listed above identified as a “School of Innovation” for the purpose of allowing the District to enter into an agreement with an education service provider to assist in the management and operation of the school(s) or program(s). Does District seek to have the school(s) or program(s) listed above identified as a “School of Innovation” for this purpose?

*District must select only one of the following:*

☐

NO.

☐

YES. If District selects “YES,” it must describe below how the statute or administrative regulation listed above currently prevents the District from entering into an agreement with an education service provider to assist in the management and operation of the school(s) or program(s), and attach a copy of the proposed contract with an education service provider to assist in the management and operation of the school(s) or program(s).

Click or tap here to enter text.

## **Waiver Justification**

Describe how the District wishes to operate the school(s) or program(s) listed above and how the statute or administrative regulation listed above prevents desired operations.

Click or tap here to enter text.

Describe in detail how waiver of the statute or administrative regulation listed above will improve operations or student academic achievement in the school(s) or program(s) listed above.

Click or tap here to enter text.

Describe how waiver of the statute or administrative regulation listed above may hinder student academic achievement in the school(s) or program(s) listed above. Describe how District will address any hindrance of student academic achievement if the waiver is granted.

Click or tap here to enter text.

Describe how District intends to measure the impact on students enrolled in the school(s) or program(s) listed above if a waiver is granted for the statute or administrative regulation listed above.

Click or tap here to enter text.

List every attachment to this form District provides in support of its responses above, including a brief description of how the attachment supports District's responses.

Click or tap here to enter text.



## RENEWAL APPLICATION FORM (E)

District Name: Click or tap here to enter text.		
Date Waiver Was Previously Granted: Click or tap to enter a date.	Expiration Date of Current Waiver: Click or tap to enter a date.	Number Assigned to Previously Granted Waiver Application: Click or tap here to enter text.
School(s)/Program(s) to Which Current Waiver Applies: Click or tap here to enter text.		

### **Original Application**

*District must select both of the following:*

- ☐ District attaches to this Renewal Application the letter from the Kentucky Department of Education granting the waiver District seeks to renew pursuant to KRS 156.161 (7) and 701 KAR 5:170E.
- ☐ District attaches to this Renewal Application the complete waiver request application it previously filed that resulted in the waiver District seeks to renew pursuant to KRS 156.161 (7) and 701 KAR 5:170E.

### **Amendments to Original Application**

Since being granted the waiver(s) District seeks to renew with this application, has District sought any amendment(s) to the waiver(s) granted?

*District must select only one of the following:*

- ☐ NO.
- ☐ YES. If District selects “YES,” it must list the numbers assigned to any application(s) for amendment:  
Click or tap here to enter text.

### **Evidence of Improvement**

Describe the operational improvement of the school(s) or program(s) subject to the waiver District wishes to renew, the academic achievement of the students enrolled in the school(s) or program(s), comparison of those students with similar students across the state, and any other benefit the waiver has had on student academic achievement.

Click or tap here to enter text.

List every attachment to this application District provides in support of its response above, including a brief description of how the attachment supports District's response.

Click or tap here to enter text.





## AMENDMENT REQUEST FORM (E)

District Name: Click or tap here to enter text.		
Date Waiver Was Previously Granted: Click or tap to enter a date.	Expiration Date of Current Waiver: Click or tap to enter a date.	Number Assigned to Previously Granted Waiver Application: Click or tap here to enter text.
School(s)/Program(s) to Which Currently Approved Waiver Applies: Click or tap here to enter text.		

### **Original Application**

*District must select both of the following:*

- ☐ District attaches to this Amendment Request the letter from the Kentucky Department of Education granting the waiver request District seeks to amend pursuant to KRS 156.161 (6) and 701 KAR 5:170E.
- ☐ District attaches to this Amendment Request the complete waiver request application it previously filed that resulted in the waiver District seeks to amend pursuant to KRS 156.161 (6) and 701 KAR 5:170E.

### **Previous Amendments to Original Application**

Since being granted the waiver request District seeks to amend with this application, has District sought any previous amendment(s) to the waiver request granted?

*District must select only one of the following:*

- ☐ NO.
- ☐ YES. If District selects “YES,” it must list the numbers assigned to any previous application(s) for amendment:  
Click or tap here to enter text.

## **Waiver Amendment(s) Requested**

By selecting the applicable options below, please indicate how the District requests to amend the waiver request previously granted to the District.

*District should select any of the following that apply to its Amendment Application:*

- ☐ District requests to amend the school(s) or program(s) to which the previously granted waiver applies. If the amendment application is approved, the previously granted waiver request, as described in the sections above, will only apply to the school(s) or program(s) listed by the District in this response. Furthermore, if the amendment application is approved, the change in school(s) or program(s) to which the previously granted waiver request applies will apply prospectively (i.e. not retroactively) from the date the amendment application is approved through the expiration date of the previously granted waiver request as described in the sections above.

School(s)/Program(s) to which District requests the previously granted waiver request now apply:  
Click or tap here to enter text.

- ☐ District requests waiver of additional statutes or administrative regulations to be included in a previously granted waiver request. If this amendment application is approved, waiver of these additional statutes or administrative regulations will apply prospectively (i.e. not retroactively) from the date the amendment application is approved through the expiration date of the previously granted waiver request as described in the sections above. District attaches to this form a Specific Waiver Request Form for each statute or administrative regulation District requests be waived and incorporated into the previously granted waiver request as described in the sections above.

- ☐ District requests termination, in its entirety, of the previously granted waiver request as described in the sections above. If this amendment application is approved, the previously granted waiver of every statute or administrative regulation associated with the waiver request, as described in the sections above, shall terminate on the date the amendment application is approved.

Explain why District seeks voluntary termination, in its entirety, of the previously granted waiver request:  
Click or tap here to enter text.



District requests termination of some, but not all, of the waiver(s) of statutes or administrative regulations associated with its previously granted waiver request as described in the sections above. If this amendment application is approved, the waiver(s) of specific statutes or administrative regulations shall terminate on the date the amendment application is approved. The remaining waivers of statutes or administrative regulations associated with the previously granted waiver request described in the sections above shall continue in effect through the expiration date of the previously granted waiver request.

List each statute and administrative regulation for which District was previously granted a waiver, but now wishes to terminate the waiver previously granted. For each statute or administrative regulation listed, provide an explanation as to why District seeks voluntary termination of the waiver of that statute or administrative regulation.

[Click or tap here to enter text.](#)

*For official use only.*

Date Received:

Waiver Application No.:

## SPECIAL EDUCATION MAXIMUM CLASS SIZE REQUEST FORM

Pursuant to KRS 157.360(5) and 701 KAR 5:170, Requestor, as described below, hereby submits this waiver request to the Kentucky Board of Education seeking waiver from compliance with special education class sizes and caseloads prescribed in 707 KAR 1:350 for the school and teacher as described herein.

The Requestor, as referenced throughout this document is:

Select only one of the following

- ☐ District Superintendent [Click or tap here to enter text.](#)  
If this request is made by the superintendent, he/she shall sign the request form below.
- ☐ School Based Decision Making Council for the school referenced in this request form.  
The council met on [Click or tap to enter a date.](#) and took action to approve this request for submission. If this request is made by the council, the school principal shall sign the request form below.

The Requestor seeks the following type of waiver:

Select all that apply

- ☐ Caseload
- ☐ Class Size

School District: <a href="#">Click or tap here to enter text.</a>	District Number: <a href="#">Click or tap here to enter text.</a>
Superintendent: <a href="#">Click or tap here to enter text.</a>	Phone Number: <a href="#">Click or tap here to enter text.</a>
Director of Special Education: <a href="#">Click or tap here to enter text.</a>	Phone Number: <a href="#">Click or tap here to enter text.</a>
School: <a href="#">Click or tap here to enter text.</a>	
Principal: <a href="#">Click or tap here to enter text.</a>	
Special Education Regional Technical Assistance Center: <a href="#">Click or tap here to enter text.</a>	

Teacher: <a href="#">Click or tap here to enter text.</a>	Total Caseload: <a href="#">Click or tap here to enter text.</a>
Classroom Type: <a href="#">Click or tap here to enter text.</a>	Special Education Code: <a href="#">Click or tap here to enter text.</a>
School Level: <a href="#">Click or tap here to enter text.</a>	School Grade Range: <a href="#">Click or tap here to enter text.</a>

Has a waiver from special education class size and/or caseload requirements in 707 KAR 1:350 been utilized for the teacher described above at any time in the last three school years?

Select only one of the following

- ☐ NO.
- ☐ YES. If you select “yes” explain the circumstances leading to a repeated need for waiver from special education class size and/or grade range requirements in 707 KAR 1:350 for the teacher:

Click or tap here to enter text.

Provide a description of the circumstances and specific reasons that a waiver will: (a) improve the operation of the school listed herein, without hindering student academic achievement; or (b) improve student academic achievement at the school listed herein.

Click or tap here to enter text.

Is there a full-time paraeducator assigned to the teacher listed above for each class period?

Select only one of the following

- ☐ YES.
- ☐ NO. If you select “no” is there a paraeducator assigned to the special education teacher listed above when an overage occurs?

Select only one of the following

- ☐ YES.
- ☐ NO.

REQUIRED ATTACHMENTS. Requestor must attach the following documents to this request form. Check each below to indicate the Requestor has attached the required documents.

- ☐ Daily schedule of the teacher listed above, including class size and caseload.
- ☐ Plan for reducing the class size and/or caseload prior to the beginning of the next school year.

In submitting this waiver request, Requestor acknowledges and agrees to each of the following:

1. Requestor reviewed and understands the requirements and provisions of 701 KAR 5:170 as it relates to this waiver request.
2. In determining whether to grant this waiver request, in whole or in part, the Kentucky Board of Education will evaluate whether the request demonstrates that the waiver is more likely than not: (a) to improve the operation of the school listed herein, without hindering student

academic achievement; or (b) to improve student academic achievement at the school listed herein. Requestor recognizes that such evaluation and determination is within the discretion of the Kentucky Board of Education.

3. Requestor understands that if the Kentucky Board of Education at any time finds by a two-thirds (2/3) vote that a waiver granted pursuant to this request hindered school or program operations, endangered students, impeded student academic achievement, or supported financial malfeasance or criminal activity, then the waiver shall be rescinded. Requestor recognizes that such a determination is within the discretion of the Kentucky Board of Education.
4. Requestor recognizes that the existence of a waiver shall not negate the legal duties or professional responsibilities of a school district employee and agrees that it shall implement policies and procedures accordingly.
5. Requestor represents and agrees that, if granted, the waiver requested herein will not impede any exceptional child from receiving a free appropriate public education in the least restrictive environment, as prescribed by his or her individual education program.
6. Requestor understands and agrees that any waiver granted pursuant to this request shall expire on June 30 of the third full school year following the date the request was approved by the Kentucky Board of Education, regardless of subsequent amendment, unless the Kentucky Board of Education renews the waiver prior to expiration. Requestor further understands and agrees that it shall track the expiration date of any waiver granted pursuant to this request and will immediately implement all statutory and regulatory requirements upon the expiration date of any waivers granted pursuant to this request. Requestor acknowledges that it is Requestor's responsibility to request any renewals pursuant to the requirements of 701 KAR 5:170. If the waiver sought herein is granted and utilized beyond the beginning of the school year following request, Requestor agrees to report to the Kentucky Department of Education on an annual basis the reasons the caseload and/or class size has not been reduced to comply with 707 KAR 1:350.
7. The information provided in this waiver request application and the attachments hereto are true and correct to the best of Requestor's knowledge. The representations made by Requestor in this waiver request application and the attachments hereto will be relied upon by the Kentucky Board of Education as material in its decision making. Upon learning that any information provided herein is inaccurate or incomplete, Requestor will take affirmative steps to correct such information.
8. Requestor understands that no waiver granted as part of this request shall imply, suggest, or otherwise indicate that any other statute or administrative regulation is implicitly waived and that Requestor will continue to comply with all statutes and administrative regulations not specifically waived by the Kentucky Board of Education in response to this request. Furthermore, Requestor understands that any waiver granted as part of this request shall apply only to the teacher described in this request and shall not extend to any other teacher in the school or district, absent a specific request granted for other teachers.

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Signature

Click or tap here to enter text.

Select only one of the following

☐ Superintendent

☐ School Principal

Click or tap to enter a date.

Date

*Mail this completed form and all attachments to:*

Kentucky Department of Education

ATTN: Waiver Request

300 Sower Blvd. 5<sup>th</sup> Floor

Frankfort, KY 40601