

2022 Legislative Guidance

The 2022 General Assembly adjourned April 14 after passing a biennial budget for 2022-2024 that includes significant increases for key areas of education. Local school boards and districts also will see changes as a result of other legislation passed, with the most significant changes include House Bill (HB) 9, House Bill 277, House Bill 678, Senate Bill (SB) 1 and Senate Bill 9. Per OAG 22-04, bills go into effect on Thursday, July 14, which is 90 days after the end of the 2022 Regular Session. This date does not apply to bills with emergency clauses or delayed effective dates.

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House Bills

HB 1, sponsored by Rep. Jason Petrie, makes significant increases in the state’s budget to P-12 education over the upcoming biennium, including:

- Funding full-day kindergarten (approximately \$125.9 million).
- Increases SEEK funding to \$4,100 in FY23 and \$4,200 in FY24.
- Includes additional funding for pupil and vocational education transportation.
- Includes additional funding for National Board Certified Teacher (NBCT) and speech language pathologist salary supplement.
- Record career and technical education funding (additional \$58,000,000 for local area vocational education centers).
 - \$155,600,000 in FY23 for local area vocation education center renovation projects
 - Step and rank increases for Kentucky Tech (area technology center) employees of \$424,000 and \$444,000.
- \$18,800,000 to support an increase in the per eligible student amount from \$183.86 to \$210.00 for the Family Resource and Youth Service Centers
- Kentucky School for the Blind (KSB) – \$8,091,600 FY23, \$8,097,800 FY24
- Kentucky School for the Deaf (KSD) – \$10,876,100 FY23, \$10,885,800 FY24
 - Step and rank increases for both KSB and KSD of \$534,000 FY23, \$549,900 FY24
- Salary Increases
 - Certified and Classified Staff – Additional resources are made available to local school districts through an increase in the SEEK resources. The 2022 General Assembly encourages local school districts to provide certified and classified staff a salary or compensation increase.
 - State Employees – Provides 8% base salary increment in FY23 on July 1, 2022, no salary increment in FY24. However, it is the intent of the General Assembly to provide a salary increment in fiscal year 2023-2024 subject to the completion of the classification and compensation report by the Personnel Cabinet.

HB 9, sponsored by Rep. Chad McCoy, amends existing Kentucky charter school laws in the following ways: 1) provides state common school (SEEK) funds, locally levied school funds and federal education funds to charter schools, 2) amends charter school authorization requirements to require local school board endorsement as a condition of application for districts with 7,500 or

fewer students, and 3) mandates a charter school pilot project in both Jefferson County and Northern Kentucky.

House Bill 9 also directs the Kentucky Board of Education (KBE) to promulgate administrative regulations to “govern the calculation and distribution of funds due to public charter schools from school districts, the schedule of distribution of funds, and the imposition of fines for late distribution of funds.”

HB 9 became effective April 14 after the General Assembly overrode Gov. Andy Beshear’s veto and delivered it to Secretary of State Michael Adams. KDE will recommend regulatory changes to the KBE as required by the language of HB 9. Once those regulations are drafted and adopted, the Kentucky Department of Education (KDE) will provide additional guidance.

[HB 277](#), sponsored by Rep. Walker Thomas, amends KRS 161.048 to create a new expedited alternative certification pathway (Option 9) through the use of a residency program. This new route will differ from the other eight options, as it will be available to candidates who have not obtained a bachelor’s degree and will not allow for temporary or provisional certification while completing the route. Option 9 programs will have to be approved by the Education Professional Standards Board (EPSB).

HB 277 also authorizes any person receiving emergency teaching certification during the 2021-2022 school year be eligible to renew that certification during the 2022-2023 school year and was signed by the governor on April 8. The EPSB will review a draft regulation for this route at its June 20 meeting.

[HB 678](#), sponsored by Rep. Ed Massey, sets up a two-year program related to school construction that was requested by a group of school districts due to rising construction costs. District construction costs continue to grow for various reasons, from supply chain shortages to inflation; additionally, interest rates are likewise expected to increase. If costs increase while a school district is awaiting approval, then projects become more expensive – possibly to a point a project could become cost prohibitive.

To speed up the process, until June 30, 2024, school districts that opt-in to the program do not have to get KDE approval for the funding, financing, design, construction, renovation or modification of school facilities. Districts also do not have to get KDE approval for the expenditure of capital funds. Currently, KDE reviews and approves district construction projects prior to commencement. Districts are still required to file BG-1 Project Application forms with the department and follow all applicable laws and regulations, save for KDE pre-approval of the project.

HB 678 requires a local board that elects to conduct its projects under the provisions of the bill to adopt a resolution by majority vote and submit the resolution to the KDE as notice; resolutions should be sent to tanesha.keene@education.ky.gov and katina.garr@education.ky.gov. Districts that opt-in to the provisions of HB 678 are still required to receive KDE approval for District

Facility Plans as well as for the acquisition of property and disposal of surplus property. Approval authority is given to the commissioner or designee (rather than the KBE) to avoid additional time required for the KBE to meet and approve these items. KDE has 30 business days to approve or deny the submission.

HB 678 became effective April 8 when it was signed by Gov. Beshear. Guidance from KDE will be forthcoming.

Other House Bills

- [HB 5](#) (R. Heath) West Kentucky SAFE fund which, among other things, provides \$30 million for local school districts impacted by the December tornados. KDE is already distributing these funds to districts.
- [HB 10](#) (D. Osborne) Does away with the pre-filing of bills. During committee testimony, it seemed there may be another way for bill drafts to be made available to the public going forward, but it isn't entirely clear at this time.
- [HB 33](#) (J. Branscum) School facilities clean-up bill. The efficient school design trust fund is defunct. The efficient school design standards contained in statute were obsolete, and the water bottle filling station requirements are included in the plumbing code applicable to educational spaces. And the current 2020-2022 budget contained the local plan review language, so it was simply codified in statute.
- [HB 44](#) (B. McCool) Amends KRS 159.035 to allow a local school district's attendance policy to include provisions for a student's mental or behavioral health status. Guidance forthcoming.
 - Amended to fix issue with SB 1 so teachers can't be criminally charged for violation of anti-critical race theory provisions included when SB 138 was added to the bill
- [HB 63](#) (K. Bratcher) Amends KRS 158.4414 to require the assignment of school resource officers to every school campus by Aug. 1, 2022.
 - If sufficient funds and personnel are not available, school districts shall fulfill the requirement as approved by the state school security marshal.
 - SB 120, added as an amendment, creates new sections of KRS Chapter 158 to allow local boards of education to establish a police department for local school districts.
- [HB 121](#) (R. Huff) Requires a public comment period at local board of education regular meetings.

- [HB 194](#) (D. J. Johnson) Amends KRS 158.143 to provide that a student enrolled in a district-operated alternative education program shall be eligible to seek attainment of a high school equivalency diploma under certain conditions. KDE is updating existing alt-ed guidance to reflect the changes related to HB 194. Please note students in Kentucky, even though they earn a GED, can return to the classroom to earn a diploma before they reach 21. Also, students with disabilities are entitled to a “free appropriate public education” (FAPE) until they receive a regular high school diploma (not a GED) or turn 21.”
- [HB 283](#) (S. Riley) Amends KRS 160.380 to permit a school district to accept a background check completed by an accredited teacher education institution for a student teacher. Districts should note there may be a gap between when the background was completed and when a district accepts it. KDE recommends the background check be no more than six months old. Furthermore, districts should be aware that many teacher education institutions are currently unable to process a background check for student teachers due to FBI limitations. In these situations, districts should be prepared to conduct background checks on student teachers as they would for new employees.
- [HB 397](#) (M. Dossett) Waives up to 15 student attendance days for days school districts were closed due to the western Kentucky tornado disaster. Days waived count as completed employment contract days for school personnel.
- [HB680](#) (C. Massey) Establishes a virtual computer science career academy and directs WeLeadCS to implement the program. The Office of Career and Technical Education is beginning work related to HB 680 and will have additional information in the coming months.

Senate Bills

[SB 1](#), sponsored by Sen. John Schickel, moves principal selection and curriculum decisions from school councils to the superintendent. SB 1 embeds language from SB 138, referred to as the *Teaching American Principles Act*. This act requires the incorporation of 24 fundamental American documents and speeches into the grade-level appropriate middle and high school *Kentucky Academic Standards for Social Studies*, including but not limited to twenty-four specifically named documents and speeches. Provisions for instruction on current, controversial topics are also included.

While SB 1 does contain an emergency clause in Section 9, it only applies to Section 6 which addresses COVID-19 paid leave days:

Beginning March 1, 2022, through June 30, 2022, each school district shall grant an employee up to five days of paid leave due to the employee having an active COVID-19 infection documented by a positive COVID-19 test. This leave shall be in addition to any other leave provided by statute or board policy. Leave granted pursuant to this subsection shall not

accumulate or carry over beyond the 2021-2022 school year and shall not be transferrable to any other classification of paid leave established by statute or local school district policy.

SB 1 was delivered the Secretary Adams on April 13 after the General Assembly overrode the governor's veto. Guidance from KDE is available here:

<https://education.ky.gov/districts/SBDM/Documents/Senate%20Bill%201%20Guidance.pdf>

SB 9, referred to as the Read to Succeed Act, sponsored by Sen. Stephen West and championed by Rep. James Tipton, provides a multifaceted approach to improve reading outcomes for all students.

To be successful and effective in meeting the need of young Kentucky readers, varying areas are subsequently involved. Due to the rapidly growing need for literacy acceleration, SB 9 provides more students with assistance than what is possible under existing law, such as those impacted under KRS 158.792, which allocates funds to the reading diagnostic and intervention grant (also referred to as the Read to Achieve (RTA) grant). It is important to note that the RTA grant is not impacted by SB 9 and will remain fully funded to support students with Tier 2 and 3 accelerated learning needs. As part of this multifaceted approach, the KDE, local schools and districts, and postsecondary education preparation programs will each play a role creating systemic improvement in reading outcomes for students in grades K-3.

For sustainability, KDE requested – and the General Assembly approved – \$22 million dollars in the 2022-2024 biennial budget to implement statewide professional learning and the literacy coaching model as defined in the bill.

SB 9 became effective when it was signed by Gov. Beshear on March 29. KDE guidance forthcoming. In accordance with Section 3 of the Bill, the EPSB will be reviewing teacher preparation tests in order to have a list ready by the Jan. 1, 2024, deadline.

Other Senate Bills

- **SB 25** (M. Wise) Provides COVID temporary remote instruction days.
 - *Remote instruction may be provided to each school in a school district, including to a particular grade, classroom or group of students within the school, for up to 10 days per school under this section. A school district shall not temporarily assign every student in the district to remote instruction under this section unless all students in the school district are located in a single school facility.*
 - These 10 days are in addition to the 10 non-traditional instruction (NTI) days each district receives per KRS 158.070(9).
- **SB 59** (M. Wilson) Amends KRS 158.6453 to delete the 10th-grade college admissions examination and amends KRS 158.6455 to add postsecondary readiness indicators to the

statewide accountability system. Measures will have to be further defined for career readiness before the regulatory process begins or any guidance is created.

- **[SB 60](#)** (M. Wise) Amends KRS 157.3175 to provide a dispute mechanism if a local school district is unable to obtain certification from a Head Start that the Head Start program is fully utilized. If there is a dispute, the commissioner of education would make a determination whether or not a Head Start program was being fully utilized and “may execute the certification required by subsection (6)(q) on behalf of the Head Start director.”
- **[SB 61](#)** (M. Wise) Amends KRS 158.142 to delete end-of-course examination and removes naming ACT as the vendor when establishing benchmark requirements from the Early Graduation Program. SB 61 also requires the KBE to promulgate requirements for the Early Graduation Program. As a result, amendments to the minimum requirements for high school graduation provided under 704 KAR 3:305 will be needed. The corresponding regulatory amendments needed will be shared with the KBE in June for action. Guidance will be needed following approval of the KBE.
- **[SB 83](#)** (R. Mills) Restricts transgender girls from participating on girls’ sports teams starting in in 6th grade. KDE is working with the Kentucky High School Athletic Association regarding implementation and guidance will be forthcoming once regulatory amendments are made.
- **[SB 102](#)** (M. Wise) Amends KRS 158.4416 reporting requirements to include the number of school-based mental health service providers and the position held, and associated certification or licensure held, and percentage of time devoted to each duty over course of year. Annually KDE must (1) compile and maintain a list of school-based mental health providers, and (2) report to Interim Joint Committee on Education information reported by school districts. KDE is working to see if the data can be collected in Infinite Campus in lieu of a survey.
- **[SB 150](#)** (R. Mills) Disaster relief bill that, among other things, appropriates \$120,890,000 from the West Kentucky State Aid Funding for Emergencies Fund to the Department of Military Affairs budget unit.
- **[SB 151](#)** (J. Howell) Amends KRS 158.070 to permit the administrator of a school that participates in the Federal School Breakfast Program to authorize up to 15 minutes of the student attendance day to provide the opportunity for children to eat breakfast during instructional time.
- **[SB 164](#)** (M. McGarvey) Establishes the Imagination Library of Kentucky Program. KDE is working with the Kentucky Department for Libraries and Archives about plans and funding as they are the designated agency to rollout the statewide Imagination Library.