

CHAPTER 94**(HB 241)**

AN ACT relating to education and declaring an emergency.

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

➔Section 1. (1) For the 2024-2025 school year, a school district may revise its school calendar in accordance with the requirements of this section.

(2) For purposes of this section, notwithstanding the requirement in KRS 158.070 that the student instructional year not be less than 170 student attendance days and any other statute or administrative regulation to the contrary, students shall receive a minimum of 1,062 instructional hours, less any waiver of instructional time provided in accordance with KRS 158.070(3)(f) and 702 KAR 7:140.

(3) The commissioner of education may grant up to the equivalent of five disaster relief student attendance days for school districts to provide instruction using alternative settings when the school district is closed for health or safety reasons.

(4) Notwithstanding KRS 158.070(4)(b), a school district may reach the required instructional hours required by adding time to student attendance days. 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.

(5) If a local school district is unable to provide the required 1,062 hours of instruction by June 4, 2025, the commissioner of education may waive up to five student attendance days. The commissioner of education shall not waive instructional days for a district that did not make up days by adding time to the student instructional day. Notwithstanding any other statute or administrative regulation to the contrary, student attendance days waived under this subsection shall be applied on a district-wide basis.

(6) If a local board of education seeks to revise its school calendar under this section, the board shall submit a plan for approval to the Kentucky Department of Education demonstrating how the required instructional hours will be completed.

(7) Notwithstanding any other statute, administrative regulation, or local board of education policy to the contrary, each classified and certified employee of a local board of education shall be considered to have completed one day of his or her employment contract for each day made up in accordance with subsection (4) of this section and days waived in accordance with subsection (5) of this section.

(8) If a local board of education used 10 or fewer nontraditional instruction days during the 2024-2025 school year and chooses not to take advantage of subsections (3) and (5) of this section for the 2024-2025 school year, the school district's average daily attendance shall be calculated by deducting five low attendance days in addition to the five days deducted under KRS 157.320(1).

➔Section 2. KRS 157.320 is amended to read as follows:

As used in KRS 157.310 to 157.440, unless the context otherwise requires:

- (1) "Average daily attendance" means the aggregate days attended by pupils in a public school, adjusted for weather-related low attendance days if applicable, divided by the actual number of days the school is in session, after the five (5) days with the lowest attendance have been deducted.
 - (a) Aggregate days shall include, in addition to the aggregate number of days attended by a pupil who was suspended during a school year, the number of days the pupil was suspended, not to exceed ten (10) days in total for the school year; and
 - (b) Aggregate days shall include, in addition to the aggregate number of days attended by a pupil who was expelled for behavioral problems, the number of days the pupil was expelled up to a total of one hundred seventy-five (175) days. This total may extend into the next school year and shall be counted in the average daily attendance for the next year;
- (2) "Base funding level" means a guaranteed amount of revenue per pupil to be provided for each school district, to be used for regular operating and capital expenditures;

- (3) "Board" means the board of education of any county or independent school district;
- (4) "District" means any school district as defined by law;
- (5) "Elementary school" means a school consisting of the primary school program through grade eight (8) as defined in KRS 158.030, or any appropriate combination of grades within this range, as determined by the plan of organization for schools authorized by the district board;
- (6) "Support Education Excellence in Kentucky" means the level of educational services and facilities which is to be provided in each district from the public school fund;
- (7) "Kindergarten full-time equivalent pupil in average daily attendance" means each kindergarten pupil counted no more than one-half (1/2) day in the aggregate days attended by kindergarten pupils in a public school divided by the actual number of days school is in session after the five (5) days with the lowest attendance have been deducted. Kindergarten is the entry level of the primary program and shall be provided no less than the equivalent of one-half (1/2) day, five (5) days a week for a full school year for each kindergarten pupil;
- (8) "Public school fund" means the fund created by KRS 157.330 for use in financing education in public elementary and secondary schools;
- (9) "Administrative regulations of the Kentucky Board of Education" means those regulations which the Kentucky Board of Education may adopt upon the recommendation and with the advice of the commissioner of education. The commissioner of education shall recommend administrative regulations necessary for carrying out the purposes of KRS 157.310 to 157.440;
- (10) "Experience" means employment as a teacher, other than as a substitute or nursery school teacher, for a minimum of one hundred forty (140) days during a school year in a public or nonpublic elementary or secondary school or college or university that is approved by the public accrediting authority in the state in which the teaching duties were performed. A teacher who is employed by a board for at least one hundred forty (140) days of a school year and who performs teaching duties for the equivalent of at least seventy (70) full school days during that school year, regardless of the schedule on which those duties were performed, shall be credited with one (1) year of experience. A teacher who is employed by a board for at least one hundred forty (140) days during each of two (2) school years and who performs teaching duties for the equivalent of at least seventy (70) full school days during those years shall be credited with one (1) year of experience. No more than one (1) year of experience shall be credited for the performance of teaching duties during a single school year;
- (11) "Secondary school" means a school consisting of grades seven (7) through twelve (12), or any appropriate combination of grades within this range as determined by the plan of organization for schools authorized by the district board. When grades seven (7) through nine (9) or ten (10) are organized separately as a junior high school, or grades ten (10) through twelve (12) are organized separately as a senior high school and are conducted in separate school plant facilities, each shall be considered a separate secondary school for the purposes of KRS 157.310 to 157.440;
- (12) "Single salary schedule" means a schedule adopted by a local board from which all teachers are paid for one hundred eighty-five (185) days and is based on training, experience, and such other factors as the Kentucky Board of Education may approve and which does not discriminate between salaries paid elementary and secondary teachers. If the budget bill contains a minimum statewide salary schedule, no teacher shall be paid less than the amount specified in the biennial budget salary schedule for the individual teacher's educational qualifications and experience;
- (13) "Teacher" means any regular or special teacher, principal, supervisor, superintendent, assistant superintendent, librarian, director of pupil personnel, or other member of the teaching or professional staff engaged in the service of the public elementary and secondary school for whom certification is required as a condition of employment;
- (14) "Percentage of attendance" means the aggregate days attended by pupils in a public school for the school year divided by the aggregate days' membership of pupils in a public school for the school year;
- (15) "Middle school" means a school consisting of grades five (5) through eight (8) or any appropriate combination of grades as determined by the plan of organization for schools authorized by the district board;
- (16) "National board certification salary supplement" means an annual supplement added for the life of the certificate to the base salary of a teacher who attains national board certification;

(17) *"Virtual program" means a program offered by a public school district in which all courses in the program are virtual, do not include regular in-person instruction, and are designed as an alternative to traditional in-person school programs; and*

~~(18)(17)~~ "Weather-related low attendance day" means a school day on which the district's attendance falls below the average daily attendance for the prior year due to inclement weather. The district shall submit a request to substitute the prior year's average daily attendance for its attendance on up to ten (10) designated days, along with documentation that the low attendance was due to inclement weather, for approval by the commissioner of education in accordance with Kentucky Board of Education administrative regulations.

➔Section 3. KRS 157.360 is amended to read as follows:

- (1) (a) In determining the cost of the program to support education excellence in Kentucky, the statewide guaranteed base funding level, as defined in KRS 157.320, shall be computed by dividing the amount appropriated for this purpose by the prior year's statewide average daily attendance.
- (b) When determining the biennial appropriations for the program, the average daily attendance for each fiscal year shall include an estimate of the number of students graduating early under the provisions of KRS 158.142.
- (2) Each district shall receive an amount equal to the base funding level for each pupil in average daily attendance in the district in the previous year, except a district shall receive an amount equal to one-half (1/2) of the state portion of the average statewide per pupil guaranteed base funding level for each student who graduated early under the provisions of KRS 158.142. Each district's base funding level shall be adjusted by the following factors:
 - (a) The number of at-risk students in the district. At-risk students shall be identified as those approved for the free lunch program under state and federal guidelines. The number of at-risk students shall be multiplied by a factor to be established by the General Assembly. Funds generated under this paragraph may be used to pay for:
 1. Alternative programs for students who are at risk of dropping out of school before achieving a diploma; and
 2. A hazardous duty pay supplement as determined by the local board of education to the teachers who work in alternative programs with students who are violent or assaultive;
 - (b) The number and types of exceptional children in the district as defined by KRS 157.200. Specific weights for each category of exceptionality shall be used in the calculation of the add-on factor for exceptional children; and
 - (c) Transportation costs. The per-pupil cost of transportation shall be calculated as provided by KRS 157.370. Districts which contract to furnish transportation to students attending nonpublic schools may adopt any payment formula which ensures that no public school funds are used for the transportation of nonpublic students.
- (3) Beginning with the 2015-2016 school year and each year thereafter, the General Assembly shall annually allocate funds equal to one-half (1/2) of the state portion of the average statewide per pupil guaranteed base funding level for each student who graduated early under the provisions of KRS 158.142 the previous school year to the Kentucky Higher Education Assistance Authority for deposit in the early graduation scholarship trust fund.
- (4) The program to support education excellence in Kentucky shall be fully implemented by the 1994-95 school year.
- (5) (a) Except for those schools which have implemented school-based decision making, the commissioner of education shall enforce maximum class sizes for every academic course requirement in all grades except in vocal and instrumental music, and physical education classes. Except as provided in subsection (6) of this section, the maximum number of pupils enrolled in a class shall be as follows:
 1. Twenty-four (24) in primary grades (kindergarten through third grade);
 2. Twenty-eight (28) in grade four (4);
 3. Twenty-nine (29) in grades five (5) and six (6);

4. Thirty-one (31) in grades seven (7) to twelve (12).
 - (b) Except for those schools which have implemented school-based decision making, class size loads for middle and secondary school:
 1. Classroom teachers shall not exceed the equivalent of one hundred fifty (150) pupil hours per day; *and*
 2. ***Virtual program teachers shall not exceed the equivalent of three hundred (300) pupil hours per day.***
 - (c) The commissioner of education, upon approval of the Kentucky Board of Education, shall adopt administrative regulations for enforcing this provision. These administrative regulations shall include procedures for a superintendent to request an exemption from the Kentucky Board of Education when unusual circumstances warrant an increased class size for an individual class. A request for an exemption shall include specific reasons for the increased class size with a plan for reducing the class size prior to the beginning of the next school year. A district shall not receive in any one (1) year exemptions for more classes than enroll twenty percent (20%) of the pupils in the primary grades and grades four (4) through eight (8).
 - (d) In all schools the commissioner of education shall enforce the special education maximum class sizes set by administrative regulations adopted by the Kentucky Board of Education. A superintendent may request an exemption pursuant to paragraph (c) of this subsection. A local school council may request a waiver pursuant to KRS 156.160(2). An exemption or waiver shall not be granted if the increased class size will impede any exceptional child from achieving his or her individual education program in the least restrictive environment.
- (6) In grades four (4) through six (6) with combined grades, the maximum class size shall be the average daily attendance upon which funding is appropriated for the lowest assigned grade in the class. There shall be no exceptions to the maximum class size for combined classes. In combined classes other than the primary grades, no ungraded students shall be placed in a combined class with graded students. In addition, there shall be no more than two (2) consecutive grade levels combined in any one (1) class in grades four (4) through six (6). However, this shall not apply to schools which have implemented school-based decision making.
 - (7) If a local school district, through its admission and release committee, determines that an appropriate program in the least restrictive environment for a particular child with a disability includes either part-time or full-time enrollment with a private school or agency within the state or a public or private agency in another state, the school district shall count as average daily attendance in a public school the time that the child is in attendance at the school or agency, contingent upon approval by the commissioner of education.
 - (8) Pupils attending a center for child learning and study established under an agreement pursuant to KRS 65.210 to 65.300 shall, for the purpose of calculating average daily attendance, be considered as in attendance in the school district in which the child legally resides and which is party to the agreement. For purposes of subsection (1) of this section, teachers who are actually employees of the joint or cooperative action shall be considered as employees of each school district which is a party to the agreement.
 - (9) Program funding shall be increased when the average daily attendance in any district for the first two (2) months of the current school year is greater than the average daily attendance of the district for the first two (2) months of the previous school year. The program funds allotted the district shall be increased by the percent of increase. The average daily attendance in kindergarten is the kindergarten full-time equivalent pupils in average daily attendance.
 - (10) If the average daily attendance for the current school year in any district decreases by ten percent (10%) or more than the average daily attendance for the previous school year, the average daily attendance for purposes of calculating program funding for the next school year shall be increased by an amount equal to two-thirds (2/3) of the decrease in average daily attendance. If the average daily attendance remains the same or decreases in the succeeding school year, the average daily attendance for purposes of calculating program funding for the following school year shall be increased by an amount equal to one-third (1/3) of the decrease for the first year of the decline.
 - (11) If the percentage of attendance of any school district shall have been reduced more than two percent (2%) during the previous school year, the program funding allotted the district for the current school year shall be increased by the difference in the percentage of attendance for the two (2) years immediately prior to the current school year less two percent (2%).

- (12) (a) Instructional salaries for vocational agriculture classes shall be for twelve (12) months per year. Vocational agriculture teachers shall be responsible for the following program of instruction during the time period beyond the regular school term established by the local board of education: supervision and instruction of students in agriculture experience programs; group and individual instruction of farmers and agribusinessmen; supervision of student members of agricultural organizations who are involved in leadership training or other activity required by state or federal law; or any program of vocational agriculture established by the Department of Education. During extended employment, no vocational agriculture teacher shall receive salary on a day that the teacher is scheduled to attend an institution of higher education class which could be credited toward meeting any certification requirement.
- (b) Each teacher of agriculture employed shall submit an annual plan for summer program to the local school superintendent for approval. The summer plan shall include a list of tasks to be performed, purposes for each task, and time to be spent on each task. Approval by the local school superintendent shall be in compliance with the guidelines developed by the Department of Education. The supervision and accountability of teachers of vocational agriculture's summer programs shall be the responsibility of the local school superintendent. The local school superintendent shall submit to the commissioner of education a completed report of summer tasks for each vocational agriculture teacher. Twenty percent (20%) of the approved vocational agriculture programs shall be audited annually by the State Department of Education to determine that the summer plan has been properly executed.
- (13) (a) In allotting program funds for home and hospital instruction, statewide guaranteed base funding, excluding the capital outlay, shall be allotted for each child in average daily attendance in the prior school year who has been properly identified according to Kentucky Board of Education administrative regulations. Attendance shall be calculated pursuant to KRS 157.270 and shall be reported monthly on forms provided by the Department of Education; and
- (b) Pursuant to administrative regulations of the Kentucky Board of Education, local school districts shall be reimbursed for home and hospital instruction for pupils unable to attend regular school sessions because of short-term health impairments. A reimbursement formula shall be established by administrative regulations to include such factors as a reasonable per hour, per child allotment for teacher instructional time, with a maximum number of funded hours per week, a reasonable allotment for teaching supplies and equipment, and a reasonable allotment for travel expenses to and from instructional assignments, but the formula shall not include an allotment for capital outlay. Attendance shall be calculated pursuant to KRS 157.270 and shall be reported annually on forms provided by the Department of Education.
- (14) Except for those schools which have implemented school-based decision making and the school council has voted to waive this subsection *and for virtual programs*, kindergarten aides shall be provided for each twenty-four (24) full-time equivalent kindergarten students enrolled.
- (15) Effective July 1, 2001, there shall be no deduction applied against the base funding level for any pupil in average daily attendance who spends a portion of his or her school day in a program at a state-operated career and technical education or vocational facility.
- (16) During a fiscal year, a school district may request that the Department of Education recalculate its funds allocated under this section if the current year average daily attendance for the twenty (20) day school month as defined in KRS 158.060(1) that contains the most days within the calendar month of January exceeds the prior year adjusted average daily attendance plus growth by at least one percent (1%). Any adjustments in the allotments approved under this subsection shall be proportional to the remaining days in the school year and subject to available funds under the program to support education excellence in Kentucky.
- (17) To calculate the state portion of the program to support education excellence in Kentucky for a school district, the Department of Education shall subtract the local effort required under KRS 157.390(5) from the calculated base funding under the program to support education excellence in Kentucky, as required by this section. The value of the real estate used in this calculation shall be the lesser of the current year assessment or the prior year assessment increased by four percent (4%) plus the value of current year new property. The calculation under this subsection shall be subject to available funds.
- (18) Notwithstanding any other statute or budget of the Commonwealth language to the contrary, time missed due to shortening days for emergencies may be made up by lengthening school days in the school calendar without any loss of funds under the program to support education excellence in Kentucky.

➔Section 4. KRS 158.120 is amended to read as follows:

- (1) ~~[By July 1, 2022,]~~A board of education shall adopt a nonresident pupil policy to govern the terms under which the district shall allow enrollment of nonresident pupils. Upon allowing nonresident pupil enrollment, the policy shall allow nonresident children to be eligible to enroll in any public school located within the district. The policy shall not discriminate between nonresident pupils, but may recognize enrollment capacity, as determined by the local school district. The nonresident pupil policy and any subsequent changes adopted by a board of education shall be filed with the Kentucky Department of Education no later than thirty (30) days following their adoption.
- (2) Any board of education may charge a reasonable tuition fee per month for each child attending its schools whose parent, guardian, or other legal custodian is not a bona fide resident of the district. Any controversy as to the fee shall be submitted to the Kentucky Board of Education for final settlement. The fee shall be paid by the board of education of the school district in which the pupil resides, except in cases where the board makes provision for the child's education within his or her district. If a board of education is required to pay a pupil's tuition fee, the pupil shall be admitted to a school only upon proper certificate of the board of education of the district in which he or she resides.
- (3) When it appears to the board of education of any school district that it is convenient for a pupil of any grade residing in that district to attend an approved public school in another district, the board of education may enter into a tuition contract with the public school authorities of the other school district for that purpose, but before a contract is entered into with public school authorities in another state the school shall have been approved by the state school authorities of that state through the grades in which the pupil belongs. When a district undertakes, under operation of a tuition contract or of law, to provide in its school for pupils residing in another district, the district of their residence shall share the total cost of the school, including transportation when furnished at public expense, in proportion to the number of pupils or in accordance with contract agreement between the two (2) boards.
- (4) *As used in this subsection, "virtual program" has the same meaning as in Section 2 of this Act. A school district may enroll nonresident pupils on a full-time basis in kindergarten through grade twelve (12) in a virtual program established under Section 5 of this Act by that district. Nonresident pupil enrollment shall be subject to the following requirements:*
 - (a) *Beginning with the 2025-2026 school year, the statewide total enrollment of nonresident pupils in virtual programs offered by school districts shall not exceed an enrollment cap of one percent (1%) of the previous year's total statewide student enrollment in all school districts. By July 1, 2025, and each year thereafter until June 30, 2028, the Kentucky Department of Education shall publish on its website the previous year's total statewide student enrollment in all school districts and the one percent (1%) value of that number. The information shall remain on the website for the remainder of each school year;*
 - (b) *Each school district shall report in the student information system the nonresident pupils enrolled in the district's virtual programs. The department shall monitor the number of statewide total enrollment of nonresident pupils in virtual programs;*
 - (c) *If the number of statewide total enrollment of nonresident pupils in virtual programs reaches eighty-five hundredths of one percent (0.85%) of the previous year's total statewide student enrollment in all school districts, the department shall alert all school districts operating virtual programs that the nonresident enrollment cap has almost been reached. Upon receiving the alert, a school district shall notify any nonresident pupil seeking enrollment in a virtual program operated by the school district that the pupil will be provisionally enrolled until the department can confirm that the pupil's enrollment would not exceed the enrollment cap, and shall report the pupil as provisionally enrolled in the student information system. If the department determines that a pupil's enrollment would exceed the enrollment cap, the department shall notify the school district that the pupil cannot be approved for enrollment due to the enrollment cap. The department shall determine whether the pupil's enrollment will exceed the enrollment cap and provide notice to the school district of the determination. If the department fails to provide the school district with the determination within two (2) business days, the pupil shall be deemed to not exceed the enrollment cap and the provisional status shall be removed;*
 - (d) *If the nonresident enrollment cap is reached, the department shall notify all school districts operating virtual programs and that no additional nonresident pupils shall be enrolled until such time as nonresident enrollment falls below the enrollment cap;*

- (e) *After reaching the nonresident enrollment cap, if the number of statewide total enrollment of nonresident pupils in virtual programs falls back below the enrollment cap, the department shall notify all school districts operating virtual programs that nonresident enrollment may resume again, but any nonresident pupils enrolled for the remainder of the school year shall be provisionally enrolled, following the same process outlined in paragraph (c) of this subsection; and*
- (f) *The nonresident enrollment cap established in this subsection shall not apply to any of the following pupils:*
 - 1. *A sibling of a pupil already enrolled into the same virtual program;*
 - 2. *A pupil who is a dependent of a member of the Armed Forces of the United States; or*
 - 3. *A pupil with a medical condition for which enrolling into the virtual program may be beneficial to the pupil, which shall be evidenced in a written statement signed by the pupil's physician.*

All documentation related to these exceptions to the nonresident enrollment cap shall be maintained by the school district enrolling the nonresident pupil as part of the pupil's official record.

- (5) *A school district operating a virtual program that enrolls nonresident pupils shall no longer continue the enrollment of nonresident pupils in the program after June 30, 2028, unless explicit permission to do so is provided by the General Assembly.*

➔Section 5. KRS 158.100 is amended to read as follows:

- (1) Notwithstanding any statute to the contrary, each school district shall provide an approved preschool school program through twelve (12) grade school service. An approved preschool school program through eight (8) grade school service shall be provided for the children residing in the district by maintaining schools. An approved high school service for all children of high school grade under twenty-one (21) years of age residing in the district shall be provided either by maintaining the schools within the district or by contract with another district. The board of education of any school district, subject to the approval of the chief state school officer, may establish night schools, industrial schools, and other schools for the residents of the district as it deems advisable.
- (2) A school district may provide an approved high school program to a student who is a refugee or legal alien until the student graduates or until the end of the school year in which the student reached the age of twenty-one (21), whichever occurs first.
- (3)
 - (a) The board of education of any school district may establish a virtual high school completion program for residents of the district of at least twenty-one (21) years of age that is designed to allow high school dropouts to complete high school graduation requirements through the use of virtual instruction.
 - (b) A student shall be eligible to enroll in a district's program if the student:
 - 1. Is a resident of the district;
 - 2. Is at least twenty-one (21) years of age;
 - 3. Had previously dropped out of a high school; and
 - 4. Had earned at least sixteen (16) credits at the time of dropping out.
 - (c) Notwithstanding paragraph (b)1. of this subsection, a program may enroll a nonresident student if the student otherwise qualifies for enrollment.
 - (d) To enroll in a district's program, a student shall provide a notarized transcript evidencing any credits earned previously towards graduation that are not from that district.
 - (e) To earn a high school diploma through the virtual program, a district shall require a student to either:
 - 1. Complete the high school graduation requirements of the district that were or would have been applicable to the student at the time the student dropped out of high school; or
 - 2. Complete the high school graduation requirements of the district in effect at the time of enrolling in the virtual program.
 - (f) A district may charge a student reasonable tuition and fees for the program.

- (4) ***A school district may establish a virtual program, as defined in Section 2 of this Act, for students. The local board of education of the school district that operates a virtual program shall adopt policies to address a student's failure to complete state-mandated assessments, including but not limited to kindergarten readiness screeners or assessments required under KRS 158.6453.***

➔Section 6. (1) For the purposes of this section, "virtual program" means a program offered by a public school district in which all courses in the program are virtual, do not include regular in-person instruction, and are designed as an alternative to traditional in-person school programs.

(2) Until June 30, 2028, the commissioner of the Kentucky Department of Education, the Kentucky Board of Education, and the Kentucky Department of Education shall not establish or implement, or require a school district to implement, any cap, limitation, or restriction on enrollment for a virtual program. Additionally, the Kentucky Department of Education and the Kentucky Board of Education shall not reduce or withhold any funds due to a school district from the fund to Support Education Excellence in Kentucky based on the district's operation of a virtual program.

(3) Until June 30, 2028, an independent school district with a virtual program enrollment of greater than 2,000 students on the effective date this Act and that has an elementary school in the lowest-performing five percent of all schools in its level based on the school's performance in the state accountability system for the 2023-2024 school year, shall not enroll more students in the district's virtual program in grades kindergarten through grade five than were enrolled in those grades on the effective date of this Act. This cap shall remain in place until all the district's elementary schools are no longer in the lowest-performing five percent. However, the district may still enroll students into the district's virtual program, notwithstanding the temporary cap in this subsection, if:

- (a) The new student is a sibling of a student already enrolled in the virtual program;
- (b) The new student is a dependent of a member of the Armed Forces of the United States; or

(c) The new student has demonstrated a medical need for virtual instruction as evidenced by a medical professional's written statement submitted to the district attesting the need.

(4) An independent school district with a virtual program enrollment of greater than 2,000 students on the effective date of this Act and that has a middle or high school in the lowest-performing five percent of all schools in its level based on the school's performance in the state accountability system for any school year prior to June 30, 2028, shall not enroll more students in the district's virtual program in the grades served by that school as of the last instructional day of the previous school year. The cap shall remain in place until all the district's middle or high schools are no longer in the lowest-performing five percent. However, the district may still enroll students into the district's virtual program, notwithstanding the temporary cap in this subsection, if:

- (a) The new student is a sibling of a student already enrolled in the virtual program;
- (b) The new student is a dependent of a member of the Armed Forces of the United States; or

(c) The new student has demonstrated a medical need for virtual instruction as evidenced by a medical professional's written statement submitted to the district attesting the need.

➔Section 7. Whereas support and relief for school districts, virtual programs, and the students enrolled therein is imperative, 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.

Became law without Governor's signature March 27, 2025.