

AN ACT relating to educational programs for at-risk students operated by the Kentucky National Guard.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

The General Assembly:

- (1) Recognizes the importance of the National Guard Youth ChalleNGe academies operated by the Kentucky Guard Youth Challenge Division of the Department of Military Affairs, as established in KRS 36.010;*
- (2) Acknowledges the National Guard Youth ChalleNGe academies as programs of great value in providing training and mentorship to at-risk youth throughout the Commonwealth;*
- (3) Recognizes the National Guard Youth ChalleNGe academies as programs at which a high school student may complete coursework necessary for obtaining a high school diploma;*
- (4) Recognizes the common schools, as defined in KRS 158.030, as the approved provider of elementary and secondary education and recipient of school funds;*
- (5) Encourages local school districts to cooperate with and assist the National Guard Youth ChalleNGe academy administrators in achieving their mission of helping prepare young people for productive adulthood; and*
- (6) Recognizes that the funding provided to nonresident school districts pursuant to subsection (4)(c) of Section 5 of this Act for provision of educational services to students during the enrollment and attendance in the National Guard youth ChalleNGe academies is in-kind assistance toward the state matching funds required by 32 U.S.C. sec. 509 for the Kentucky participation in the National Guard Youth ChalleNGe program.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO

READ AS FOLLOWS:

(1) The Kentucky Guard Youth Challenge Division of the Department of Military Affairs, in operating the National Guard Youth ChalleNGe academies, shall:

- (a) Request the approval of the resident school district for students of compulsory attendance age to attend the National Guard Youth ChalleNGe academies and receive educational services from the nonresident school district;
- (b) Ensure the provisions of a free and appropriate public education for every student attending the National Guard Youth ChalleNGe academy and attending the nonresident school district;
- (c) Ensure all state and federal laws for the provision of educational services are met for students enrolled in and attending a National Guard Youth ChalleNGe academy and the nonresident school district;
- (d) Enter into a memorandum of agreement annually with a local school district for the school district to provide educational services for each National Guard Youth ChalleNGe academy. The memorandum of agreement shall ensure that the students enrolled in the district and the National Guard Youth ChalleNGe academy are provided a free and appropriate education and that all state and federal laws for the provision of educational services are met;
- (e) Only accept those students under the compulsory attendance age for enrollment and attendance at the National Guard Youth ChalleNGe academy after entering the memorandum of agreement described in paragraph (d) of this subsection;
- (f) Abide by the hiring and background check requirements of KRS 160.380 and ensure the training of all National Guard staff in reporting of dependency, neglect, or abuse as required by KRS 620.030 and in the

restrictions on internal investigation. The restrictions on internal investigation of allegations of KRS 620.030 applicable to local school district staff shall be applicable to staff of the National Guard Youth ChalleNGe academies and any administrators in the Kentucky Guard Youth Challenge Division of the Department of Military Affairs;

(g) Ensure the training of all National Guard Youth ChalleNGe academy staff in subjects required under KRS 156.095(7) and 158.070(3) for certified employees of school districts; and

(h) Coordinate with the members of the Juvenile Justice Oversight Council and the Kentucky Department of Education to determine the appropriate and future role of the National Guard Youth ChalleNGe academies relating to early intervention and prevention programs for compulsory attendance-age students.

(2) The resident local school district shall:

(a) Evaluate the request from the Kentucky Guard Youth Challenge Division of the Department of Military Affairs for the enrollment and attendance of a compulsory school-age student in a National Guard Youth ChalleNGe academy and enrollment and attendance of the student in a nonresident school district for educational services during the attendance in a National Guard Youth ChalleNGe academy;

(b) Notify the student's parent, guardian, or other custodian of the request for the student to attend the ChalleNGe academy and the nonresident school district. The resident school district shall request a conference with the principal or his or her designee and the student's parent, guardian, or other custodian to discuss the student's educational options and the request for the student to attend the National Guard Youth ChalleNGe academy and nonresident school district;

- (c) Require the student's parent, guardian, or other custodian to notify the resident school district in writing if attendance at the National Guard Youth ChalleNGe academy and the nonresident school district is requested by the parent, guardian, or other custodian;
 - (d) Approve or deny a request for a student to attend a National Guard Youth ChalleNGe academy program. The resident school district shall determine the most appropriate educational placement for the student, considering the alternative education program available in the resident district and the anticipated benefit of the National Guard Youth ChalleNGe academy program and nonresident educational services to the student; and
 - (e) Coordinate the transfer of educational records to and from the educating nonresident school district pursuant to KRS 158.032(5) and 159.170 prior to and after the student's enrollment and attendance in a National Guard Youth ChalleNGe academy and nonresident school district.
- (3) The nonresident local school district providing educational services to students who are enrolled and attending a National Guard Youth ChalleNGe academy shall:
- (a) Coordinate with the Kentucky Guard Youth Challenge Division of the Department of Military Affairs for the enrollment and attendance of students in a National Guard Youth ChalleNGe academy and in the educational services of the nonresident school district;
 - (b) Ensure the provision of a free and appropriate public education for every student attending the National Guard Youth ChalleNGe academy and attending the nonresident school district;
 - (c) Ensure that all state and federal laws for the provision of educational services are met for students enrolled in and attending a National Guard Youth ChalleNGe academy and the nonresident school district;

- (d) Enter into a memorandum of agreement annually with the Kentucky Guard Youth Challenge Division of the Department of Military Affairs for the nonresident school district to provide educational services for each National Guard Youth ChalleNGe academy student who is eligible for educational services pursuant to KRS 158.100. The memorandum of agreement shall ensure that the students enrolled in the district and the National Guard Youth ChalleNGe academy are provided a free and appropriate education and that all state and federal laws for the provision of educational services are met; and
- (e) Coordinate the transfer of educational records to and from the educating nonresident school district pursuant to KRS 158.032(5) and 159.170 prior to and after the student's enrollment and attendance in a National Guard Youth ChalleNGe academy and a nonresident school district.

➔Section 3. 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; or
- (g) Who is enrolled and in regular attendance in an educational program of a nonresident common school while attending a National Guard Youth ChalleNge academy, operated by the Kentucky Guard Youth Challenge Division of the Department of Military Affairs.**

~~f(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 practice registered nurse, 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 practice registered nurse, psychologist, psychiatrist, chiropractor, and health officer, except that this requirement shall not apply to

a child whose treating physician, advanced practice registered nurse, 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 practice registered nurse, 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.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding any other statute to the contrary, a student enrolled in a National Guard Youth ChalleNGe academy, operated by the Kentucky Guard Youth Challenge Division of the Department of Military Affairs, and enrolled and attending a nonresident school district during the student's attendance at the

National Guard Youth ChalleNGe academy shall be included in the educating nonresident school district's student count used for determining the amount of state funding allocated to a local school district through the Support Education Excellence in Kentucky Program.

(2) (a) National Guard Youth ChalleNGe academy staff shall notify the local school district in which a student resides when the student has been accepted for enrollment and has begun attending the academy.

(b) 1. The academy shall report student attendance to the Kentucky Department of Education on a quarterly basis.

2. The Department of Education shall calculate the amount of state funds generated by the students enrolled in the academy and shall transmit these funds to the academy on a semiannual basis.

3. No later than July 30, 2016, the Department of Education shall develop procedures to accomplish the requirements of this paragraph.

(3) A local school district in which a student resides shall accept secondary credits earned at a nonresident school district during a student's participation in a National Guard Youth ChalleNGe academy and shall apply the credits toward the minimum high school graduation requirements, as appropriate.

➔Section 5. 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, 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 minimum school 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, including not less than one hundred seventy (170) student attendance days as defined in KRS 158.070 or one thousand sixty-two (1,062) hours of instructional time, for any reason not approved by the Kentucky Board of Education on recommendation of the commissioner, 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:
 - (a)
 1. Pupils listed under a written agreement, which may be for multiple years, with the district of the pupils' legal residence.
 2. If an agreement cannot be reached, either board may appeal to the commissioner for settlement of the dispute.
 3. The commissioner shall have thirty (30) days to resolve the dispute. Either board may appeal the commissioner's decision to the Kentucky Board of Education.
 4. 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.
 5. The Kentucky Board of Education shall have sixty (60) days to approve or amend the decision of the commissioner;~~and~~
 - (b) A nonresident pupil who attends a district in which a parent of the pupil is employed. All tuition fees required of a nonresident pupil may be waived for a

pupil who meets the requirements of this paragraph; and

(c) A nonresident pupil who is approved by the resident district to enroll in and attend a National Guard Youth ChalleNGe academy, operated by the Kentucky Guard Youth Challenge, who is also enrolled in and attending a nonresident district during the pupil's enrollment in and attendance in the National Guard Youth ChalleNGe academy. All tuition fees required of a nonresident pupil shall be waived for a pupil who meets the requirements of this paragraph.

This subsection does not apply to those pupils enrolled in an approved class conducted in a hospital and 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) of this section 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.