

CHAPTER 11

(SB 97)

AN ACT relating to compulsory attendance.

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

➔Section 1. KRS 159.010 is amended to read as follows:

- (1) (a) Except as provided in KRS 159.030 *and paragraph (b) and (c) of this subsection*, each parent, guardian, or other person residing in the state and having in custody or charge any child who has entered the primary school program or any child between the ages of six (6) and sixteen (16) shall send the child to a regular public day school for the full term that the public school of the district in which the child resides is in session or to the public school that the board of education of the district makes provision for the child to attend. A child's age is between six (6) and sixteen (16) when the child has reached his *or her* sixth birthday and has not passed his *or her* sixteenth birthday.
- (b) 1. *Effective with the 2015-2016 school year, a local board of education may, upon the recommendation of the superintendent, adopt a district-wide policy to require, except as provided in KRS 159.030, each parent, guardian, or other person residing in the district and having in custody or charge any child who has entered the primary school program or any child between the ages six (6) and eighteen (18) to send the child to a regular public school for the full term of the district in which the child resides or to the public school that the district makes provisions for the child to attend.*
2. *All children residing in the district, except as provided in KRS 159.030, shall be subject to the local board's compulsory age policy.*
3. *A district shall impose the same compulsory age requirement for all students residing in the district, even if the district has entered a contract to permit some students to attend school in another public school district that has not adopted a policy under this paragraph.*
4. *A local board of education adopting a policy under this paragraph shall certify to the Kentucky Department of Education that the district has, or will have, programs in place to meet the needs of potential dropouts. Implementation of the policy shall be contingent on notice of approval by the department.*
- (c) *When fifty-five percent (55%) of all local school districts have adopted a policy in accordance with paragraph (b) of this subsection, all local school districts shall be required to adopt the compulsory attendance requirements under paragraph (b) of this subsection. This requirement shall be effective with the school year that occurs four (4) years after the fifty-five percent (55%) threshold is met.*
- (2) An unmarried child between the ages of sixteen (16) and eighteen (18) *who resides in a district that has not adopted a policy under subsection (1)(b) of this section* who wishes to terminate his *or her* public or nonpublic education prior to graduating from high school shall do so only after a conference with the principal or his *or her* designee, and the principal shall request a conference with the parent, guardian, or other custodian. Written notification of withdrawal must be received from his parent, guardian, or other person residing in the state and having custody or charge of him. The ~~parent(s) and~~ child *and the parent, guardian, or other custodian* shall be required to attend a one (1) hour counseling session with a school counselor on potential problems of nongraduates.
- (3) A child's age is between sixteen (16) and eighteen (18) when the child has reached his sixteenth birthday and has not passed his eighteenth birthday. Written permission for withdrawal shall not be required after the child's eighteenth birthday. Every child *who is at-actually* resident in this state is subject to the laws relating to compulsory attendance, *including the compulsory attendance requirements of a school district under subsection (1)(b) of this section.* ~~and~~ Neither *the child* ~~he~~ nor the person in charge of *the child* ~~him~~ shall be excused from the operation of those laws or the penalties under them on the ground that the child's residence is seasonable or that his *or her* parent is a resident of another state.
- (4) Each school district shall contact each student between the ages of sixteen (16) and eighteen (18) who has voluntarily withdrawn from school *under subsection (2) of this section* within three (3) months of the date of withdrawal to encourage the student to reenroll in a regular program, alternative program, or GED preparation program. In the event the student does not reenroll at that time, the school district shall make at least one (1)

more attempt to reenroll the student before the beginning of the school year following the school year in which the student terminated his or her enrollment.

➔Section 2. KRS 159.020 is amended to read as follows:

Any parent, guardian, or other person having in custody or charge any child who has entered the primary school program *and is subject to compulsory attendance under Section 1 of this Act*~~for any child between the ages of six (6) and sixteen (16)}~~ who removes the child from a school district during the school term shall enroll the child in a regular public day school in the district to which the child is moved, and the child shall attend school in the district to which *the child*~~he~~ is moved for the full term provided by that district.

Signed by Governor March 18, 2013.