

1 AN ACT relating to compulsory attendance.

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

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

4 (1) ~~{(a)}~~ Except as provided in KRS 159.030~~[and paragraphs (b) and (c) of this~~
 5 ~~subsection]~~, each parent, guardian, or other person residing in the state and having in
 6 custody or charge any child who has entered the primary school program or any
 7 child between the ages of six (6) and ***eighteen (18)***~~[sixteen (16)]~~ shall send the child
 8 to a regular public day school for the full term that the public school of the district in
 9 which the child resides is in session or to the public school that the board of
 10 education of the district makes provision for the child to attend. A child's age is
 11 between six (6) and ***eighteen (18)***~~[sixteen (16)]~~ when the child has reached his or
 12 her sixth birthday and has not passed his or her ***eighteenth***~~[sixteenth]~~ birthday.

13 ~~{(b) 1. Effective with the 2015-2016 school year, a local board of education~~
 14 ~~may, upon the recommendation of the superintendent, adopt a district-~~
 15 ~~wide policy to require, except as provided in KRS 159.030, each parent,~~
 16 ~~guardian, or other person residing in the district and having in custody or~~
 17 ~~charge any child who has entered the primary school program or any~~
 18 ~~child between the ages six (6) and eighteen (18) to send the child to a~~
 19 ~~regular public school for the full term of the district in which the child~~
 20 ~~resides or to the public school that the district makes provisions for the~~
 21 ~~child to attend.~~

22 ~~2. All children residing in the district, except as provided in KRS 159.030,~~
 23 ~~shall be subject to the local board's compulsory age policy.~~

24 ~~3. A district shall impose the same compulsory age requirement for all~~
 25 ~~students residing in the district, even if the district has entered a contract~~
 26 ~~to permit some students to attend school in another public school district~~
 27 ~~that has not adopted a policy under this paragraph.~~

1 4.—A local board of education adopting a policy under this paragraph shall
2 certify to the Kentucky Department of Education that the district has, or
3 will have, programs in place to meet the needs of potential dropouts.
4 Implementation of the policy shall be contingent on notice of approval by
5 the department.

6 (e)—When fifty five percent (55%) of all local school districts have adopted a
7 policy in accordance with paragraph (b) of this subsection, all local school
8 districts shall be required to adopt the compulsory attendance requirements
9 under paragraph (b) of this subsection. This requirement shall be effective with
10 the school year that occurs four (4) years after the fifty five percent (55%)
11 threshold is met.

12 (2)—An unmarried child between the ages of sixteen (16) and eighteen (18) who resides
13 in a district that has not adopted a policy under subsection (1)(b) of this section who
14 wishes to terminate his or her public or nonpublic education prior to graduating from
15 high school shall do so only after a conference with the principal or his or her
16 designee, and the principal shall request a conference with the parent, guardian, or
17 other custodian. Written notification of withdrawal must be received from his parent,
18 guardian, or other person residing in the state and having custody or charge of him.
19 The child and the parent, guardian, or other custodian shall be required to attend a
20 one (1) hour counseling session with a school counselor on potential problems of
21 nongraduates.]

22 (2)[(3)—A child's age is between sixteen (16) and eighteen (18) when the child has
23 reached his sixteenth birthday and has not passed his eighteenth birthday. Written
24 permission for withdrawal shall not be required after the child's eighteenth birthday.
25]Every child who is a resident in this state is subject to the laws relating to
26 compulsory attendance[, including the compulsory attendance requirements of a
27 school district under subsection (1)(b) of this section]. Neither the child nor the

1 person in charge of the child shall be excused from the operation of those laws or the
 2 penalties under them on the ground that the child's residence is reasonable or that his
 3 or her parent is a resident of another state.

4 ~~[(4) Each school district shall contact each student between the ages of sixteen (16) and
 5 eighteen (18) who has voluntarily withdrawn from school under subsection (2) of
 6 this section within three (3) months of the date of withdrawal to encourage the
 7 student to reenroll in a regular program, alternative program, or High School
 8 Equivalency Diploma program. In the event the student does not reenroll at that
 9 time, the school district shall make at least one (1) more attempt to reenroll the
 10 student before the beginning of the school year following the school year in which
 11 the student terminated his or her enrollment.]~~

12 ➔Section 2. KRS 159.051 is amended to read as follows:

13 (1) When a student **between the ages of sixteen (16) and eighteen (18) has nine (9) or**
 14 **more unexcused absences** ~~[age sixteen (16) or seventeen (17) drops out of school]~~
 15 or is declared to be academically deficient, the school administrator or his designee
 16 shall notify the superintendent of schools of the district in which the student is a
 17 resident or is enrolled. The reports shall be made at the end of each semester but
 18 may be made earlier in the semester for accumulated absences. ~~[A student shall be
 19 deemed to have dropped out of school when he has nine (9) or more unexcused
 20 absences in the preceding semester.]~~Any absences due to suspension shall be
 21 unexcused absences. A student shall be deemed to be academically deficient when he
 22 has not received passing grades in at least four (4) courses, or the equivalent of four
 23 (4) courses, in the preceding semester. The local school board shall adopt a policy to
 24 reflect a similar standard for academic deficiency for students in alternative, special
 25 education, or part-time programs.

26 (2) Within ten (10) days after receiving the notification, the superintendent shall report
 27 the student's name and Social Security number to the Transportation Cabinet. As

1 soon as possible thereafter, the cabinet shall notify the student that his operator's
2 license, intermediate license, permit, or privilege to operate a motor vehicle has been
3 revoked or denied and shall inform the student of his right to a hearing before the
4 District Court of appropriate venue to show cause as to the reasons his license,
5 permit, or privilege should be reinstated. Within fifteen (15) days after this notice is
6 sent, the custodial parent, legal guardian, or next friend of the student may request
7 an ex parte hearing before the District Court. The student shall not be charged
8 District Court filing fees. The notification shall inform the student that he is not
9 required to have legal counsel.

- 10 (3) In order for the student to have his license reinstated, the court shall be satisfied that:
- 11 (a) The license is needed to meet family obligations or family economic
12 considerations which, if unsatisfied, would create an undue hardship; or
 - 13 (b) The student is the only licensed driver in the household; or
 - 14 (c) The student is not considered a dropout or academically deficient pursuant to
15 this section.

16 If the student satisfies the court, the court shall notify the cabinet to reinstate the
17 student's license at no cost. The student, if aggrieved by a decision of the court
18 issued pursuant to this section, may appeal the decision within thirty (30) days to the
19 Circuit Court of appropriate venue. A student who is being schooled at home shall
20 be considered to be enrolled in school.

- 21 (4) A student who has had his license revoked under the provisions of this section may
22 reapply for his driver's license as early as the end of the semester during which he
23 enrolls in school and successfully completes the educational requirements. A student
24 may also reapply for his driver's license at the end of a summer school semester
25 which results in the student having passed at least four (4) courses, or the equivalent
26 of four (4) courses, during the successive spring and summer semesters, and the
27 courses meet the educational requirements for graduation. He shall provide proof

1 issued by his school within the preceding sixty (60) days that he is enrolled and is not
2 academically deficient.

3 ➔Section 3. KRS 159.180 is amended to read as follows:

4 Every parent, guardian, or custodian of a child residing in any school district in this state is
5 legally responsible for any violation of KRS 159.010 to 159.170 by the child. Before any
6 proceedings are instituted against the parent, guardian, or custodian for violation of KRS
7 159.010 to 159.170, a written notice of the violation shall be served on the person by the
8 director of pupil personnel, and one (1) day shall be given for the termination of the
9 violation. After such notice, if the violation is continued or if the provisions of KRS
10 159.010 to 159.170 are again violated during the school term by the child, no further
11 notice shall be necessary and the parent or guardian shall be punishable as provided in
12 KRS 159.990. A notice by standard United States Postal Service mail~~[certified mail,~~
13 ~~return receipt requested, or by personal service by the director of pupil personnel]~~ shall be
14 sufficient~~[a legal]~~ notice as required by this section.