

CHAPTER 46**(HB 10)**

AN ACT relating to children with disabilities.

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

Section 1. KRS 159.030 is amended to read as follows:

- (1) The board of education of the district in which the child resides shall exempt from the requirement of attendance upon a regular public day school every child of compulsory school age:
 - (a) Who is a graduate from an accredited or an approved four (4) year high school; or
 - (b) Who is enrolled and in regular attendance in a private, parochial, or church regular day school. It shall be the duty of each private, parochial, or church regular day school to notify the local board of education of those students in attendance at the school. If a school declines, for any reason, to notify the local board of education of those students in attendance, it shall so notify each student's parent or legal guardian in writing, and it shall then be the duty of the parent or legal guardian to give proper notice to the local board of education; or
 - (c) Who is less than seven (7) years old and is enrolled and in regular attendance in a private kindergarten-nursery school; or
 - (d) Whose physical or mental condition prevents or renders inadvisable attendance at school or application to study; or
 - (e) Who is enrolled and in regular attendance in private, parochial, or church school programs for exceptional children; or
 - (f) Who is enrolled and in regular attendance in a state-supported program for exceptional children;
 - (g) For purposes of this section, "church school" shall mean a school operated as a ministry of a local church, group of churches, denomination, or association of churches on a nonprofit basis.
- (2) Before granting an exemption under subsection (1)(d) of this section, the board of education of the district in which the child resides shall require satisfactory evidence, in the form of:
 - (a) A signed statement of a licensed physician, advanced registered nurse practitioner, psychologist, psychiatrist, chiropractor, or public health officer, that the condition of the child prevents or renders inadvisable attendance at school or application to study. On the basis of such evidence, the board may exempt the child from compulsory attendance. Any child who is excused from school attendance more than six (6) months shall have two (2) signed statements from a combination of the following professional persons: a licensed physician, advanced registered nurse practitioner, psychologist, psychiatrist, chiropractor, and health officer, ***except that this requirement shall not apply to a child whose treating physician, advanced registered nurse practitioner, chiropractor, or public health officer certifies that the student has a chronic physical condition that prevents or renders inadvisable attendance at school or application to study and is unlikely to substantially improve within one (1) year; or***

- (b) *An individual education plan specifying that placement of the child with a disability at home or in a hospital is the least restrictive environment for providing services.*

Exemptions of all children under the provisions of subsection (1)(d) of this section shall be reviewed annually with the evidence required being updated, *except that for an exceptional child whose treating physician, advanced registered nurse practitioner, chiropractor, or public health officer certifies that the student has a chronic physical condition unlikely to substantially improve within three (3) years, the child's admissions and release committee shall annually consider the child's condition and the existing documentation to determine whether updated evidence is required. Updated evidence shall be provided for a child upon determination of need by the admissions and release committee, or at least every three (3) years.*

- (3) For any child who is excluded under the provisions of subsection (1)(d) of this section, home, hospital, institutional, or other regularly scheduled and suitable instruction meeting standards, rules, and regulations of the Kentucky Board of Education shall be provided.

Approved April 2, 2004