AN ACT relating to education and declaring an emergency.

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

➔Section 1. (1) Notwithstanding KRS 158.070(9), for the 2019-2020 school year, a school district that has a nontraditional instruction plan approved by the commissioner of education may request approval for additional student attendance days under an emergency nontraditional instruction plan for when the district is closed due to the state of emergency declared by the Governor related to the novel coronavirus (COVID-19).

(2) Notwithstanding any other statute or administrative regulation to the contrary, a school district that does not have a nontraditional instruction plan approved by the commissioner of education for the 2019-2020 school year may submit a plan for the 2019-2020 school year for the use of nontraditional instructional days due to the state of emergency declared by the Governor related to COVID-19 in accordance with requirements established by the Kentucky Department of Education. The plan and number of days shall be subject to approval of the commissioner of education.

(3) The nontraditional instruction plan may include distance or virtual learning.

➔Section 2. (1) Notwithstanding any other statute or administrative regulation to the contrary, for the 2019-2020 school year, students shall receive a minimum of 1,062 instructional hours, less the amount of instructional time waived as provided in this section and any waiver provided in accordance with KRS 158.070(3)(f), in effect on the effective date of this Act, and 702 KAR 7:140.

(2) A school district may reach 1,062 instructional hours by adding time to the day. A day shall not exceed seven hours of instructional time, unless the district submitted and received approval from the commissioner of education for an innovative alternative calendar. A school district may schedule instructional days on Saturdays. A local board of education may submit a plan to the Department of Education demonstrating how 1,062 instructional hours will be completed, and the plan shall be

approved.

(3) If a school district desires to complete 1,062 instructional hours by June 12, 2020, but is unable to under its current school calendar, the district shall request assistance from the commissioner of education by May 1, 2020, to determine a plan for maximizing instructional time to complete 1,062 instructional hours by June 12, 2020. If the district presents compelling rationale that adding instructional time to the day would create logistical hardships, the commissioner shall not require adding time to the day as part of the district's plan. If, after providing planning assistance to the school district, the commissioner of education determines the school district has maximized instructional time but cannot complete 1,062 hours by June 12, 2020, the commissioner shall waive the remaining instructional hours required.

(4) The Kentucky Department of Education shall make a report to the Interim Joint Committee on Education by October 30, 2020, on how school districts completed the 1,062 instructional hours.

➔Section 3. Notwithstanding KRS 158.135 and 505 KAR 1:080, for the 2019-2020 school year, an extended school calendar shall not be required for any program serving the educational needs of state agency children. State agency children in a particular program shall receive the same minimum number of instructional hours provided to students generally by the applicable school district operating a particular state agency children program, less the amount of instructional time waived as provided in this section and any waiver provided in accordance with KRS 158.070(3)(f), in effect on the effective date of this Act, and 702 KAR 7:140.

➔Section 4. Notwithstanding KRS 161.152 and any other statute or administrative regulation to the contrary, during the 2019-2020 school year, a local board of education shall allow emergency leave to any full-time or part-time classified or certified employee if the local board determines it is necessary in relation to the COVID-19 public health emergency. A local board shall waive any requirement under local policy

for an employee to file a personal affidavit in order to take emergency leave allowed pursuant to this section.

➔Section 5. For the 2019-2020 school year, the Kentucky Department of Education is hereby directed to seek any waivers from any federal government agency that may be necessary to allow for school districts to be reimbursed under the federal Richard B. Russell National School Lunch Act for any meals and meal supplements that may be prepared and served by the district, including but not limited to waivers allowing service in non-congregate settings and reducing the mandatory wait times between serving meals, during any time that a district is closed to students in relation to the COVID-19 public health emergency. All school districts are encouraged to maximize opportunities that may be granted through any waivers regarding food service and the COVID-19 public health emergency to address food insecurity issues of students in the districts.

➔Section 6. Notwithstanding any other statute or regulation to the contrary, for the 2019-2020 school year, the Kentucky Board of Education may waive requirements of the statewide assessment and accountability system in accordance with any federal waiver regarding those requirements that the Kentucky Department of Education receives due to the COVID-19 public health emergency.

➔Section 7. For the 2019-2020 school year, the Kentucky Department of Education is hereby directed to seek and utilize any waivers from any federal government agency involving requirements of the Individuals with Disabilities Education Act, 20 U.S.C. secs. 21 1400 et. seq. that may be necessary to allow flexibility needed for school districts due to the COVID-19 public health emergency.

➔Section 8. Notwithstanding KRS 156.557 and 704 KAR 3:370, for the 2019-2020 school year, a local board of education may revise the district's certified evaluation plan due to the COVID-19 public health emergency.

➔Section 9. Notwithstanding KRS 159.035, for the 2019-2020 school year, a

principal may award the number of educational enhancement opportunity days needed by a graduating student to meet military service or postsecondary education enrollment obligations that occur prior to the last day of school due to the COVID-19 public health emergency.

➔Section 10. Notwithstanding KRS 161.011, KRS 161.750, and KRS 161.760, or any other statute or administrative regulation to the contrary, written notices required to be provided to classified and certified school district employees regarding salary or nonrenewal of contracts may be delivered via regular mail or via email to the email address on record in the school district.

➔Section 11. Notwithstanding any other statute or regulation to the contrary, for school year 2019-2020, school districts may, when submitting the Superintendent's Annual Attendance Report, substitute attendance data for school year 2018-2019 for attendance data for school year 2019-2020. If a school district submits data for school year 2018-2019, this data shall be utilized to calculate the average daily attendance that will be used in calculating Support Education Excellence in Kentucky funds and any other state funding based in whole or in part on average daily attendance for the district.

➔Section 12. Whereas the Commonwealth of Kentucky is in a state of emergency due to the COVID-19 public health crisis, which is having immediate and significant impacts on public schools, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law, and the provisions of this Act shall be retroactive to March 6, 2020.