



## 2017 Legislative Session Critical Fact Sheet 4/18/17

A Publication of the Office of Teaching and Learning

### **Overview/Background:**

The 2017 Regular Session of the Kentucky General Assembly concluded its business on March 30, 2017. This was a non-budget session; however, the General Assembly considered and passed legislation impacting students, local school districts and locally-elected boards of education, the department of education and the state board of education. The Attorney General has opined that “the effective date of legislation passed by the 2017 Regular Session of the Kentucky General Assembly, except for general appropriation measures and those containing emergency or delayed effective date provisions, is the first moment of Thursday, June 29, 2017, since 90 full days will then have passed after final adjournment on March 30, 2017.”

### **Critical Points:**

Final Enacted Legislation Related to Elementary and Secondary Education:

#### **SENATE BILLS**

##### **Senate Bill 1** (Sen. Wilson)

- Eliminates a state evaluation system.
- Expands current requirements under response to intervention to include determining appropriate instructional modifications needed by advanced learners to make continuous progress.
- Eliminates program reviews and program audits for arts and humanities, practical living skills and career studies, and the writing program and eliminates their subsequent inclusion in the state accountability system.
- Requires updated standards to be aligned to updated assessments.
- Beginning in 2017-18 and every six years thereafter, an updated standards implementation process must be in place for reviewing academic standards and the alignment of corresponding assessments.
  - The Kentucky Board of Education (KBE) must establish four standards and assessments review and development committees.
  - KBE must establish twelve advisory panels to advise and assist each of the 4 standards and assessments review and development committees.
  - A new standards and assessments process review committee is created composed of 10 members:
    - Three (3) members appointed by the Governor.
    - Three (3) members of the Senate appointed by the President of the Senate.
    - Three (3) members of the House of Representatives appointed by the Speaker of the House of Representatives.
    - The commissioner of education.

- The Kentucky Department of Education (KDE) must also implement a comprehensive process for reviewing and revising academic standards in visual and performing arts and practical living skills and career studies.
- KDE must provide to all schools guidelines for programs that incorporate academic standards in visual and performing arts, practical living and career studies.
- KDE must provide to middle and high schools guidelines for including a foreign language program.
- KDE must provide to all schools guidelines for including an effective writing program within the curriculum.
- Annual student summative tests must measure individual student achievement in language, reading, English, mathematics, science, and social studies at designated grades.
- Requires a college admissions exam to assess English, reading, math, and science in the spring of grade 10 and the spring of grade 11.
- Removes WorkKeys assessments.
- Requires a new accountability system that must include:
  - An annual overall summative performance evaluation of each school and district compared to goals established by the KDE.
  - The evaluation for each school and district must:
    - Not include a single summative numerical score that ranks schools against each other.
    - Be based on academic and school quality indicators and measures (more weight on academic measures).
  - Student assessment results.
  - Progress toward achieving English proficiency by limited English proficient students;
  - Quality of school climate and safety;
  - High school graduation rates;
  - Postsecondary readiness for each high school student, measured by:
    - Meeting or exceeding a college readiness benchmark score based on the college admissions examination used as the statewide assessment. CPE sets college readiness benchmark.
    - Achievement of college credit, postsecondary articulated credit, apprenticeship time toward a credential or associate degree, or any industry-recognized certifications, licensures, or credentials (more weight on industry-recognized certifications, licensures, or credentials identified as high demand).
      - Eligible industry-recognized certifications, licensures, or credentials must not be limited to those earned in conjunction with a minimum sequence of courses.
      - Each high school must publicly report the credits, hours and credentials on an annual basis.
  - Any other factor mandated by the Every Student Succeeds Act (ESSA).
- KDE must pay for the cost of any assessment taken by a high school student for attaining an industry recognized certification, credential, or licensure:
  - If the student consecutively completes at least two (2) related career pathway courses approved by the department prior to taking the assessment.
  - If a high school student has not completed the two (2) course requirement but meets performance-based experience eligibility and passes an assessment, KDE must provide a weighted reimbursement amount to the school district for the cost of the assessment based on the level of demand of the certificate, credential, or license earned.
  - KDE must promulgate regulations establishing the performance-based experience eligibility requirements and weighted reimbursement amounts.
- Deletes language related to persistently low-achieving schools and provisions for identification.

- Adds new language for identification of schools for Targeted Support and Improvement and Comprehensive Support and Improvement.
- Requires KBE to promulgate regulations establishing the monitoring and periodic review of the implementation of a local school district's turnaround plan for a school identified for comprehensive support and improvement.
- Schools and districts receiving highly skilled assistance from KDE prior to the effective date of SB 1, must continue to receive assistance in accordance with the established assistance plan.
- Adds language to prevent KDE from requiring any reporting of instructional plans, formative assessment results, staff effectiveness processes, or interventions implemented in the classroom, except:
  - Interventions related to RTI.
  - Funds provided under reading and math programs.
  - Schools that are identified for comprehensive support and improvement and fail to exit comprehensive support and improvement status after three consecutive years.
- Adds non-codified language stating that the intent of is to repeal the common core.
- An emergency clause is included.

[Senate Bill 2](#) (Sen. Bowen) places all state retirement systems under the Model Procurement Code regarding contracts with a few exceptions and amends the definition of placement agents to include nonemployees and subsidiary firms. Also increases the membership of the Public Pension Oversight Board.

For the Kentucky Retirement Systems, narrows the definition of investment experience on the board of trustees. Specifies that vacancies to elected positions be filled by majority vote of the remaining elected members. Expands the board of trustees of the KRS from 13 to 17 trustees, adding four more gubernatorial appointees. Requires Senate confirmation of gubernatorial appointments to the board. Requires the Kentucky Retirement Systems to be subject to KRS Chapter 18A regarding personnel.

For the Teachers' Retirement System (TRS), adds two gubernatorial appointments to the board subject to Senate confirmation.

For both Kentucky Retirement Systems and TRS, specifies that investment fee and commission reporting requirements for TRS must include profit sharing, carried interest, and partnership incentives. Provides that either system may not have to disclose contracts on a website if disclosure would result in a competitive disadvantage, but requires those contracts to be released to the trustees, the State Auditor, and the Legislative Research Commission's (LRC's) Government Contract Review Committee, subject to the redaction of otherwise exempted material. Caps the reimbursement rate for legal services to Kentucky Retirement Systems and TRS at the Government Contract Review Committee maximum hourly rate. An emergency clause is included.

[Senate Bill 3](#) (Sen. McDaniel) requires the disclosure, upon request, of the retirement benefit information of current and former members of the General Assembly, including the member's name, status, and projected or actual retirement benefit payments and benefits from the Kentucky Retirement Systems, the TRS, the Legislators' Retirement Plan, and the Judicial Retirement Plan. An emergency clause included.

[Senate Bill 6](#) (Sen. Stivers) sets forth requirements for labor organizations collecting moneys for dues and for political activities, for enrollment for members, and for maintaining financial records. Does not include employees subject to the National Relations Labor Act and Federal Railway Labor Act. An emergency clause is included.

[Senate Bill 17](#) (Sen. Robinson) permits students to voluntarily express religious or political viewpoints in school assignments free from discrimination. Requires local boards of education to ensure that the selection of student speakers is made in a viewpoint-neutral manner and that a student's prepared remarks are not altered before delivery without student's consent. Religious and political organizations are allowed equal access to public forums on the same basis as nonreligious and nonpolitical organizations.

[Senate Bill 50](#) (Sen. Thayer) requires each local school districts to establish a calendar committee and determines membership for the committee. Allows inclusion of a variable student instructional year in a school calendar and defines a variable student instructional year. Establishes school calendar adoption procedures and requires notice to be given to the media for school board meetings regarding the school calendar. Provides that districts adopting a school calendar with the first student attendance day no earlier than the Monday closest to August 26 may use a variable student instructional year.

[Senate Bill 101](#) (Sen. Adams) permits a pharmacist to administer any immunization to children ages 9 to 17 years.

[Senate Bill 104](#) (Sen. McDaniel) provides that members of the Kentucky Employees Retirement System (KERS), and the County Employees Retirement System (CERS) who retire on or after January 1, 2018, must be limited to a 10% growth in the creditable compensation earned during their last five years of employment if that compensation is used to calculate their retirement benefits. Provides that only creditable compensation earned on or after July 1, 2017, must be subject to the creditable compensation growth limitations. Exempts bona fide promotions or salary advancements, alternative sick leave payments, and lump-sum payments for compensatory time from the compensation growth limitation. Also exempts from the compensation growth limitation those years of compensation where in the immediately preceding fiscal year the member was paid worker's compensation benefits, was on leave without pay for any reason, earned increases directly attributable to overtime hours worked under a federal grant, grant pass-through, or similar program, or earned increases directly attributable to overtime performed during a state of emergency.

Provides that the Kentucky Retirement Systems must refund employee contributions and interest on contributions for any reductions in creditable compensation. Provides that Kentucky Retirement Systems must determine what constitutes a bona fide promotion or salary advancement and allow the member to appeal a decision of the system to the board and removes provisions charging employers for creditable compensation growth greater than 10% during the employee's last five years of employment.

The bill also permits a member of KERS or CERS to opt out of the traditional defined benefit plan and elect to participate in the hybrid cash balance plan. Provides that, on the member's effective election date, the value of the member's accumulated contributions, less any interest, must be deposited into the member's hybrid cash balance account and be considered part of the member's accumulated account balance. Requires Kentucky Retirement Systems to provide the electing member with information detailing the consequences of the member's election. Also provides that a member must not be eligible to make an election until a private letter ruling by the Internal Revenue Service (IRS) is received. Makes the benefit election under this section irrevocable. An emergency clause is included.

[Senate Bill 117](#) (Sen. Wise) includes definitions for "provisional certificates," "professional certificates," and "college or university work of graduate grade". Allows a veteran with a bachelor's degree in any area to be issued a provisional teaching certificate if other criteria are met. Requires a passing score on the Graduate Record Examinations (GRE) or its equivalent for certification of a person in a field other than education to teach in elementary, middle, or secondary programs. Provides that after successful completion of the internship program candidates must receive a professional certificate and be subject to the same renewal requirements as any other teacher with a professional certificate.

[Senate Bill 126](#) (Sen. McDaniel) requires the Kentucky Retirement Systems to calculate final compensation for state and county employees using partial fiscal years, if members entered the retirement system on or after September 1, 2008, but prior to January 1, 2014, and if the members have less than 12 months of service credit needed to achieve at least 36 months for hazardous employees and at least 60 months for non-hazardous employees.

[Senate Bill 159](#) (Sen. Carpenter) requires all public high school students to pass a civics test in order to receive a regular diploma. Directs local boards of education to prepare or approve the test with 100 questions drawn from the test administered by the United States Citizenship and Immigration Services (USCIS) to persons seeking to become naturalized citizens.

[Senate Bill 177](#) (Sen. Girdler) Reorganization for the Personnel Cabinet. Also removes the requirement that the Personnel Cabinet submit the administrative regulation for the state employee self-insurance plan to the secretary of Cabinet for Health and Family Services (CHFS) prior to filing it with the LRC. Adds the option of a Health Savings Account to the Public Employee Health Insurance Program and requires the administrative fees associated with the employee's health savings account be an authorized expense charged to the public employee health insurance trust fund.

[Senate Bill 195](#) (Sen. Westerfield) expands the expungement and sealing of juvenile records to include felony offenses. Provides that a court may order an adjudication vacated and records expunged under certain conditions. Lists the criteria under which expungement may not be granted.

[Senate Bill 236](#) (Sen. Adams) permits a parent or legal guardian to request a background check of the child abuse and neglect registry records when employing a child care provider for his or her minor child. Requires CHFS to report its finding to the individual and to make the request form available on its website. Requires that school superintendents conduct a background check of child abuse and neglect records maintained by CHFS when considering employment decisions.

Defines terms and prohibits youth camps from employing or allowing the involvement of any individual who has been convicted of a criminal offense against a minor or a sex crime, who is a violent offender or has abused or neglected a child. Requires youth camps to obtain state and national criminal background checks of applicants, contractors, or volunteers. Requires documentation of records checks. Provides for suspension of operating permits if a youth camp is not in compliance. Establishes a criminal penalty for knowingly employing certain offenders.

Allows a private, parochial, or church school to conduct a background check of child abuse and neglect records maintained by CHFS when considering employment decisions. All provisions take effect July 1, 2018, except those applying to parents or legal guardians.

## HOUSE BILLS

[House Bill 1](#) (Rep. Hoover) requires that no public employee, collectively or individually, may strike or engage in a work stoppage. Also prohibits mandatory membership in or financial support of a labor organization as a condition of employment. Requires the Labor Cabinet to investigate complaints of violations of the prohibitions and may initiate a criminal complaint to ensure enforcement of the prohibitions. Updates definition for labor organization. Adds the definition for employer which includes public school employers, and public colleges, universities, institutions, and education agencies. Also adds a definition for public employee. Does

not alter, amend, grant or remove the rights of public employees to collectively bargain. An emergency clause is included.

[House Bill 3](#) (Rep. Hoover) deletes prevailing wage provisions and abolishes the Prevailing Wage Review Board. Also prohibits local governments from requiring employers to pay prevailing wage to employees. An emergency clause is included.

[House Bill 33](#) (Rep. King) requires CHFS, if granted custody of a dependent, neglected, or abused child, to notify the school the child is enrolled in verbally and then in writing, of persons authorized to contact the child or remove the child from school grounds.

[House Bill 38](#) (Rep. King) prohibits sex offender registrants from being on the grounds of a publicly owned playground without advance written permission from a local legislative body.

[House Bill 50](#) (Rep. Imes) defines "last effective date" and requires the regulations compiler to maintain a list of all administrative regulation numbers and their corresponding last effective dates. Requires that an ordinary administrative regulation with a last effective date on or after July 1, 2012, must expire seven (7) years after its last effective date. Requires that an ordinary administrative regulation with a last effective date before July 1, 2012 must expire on July 1, 2019. However, the law sets up a certification letter process for any agency that does not want its administrative regulations to expire and designates certification letter format and filing requirements.

[House Bill 113](#) (Rep. Richards) requires administrative bodies to issue professional licenses or certificates to military service members or veterans within two years of an honorable discharge if the training received by the service member or veteran could reasonably be expected to provide the necessary experience and skills. Clarifies that military training and experience cannot be substituted for the acquisition of a college degree or passage of a specific examination when either is a prerequisite for licensure or certification.

[House Bill 128](#) (Rep. DJ Johnson) requires KBE to promulgate administrative regulations to establish an elective social studies course on the Hebrew Scriptures, Old Testament of the Bible, the New Testament, or a combination of the Hebrew Scriptures and the New Testament of the Bible. Requires that the course provide to students knowledge of biblical content, characters, poetry, and narratives that are prerequisites to understanding contemporary society and culture, including literature, art, music, mores, oratory, and public policy. Permits students to use various translations of the Bible for the course. Permits a school council to offer an elective social studies course on the Hebrew Scriptures, Old Testament of the Bible, the New Testament, or a combination of the Hebrew Scriptures and the New Testament of the Bible.

[House Bill 173](#) (Rep. Miller) makes clarifying and technical changes designed to allow for a more efficient operation of the various retirement plans administered by Kentucky Retirement Systems, and to make changes that are designed to conform the statutes to federal law requirements.

[House Bill 180](#) (Rep. Wuchner) defines "fictive kin" to mean an individual who is not related by birth, adoption, or marriage to a child, but who has an emotionally significant relationship with the child. Recognizes fictive kin as a placement for a child by CHFS and establishes that CHFS may approve fictive kin as a placement for a child.

[House Bill 192](#) (Rep. L. Brown) allows a minor who is in the custody of CHFS to sign an application for an operator's license and allows CHFS to request that a minor's license be canceled. Amends statutes related to liability for negligence of the minor while driving a motor vehicle. Requires the prudent parent standard be



used to determine if a child is developmentally appropriate to apply for an operator's license, motorcycle operator's license, intermediate license, or any instruction permit.

[House Bill 195](#) (Rep. Tipton) allows the Kentucky Adult Education Program to establish programs aligned with the College and Career Readiness Standards for Adult Education, which upon successful completion will result in the issuance of a High School Equivalency Diploma. Requires at least one program to include a test aligned with the College and Career Readiness Standards for Adult Education, to serve as a qualifying test, which upon passing will entitle students to receive a High School Equivalency Diploma. Deletes external diploma program and grandfathers in previously recognized high school equivalency diplomas. Forbids invalidation of issued High School Equivalency Diplomas due to changes in test selection.

[House Bill 206](#) (Rep. Carney) establishes the Dual Credit Scholarship Program and defines terms for the program. Designates the Kentucky Higher Education Assistance Authority (KHEAA) to administer the program and requires the agency to promulgate administrative regulations for the administration of the program. Provides Kentucky Educational Excellence Scholarship (KEES) funds to students enrolled in a registered apprenticeship program. Defines student eligibility and directs KHEAA to promulgate regulations for awarding the scholarships.

[House Bill 237](#) (Rep. Pratt) defines terms and establishes food and grocery product donations to nonprofit organizations and extends protections to those who allow the collection or gleaning of products for donation to nonprofit organizations.

[House Bill 238](#) (Rep. Pratt) allows the Kentucky Commission on Proprietary Education to condition proprietary school agent surety bonds to recover administrative costs, acquire and maintain student records, and indemnify students and their parents or guardians. Permits indemnification when a student is unable to complete courses because the proprietary school ceased operations. Authorizes the commission to condition proprietary school surety bonds to recover administrative costs and acquire and maintain student records. An emergency clause is included.

[House Bill 241](#) (Rep. Sim) prohibits a coach from returning a student to play who is diagnosed with a concussion. Prohibits a student from returning to play if no physician or licensed provider is available to conduct the required concussion evaluation. Prohibits a student who does not receive the required evaluation from returning to play in a subsequent practice or competition unless written clearance from a physician is provided.

[House Bill 253](#) (Rep. Greer) requires unannounced visits, if necessary, to the residence or location where reported child abuse or neglect has occurred when an investigation is required as well as ongoing unannounced visits until the welfare of a child has been safeguarded. Requires schools or child-care providers to allow access to a child who is subject to an investigation without parental consent.

[House Bill 255](#) (Rep. Stone) clarifies the exemption for an organized nonprofit camp, religious, or nonprofit educational conference center that it must not be in operation for more than 210 days instead of 7 months in a calendar year.

[House Bill 269](#) (Rep. Riley) allows relatives who are currently ineligible for employment in a school district to serve as substitutes for a certified or classified employee if the relative is not: a regular full-time or part-time employee of the district; accruing continuing contract status or any other right to continuous employment; receiving fringe benefits other than those provided other substitutes; or receiving preference in employment or assignment over other substitutes.

[House Bill 274](#) (Rep. Pratt) authorizes the payment of certain claims against the state which have been duly audited and approved according to law, and have not been paid because of the lapsing or insufficiency of former appropriations against which the claims were chargeable, or the lack of an appropriate procurement document in place. Appropriation and emergency clauses are included.

[House Bill 276](#) (Rep. Moffett) repeals various sections in the Kentucky Revised Statutes to abolish inactive boards, commissions, committees, and councils, including the following expired statutes: KRS 158.650 provided definitions for KRS 158.680 to 158.710; KRS 158.680 provided for the State Advisory Committee for Educational Improvement; KRS 158.685 provided for student, program, service, and operational performance to be established for educationally deficient school districts; KRS 158.710 detailed responsibilities and functions of educationally deficient districts and required plans and reports.

[House Bill 277](#) (Rep. Reed) removes local board of education member eligibility restriction that no aunt, uncle, son-in-law, or daughter-in-law be employed by that board.

[House Bill 312](#) (Rep. Riley) ends the “Best in Class for Teachers”, “Best in Care for Nurses”, and “Best in Law for Public Service Attorneys” loan forgiveness programs established by KHEAA to end by June 30, 2018. Borrowers with remaining balances must be advised of federal loan forgiveness and alternative repayment plan options. Allows teacher scholarship recipients who teach dual credit coursework in a high school to receive two semesters of teacher scholarship promissory note cancellation for each semester spent teaching.

Also defines "child care staff member" and requires CHFS to require child care staff members to submit to background checks. Permits CHFS to charge a fee for the background check and requires that the fee charged to the cabinet is no greater than the actual cost of the check. Requires the promulgation of administrative regulations. Requires directors and employees of child-care centers with supervisory or disciplinary power over minors or in direct contact with minors to submit to background checks. Requires family child-care providers to submit to background checks. An emergency clause is included.

[House Bill 351](#) (Rep. Miller) requires participating agencies eligible to withdraw from Kentucky Retirement Systems to pay the full actuarial cost to exit. Defines the rate benchmarks and payment options that will be used in the actuarial calculation to ensure that the Kentucky Retirement Systems does not have an increased liability. When an agency submits an application to withdraw, Kentucky Retirement Systems must request and receive an independent actuarial liability analysis specific to the agency membership. An emergency clause is included.

[House Bill 374](#) (Rep. Benvenuti) defines "criminal offense against a victim who is a minor". Requires that an employer of an applicant for initial employment in a position involving care and supervision over minors as a child-serving professional must request all conviction information from the Justice and Public Safety Cabinet or the Administrative Office of the Courts (AOC) prior to employing the applicant.

Also defines "rap back system" and allows CHFS to register each adult household member of a certified adoptive or foster home in the rap back system.

[House Bill 410](#) (Rep. DuPlessis) specifies the Transportation Cabinet as the issuing agency for instruction permits, operator's licenses, and personal identification cards. Requires the Transportation Cabinet to offer two options to applicants for permits, licenses, and identification cards: a voluntary travel identification document that complies with the security requirements of the federal REAL ID Act of 2005; or a standard document that does not meet the federal REAL ID requirements. Allows photoless identification cards for individuals with religious objections and establishes procedures and fees for a voluntary statewide child identification program.



[House Bill 469](#) (Rep. Hoover) includes corrections for improper in-text statutory references per the Statute Reviser. Makes legislative findings and declarations on the nature and reasons for the statutory changes being made. Repeals KRS 158.650, 158.680, 158.685, and 158.710, whose provisions expired in 1996; amends KRS 156.160 and 160.107 to conform. KRS 158.650 provided definitions for KRS 158.680 to 158.710; KRS 158.680 provided for the State Advisory Committee for Educational Improvement; KRS 158.685 provided for student, program, service, and operational performance to be established for educationally deficient school districts; KRS 158.710 detailed responsibilities and functions of educationally deficient districts and required plans and reports.

[House Bill 471](#) (Rep. Rudy) amends the 2016-2018 executive branch biennial budget. Under provisions for the Teachers' Retirement System, for all retirees under 65 participating in the Kentucky Group Health Insurance, the TRS Board of Trustees must pay the same dependent subsidy that Executive Branch agencies pay for their active employees who have similar coverage.

The measure also includes three provisions impacting elementary and secondary education funding: allows unexpended Support Education Excellence in Kentucky (SEEK) funds to be carried forward to the 2017-2018 fiscal year to be utilized for pupil transportation; sets restrictions on the use of capital outlay; and provides charter school financing language.

The charter school funding provisions included are temporary and only apply to fiscal year 2017-2018 (the second year of the current fiscal biennium). The legislature will have to address funding for charter schools in the 2018 Regular Session either through additional budget language or to place in statute the provisions of House Bill 471.

- Attendance for a student enrolled in a charter school who resides within the boundaries of the local school district where the charter school is located must be included and reported in the local school district's Superintendent's Annual Attendance Report (SAAR) and to calculate funding for the local school district SEEK funds.
- A local school district where a charter school is located must transfer the charter school's portion of the local school district's SEEK funding.
- The charter school's portion must be allocated in the same manner as the school allocation model used by the local school district based on applicable data provided by the charter school.
- A report detailing the formula used for charter schools and the local school district's non-charter schools must be transmitted to the KBE, the Secretary of the Education and Workforce Development Cabinet, the LRC, and the authorizer within 30 days of its adoption by the local school board.
- KBE may find the formula used by the local school district for charter schools deficient and request a revision thereof within 90 days.
- Some local funds are excluded from the transfer to the charter school.
  - Local capital outlay or other financing mechanisms for new construction or renovations for school facilities;
  - Local property tax rates levied that are up to no more than 30% of the revenue guaranteed by SEEK; and
  - Transportation funds (if a local district chooses not to provide transportation, then a proportionate amount of funds are transferred to the charter school for funding transportation).
  - Three percent of the total funding must be retained by the authorizer if the authorizer is a local school district or transferred to the authorizer if the authorizer is not a local school district. If the KBE approves a charter school on appeal from another authorizer, the KBE must receive 25 percent of any authorizer fee during the period of the charter.
- If a local school district provides transportation to students attending a charter school under terms agreed upon by the local school district and the charter school in the charter contract, the local school district must not be required to transfer transportation funds.

- If a local school district does not provide transportation to students attending a charter school, the transportation funds must be transferred to the charter school.
- The amount of funds transferred must be calculated by multiplying the total amount of transportation funds the local school district receives by a fraction, the numerator of which equals the number of students attending the charter school who would otherwise be transported by the local school district, and the denominator of which equals the total number of students transported by the local school district;
- If a local school district levies an occupational license tax, charter schools must receive a proportionate per-pupil amount of the occupational license fees.
- Funding for a charter school that is authorized by a collaborative of one or more local school districts must be determined by the collaborative agreement.
- A student enrolled in a charter school that is a Regional Achievement Academy who resides outside the boundaries of the local school district where the Regional Achievement Academy is located but within the Regional Achievement Zone must be included and reported in the local school district of residence's Superintendent's Annual Attendance Report and any other reports used for enrollment and attendance purposes required to be submitted to the Kentucky Department of Education and used to calculate funding for the local school district of residence.
- A local school district that is located within a Regional Achievement Zone must transfer the charter school's portion of the local school district's funding.
- The KBE must set a schedule for distribution of local school district funds to be transferred to the charter school.
- A fine of not less than 5% of the total funding per funding period must be levied on the local school district if the funds are not transferred.
- The fine is to be assessed for every five days the fund transfer is late.
- Funds are transferred to:
  - The charter school if the local school district is the authorizer;
  - The Regional Achievement Academy if a Regional Achievement Zone collaborative is the authorizer; or
  - The authorizer if a local school district or Regional Achievement Zone collaborative is not the authorizer of the charter school.
- KBE must promulgate administrative regulations governing the transfer of funds between local school districts, authorizers, and charter schools, and the imposition of fines for late funds transfers.
- Charter schools would be eligible for all categorical aid programs in the same manner schools are currently allocated funds.
- A charter school must receive a proportionate share of moneys generated under federal and state categorical aid programs for students that are eligible for the aid and attending the charter school.
- A local school district must ensure that a charter school with rapidly expanding enrollment is treated equitably in the calculation and disbursement of all federal and state categorical aid program funding.
- Charter school employees must participate in the TRS or CERS, as determined by their eligibility for participation in the appropriate system and provided the charter school satisfies the criteria set by the IRS to participate in a governmental retirement plan.
- Teachers and other certified personnel must make any required employee contributions to TRS.
- Classified employees who are members of the CERS must make any required employee contributions to the CERS.
- A charter school must make any required employer contributions to TRS and CERS in the same manner and level as local school districts.
- A charter school employee must not be required to be a member of any collective bargaining agreement.

- A charter school must participate in the Kentucky Employees Health Plan on the same basis as a local school district.
- Any state appropriation for retirement, health, or life insurance benefits made on behalf of a local public school employee must also be made on behalf of a charter school employee.
- For the purposes of calculating sick leave credit, teachers and other certified personnel must not accumulate more days of sick leave during their employment with a charter school than they would have otherwise accumulated as a certified employee of the local school district in which the charter school is located.
- Appropriation and emergency clauses are included.

[House Bill 492](#) (Rep. Petrie) allows a court to adopt a temporary custody agreement as the temporary custody order of the court if the plan presented is mutually agreed upon and adequately provides for the welfare of the child. Creates a rebuttable presumption that there must be temporary joint custody and equal parenting time.

[House Bill 520](#) (Rep. Carney)

- Declares intent of the General Assembly in establishing charter schools and establishes a “public charter school project”.
- Sets definitions.
- Specifically states that a charter school must not be a virtual charter school.
- Allows charters to begin in the upcoming school year 2017-2018.
- Authorizers include: local boards of education or a collaborative of local boards of education, and the mayors of Louisville and Lexington.
- Depending on the type of charter created, enrollment options vary.
- A charter school established within a regional achievement zone will be a regional achievement academy.
- A regional achievement academy may be authorized by a single local school board within the regional achievement zone or by a collaborative of local school boards.
- KBE must promulgate administrative regulations to guide the student application, lottery, and enrollment processes for charter schools.
- Charter schools must be exempt from all statutes and administrative regulations applicable to the state board, a local school district, or a school, except the charter school must adhere to the same health, safety, civil rights, and disability rights requirements as are applied to all public schools and other all requirements otherwise identified.
- However, a charter school may elect to comply with any statute or administrative regulation.
- A charter school must be administered by a charter school board of directors
- A charter school board of directors is accountable to the authorizer per the charter contract as negotiated between the charter school applicant and the authorizer.
- A board of directors may hold one (1) or more charter contracts.
- Each charter school under contract with a board of directors must be separate and distinct from any other charter school under contract with the board of directors.
- The board of directors must be responsible for the operation of its charter school, including but not limited to preparation of a budget, contracting for services, school curriculum, and personnel matters.
- Charter schools may negotiate and contract with its authorizer or any third-party for: the use, operation, and maintenance of a building and grounds, liability insurance, and the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the educational program described in its charter.
- Any services for which a charter school contracts with a school district must be provided by the district at cost and must be negotiated as a separate agreement after final charter contract negotiations.

- A charter school may own, rent, or lease its space.
- Charter schools must be exempt from administrative regulations governing public schools for purposes of zoning and local land use.
- The local district in which the charter school is located may provide transportation to a charter school student who resides within the boundary of the local district.
- If the local district provides transportation, the district must retain all funding allocated for student transportation.
- If the local school district does not provide transportation to a charter school student, the district must transfer a proportional amount of funding allocated for transportation funds under the SEEK program, directly to the charter school.
- A charter school must be eligible to participate in state-sponsored or district-sponsored interscholastic athletics, academic programs, competitions, awards, scholarships, and recognition programs for students, educators, administrators, and schools to the same extent as non-charter public schools.
- A charter school has no obligation to provide extracurricular activities or access to facilities for students enrolled in the charter school.
- A teacher employed by a local board of education under a continuing service contract and offered employment with a charter school must be granted a two (2) year leave of absence to teach in a charter school.
- After two (2) years on leave, the relationship between the teacher and the local board of education must be determined by the local board and the local board must notify the teacher of the decision.
- An application to establish a charter school may be submitted to a charter school authorizer by teachers, parents, school administrators, community residents, public organizations, nonprofit organizations, or a combination thereof.
- An authorizer's charter application approval must be submitted to KDE for final approval by the commissioner of education.
- The state board must promulgate administrative regulations to establish the process to be used to evaluate the performance of a charter school authorizer, based upon parameters set forth in the law, and the actions to be taken in response to failures in performance.
- By August 31, 2019, and annually thereafter, each charter school authorizer must submit a report to the commissioner of education, the secretary of the Education and Workforce Development Cabinet, and the Interim Joint Committee on Education.
- Upon the approval of a charter contract by a charter school authorizer, the applicant must be permitted to operate a charter school for a term of five (5) years.
- The board of directors of the charter school must negotiate and execute a charter contract with the governing body of the authorizer.
- No later than six (6) months prior to the expiration date of a charter contract, the board of directors of a charter school seeking charter contract renewal must submit a renewal application to the authorizer pursuant to the renewal application guidance issued by the authorizer.
- KBE must promulgate administrative regulations establishing a revocation and nonrenewal process for charter authorizers.
- An authorizer must develop a charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property, and assets.
- An existing public school not scheduled for closure may be converted into a charter school and be identified as a conversion public charter school if an applicant indicates to a valid authorizer the intent to convert an existing public school into a conversion public charter school.
- For each conversion option, KBE must promulgate administrative regulations to govern the processes and procedures for the petition, the conversion, and the operation of a conversion public charter school.

- Charter school employees must participate in TRS or the CERS, as determined by their eligibility for participation in the appropriate system and provided the charter school satisfies the criteria set by the IRS to participate in a governmental retirement plan.

[House Bill 522](#) (Rep. Carney) allows a state agency child who is at least 17 years old to seek a high school equivalency diploma.

[House Bill 524](#) (Rep. Wuchner) includes promoting human trafficking involving commercial sexual activity as a criminal offense against a minor if the victim is under 18. Requires public schools to display the National Human Trafficking Reporting Hotline. Requires the Department of Highways to post the hotline number of the National Human Trafficking Resource Center in all rest areas. Adds specific injuries to a child under 12 to the definition of "serious physical injury."

### **Quick Links:**

Link to recording of webcast on SB 1 and other education-related legislation passed during the 2017 session:  
<http://mediaportal.education.ky.gov/featured/2017/04/senate-bill-1-sb1-and-education-related-legislation/>

Link to recording of webcast on HB 520 (charters) and HB 471 (charter funding):  
<http://mediaportal.education.ky.gov/featured/2017/04/discussion-of-hb-520/>

Link to Kentucky Legislative Research Commission (LRC):  
<http://lrc.ky.gov>

### **Point of Contact:**

Jennifer Fraker  
Policy Advisor, Office of Teaching and Learning  
[Jennifer.Fraker@education.ky.gov](mailto:Jennifer.Fraker@education.ky.gov)

Tracy Goff-Herman  
Policy Advisor and Legislative Liaison, Office of Legal, Legislative and Communication Services  
[Tracy.Herman@education.ky.gov](mailto:Tracy.Herman@education.ky.gov)