AN ACT relating to full-day kindergarten.

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

Section 1. KRS 157.320 is amended to read as follows:

As used in KRS 157.310 to 157.440, unless the context otherwise requires:

1. "Average daily attendance" means the aggregate days attended by pupils in a public school, adjusted for weather-related low attendance days if applicable, divided by the actual number of days the school is in session, after the five (5) days with the lowest attendance have been deducted.

   (a) Aggregate days shall include, in addition to the aggregate number of days attended by a pupil who was suspended during a school year, the number of days the pupil was suspended, not to exceed ten (10) days in total for the school year; and

   (b) Aggregate days shall include, in addition to the aggregate number of days attended by a pupil who was expelled for behavioral problems, the number of days the pupil was expelled up to a total of one hundred seventy-five (175) days. This total may extend into the next school year and shall be counted in the average daily attendance for the next year;

2. "Base funding level" means a guaranteed amount of revenue per pupil to be provided for each school district, to be used for regular operating and capital expenditures;

3. "Board" means the board of education of any county or independent school district;

4. "District" means any school district as defined by law;

5. "Elementary school" means a school consisting of the primary school program as defined in KRS 158.031 through grade eight (8)—as defined in KRS 158.030—, or any appropriate combination of grades within this range, as determined by the plan of organization for schools authorized by the district board;

6. "Support Education Excellence in Kentucky" means the level of educational
services and facilities which is to be provided in each district from the public school fund;

(7) "Kindergarten full-time equivalent pupil in average daily attendance" means each kindergarten pupil counted no more than one-half (1/2) day in the aggregate days attended by kindergarten pupils in a public school divided by the actual number of days school is in session after the five (5) days with the lowest attendance have been deducted. Kindergarten is the entry level of the primary program and shall be provided no less than the equivalent of one-half (1/2) day, five (5) days a week for a full school year for each kindergarten pupil;

(8) "Public school fund" means the fund created by KRS 157.330 for use in financing education in public elementary and secondary schools;

(8) "Administrative regulations of the Kentucky Board of Education" means those regulations which the Kentucky Board of Education may adopt upon the recommendation and with the advice of the commissioner of education. The commissioner of education shall recommend administrative regulations necessary for carrying out the purposes of KRS 157.310 to 157.440;

(9) "Experience" means employment as a teacher, other than as a substitute or nursery school teacher, for a minimum of one hundred forty (140) days during a school year in a public or nonpublic elementary or secondary school or college or university that is approved by the public accrediting authority in the state in which the teaching duties were performed. A teacher who is employed by a board for at least one hundred forty (140) days of a school year and who performs teaching duties for the equivalent of at least seventy (70) full school days during that school year, regardless of the schedule on which those duties were performed, shall be credited with one (1) year of experience. A teacher who is employed by a board for at least one hundred forty (140) days during each of two (2) school years and who performs teaching duties for the equivalent of at least seventy (70) full school days
during those years shall be credited with one (1) year of experience. No more than
one (1) year of experience shall be credited for the performance of teaching duties
during a single school year;

"Secondary school" means a school consisting of grades seven (7) through
twelve (12), or any appropriate combination of grades within this range as
determined by the plan of organization for schools authorized by the district board.
When grades seven (7) through nine (9) or ten (10) are organized separately as a
junior high school, or grades ten (10) through twelve (12) are organized separately
as a senior high school and are conducted in separate school plant facilities, each
shall be considered a separate secondary school for the purposes of KRS 157.310 to
157.440;

"Single salary schedule" means a schedule adopted by a local board from
which all teachers are paid for one hundred eighty-five (185) days and is based on
training, experience, and such other factors as the Kentucky Board of Education
may approve and which does not discriminate between salaries paid elementary and
secondary teachers. If the budget bill contains a minimum statewide salary schedule,
no teacher shall be paid less than the amount specified in the biennial budget salary
schedule for the individual teacher's educational qualifications and experience;

"Teacher" means any regular or special teacher, principal, supervisor,
superintendent, assistant superintendent, librarian, director of pupil personnel, or
other member of the teaching or professional staff engaged in the service of the
public elementary and secondary school for whom certification is required as a
condition of employment;

"Percentage of attendance" means the aggregate days attended by pupils in a
public school for the school year divided by the aggregate days' membership of
pupils in a public school for the school year;

"Middle school" means a school consisting of grades five (5) through eight (8)
or any appropriate combination of grades as determined by the plan of organization for schools authorized by the district board;

(15) "National board certification salary supplement" means an annual supplement added for the life of the certificate to the base salary of a teacher who attains national board certification; and

(16) "Weather-related low attendance day" means a school day on which the district's attendance falls below the average daily attendance for the prior year due to inclement weather. The district shall submit a request to substitute the prior year's average daily attendance for its attendance on up to ten (10) designated days, along with documentation that the low attendance was due to inclement weather, for approval by the commissioner of education in accordance with Kentucky Board of Education administrative regulations.

Section 2. 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 pursuant to 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.

(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 (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 (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 158.033[\textit{KRS}\n457.270] and shall be reported monthly on forms provided by the Department
of Education.\[\text{and}\]

(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 158.033(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 3. KRS 158.030 is amended to read as follows:

(1) "Common school" means an elementary or secondary school of the state supported in whole or in part by public taxation. No school shall be deemed a "common school" or receive support from public taxation unless the school is taught by a certified teacher for a minimum school term as defined by KRS 158.070 and every child residing in the district who satisfies the age requirements of this section has had the privilege of attending it. Provided, however, that any child who is six (6) years of age, or who may become six (6) years of age by October 1, shall attend public school or qualify for an exemption as provided by KRS 159.030. Any child who is five (5) years of age, or who may become five (5) years of age by October 1, may enter a primary school program, as defined in KRS 158.031, and may advance through the primary program without regard to age in accordance with KRS 158.031(6).

(2) Beginning with the 2017-2018 school year, any child who is six (6) years of age, or who may become six (6) years of age by August 1, shall attend public school or qualify for an exemption as provided by KRS 159.030. Any child who is five (5) years of age, or who may become five (5) years of age by August 1, may enter a primary school program, as defined in KRS 158.031, and may advance through the primary program without regard to age in accordance with KRS 158.031(6).

(2)(3) Each local school board shall adopt a policy to permit a parent or guardian to
petition the board to allow a student to attend public school who does not meet the age requirements of subsection (1) or (2) of this section. The policy shall include an evaluation process that will help determine a student's readiness for school and shall ensure that any tuition amount charged under this policy is the same amount charged to a student who meets the age requirements of subsection (1) or (2) of this section. Students enrolled under this policy shall be included in a school's average daily attendance for purposes of funding as provided in KRS 157.310 to 157.440.

Section 4. KRS 158.060 is amended to read as follows:

(1) Twenty (20) school days, or days in which teachers are actually employed in the schoolroom, shall constitute a school month in the common schools.

(2) Each full-time teacher shall be provided with a duty-free lunch period each day during the regularly scheduled student lunch period. The duty-free lunch period shall be not less than the length of the lunch period specified in the school calendar approved by the chief state school officer. A full-time teacher may be assigned to lunch room duty during the regularly scheduled student lunch period only for an amount of time equal to the noninstructional time in excess of fifty-five (55) minutes included in the teacher's daily schedule. The calculation of noninstructional time shall not include the teacher's duty-free lunch period, the time teachers are required to be at school prior to the start of the student's instructional day, or the time teachers are required to remain at school after the students are dismissed.

(3) Except for children with disabilities and children attending the primary school program who may attend a program of less than six (6) hours per day under policy adopted by the local school district board of education and approved by the commissioner of education and children attending a school district where the local board has approved a schedule that provides at least the equivalent of six (6) hours of daily instruction during the school year, a minimum of six (6) hours of actual
school work shall constitute a school day. [Kindergarten programs may be operated for less than six (6) hours without state board approval.] The Kentucky Board of Education, upon recommendation of the chief state school officer, shall develop and approve regulations governing make up by school districts of whole days missed due to emergencies, or partial days missed as a result of shortening regularly scheduled school days due to emergencies.

(4) Teachers shall be provided additional time for nonteaching activities. The nonteaching time shall be used to provide teachers opportunities for professional development activities as provided in KRS 156.095, instructional planning, school-based decision making as provided in KRS 160.345, curriculum development, and outreach activities involving their students' families and the community.

(5) Character education programs and activities shall be considered valuable and legitimate components of the actual school work constituting a school day under subsection (3) of this section.