

1 AN ACT relating to education and declaring an emergency.

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

3 ➔Section 1. (1) Notwithstanding any other statute or administrative
4 regulation to the contrary, a school district may temporarily assign students at the school,
5 grade, classroom, or student group level to remote instruction due to significant absences
6 of students or staff related to the COVID-19 pandemic until June 30, 2022.

7 (2) With prior authorization from the local board of education, the decision to
8 temporarily assign students to remote instruction shall be at the discretion of the
9 superintendent. The temporary assignment to remote instruction shall be no longer than is
10 necessary to alleviate student and staff absences due to COVID-19.

11 (3) Remote instruction may be provided to each school in a school district,
12 including to a particular grade, classroom, or group of students within the school, for up
13 to 10 days per school under this section. A school district shall not temporarily assign
14 every student in the district to remote instruction under this section, unless all students in
15 the school district are located in a single school facility.

16 (4) Students temporarily assigned to remote instruction shall receive at least the
17 minimum daily instruction required pursuant to KRS 158.060, which shall include the
18 content standards as provided in the Kentucky Academic Standards.

19 (5) Remote instruction provided under this section shall not be counted against
20 student attendance days authorized under a school district's approved nontraditional
21 instruction plan.

22 (6) The provisions of this section shall be retroactive to January 1, 2022.

23 ➔Section 2. (1) Notwithstanding 2021 (1st Extra. Sess.) Ky. Acts ch. 4, sec.
24 9, and notwithstanding any provision of KRS 161.605 or 161.612 to the contrary, for the
25 time period occurring on or after the effective date of this Act and until June 30, 2022, the
26 following shall apply to retirees who retired from the Teachers' Retirement System on or
27 before August 1, 2021, and who subsequently return to employment for a local board of

1 education in a full-time or part-time certified or classified position, or in a position
2 providing substitute certified or classified services:

3 (a) The separation of service required shall be a bona fide separation of at least
4 one month for retirees returning to work in a full-time, part-time, or substitute certified or
5 classified position with a local board of education. The system shall not be able to extend
6 the break in employment as provided by this paragraph unless an extension is needed due
7 to a conflict with federal law as described in subsection (4) of this section;

8 (b) The critical shortage program limitations on the number of retirees
9 reemployed under the program by a local school district as provided by KRS
10 161.605(8)(a) shall be increased to a maximum number of 10 percent of the total active
11 members employed by the local school district on a full-time basis as defined under KRS
12 161.220(21); and

13 (c) Other than the temporary adjustments provided in this subsection, all other
14 provisions of KRS 161.220 to 161.716 and 161.990 shall apply.

15 (2) The provisions of subsection (1) of this section shall expire on June 30, 2022.
16 Upon expiration of these temporary provisions, any future reemployment or ongoing
17 reemployment of retirees subject to the provisions of subsection (1) of this section shall,
18 for such future or ongoing reemployment occurring after June 30, 2022, be subject to
19 KRS 161.605, including the existing limitations on the critical shortage program, except
20 that a retiree who is reemployed according to the provisions of subsection (1) of this
21 section shall not be required to observe any additional separation of service beyond the
22 one month specified by subsection (1)(a) of this section if he or she remains employed or
23 is reemployed on or after June 30, 2022.

24 (3) Additional costs incurred to school districts under this section for the hiring of
25 critical shortage teachers to meet the educational challenges of the COVID-19 pandemic
26 are deemed a qualified expense by the General Assembly for purposes of utilizing federal
27 pandemic funds and shall be authorized for use by school districts for this purpose unless

1 in conflict with federal law.

2 (4) Any provision of subsection (1) and (2) of this section in conflict with federal
3 law as determined by the system shall be void. The school districts shall be notified of
4 any provision in conflict that is voided.

5 ➔Section 3. (1) Notwithstanding 2021 (1st Extra. Sess.) Ky. Acts ch. 4, sec.
6 10, and notwithstanding any provision of KRS 61.637 or 78.5540 to the contrary, for the
7 time period occurring on or after the effective date of this Act and until June 30, 2022, the
8 following shall apply to retirees who retired from the systems on or before August 1,
9 2021, and who subsequently return to employment for a local board of education in a full-
10 time or part-time certified or classified position, or in a position providing substitute
11 classified or certified services:

12 (a) The separation of service required shall be a bona fide separation of at least
13 one month for retirees returning to work in a full-time, substitute, or part-time certified or
14 classified position with a local board of education. The systems shall not be able to
15 extend the break in employment as provided by this paragraph unless an extension is
16 needed due to a conflict with federal law as described in subsection (3) of this section;
17 and

18 (b) Other than the temporary adjustments provided in this subsection, all other
19 provisions of KRS 61.510 to 61.705 and 78.510 to 78.852 shall apply.

20 (2) The provisions of subsection (1) of this section shall expire on June 30, 2022.
21 Upon expiration of these temporary provisions, any future reemployment or ongoing
22 reemployment of retirees hired under the provisions of subsection (1) of this section shall,
23 for such future or ongoing reemployment occurring after June 30, 2022, be subject to
24 KRS 61.637 or 78.5540, as applicable, except that a retiree who is reemployed according
25 to the provisions of subsection (1) of this section shall not be required to observe any
26 additional separation of service beyond the one month specified by subsection (1)(a) of
27 this section if he or she remains employed or is reemployed on or after June 30, 2022.

1 (3) Any provision of this section in conflict with federal law as determined by the
2 systems shall be void. The school districts shall be notified of any provision in conflict
3 that is voided.

4 ➔Section 4. Whereas the Commonwealth's citizens, students, and children
5 continue to face significant challenges due to the COVID-19 public health crisis, an
6 emergency is declared to exist, and this Act takes effect upon its passage and approval by
7 the Governor or upon its otherwise becoming a law.