

## CHAPTER 476

1209

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

Section 1. This Act may be cited as the "Kentucky Education Reform Act of 1990."

## PART I - CURRICULUM

SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

***The General Assembly recognizes that public education involves shared responsibilities. State government, local communities, parents, students and school employees must work together to create an efficient public school system. Parents and students must assist schools with efforts to assure student attendance, preparation for school and involvement in learning. The cooperation of all involved is necessary to assure that desired outcomes are achieved. It is the intent of the General Assembly to create a system of public education which shall allow and assist all students to acquire the following capacities:***

- (1) Communication skills necessary to function in a complex and changing civilization;***
- (2) Knowledge to make economic, social, and political choices;***
- (3) Understanding of governmental processes as they affect the community, the state, and the nation;***
- (4) Sufficient self-knowledge and knowledge of his mental and physical wellness;***
- (5) Sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage;***
- (6) Sufficient preparation to choose and pursue his life's work intelligently; and***
- (7) Skills to enable him to compete favorably with students in other states.***

SECTION 3. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

***(1) Upon the effective date of this Act, the Council on School Performance Standards established by Executive Order 89-151 shall be reconvened by the chairman to frame the following six (6) goals for the schools of the Commonwealth in measurable terms which define the outcomes expected of students:***

- (a) Schools shall expect a high level of achievement of all students.***
- (b) Schools shall develop their students' ability to:***
  - 1. Use basic communication and mathematics skills for purposes and situations they will encounter throughout their lives;***
  - 2. Apply core concepts and principles from mathematics, the sciences, the arts, the humanities, social studies, and practical living studies to situations they will encounter throughout their lives;***
  - 3. Become a self sufficient individual;***
  - 4. Become responsible members of a family, work group, or community including demonstrating effectiveness in community service;***
  - 5. Think and solve problems in school situations and in a variety of situations they will encounter in life; and***
  - 6. Connect and integrate experiences and new knowledge from all subject matter fields with what they have previously learned and build on past learning experiences to acquire new information through various media sources.***
- (c) Schools shall increase their students' rate of school attendance.***
- (d) Schools shall reduce their students' dropout and retention rates.***
- (e) Schools shall reduce physical and mental health barriers to learning,.***
- (f) Schools shall be measured on the proportion of students who make a successful transition to work, post-secondary education and the military.***

(2) *The Council on School Performance Standards shall employ necessary staff and shall be attached to the Department of Education for Administrative purposes. Members of the council and its committees may receive reimbursement of actual expenses for attending meetings and may be reimbursed for other actual and necessary expenses incurred in the performance of their duties authorized by the council. The expenses shall be paid out of the appropriation for the council.*

(3) *The Council on School Performance Standards shall establish a number of committees with statewide representation of certified personnel to frame the goals in measurable terms which specify the expected outcomes. The council shall make periodic progress reports and a final report by December 1, 1991, to the Governor, the State Board for Elementary and Secondary Education, and the Legislative Research Commission. After submitting its final report the council shall cease to exist. The State Board for Elementary and Secondary Education shall adopt the goals of the council.*

(4) *By July 1, 1993, the State Board for Elementary and Secondary Education shall disseminate to local school districts and schools a model curriculum framework which is directly tied to the goals, outcomes and assessment strategies developed pursuant to this section and Sections 2 and 4 of this Act. The framework shall provide direction to local districts and schools as they develop their curriculum. The framework shall identify teaching and assessment strategies, instructional material resources, ideas on how to incorporate the resources of the community, a directory of model teaching sites, and alternative ways of using school time.*

SECTION 4. A NEW SECTION OF KRS-CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

(1) *The State Board for Elementary and Secondary Education shall be responsible for creating and implementing a statewide, primarily performance-based assessment program to ensure school accountability for student achievement of the goals set forth in Section 2 of this Act. The program shall be implemented as early as the 1993-94 school year but no later than the 1995-96 school year. The board shall also be responsible for administering an interim testing program to assess student skills in reading, mathematics, writing, science, and social studies in grades four (4), eight (8) and twelve (12). The tests shall be designed to provide the state with national comparisons and shall be the same as, or similar to those used by the National Assessment of Educational Progress. The interim testing program shall begin during the 1991-92 school year and shall be administered to a sample of students representative of each school and the state as a whole. The test scores shall be used, along with other factors described in Section 3 of this Act, to establish a baseline for determining school success during the 1993-94 school year.*

(2) *Upon the effective date of this Act, the state board shall contract with three (3) or more authorities in the field of performance assessment to design the specifications for the interim and full-scale statewide assessment development effort. The bid specifications shall include requirements that the successful bidder:*

- (a) *Be a consultant to the Council on School Performance Standards as it develops the educational outcomes expected of students;*
- (b) *Direct the development of the interim and full-scale assessment programs; and*
- (c) *Direct the development of the formula to be used to determine successful schools pursuant to Section 5 of this Act.*

*The assessment authorities shall review the bids and make a recommendation to the board. The authorities shall have no pecuniary interest with the successful bidder.*

(3) *In addition to statewide testing for the purpose of determining school success, the board shall have the responsibility of assisting local school districts and schools in developing and using continuous assessment strategies needed to assure student progress.*

(4) *By October 1 of each year, local boards of education shall publish in the newspaper with the largest circulation in the county an annual performance report on district accomplishments and activities pertaining to performance goals including, but not limited to, retention rates and student performance, the districts' goals for the succeeding year, and other items as may be set forth in State Board for Elementary and Secondary Education administrative regulations.*

SECTION 5. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

*It is the intent of the General Assembly that schools succeed with all students and receive the appropriate consequences in proportion to that success.*

- (1) **The State Board for Elementary and Secondary Education shall promulgate administrative regulations to establish a system of determining successful schools and dispensing appropriate rewards. The system shall be based on the following:**
- (a) **A school shall be the unit of measure to determine success;**
  - (b) **School success shall be determined by measuring a school's improvement over a two (2) year period;**
  - (c) **A school shall be rewarded for an increased proportion of successful students including those students who are at risk of school failure;**
  - (d) **A threshold level for school improvement shall be established by the board to determine the amount of success needed for a school to receive a reward. The threshold definition shall establish the percentage of increase required in a school's percentage of successful students as compared to a school's present proportion of successful students with consideration given to the fact that a school closest to having one hundred percent (100%) successful students will have a lower percentage increase required;**
  - (e) **Rewards shall be given to the school on behalf of the full-time, part-time, and itinerant instructional staff of a school who generate the reward when the school achieves at least one percent (1%) gain over its threshold as defined in paragraph (d) of this subsection. Substitute teachers shall not be used in calculating the reward;**
  - (f) **Rewards shall be calculated by applying the percentage set by the General Assembly in the biennial budget to the current annual salary of each certified staff person employed in the school on the last working day of the year of the reward. The reward for part-time and itinerant staff shall be calculated for the proportion of time spent in the school. In determining the percentage to be applied to a school for calculation of the rewards for the school's staff, consideration shall be given to the fact that schools already having a high percentage of successful students shall have a lower requirement for a percentage increase in its number of successful students. The staff person's identity in connection to his share of the reward shall be maintained when his share of the reward is deposited to the school's account;**
  - (g) **The certified staff members shall by majority rule collectively decide on the ways the reward funds shall be spent. Each individual staff person shall use the amount he earned in accordance with the decisions made by the total staff. Rewards shall not be added to a staff person's base salary and shall not be defined as compensation for retirement purposes under KRS 161.220(10); and**
  - (h) **The Department of Education shall send the school's reward to the local district office for transmittal to the school.**
- (2) **The State Board for Elementary and Secondary Education, after adopting the goals of the Council on School Performance Standards and determining the definition of a successful student, shall adopt by administrative regulation the formula to be used to determine successful schools. The formula shall be a calculus of factors which reflect the school outcomes described in Section 3 of this Act.**
- (3) **A school that does not reach its threshold level as defined in paragraph (d) of subsection (1) of this section but maintains the previous proportion of successful students shall be required to develop a school improvement plan and shall be eligible to receive funds from the school improvement fund pursuant to KRS 158.805. A school that does not reach its threshold level but maintains the previous proportion of successful students after the second biennial review shall be required to meet the provisions of subsection (4) of this section.**
- (4) **A school in which the proportion of successful students declines by less than five percent (5%) shall be required to develop a school improvement plan, shall be eligible to receive funds from the school improvement fund, and shall have one (1) or more Kentucky distinguished educators assigned to the school to carry out the duties as described in Section 6 of this Act. If the school does not meet its original threshold after the next biennial review the school shall be subject to the requirements of subsection (5) of this section.**
- (5) **A school in which the proportion of successful students declines by five percent (5%) or more shall be declared by the State Board for Elementary and Secondary Education to be a "school in crisis." When a school is declared to be a "school in crisis," the following actions shall be required:**
- (a) **The full-time and part-time certified staff of that school shall be placed on probation;**
  - (b) **The principal shall immediately notify the students' parents of the students' right to transfer to a successful school with procedures for initiating the request;**

(c) *Within thirty (30) days after the declaration by the state board under this subsection or no later than thirty (30) days before the start of the next school year whichever is later, any student in that school may request and shall be allowed to transfer to a successful school as determined under the provisions of subsection (2) of this section. The superintendent shall select the receiving successful school in the home district or make arrangements with a neighboring district. If two (2) districts cannot agree, the superintendent of the student's resident district shall request the State Board for Elementary and Secondary Education to resolve the issue and make a decision on the placement of the student within thirty (30) days of the request. The board of the district in which the student resides shall be responsible for all tuition and transportation costs incurred as a result of a student transferring from a "school in crisis" to a successful school. If a decline in student enrollment causes overstaffing at the "school in crisis," personnel shall be reduced or transferred pursuant to KRS 161.760 and 161.800.*

(d) *One (1) or more Kentucky distinguished educators shall be assigned to the school by the commissioner of education to carry out the duties as described in Section 6 of this Act. Notwithstanding any other statute to the contrary, at the end of six (6) months, the Kentucky distinguished educator shall evaluate and make a recommendation to the superintendent regarding the retention, dismissal, or transfer of each full-time and part-time certified staff member. Recommendations for transfer shall conform to any employer-employee bargained contract which is in effect. Recommendations for dismissal shall be binding on the superintendent who shall notify the staff member pursuant to KRS 161.790. This evaluation process shall continue every six (6) months until the school is no longer a "school in crisis" as determined by the State Board for Elementary and Secondary Education; and*

(e) *The school shall be required to develop a school improvement plan and shall be eligible to receive funds from the school improvement fund.*

(6) *The State Board for Elementary and Secondary Education shall develop a system of rewards and sanctions for certified staff who are not assigned to a school in a local school district. The system shall be analogous to the system described in subsections (1) through (5) of this section. Rewards shall be given to non-school based staff when the district's proportion of successful students increases above a threshold adopted by the state board and comparable to the threshold adopted for schools. Sanctions shall be imposed when the proportion of successful students in the district declines in the same proportion used to determine school sanctions under subsections (3), (4), and (5) of this section. A school district that does not meet its threshold shall be required to develop a district improvement plan defined in KRS 158.650.*

(7) *A school district in which the proportion of successful students declines by five percent (5%) or more shall be assigned one (1) or more Kentucky distinguished educators to assist the system, evaluate personnel, and notwithstanding any other statute to the contrary, make personnel recommendations every six (6) months on retention, dismissal, or transfer. Personnel recommendations shall be made to the superintendent. Recommendations on the superintendent's status shall be made to the local board of education. If the recommendation is to terminate the superintendent, the board shall terminate the contract pursuant to KRS 160.350. If a district has a declining proportion of successful students for two (2) consecutive biennial assessment periods, the district shall be declared an education development district pursuant to KRS 158.685 and the board members and the superintendent shall be removed under the provisions of KRS 156.132 and 156.136.*

(8) *The State Board for Elementary and Secondary Education shall adopt administrative regulations to establish a process whereby a school shall be allowed to appeal a performance judgment which it considers grossly unfair. The state board may adjust a performance judgment on appeal when evidence of highly unusual circumstances warrants the conclusion that the performance judgment is based on fraud or a mistake in computations, is arbitrary, is lacking any reasonable basis, or when there are significant new circumstances occurring during the biennial assessment period which are beyond the control of the school.*

SECTION 6. A NEW-SECTION OF KRS CHAPTER 1581S CREATED TO READ AS FOLLOWS:

(1) *The State Board for Elementary and Secondary Education shall promulgate administrative regulations to set forth the criteria for the Kentucky distinguished educators program which shall be implemented by July 1, 1991. The designation of "Kentucky Distinguished Educator" shall be given to the state's most outstanding and highly skilled certified educators who deserve recognition and are willing to fulfill the following purposes of the program:*

(a) *Serving as teaching ambassadors to spread the message that teaching is an important and fulfilling profession;*

(b) *Assisting the Department of Education with research projects and staff development efforts;*

(c) *Accepting assignments in schools whose percentage of successful students declined as described in Section 5 of this Act. The assignments shall require the educator to:*

1. *Work in a school full-time for a designated period of time to assist the school staff with implementing its school improvement plan. The educator shall have the authority to make decisions previously made by the school staff;*
2. *Help to increase the effectiveness of the staff, parents, the civic and business community, and government and private agencies in improving the school's performance; and*
3. *Evaluate and make recommendations on the retention, dismissal, or transfer of certified staff in a "school in crisis."*
4. *Complete an intensive training program, provided by the Department of Education and approved by the State Board for Elementary and Secondary Education, prior to being assigned to assist a school's staff with implementing its school improvement plan. The training program shall include, but shall not be limited to instruction in the methods of personnel evaluation, school organization, school curriculum and assessment.*

(2) *The Kentucky distinguished educators program criteria shall include:*

(a) *A selection process which shall allow for self nomination, provide a broad spectrum of instructional positions, and generate statewide representation.*

(b) *Beginning with the 1992-93 school year, special recognition shall be given to five (5) Kentucky distinguished educators each year in the form of a one (1) year sabbatical leave to work with instructional personnel across the state and to serve as teaching ambassadors to the state at large.*

(c) *Each recipient shall receive a monetary award of two hundred fifty dollars (\$250) when selected and shall also be paid in accordance with his current salary for other program requirements which arise pursuant to subsection (1) of this section. The Department of Education shall be responsible for all expenses incurred as a result of the Kentucky distinguished educators program except those expenses associated with the funding of the position of the person who replaces the Kentucky distinguished educator when he is assigned to an unsuccessful school or district.*

(d) *Kentucky distinguished educators assigned to on unsuccessful school shall receive a salary supplement of fifty percent (50%) of his annual salary for each year of service in that capacity. The state board shall determine if reimbursement for vehicle mileage shall be allowed. If his assigned school achieves the threshold level in the next biennial review, he shall receive his portion of the reward due to the entire staff calculated on his base salary regardless of decisions made by the school staff pursuant to subsection (1)(g) of Section 5 of this Act.*

(e) *The Kentucky distinguished educator shall be granted professional leave pursuant to KRS 161.770 though the time may exceed two (2) years if determined by the state board to be necessary. The Kentucky distinguished educator shall not lose any employee benefits as a result of his special assignment.*

(f) *A Kentucky distinguished educator shall not be assigned to a school or to a district assignment in the district in which he is employed.*

Section 7. KRS 158.805 is amended to read as follows:

(1) There is hereby created the **Commonwealth school improvement** [educational innovation incentive] fund to **assist local schools in pursuing new and innovative strategies** [encourage the development of innovative programs] to meet the educational needs of the **school's students and raise the school's performance level** [citizens of the Commonwealth of Kentucky]. The State Board for Elementary and Secondary Education shall utilize the **Commonwealth school improvement** [educational innovation incentive] fund to provide grants to **schools** [teachers and local school districts] for the following purposes:

(a) To support teachers and administrators in the development of sound and innovative approaches to improve instruction or management;

(b) To assist in replicating successful programs **developed** in **other** districts [where special needs or opportunities exist];

(c) To encourage cooperative instructional or management approaches to specific **school** [local or regional] educational problems; and

(d) To **encourage** ~~[provide challenge grants to]~~ teachers and administrators to conduct experimental ~~[or model]~~ programs to test concepts and applications being advanced as solutions to specific educational problems.

(2) The State Board for Elementary and Secondary Education shall develop criteria for awards of grants from the **Commonwealth school improvement** ~~[educational innovative incentive]~~ fund **to schools in educationally deficient districts pursuant to KRS 158.685 through the 1993-94 school year. Beginning with the 1994-95 school year, grants shall go to schools which do not meet their threshold as defined in Section 5 of this Act.** The Governor shall appoint an advisory committee which shall include teachers, administrators, teacher educators, and representatives of the general public to assist in the planning and implementation of the **Commonwealth school improvement** ~~[educational innovative incentive]~~ fund. The members of the advisory committee shall serve without compensation, but shall be reimbursed for all reasonable expenses incurred in the discharge of official duties. The committee shall advise the board on application procedures, review of proposals, evaluation criteria, reporting requirements and other matters relating to the fund as requested by the board.

(3) The State Board for Elementary and Secondary Education shall have the sole authority to approve grants from the fund. The advisory committee shall review proposals for grants and make recommendations to the board relating to the merits of each proposal.

(4) The State Board for Elementary and Secondary Education may establish priorities for **the use of the funds and, through the Department of Education, shall provide assistance to schools in preparing their grant proposals** ~~[experimental or model programs which shall be eligible for funding from the fund for a period not to exceed two (2) years. Two (2) or more school districts undertaking cooperative instructional or management projects shall be eligible for funding on an annual basis for a period not to exceed five (5) years. All other projects shall be eligible for funding for a period not to exceed (4) one year].~~ The board shall require that no funds awarded under the **Commonwealth school improvement** ~~[educational innovative incentive]~~ fund are used to supplant funds from any other source. Requests for necessary equipment may be approved at the discretion of the **state** board, however the cost of equipment purchased by any grantee shall not exceed twenty percent (20%) of the total amount of money awarded for each proposal and shall be matched by local funds on a dollar for dollar basis.

(5) The State Board for Elementary and Secondary Education ~~[is authorized to award grants from the fund to teachers, schools, local school districts or groups of school districts on the basis of qualified proposals. A minimum of twenty percent (20%) of available funds shall be designated for grants to teachers. A minimum of thirty percent (30%) of available funds shall be designated for grants to individual schools. The state board for elementary and secondary education]~~ shall establish maximums for specific grant awards. All fund recipients shall provide the board with an accounting of all money received from the fund and shall report the results and conclusions of any funded projects to the State Board for Elementary and Secondary Education. All fund recipients shall provide the board with adequate documentation of all projects to enable replication of successful projects in other areas of the state.

Section 8. KRS 158.550 is amended to read as follows:

As used in **KRS 158.680 to 158.710** ~~[458.660 to 458.750]~~ unless the context otherwise requires:

(1) "Department" means the ~~[state]~~ Department of Education;

(2) "Competencies" means the possession of skills, knowledge and understandings to the degree they can be demonstrated or measured;

(3) ~~["Basic skills" means reading, writing, spelling, mathematics, and library research reference skills;~~

~~(4) "Performance [Product] goals" means expected student and school district outcomes as approved by the State Board for Elementary and Secondary Education;~~

**(4) "Interim performance goal" means the specified amount of improvement the district shall achieve toward meeting the performance goal agreed upon in the district improvement plan;**

(5) "Process goals" means systematic and orderly procedures including specific actions and time frames to be followed in achieving **performance** ~~[product]~~ goals;

~~(6) ["Library research reference skills" means the ability to locate and utilize various sources of information;~~

~~(7) "Standards" means acceptable levels of attainment school districts shall meet in **student**, program,~~

[and] service [offerings] and **operational performance** [students shall meet in attaining the basic skills] as established **in administrative regulations adopted** by the State Board for Elementary and Secondary Education;

(7) [(8)] "Educationally deficient school **district** [districts]" means **a school district** [districts] which **does** [de] not meet minimum standards in **student**, program, [and] service [offerings] or **operational performance** [in which insufficient numbers of students meet minimum standards of attainment of basic skills];

(8) "**Education development district**" means **an educationally deficient district which fails to meet all process goals or to achieve all interim performance goals according to the timelines established in the district improvement plan**;

(9) "Annual performance report" means the report published annually by each local board of education that presents the district's performance with regard to **performance** [product] goals as established by State Board for Elementary and Secondary Education administrative regulations; **and**

(10) ["Accreditation report" means the report prepared by a department evaluation team and approved by the State Board for Elementary and Secondary Education that assesses the availability and adequacy of the resources that are needed in a school district to provide an adequate education program as defined by State Board for Elementary and Secondary Education administrative regulation; and

(11) "**District** [Educational] improvement plan" means the plan developed by a local school district in consultation with **the Department of Education**, [and approved by, the State Board for Elementary and Secondary Education] that establishes the process goals **and timelines for correcting** [to correct] identified deficiencies in **the achievement of performance** [product] goals and **the interim performance goals. The plan shall be** [is] approved by the local board of education and the State Board for Elementary and Secondary Education.

Section 9. KRS 158.680 is amended to read as follows:

There shall be appointed by the Governor a State Advisory Committee for Educational Improvement in accordance with the following:

(1) The State Advisory Committee for Educational Improvement shall be eighteen (18) members broadly representative of citizens, parents, teachers and administrators. Their principal duties shall be to advise the Governor, the State Board for Elementary and Secondary Education and the department **on** [in] the implementation of the provisions of KRS **158.650 to 158.710 and Sections 4 and 5 of this Act** [158.660 to 158.750].

(2) All members shall be voting members appointed by the Governor and shall serve terms of four (4) years, except that the original appointments will be made as follows:

- (a) Five (5) members for four (4) year terms;
- (b) Five (5) members for three (3) year terms;
- (c) Four (4) members for two (2) year terms; and
- (d) Four (4) members for a one (1) year term.

(3) The State Advisory Committee for Educational Improvement shall elect a chairman annually from its membership;

(4) The members shall be remunerated for actual and necessary expenses incurred while attending meetings of the State Advisory Committee for Educational Improvement or while serving in the capacity as representative of the State Advisory Committee for Educational Improvement.

(5) The State Advisory Committee for Educational Improvement shall meet at least three (3) times each year at [such] times and places as it determines by resolution.

Section 10. KRS 158.685 is amended to read as follows:

- (1) The State Board for Elementary and Secondary Education shall **adopt administrative regulations establishing** [establish] standards which school districts shall meet in **student**, program, [and] service **and operational performance** [offerings and set forth the minimum performance for students in the basic skills pursuant to KRS 158.660]. **The State Board for Elementary and Secondary Education shall promulgate**

**regulations establishing operational performance standards by January 1, 1991. These standards shall become effective on July 1, 1991.**

(2) The State Board for Elementary and Secondary Education shall declare a school district to be educationally deficient when, in any school year, the district fails to meet ~~[or make satisfactory progress toward meeting]~~ minimum **student**, program, ~~[and]~~ service **or operational performance** standards ~~[or an insufficient number of students, as defined by State Board for Elementary and Secondary Education administrative regulations, fail to attain or fail to make satisfactory progress toward meeting standards set for the basic skills established pursuant to subsection (1) of this section].~~

(3) The **chief state school officer** ~~[superintendent of public instruction; upon approval of the state board for elementary and secondary education,]~~ shall provide consultation and assistance to any school district which has been declared educationally deficient by the State Board for Elementary and Secondary Education ~~[in eliminating the deficiency].~~ The school **district** ~~[districts]~~ shall be provided consultation and guidance relative to programs, services, finances, personnel, and any other areas **where** ~~[wherein]~~ appropriate changes would be reasonably calculated to eliminate or alleviate the deficiency and in developing and implementing a district ~~[an educational]~~ improvement plan pursuant to KRS 158.710. **The** ~~[Such]~~ changes ~~[, whenever allowable under Kentucky Revised Statutes,]~~ may include ~~[more expeditious correction of accreditation report deficiencies,]~~ improved personnel administration, more efficient management practices and other administrative and academic actions to improve the local **district's** ~~[districts']~~ performance. **The Department of Education shall submit to the local board and superintendent a list of the services and technical assistance the department shall provide. The services listed may include activities and programs offered for the improvement of all districts. The list of services shall be attached to the district improvement plan when it is submitted to the State Board for Elementary and Secondary Education for approval.**

(4) Failure by an educationally deficient school district to **meet the process goals, interim performance goals, or timelines set in the district improvement plan** ~~[implement the approved educational improvement plan shall be grounds for the superintendent of public instruction, with the concurrence of the State Board for Elementary and Secondary Education, to intervene in the operation of a local school district and limit the authority of the local superintendent and local board of education to act in the following areas:~~

- (a) Expenditure of funds;
- (b) Employment and dismissal of personnel;
- (c) Establishment and modification of the school calendar;
- (d) Instructional program and policies;
- (e) Student code of conduct; and
- (f) Other areas as may be designated by State Board for Elementary and Secondary Education administrative regulation.

(5) Action initiated pursuant to subsection (4)(b) of this section, relative to employment and dismissal of personnel, shall be in accordance with the provisions of KRS 161.720 to 161.810 and 161.990. To facilitate the implementation of the educational improvement plan in an educationally deficient school district, the superintendent of public instruction with the approval of the state board for elementary and secondary education, may require an annual reallocation of an amount not to exceed twenty five percent (25%) of the power equalization program funds received by the district to address program and service needs outlined to the educational improvement plan.

(6) ~~Failure to implement the educational improvement plan]~~ shall constitute grounds for removal of the superintendent and local board members from office **and this action shall be initiated by the chief state school officer** pursuant to KRS 156.132 **and** ~~[to]~~ 156.136. **The district shall also be declared an education development district. The State Board for Elementary and Secondary Education shall appoint the members of the district's board of education which shall have all the powers, duties, and responsibilities of an elected board except as provided in this section. The appointed members shall serve a four (4) year term or until the district qualifies for an elected board and the duly elected members have taken office, whichever occurs first. When a new superintendent of schools is selected by the local board, the chief state school officer shall approve the selection before the appointment shall become official. The local board shall revise the district improvement plan with the assistance of the Department of Education. The Department of Education shall continue to provide the district consultation and assistance pursuant to subsection (3) of this section. Local board elections shall resume in the first even-numbered year following two (2) consecutive years of meeting the performance standards set by the State Board for Elementary and Secondary Education.** This

section shall not ~~be deemed to~~ create a statutory cause of action for educational malpractice by students, their parents or guardians.

Section 11. KRS 158.710 is amended to read as follows:

Each **educationally deficient district and education development** ~~[local school] district [in the state]~~ shall assume the following responsibilities and functions in implementing the provisions of KRS **158.680 to 158.710** ~~[458.660 to 458.750]~~:

(1) **The** ~~[Each local school] district~~ shall develop a plan to improve the education of all students **enrolled in preschool and the primary program** ~~[grades one (1)] through grade twelve (12)~~. In developing **the plan** ~~[these plans]~~ and prior to ~~[their]~~ approval by the local board of education, **the district** ~~[local districts]~~ shall involve local citizens, parents, students, teachers, and administrators. **The district, pursuant to** ~~[School districts declared to be educationally deficient by the State Board for Elementary and Secondary Education under] KRS 158.685,~~ shall involve Department of Education consultants in the development of **the** ~~[their]~~ plan;

(2) ~~[Each local district board of education shall by May 1, 1983, and every three (3) years thereafter, submit to the state Department of Education for approval a local plan for educational improvement which will be in effect for three (3) years or until such time as it is revised, whichever occurs first. If a plan is revised, succeeding plans will be submitted to the state Department of Education every three (3) years from the date of revision. School districts declared to be] Educationally deficient districts and education development districts pursuant to [by the State Board for Elementary and Secondary Education under] KRS 158.685 shall submit a plan each year or more frequently if ordered by the State Board for Elementary and Secondary Education listing new process goals, the interim performance goals, and timelines until the deficiency has been eliminated;~~

(3) Local school personnel shall ascertain areas of strength and areas **needing** ~~[of needed]~~ improvement in the school program as revealed by the test results and other student assessments and with the advice and counsel of the representatives mentioned in subsection (1) of this section, shall develop appropriate programs to address educational areas needing ~~[of needed]~~ improvement for **all students in preschool and the primary program** ~~[grades one (1)] through grade twelve (12)~~;

(4) The **district** ~~[educational]~~ improvement plan developed and submitted ~~[by each local school district]~~ to the department shall include the following:

- (a) **Performance** ~~[Process]~~ goals **or interim performance goals**;
- (b) Product goals;
- (c) A list of individuals, by occupation, or groups involved in developing the plan;
- (d) The areas of needed improvement as revealed by the district assessment results;
- (e) A list of priorities for program implementation;
- (f) The objectives and activities deemed appropriate and necessary for alleviating the observed educational areas of needed improvement;
- (g) A calendar of events **and** ~~[or]~~ timeline, for implementation;
- (h) A brief report, each succeeding year **or more frequently if required by the State Board for Elementary and Secondary Education** after submission of the initial plan, of the program status and ~~[of]~~ progress made in areas of needed improvement.

(5) **The district improvement plan shall be coordinated with the master staff development plan and the Department of Education shall provide technical assistance in the planning, implementation, and evaluation of this coordination.**

(6) **Effective June 30, 1996, KRS 158.650 to 158.710 shall become null and void.**

Section 12. KRS 156.095 is amended to read as follows:

(1) The State Board for Elementary and Secondary Education shall establish, direct and maintain a statewide program of **professional development to improve** ~~[in service teacher training for the purpose of improving]~~ instruction in the public ~~[common] schools [and for the improvement of the leadership qualities]~~

~~and professional competence of principals, supervisors and teachers and for such other services in the improvement of instruction in the public common schools as may be approved from time to time by the State Board for Elementary and Secondary Education].~~

(2) Each local school district ~~superintendent~~ ~~[board for elementary and secondary education]~~ shall appoint a certified school employee to fulfill the role and responsibilities of ~~a professional development coordinator~~ ~~[an in-service education director]~~. The manner of appointment, qualifications, and duties of the ~~professional development coordinator~~ ~~(in-service education director)~~ shall be as established by State Board for Elementary and Secondary Education regulations.

(3) The State Board for Elementary and Secondary Education shall provide an annual training program for local school district ~~professional development coordinators~~ ~~(in-service education directors)~~. The training program may include, but not be limited to, the demonstration of various approaches to needs assessment; instruction in methods to involve both teachers and administrators in actively planning, delivering and evaluating programs; presenting options for meeting ~~professional development~~ ~~[in-service]~~ needs, especially through individualized programs; and identification of resources needed for quality, motivational ~~professional development~~ ~~[in-service]~~ programs.

(4) The State Board for Elementary and Secondary Education shall provide for a series of state sponsored, ~~professional development~~ ~~[in-service education]~~ programs for ~~certified personnel~~ ~~[teachers]~~ throughout the Commonwealth. **Professional development shall focus on the following areas during the 1990-91 and 1991-92 school years;**

(a) **The Kentucky Education Reform Act of 1990;**

(b) **School-based decision making;**

(c) **Performance-based student assessment;**

(d) **Non-graded primary programs;**

(e) **Research-based instructional practices;**

(f) **Instructional uses of technology; and**

(g) **Effective awareness and sensitivity training so teachers can motivate and nurture students of diverse cultures** ~~[The programs shall be of one (1) day duration and located at selected sites statewide. The State Board for Elementary and Secondary Education shall request that each school district permit teachers to earn credit for one (1) in-service education day through attendance at the state sponsored program. No tuition or fees shall be charged teachers attending state sponsored in-service programs, although participants shall be responsible for travel and other expenses. Educational content of state sponsored programs shall be as determined by the State Board for Elementary and Secondary Education].~~

(5) The Department of Education shall **provide professional development activities at times and locations which are convenient for school personnel. During the 1990-91 and 1991-92 school years, school districts shall use the four (4) days designated for professional development in KRS 158.070 to acquire skills and knowledge in the areas listed in subsection (4) of this section. The master professional development plan shall reflect the districts' choices from the required areas for the 1990-91 and 1991-92 school years. A district's master professional development plan which has been developed in conjunction with the district improvement plan pursuant to KRS 158.685, shall be exempt from the requirements of this subsection** ~~[employ professional staff whose primary responsibility shall be the provision of assistance to local districts in developing in-service education programs, evaluation of the quality of existing in-service programs, identification of resource persons to assist with presentations, and other duties related to the development, evaluation and improvement of local plans for in-service education of teachers.~~

(6) The State Board for Elementary and Secondary Education may provide limited funding on a one-time basis to assist in the development and presentation of demonstration in-service programs in selected local school districts.

(7) All teachers who have the aides in their classrooms shall receive in-service training as specified by the State Board for Elementary and Secondary Education on the effective utilization and evaluation of the aides].

(6) ~~(8)~~ Local school districts with an enrollment of **twenty thousand (20,000)** ~~[sixty-five thousand (65,000)]~~ or more students shall be exempt from the requirements of this section if ~~[provided]~~ they meet the standards

for **professional development** [in-service training programs] established by the State Board for Elementary and Secondary Education.

SECTION 13. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

(1) *During the 1990-91 school year, the school district shall receive a planning grant to be used in conjunction with other districts to plan for professional development activities through the 1994-95 school year. By June 30, 1991, each district, except those districts with an enrollment of twenty thousand (20,000) or more students, shall have joined a consortium involving two (2) or more districts and shall have submitted a preliminary professional development plan to the Department of Education. The plan shall describe the way the consortium will utilize the professional development activities available from the Department of Education described in Section 12 of this Act during the 1991-92 school year and outline in general terms the types of professional development and the delivery mechanism which will be used during the 1992-93, 1993-94, and 1994-95 school years. When a consortium is operational, a consortium plan may replace plans for individual districts which are members of the consortium.*

(2) *During the school years 1991-92 through 1994-95, the consortia shall receive the districts' professional development funds to provide a high quality, coordinated professional development program to the staff of the member districts.*

(3) *After July 1, 1995, a school district shall be allowed to withdraw from the consortium and expend its professional development funds on any professional development activities it chooses.*

SECTION 14. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

(1) *The term "teacher" for the purpose of this section means any person for whom certification is required as a basis of employment in the public schools of the state with the exception of principals, assistant principals, and head teachers.*

(2) *By January 1, 1991, each local board of education shall adopt a policy for implementing school-based decision making in the district which shall include but not be limited to a description of how the district's policies, including those developed pursuant to KRS 160.340, have been amended to allow the professional staff members of a school to be involved in the decision making process as they work to meet educational goals established in Sections 2 and 3 of this Act. The policy shall also address and comply with the following:*

(a) *Each participating school shall form a school council which shall be composed of two (2) parents, three (3) teachers, and the principal or administrator. The membership of the council may be increased, but it may only be increased proportionately. The parent representatives on the council shall not be relatives of any employee of the school.*

(b) *The teacher representatives shall be elected for one (1) year terms by a majority of the teachers. The parent representatives shall be selected for one (1) year terms. The parent members shall be elected by the parent members of the parent teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. The principal or head teacher shall be the chair of the school council.*

(c) *The school council shall have the responsibility to set school policy which shall provide an environment to enhance the students' achievement and help the school meet the goals established by Sections 2 and 3 of this Act. The principal or head teacher shall be the primary administrator and the instructional leader of the school, and with the assistance of the total school staff shall administer the policies established by the school council and the local board.*

(d) *All certified staff at a school may be participants in the school-based decision making. The staff shall divide into committees according to their areas of interest, such as, but not limited to, grouped grade levels, subject areas, and special programs. Each committee shall elect by a majority of the committee a chair, who shall serve for a term of one (1) year. The committee shall submit its recommendations to the school council for consideration.*

(e) *The school council and each of its committees shall determine the frequency of and agenda for their meetings. Matters relating to formation of school councils that are not provided for by this section shall be addressed by local board policy.*

(f) *The meetings of the school council shall be open to the public and all interested persons may attend. However, the exceptions to open meetings provided in KRS 61.810 shall apply.*

**(g)** After receiving notification of the funds available for the school from the local board, the school council shall determine within the parameters of the total available funds the number of persons to be employed in each job classification at the school. The council may make personnel decisions on vacancies occurring after the school council is formed but shall not have the authority to recommend transfers or dismissals.

**(h)** The school council shall determine which instructional materials and student support services shall be provided in the school. Subject to available resources, the local board shall allocate an appropriation to each school that is adequate to meet the school's needs related to instructional materials and school based student support services, as determined by the school council.

**(i)** From a list of applicants recommended by the local superintendent, the principal at the participating school shall select personnel to fill vacancies, after consultation with the school council. Requests for transfer shall conform to any employer-employee bargained contract which is in effect. If the vacancy to be filled is the position of principal, the school council shall select the new principal from among those persons recommended by the local superintendent. Personnel decisions made at the school level under the authority of this subsection shall be binding on the superintendent who completes the hiring process. The superintendent shall provide additional applicants upon request.

**(j)** The school council shall adopt a policy to be implemented by the principal in the following additional areas:

1. Determination of curriculum, including needs assessment, curriculum development, alignment with state standards, technology utilization, and program appraisal within the local school board's policy;
2. Assignment of all instructional and non-instructional staff time;
3. Assignment of students to classes and programs within the school;
4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board;
5. Determination of use of school space during the school day;
6. Planning and resolution of issues regarding instructional practices;
7. Selection and implementation of discipline and classroom management techniques, including responsibilities of the student, parent, teacher, counselor, and principal; and
8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation and supervision.

**(3)** The policy adopted by the local board to implement school-based decision making shall also address the following:

- (a)** School budget and administration, including: discretionary funds; activity and other school funds; funds for maintenance, supplies, and equipment; and accounting and auditing;
- (b)** Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state;
- (c)** School improvement plans, including the form and function of strategic planning and its relationship to district planning;
- (d)** Professional development plans developed pursuant to Sections 12 and 13 of this Act;
- (e)** Parent, citizen, and community participation including the relationship of the council with other groups;
- (f)** Cooperation and collaboration within the district, with other districts and with other public and private agencies;
- (g)** Requirements for waiver of district policies;
- (h)** Requirements for record keeping by the school council; and

- (i) *A process for appealing a decision made by a school council.*
- (4) *In addition to the authority granted to the school council in this section, the local board may grant to the school council any other authority permitted by law. The board shall make available liability insurance coverage for the protection of all members of the school council from liability arising in the course of pursuing their duties as members of the council.*
- (5) *After the effective date of this Act, any school in which two-thirds (2/3) of the faculty vote to implement school-based decision making shall do so. By June 30, 1991, each local board shall submit to the chief state school officer the name of at least one (1) school which shall implement school-based decision making the following school year. The board shall select a school in which two-thirds (2/3) of the faculty vote to implement school-based decision making. If no school in the district votes to implement school-based decision making, the local board shall designate one (1) school of its choice. All schools shall implement school-based decision making by July 1, 1996, in accordance with this section and with the policy adopted by the local board pursuant to this section. Upon a favorable vote of a majority of the faculty at the school, a school performing above its threshold level requirement as determined by the Department of Education pursuant to Section 5 of this Act may apply to the State Board for Elementary and Secondary Education for exemption from the requirement to implement school-based decision making, and the state board shall grant the exemption. Notwithstanding the provisions of this section, a local school district shall not be required to implement school-based decision making if the local school district contains only one (1) school.*
- (6) *The Department of Education shall develop sample guidelines to assist local boards in the development of their policies, and the department shall provide professional development activities to assist schools in implementing school-based decision making.*
- (7) *A school that chooses to have school-based decision making but would like to be exempt from the administrative structure set forth by this section may develop a model for implementing school-based decision making including, but not limited to, a description of the membership, organization, duties and responsibilities of a school council. The school shall submit the model through the local board of education to the chief state school officer and the State Board for Elementary and Secondary Education for approval. The application for approval of the model shall show evidence that it has been developed by representatives of the parents, students, certified personnel and the administrators of the school and that two-thirds (2/3) of the faculty have agreed to the model.*
- (8) *The State Board for Elementary and Secondary Education, upon recommendation of the chief state school officer, shall adopt by administrative regulation a formula by which school district funds shall be allocated to each school council.*
- (9) *There is hereby established a school council discretionary fund to be administered by the Department of Education and the department shall establish guidelines to be met to qualify for such funds. Each year that school councils are in existence the department shall distribute the funds appropriated to the fund to the schools participating in school-based decision making. The amount of funds received by each participating school shall be determined on a proportionate share basis by considering each participating school's total pupil enrollment. However, schools receiving funds from the Commonwealth school improvement fund under Section 7 of this Act shall not be eligible to participate in this fund.*

Section 15. KRS 157.317 is amended to read as follows:

- (1) The *State Board for Elementary and Secondary* [~~Department of~~] *Education through administrative regulations* shall develop and implement a statewide *early childhood education* [~~kindergarten~~] program which shall include basic principles of child development, early childhood education, and all other related concepts which deal with generally accepted *early childhood* [~~kindergarten~~] programs, *including the delivery of health and social services to children as needed.*
- (2) (a) *The Kentucky Early Childhood Advisory Council is created to advise the chief state school officer on the implementation of early childhood education programs. The Department of Education shall provide staff and administrative support for the council.*
- (b) *The Kentucky Early Childhood Advisory Council shall consist of one (1) member of the State Board for Elementary and Secondary Education appointed by the chairman and sixteen (16) members appointed by the Governor. The sixteen (16) appointed members shall include one (1) representative from each of the following agencies or groups: preschool teachers, public school teachers, elementary school principals, parents, child care providers, community education, the Interagency Task Force on Family Resource Centers and Youth Services Centers, the Head Start Association, the Head Start Director, the Head Start Program,*

*the Infant/Toddler Coordinating Council, the Department for Health Services, the Department for Social Services, the Department for Social Insurance, the colleges of education, and the colleges of home economics.*

*(c) Members shall serve a four (4) year term, except initial appointments shall be set so that three (3) members shall serve one (1) year, three (3) members shall serve two (2) years, four (4) members, shall serve three (3) years, and four (4) members shall serve four (4) years.*

SECTION 16. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:

*(1) Beginning with the 1990-91 school year, it shall be the responsibility of each local school district to assure that a developmentally appropriate half-day preschool education program is provided for each child who is four (4) years of age by October 1 of each year and at risk of educational failure. Any school district which can show a lack of facilities to comply with this section may apply for an exemption to delay implementation until 1991-92. All other four (4) year old children shall be served to the extent placements are available. The State Board for Elementary and Secondary Education, upon the recommendation of the chief state school officer, shall adopt administrative regulations establishing the guidelines for the program. Administrative regulations shall establish eligibility criteria, program guidelines, and standards for personnel.*

*(2) "Developmentally appropriate preschool program "means a program which focuses on the physical, intellectual, social, and emotional development of young children. The preschool program shall help children with their interpersonal and socialization skills.*

*(3) Funds appropriated by the General Assembly for the preschool education programs shall be granted to local school districts according to a grant allotment system approved by the State Board for Elementary and Secondary Education. Children who are at risk shall be identified based on the federal school lunch program eligibility criteria for free lunch. Appropriations shall be separate from all other funds appropriated to the Department of Education.*

*(4) The chief state school officer shall receive and review proposals from local school districts for grants to operate or oversee the operation of developmentally appropriate preschool education programs. Districts may submit proposals for implementing new services, enhancing existing preschool education services, or contracting for services. In designing a local early childhood education program, each district shall work with existing preschool programs to avoid duplication of programs and services and to avoid supplanting federal funds.*

*(5) Each program proposal shall include at a minimum:*

*(a) A description of the process conducted by the district to assure that the parents or guardians of all eligible participants have been made aware of the program and of their right to participate;*

*(b) A description of the planned educational programming and related services;*

*(c) The estimated number of children participating in the program;*

*(d) Strategies for involving children with disabilities;*

*(e) Estimated ratio of staff to children with the maximum being one (1) adult for each ten (10) children;*

*(f) The estimated percentage of children participating in the program who are at risk of educational failure;*

*(g) Information on the training and qualifications of program staff and documentation that the staff meet required standards;*

*(h) A budget and per-child expenditure estimate;*

*(i) A plan to facilitate active parental involvement in the preschool program, including provisions for complementary parent education when appropriate;*

*(j) Facilities and equipment which are appropriate for young children;*

*(k) The days of the week and hours of a day during which the program shall operate;*

*(1) A plan for coordinating the program with existing medical and social services, including a child development and health screening component;*

- (m) Assurances that participants shall receive breakfast or lunch;*
- (n) Program sites which meet state and local licensure requirements;*
- (o) A plan for coordinating program philosophy and activities with the local district's primary school program;  
and*
- (p) An evaluation component.*
- (6) Programs shall reflect an equitable geographic distribution representative of all areas of the Commonwealth.*

SECTION 17. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:

- (1) Effective with the 1991-92 school year, any child who has been identified as handicapped in accordance with Public Law 94-142 as amended by Public Law 99-457, or as exceptional by KRS 157.220 and corresponding administrative regulations, and who is three (3) or four (4) years of age, or who may become five (5) years of age after October 1 of the current year, shall be eligible for a free and appropriate preschool education and related services.*
- (2) The General Assembly shall provide funds to be used for preschool education programs and related services for handicapped children. Appropriations shall be separate from all other state funds appropriated to the Department of Education and shall be administered in accordance with applicable state statutes and administrative regulations and Public Law 94-142 as amended by Public Law 99-457.*
- (3) Eligible local school districts shall receive funds based on the number of appropriately identified handicapped children being served on December 1 of the prior year, except during the 1991-92 school year funds shall be allotted based on the number of children being served on September 30, 1991. Local school districts may develop cooperative arrangements with other school districts or organizations in accordance with KRS 157.280.*
- (4) The State Board for Elementary and Secondary Education shall adopt administrative regulations related to the administration and supervision of programs, eligibility criteria, personnel requirements, and the use of funds.*

SECTION 18. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

- (1) There is hereby created an Interagency Task Force on Family Resource Centers and Youth Services Centers which shall consist of sixteen (16) members appointed by the Governor. The sixteen (16) members appointed shall include one (1) representative from each of the following agencies or groups:*
  - (a) Department of Education;*
  - (b) Department for Employment Services of the Cabinet for Human Resources;*
  - (c) Department for Health Services of the Cabinet for Human Resources;*
  - (d) Department for Mental Health and Mental Retardation Services of the Cabinet for Human Resources;*
  - (e) Department for Social Services of the Cabinet for Human Resources;*
  - (f) Department for Social Insurance of the Cabinet for Human Resources;*
  - (g) Justice Cabinet;*
  - (h) Governor's Office;*
  - (i) Workforce Development Cabinet;*
  - (j) Parents;*
  - (k) Teachers;*
  - (l) Local school administrators;*

*(m) Local school boards;*

*(n) Local community mental health-mental retardation programs;*

*(o) Local health departments; and*

*(p) Local community action agencies.*

*(2) The task force shall be appointed and begin to meet immediately upon the effective date of this Act to formulate a five (5) year implementation plan establishing family resource and youth services centers designed to meet the needs of economically disadvantaged children and their families. The secretary of the Cabinet for Human Resources shall call the first meeting, at which time the task force by majority vote shall elect a task force chair to serve a one (1) year term. A new chair shall be elected annually thereafter, and the chair may succeed himself. The Cabinet for Human Resources shall provide adequate staff to assist in the development and implementation of the task force's plan.*

*(3) The plan developed by the task force shall include a five (5) year effort to implement a network of family resource centers across the Commonwealth. The centers shall be located in or near each elementary school in the Commonwealth in which twenty percent (20%) or more of the student body are eligible for free school meals. The plan developed for the centers by the task force shall promote identification and coordination of existing resources and shall include, but not be limited to, the following components for each site:*

*(a) Full-time preschool child care for children two (2) and three (3) years of age;*

*(b) After school child care for children ages four (4) through twelve (12), with the child care being full-time during the summer and on other days when school is not in session;*

*(c) Families in training, which shall consist of an integrated approach to home visits, group meetings and monitoring child development for new and expectant parents;*

*(d) Parent and child education (PACE) as described in KRS 158.360;*

*(e) Support and training for child day care providers; and*

*(f) Health services or referral to health services, or both.*

*(4) The plan developed by the task force shall include a five (5) year schedule to implement a network of youth services centers across the Commonwealth. The centers shall be located in or near each school, except elementary schools, serving youth over twelve (12) years of age and in which twenty percent (20%) or more of the student body are eligible for free school meals. The plan developed for the centers by the task force shall promote identification and coordination of existing resources and include the following components for each site:*

*(a) Referrals to health and social services;*

*(b) Employment counseling, training and placement;*

*(c) Summer and part-time job development;*

*(d) Drug and alcohol abuse counseling; and*

*(e) Family crisis and mental health counseling.*

*(5) The task force shall complete its implementation plan for the program prior to January 1, 1991, and local school districts shall develop initial plans for their family resource centers and youth services centers by June 30, 1991. By June 30, 1992, family resource centers and youth services centers shall be established in or adjacent to at least one-fourth of the eligible schools, with expansion by one-fourth by June 30 of each year thereafter until the centers have been established in or adjacent to all eligible schools.*

*(6) A grant program is hereby established to provide financial assistance to eligible school districts establishing family resource centers and youth services centers. The Cabinet for Human Resources shall promulgate administrative regulations to establish criteria for the awarding of the grants. In no case shall a school district operate a family resource center or a youth services center which provides abortion counseling or makes referrals to a health care facility for purposes of seeking an abortion. The grant applications shall*

*be reviewed by the task force, which shall make its recommendations to the secretary of the Cabinet for Human Resources.*

*(7) The task force shall continue to monitor the family resource centers and the youth services centers, review grant applications, and otherwise monitor the implementation of the plan until December 31, 1995, at which time the task force shall cease to exist. During its existence the task force shall report at least annually to the secretary of the Cabinet for Human Resources, the Governor, and the Legislative Research Commission.*

*(8) Members of the task force may be reimbursed for actual expenses for attending meetings and for other actual and necessary expenses incurred in the performance of their duties authorized by the task force. The expenses shall be paid out of the appropriation for the task force.*

SECTION 19. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

*As used in Sections 19 to 22 of this Act unless the context indicates otherwise:*

*(1) "Council" means the Council for Education Technology.*

*(2) "Technology" includes, but is not limited to, computers, telecommunications, cable television, interactive video, film, low-power television, satellite communications, and microwave communications.*

SECTION 20. A NEW SECTION OF KRS CHAPTER 168 IS CREATED TO READ AS FOLLOWS:

*The General Assembly of the Commonwealth of Kentucky recognizes that technology plays an important role in enlarging and enriching the school experiences of students and is vital to an efficient system of public schools.*

SECTION 21. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

*(1) There is hereby established the Council for Education Technology which shall be an advisory group attached to the State Board for Elementary and Secondary Education. The Council shall develop a specific plan for education technology within broad parameters established by the State Board for Elementary and Secondary Education.*

*(2) The council shall consist of nine (9) members who shall be appointed by the Governor upon the effective date of the Act, with the consent of the House of Representatives and the Senate. If the General Assembly is not in session at the time of appointment, the consent of the General Assembly shall be obtained during the time the General Assembly next convenes. Members shall be acknowledged leaders in research, technology, economic development, education, and business. Membership shall not be restricted to Kentucky residents, and every effort shall be made to obtain the services of those whose intelligence and knowledge of education and technology will be of greatest benefit to the Commonwealth. A majority of the membership present at any meeting shall constitute a quorum for the official conduct of business.*

*(3) Members shall be appointed for four (4) year terms and may be reappointed. Upon the effective date of this Act, the initial members of the board shall be appointed as follows: two (2) members shall be appointed for terms of two (2) years; three (3) members shall be appointed for terms of three (3) years; and four (4) members shall be appointed for terms of four (4) years. Members shall receive no compensation but may be reimbursed for actual and necessary expenses in accordance with state laws and regulations.*

*(4) Immediately upon receiving notice of the appointment of all members, the chief state school officer shall call an organizational meeting. At this meeting the chief state school officer shall preside as temporary chairman, and the council shall elect from among the members a chairman and any other officers it deems necessary, and define the duties of the officers.*

*(5) At the organizational meeting, or at any subsequent meeting, the council may elect an executive committee, not fewer than three (3) in number. The council shall define the scope, duties, and powers of the executive committee to transact business between meetings.*

*(6) Meetings shall be held at least two (2) times per year at a time and place designated by the chairman. The State Board for Elementary and Secondary Education shall provide staff support for the council.*

*(7) The duties and responsibilities of the council shall include, but not be limited to, the following:*

*(a) Developing a long range plan for the efficient and equitable use of technology at all levels from*

*primary school through higher education, including vocational and adult education. The plan shall focus on the technology requirements of classroom instruction, literacy laboratories, instructional management, distance learning, and communications as they relate to the Commonwealth's outcome goals for students as described in Section 3 of this Act;*

*(b) Creating, overseeing, and monitoring a well planned and efficient statewide network of technology services designed to meet the educational and informational needs of the schools;*

*(c) Working with private enterprise to encourage the development of technology products specifically designed to answer Kentucky's educational needs;*

*(d) Encouraging an environment receptive to technological progress in education throughout the Commonwealth;*

*(e) Recommending a policy governing the granting of right of ways for the laying of fiber optic cable in a manner to insure that all of Kentucky's citizens are served equitably; that the fiber optic system is available for educational technology purposes, and that the private and public sectors are partners in the venture; and*

*(f) Receiving, holding, investing, and administering all funds received by the council for the purpose of carrying out its duties and responsibilities, as set out in this section. These funds shall be spent with the aim of achieving equality of education throughout the Commonwealth.*

SECTION 22. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

*(1) By January 1, 1991, the council shall develop the broad parameters of the initial five (5) year plan for education technology and submit the plan to the Legislative Research Commission for approval. Implementation of the first stages of the plan shall begin immediately upon approval. The plan shall outline the Commonwealth's five (5) year activities related to purchasing, developing and using technology to:*

*(a) Improve learning and teaching and the ability to meet individual students' needs to increase student achievement;*

*(b) Improve curriculum delivery to help meet the needs for educational equity across the state;*

*(c) Improve delivery of professional development;*

*(d) Improve the efficiency and productivity of administrators; and*

*(e) Encourage development by the private sector and acquisition by districts of technologies and applications appropriate for education.*

*(2) The five (5) year plan shall cover all aspects of education technology, including but not limited to, its use in educational instruction and administration, video and computer systems, software and hardware, multiple delivery systems for satellite, microwave, cable, instructional television fixed service, fiber optic, and computer connections products, the preparation of school buildings for technological readiness, and the development of staff necessary to implement the plan.*

*(3) The five (5) year plan shall include specific recommendations to the State Board for Elementary and Secondary Education for the adoption of administrative regulations to establish and implement a uniform and integrated system of standards and guidelines for financial accounting and reporting which shall be used by all school districts. These recommendations shall be submitted January 1, 1991.*

*(4) The integrated technology based communications system shall provide comprehensive, current, accurate, and accessible information relating to management, finance, operations, instruction, and pupil programs which are under the jurisdiction of the Department of Education. The system shall be operational by the beginning of the 1991-92 school year.*

*(5) To facilitate communication among teachers, parents, students, and prospective employers of students, and to provide access to many vital technological services, the five (5) year plan shall include the installation of a telephone in each classroom.*

*(6) In designing and implementing the five (5) year plan, the council shall consider seeking the active participation of private organizations whose knowledge and assistance will be useful.*

(7) *The council shall update as necessary the plan developed under subsection (2) of this section and report to the Legislative Research Commission by July 1 of each year.*

(8) *The council shall submit its recommendations to the State Board for Elementary and Secondary Education, which shall accept the recommendations, or return them to the council along with suggestions for changes to make the recommendations consistent with the policies of the State Board for Elementary and Secondary Education.*

SECTION 23. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

*The State Board for Elementary and Secondary Education shall initiate a program to assist and encourage each certified teacher to purchase a computer for his own personal use. The program shall include, but not be limited to, the following:*

(1) *The State Board for Elementary and Secondary Education shall obtain by competitive bidding or negotiation the lowest possible purchase prices for various personal computers on behalf of all interested teachers.*

(2) *The State Board for Elementary and Secondary Education shall arrange a suitable training program in the use of these computers with the vendor awarded the contract.*

Section 24. KRS 168.100 is amended to read as follows:

The authority shall have no power of taxation, nor is it vested with the police power of the Commonwealth, except insofar as the exercise of the power of eminent domain may be deemed a part thereof. Otherwise, in general terms, it shall have and is hereby given all such constitutional powers as are necessary to its accomplishment of the purpose and implementation of the public policy set forth in KRS 168.010. Without limiting the generality of the foregoing, but only for assurance to parties ~~[from time to time]~~ transacting business with the authority, and who may demand and be entitled to assurance, the following specific powers are hereby vested in the authority:

(1) To receive and use in the furtherance of its lawful objectives ~~[such]~~ state funds as may be appropriated or allotted to it ~~[from time to time]~~, any funds received for services rendered under contract or from the sale of property owned by it, and contributions, matching funds, gifts, bequests and devises from any source, whether state or federal, and whether public or private; unless the same be tendered subject to one or more conditions which are inconsistent with KRS 168.010 to 168.100, or otherwise unlawful;

(2) To make contracts and agreements whereunder the authority may undertake to provide educational television facilities and related functions and facilities to or for any public body of the state or federal government in furtherance of educational television or in aid of any other public function. ~~[provided]~~ However, it shall be an express provision of every such contract that the authority will not undertake to transmit or relay, and will not permit any other party to transmit or relay, in the use of the authority's television facilities, any subversive matter, any political propaganda, or any image or message in the interests of any political party or candidate for public office; or be used by, or in aid of, any church, sectarian or denominational school; but this proviso is not intended and shall not be construed to be a limitation upon dissemination by the authority of legitimate objective instructional material which is properly related to the study of history or of current events, or which is no more than factually informative, of current issues of government or of various political ideologies;

(3) To produce, prepare, transmit and relay, either from life or by recording on tape or films, educational television programs and related services **coordinated** ~~[not consistent]~~ with the curricula prescribed or approved for the public schools of the Commonwealth by the department or the board **pursuant to Section 3 of this Act;**

(4) To purchase or lease from others, or to contract with others for the use of, or the right to transmit or relay similar educational television programs and related services, whenever in the opinion of the authority the same are suitable and cannot be produced as effectively or economically through the use of its own facilities;

(5) To purchase, lease or otherwise acquire, and to operate, television and related facilities deemed by the authority to be necessary in the furtherance of its lawful objectives; and in this connection to acquire property by the exercise of the power of eminent domain, in the manner authorized for the Department of Highways by the Eminent Domain Act of Kentucky, whenever the same cannot be purchased, leased, or otherwise acquired at a reasonable price after reasonable negotiations with the owner or owners. In all such matters, the authority shall be subject to the provisions of KRS Chapters 45 and 56;

## ACTS OF THE GENERAL ASSEMBLY

1228

(6) To prescribe standards for receiving instruments which are purchased in the future for use in the public schools, in order that reception of educational television programs and related services may be acceptable and in conformity with the manner of transmission thereof; and to disseminate such standards together with technical information with regard to installations and use of receiving instruments to all of the public school districts, or to such as may request the same;

(7) In its discretion and within the limitation of availability of funds from any sources, to:

(a) Establish a program of matching funds as an inducement to public school districts to purchase and install proper facilities for receiving and utilizing educational television programs and related services, especially in situations where by reason of topographical difficulties of reception, special antennas or other equipment may be required, **and** ~~and/or~~

(b) If so requested by the boards of education of a sufficient number of public school districts, to purchase through the Finance and Administration Cabinet, subject to the provisions of KRS Chapter 45, receiving instruments on their behalf on a wholesale basis for the purposes of economy, any such purchases to be on a public competitive basis after due advertisement according to law, but restricted to such receiving instruments as meet the standards prescribed by the authority.

Section 25. 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** ~~public~~ school **program, as defined in subsection (2) of this section** ~~[kindergarten]~~.

(2) **"Primary school program" means that part of the elementary school program in which children are enrolled from the time they begin school until they are ready to enter the fourth grade.** Notwithstanding any statute to the contrary, successful completion of **the primary school program** ~~[kindergarten]~~ shall be a prerequisite for a child's entrance into **fourth** ~~first~~ grade. The State Board for Elementary and Secondary Education shall establish, by regulation, methods of verifying successful completion of **the primary school program pursuant to the goals of education as described in Section 3 of this Act** ~~[kindergarten and extenuating circumstances for which waiver of the above prerequisite may be granted. The local school district, with the approval of the state department of education, may organize the local kindergarten program in the manner most appropriate to the local situation provided the plan assures that each child receives an average of fifteen (15) hours class time per week. Plans may be designed to allow the local district to use five (5) three (3) hour sessions per week, alternate sessions of three (3) days a week with one (1) group and two (2) days a week with a second group with the two (2) groups reversing days every other week, or any other approved plan]~~.

Section 26. 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. The legal holidays designated by the State Board for Elementary and Secondary Education to be observed may include the first Tuesday after the first Monday in November of each year and shall be counted as school days. ~~[No teacher shall teach on Saturdays except in cases of emergency and then only upon authorization of the State Board for Elementary and Secondary Education.]~~ 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** ~~[superintendent of public instruction]~~. 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 non-instructional time in excess of fifty-five (55) minutes included in the teacher's daily schedule. The calculation of non-instructional 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 six (6) hour instructional day, or the time teachers are required to remain at school after the students are dismissed. Except for handicapped children and children attending **the primary school program** ~~[kindergarten, readiness classes, first grade classes, and the handicapped]~~, 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 State Board for Elementary and Secondary Education, **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 daily session, including recesses and intermissions, shall not exceed nine (9) hours]~~  
The State Board

for Elementary and Secondary Education, upon recommendation of the **chief state school officer** [~~superintendent of public instruction~~], 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.

**(2) Teachers shall be provided additional time for non-teaching activities. The non-teaching time shall be used to provide teachers opportunities for professional development activities as provided in Section 12 of this Act, instructional planning, school based shared decision making as provided in Section 14 of this Act, curriculum development, and outreach activities involving their students' families and the community.**

Section 27. KRS 158.070 is amended to read as follows:

(1) The minimum school term shall be one hundred eighty-five (185) days, **including at least one hundred seventy-five (175) instructional days**. A board of education may extend its term beyond the minimum term [~~set by the superintendent of public instruction~~]. [~~In setting the school calendar, school shall be closed for two (2) consecutive days for the purpose of permitting professional school employees to attend statewide professional meetings. These two (2) days for statewide professional meetings shall be scheduled to begin with the first Thursday after Easter or upon request of the statewide professional educational association having the largest paid membership, the superintendent of public instruction may designate alternate dates. Furthermore, the superintendent of public instruction shall designate one (1) additional day during the school year when schools shall be closed for the purpose of permitting professional school employees to participate in regional or district professional meetings. These three (3) days so designated for attendance at professional meetings shall not be counted as a part of the minimum school term.~~]

(2) Any local board of education operating its schools on a year-round school program basis shall conform with regulations promulgated and adopted by the State Board for Elementary and Secondary Education upon the recommendation of the **chief state school officer** [~~state superintendent of public instruction~~], which regulations must be in conformity with the following criteria:

- (a) The year-round school program shall be operated on a fiscal year beginning July 1 and ending June 30;
- (b) A pupil's required attendance in school shall be for at least the minimum **instructional** term; and
- (c) No teacher shall be required to teach more than the minimum term during the school year.

(3) Each local board of education shall use four (4) days of the minimum school term for [~~in-service~~] professional development and planning activities for the professional staff without the presence of pupils **pursuant to the requirements of KRS 156.095 and 158.720**. The **local** board [~~of education~~] of **each** [~~any~~] 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. **Each local board may use** [~~two (2) days for planning activities [the opening and closing of schools]~~] without the presence of pupils. **Each local board may use** [~~one (1) day of which may be used at the beginning of the second semester;~~] the number of days deemed necessary for:

(a) National or state disaster or mourning when proclaimed by the President of the United States or the Governor of the Commonwealth of Kentucky; [~~and~~]

(b) Local disaster which would endanger the health or safety of children; **and**

**(c) Mourning when so designated by the local board of education and approved by the State Board for Elementary and Secondary Education upon recommendation of the chief state school officer** [~~or mourning when so designated by the district board of education and approved by the state board for elementary and secondary education upon recommendation of the superintendent of public instruction, and shall use one (1) day of excused absence for attendance at the Kentucky state fair for students. applying for excused absence for this purpose~~].

(4) The State Board for Elementary and Secondary Education, upon recommendation of the **chief state school officer** [~~superintendent of public instruction~~], shall adopt regulations governing the use of school days, including days missed from the regular school day as a result of local disaster, as defined in subsection (3)(b) of this section, and regulations setting forth the guidelines and procedures to be observed for the approval of the days utilized for the opening and closing of school and the days utilized for [~~in-service~~] professional development and planning activities for the professional staff.

**(5) In setting the school calendar, school shall be closed for two (2) consecutive days for the purpose**

*of permitting professional school employees to attend statewide professional meetings. These two (2) days for statewide professional meetings shall 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 chief state school officer may designate alternate dates. The chief state school officer shall designate one (1) additional day during the school year when schools shall be closed to permit professional school employees to participate in regional or district professional meetings. These three (3) days so designated for attendance at professional meetings shall not be counted as a part of the minimum school term.*

(6) *Students applying for excused absence for attendance at the Kentucky state fair shall be granted one (1) day of excused absence.*

(7) *Schools shall provide continuing education for those students who are determined to need additional time to achieve the outcomes defined in Section 3 of this Act, 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. The State Board for Elementary and Secondary Education shall promulgate administrative regulations establishing criteria for the allotment of grants to local school districts for the 1990-1991 and 1991-1992 school years for continuing education. 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 Section 3 of this Act. The chief state school officer shall recommend to the Division of School Finance of the Office of Education Accountability by June 30, 1991, a method for funding continuing education for these students through the state supported funding program.*

(8) *Notwithstanding any other statute, each school term shall include at least the minimum number of instructional days required by this section.*

Section 28. KRS 158.100 is amended to read as follows:

~~[(1) Each school district shall provide at least an approved twelve (12) grade school service. An approved eight (8) grade service for all pupils residing in the district shall be provided by maintaining the schools. An approved high school service for all children of high school grade under twenty one (21) years of age residing in the district shall be provided either by maintaining the schools within the county or by contract with another district.~~

~~[(2) Notwithstanding any statute to the contrary, [effective July 1, 1985, and every year thereafter,] each school district shall provide [at least] an approved **preschool school program** [kindergarten] through twelve (12) grade school service. An approved **preschool school program** [kindergarten] through eight (8) grade school service shall be provided for the children residing in the district by maintaining schools. An approved high school service for all children of high school grade under twenty-one (21) years of age residing in the district shall be provided either by maintaining the schools within the district or by contract with another district. **The board of education of any school district, subject to the approval of the chief state school officer, may establish night schools, industrial schools, and other schools for the residents of the district as it deems advisable.**~~

Section 29. KRS 159.010 is amended to read as follows:

(1) Except as provided in KRS 159.030, each parent, guardian or other person residing in the state and having in custody or charge any child who has entered the **primary school program** [kindergarten] or any child between the ages of six (6) and sixteen (16) shall send the child to a regular public day school for the full term that the public school of the district in which the child resides is in session, or to the public school that the board of education of the district makes provision for the child to attend. A child's age is between six (6) and sixteen (16) when the child has reached his sixth birthday and has not passed his sixteenth birthday.

(2) An unmarried child between the ages of sixteen (16) and eighteen (18) who wishes to terminate his public or non-public education prior to graduating from high school shall do so only after a conference with the principal or his designee, and the principal shall request a conference with the parent, guardian or other custodian. Written notification of withdrawal must be received from his parent, guardian or other person residing in the state and having custody or charge of him sixty (60) days prior to withdrawal. The written notification shall be dated and the signature witnessed by the principal of the school or his designee, where the child is in attendance. During the sixty (60) day period the parent(s) and child shall be required to attend a one (1) hour counseling session where they shall view a media presentation prepared by the department of education which shows economic statistics and other information on potential problems of non-graduates.

(3) A child's age is between sixteen (16) and eighteen (18) when the child has reached his sixteenth birthday and has not passed his eighteenth birthday. Written permission for withdrawal shall not be required

after the child's eighteenth birthday. Every child actually resident in this state is subject to the laws relating to compulsory attendance, and neither he nor the person in charge of him shall be excused from the operation of those laws or the penalties under them on the ground that the child's residence is seasonable or that his parent is a resident of another state.

**(4) The commissioner of education shall make a recommendation to the 1992 regular session of the General Assembly on raising the compulsory school age to eighteen (18) years of age for students who have not earned a diploma.**

Section 30. KRS 159.020 is amended to read as follows:

Any parent, guardian or other person having in custody or charge any child who has entered **the primary school program** ~~[kindergarten]~~ or any child between the ages of six (6) and sixteen (16) who removes the child from a school district during the school term shall enroll the child in a regular public day school in the district to which the child is **moved** ~~[removed]~~, and the child shall attend school in the district to which he is **moved** ~~[removed]~~ for the full term provided by that district.

Section 31. KRS 156.160 is amended to read as follows:

(1) The State Board for Elementary and Secondary Education shall adopt **administrative** ~~[rules and]~~ 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 Section 3 of this Act. Administrative regulations shall be adopted for the following** ~~[relating to]~~:

(a) ~~[Minimum]~~ Courses of study for the different grades and kinds of common schools, **including procedures for developing an ungraded primary program which shall be implemented by the beginning of the 1992-93 school year;**

(b) **The acquisition and use of** ~~[and regulations governing]~~ educational equipment **for** ~~[of]~~ the schools **as recommended by the Council for Education Technology;**

(c) ~~[(b) Grading, classifying and accrediting all common schools, and for determining the scope of instruction that may be offered in the different classes of schools, and]~~ The minimum requirements for **high school** graduation. **Prior to the beginning of the 1994-95 school year, the State Board for Elementary and Secondary Education shall review graduation requirements in light of the expected outcomes for students and schools set forth in Section 3 of this Act** ~~[from the courses offered]~~;

(d) ~~[(e)]~~ Taking, and keeping a school census, and the forms and blanks to be used in taking and keeping the census and in compiling the required reports;

(e) ~~[(d)]~~ 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 State Board **for Elementary and Secondary Education** shall adopt the uniform state building code;

(f) ~~[(e)]~~ Medical inspection, physical **and health** education and recreation, and other ~~[rules and]~~ regulations deemed necessary or advisable for the protection of the physical welfare and safety of the public school children. **The 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 Section 3 of this Act;**

(g) ~~[(f)]~~ The transportation of children to and from school;

(h) ~~[(g)]~~ 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;

(i) ~~[(h)]~~ The preparation of budgets and salary schedules for the several school districts under the management and control of the State Board for Elementary and Secondary Education;

(j) ~~[(i)]~~ A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts; **and**

(k) ~~[(j)]~~ The disposal of real and personal property owned by local boards of education.

(2) ***At the request of a local school council, any local school district superintendent shall request that the State Board for Elementary and Secondary Education waive any administrative regulation promulgated by that board. Prior to the 1994-95 school year, the requested waiver shall be granted to any school meeting the standards adopted pursuant to subsection (1) of this section. After the 1994-95 school year begins, a school shall exceed its threshold to be granted a waiver from regulations. Regulations relating to health and safety, civil rights, any state regulation required by a federal law, and regulations promulgated pursuant to Sections 3, 4, 5, 10, and 31 of this Act relating to measurement of performance outcomes and determination of successful schools shall not be subject to waiver. Any waiver granted under this subsection shall be subject to revocation upon a determination by the State Board for Elementary and Secondary Education that the school holding the waiver has subsequently failed to reach its threshold level as provided for in Section 5 of this Act.***

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

Section 32. KRS 156.445 is amended to read as follows:

(1) No textbook shall be used in any public school in Kentucky as a basal textbook unless it has been approved and listed on the state multiple list of textbooks by the state textbook commission ***or unless a school district has applied for and received a waiver of this requirement from the State Board for Elementary and Secondary Education pursuant to 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 local school board may apply to the State Board for Elementary and Secondary Education to adopt a basal textbook which is not on the multiple list by submitting evidence that the textbook it has chosen meets the selection criteria of the state textbook commission in KRS 156.405(3)(a) and the subject specific criteria of the textbook reviewers pursuant to KRS 156.407(6). The State Board for Elementary and Secondary Education shall accept reasonable requests and reimburse the local board for the amount of its books or up to the highest cost of the books on the multiple list, whichever is less.***

(3) In approving text materials for private and parochial schools for the purpose of KRS 156.160(2) such 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.

## PART II-GOVERNANCE

SECTION 33. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

***For purposes of KRS Chapters 156 through 168, "chief state school officer" shall mean the Superintendent of Public Instruction until the close of business on December 31, 1990, and after that date it shall mean the commissioner of education.***

Section 34. KRS 156.031 is amended to read as follows:

(1) ***Effective until the Governor appoints and the Senate and the House of Representatives of the General Assembly confirm the State Board for Elementary and Secondary Education as established in Section 35 of this Act,*** there is ~~hereby established~~ within the Department of Education a State Board for Elementary and Secondary Education which shall consist of thirteen (13) members. Seven (7) members shall be appointed, one (1) from each Supreme Court district, as established by KRS 21A.010, and six (6) members from the state at large, by the Governor to serve for terms of four (4) years. ~~[The members of the state board of education shall comprise the original members of the board and service in such capacity for the remainder of their terms.]~~

(2) The terms of the appointees shall expire on June 30 in the appropriate year, and the terms of each new member appointed thereafter shall begin on July 1.

(3) Vacancies in the membership of the board shall be filled by the Governor for unexpired terms. Appointments shall be made without reference to occupation, political affiliation, or similar consideration. No member at the time of his appointment or during the term of his service shall be engaged as a professional educator.

(4) At the first regular meeting of the board in each fiscal year, a chairperson shall be elected from its voting membership.