

CHAPTER 104**(HB 285)**

AN ACT relating to nonresident student contracts.

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

Section 1. KRS 157.350 is amended to read as follows:

Each district which meets the following requirements shall be eligible to share in the distribution of funds from the fund to support education excellence in Kentucky:

- (1) Employs and compensates all teachers for not less than one hundred eighty-five (185) days. The Kentucky Board of Education, upon recommendation of the **commissioner of education**~~chief state school officer~~, shall prescribe procedures by which this requirement may be reduced during any year for any district which employs teachers for less than one hundred and eighty-five (185) days, in which case the eligibility of a district for participation in the public school fund shall be in proportion to the length of time teachers actually are employed;
- (2) Operates all schools for a term as provided in KRS 158.070 and administrative regulations of the Kentucky Board of Education. If the school term is less than one hundred eighty-five (185) days for any reason not approved by the Kentucky Board of Education on recommendation of the **commissioner**~~chief state school officer~~, the eligibility of a district for participation in the public school fund shall be in proportion to the length of term the schools actually operate;
- (3) Compensates all teachers on the basis of a single salary schedule and in conformity with the provisions of KRS 157.310 to 157.440;
- (4) Includes no nonresident pupils in its average daily attendance, except as follows:
 - (a) Pupils listed under a written agreement, which may be for multiple years, with the district of the pupils' legal residence. If an agreement cannot be reached, either board may appeal to the **commissioner**~~chief state school officer~~ for settlement of the **dispute**~~agreement~~.
 - (b) The **commissioner**~~chief state school officer~~ shall have thirty (30) days to **resolve the dispute**~~establish the terms of agreement~~. Either board may appeal the **commissioner's**~~chief state school officer's~~ decision to the Kentucky Board of Education.
 - (c) **The commissioner and the Kentucky Board of Education shall consider the factors affecting the districts, including but not limited to academic performance and the impact on programs, school facilities, transportation, and staffing of the districts.**
 - (d) The Kentucky Board of Education shall have sixty (60) days to approve or amend the **decision**~~agreement~~ of the **commissioner**~~chief state school officer~~.

This subsection does not apply to those pupils enrolled in an approved class conducted in a hospital~~;~~ and ~~the~~ ~~_____~~ pupils who have been expelled for behavioral reasons who shall be counted in average daily attendance under KRS 157.320;
- (5) Any secondary school which maintains a basketball team for boys for other than intramural purposes, shall maintain the same program for girls;
- (6) Any school district which fails to comply with subsection (5) shall be prohibited from participating in varsity competition in any sport for one (1) year. Determination of failure to comply shall be made by the Department of Education after a hearing requested by any person within the school district. The hearing shall be conducted in accordance with KRS Chapter 13B. A district under this subsection shall, at the hearing, have an opportunity to show inability to comply.

Approved March 23, 2007.