

1 AN ACT relating to education and declaring an emergency.

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

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

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

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

13 (4) Notwithstanding KRS 158.070(4)(b), a school district may reach the required  
14 instructional hours required by adding time to student attendance days. A day shall not  
15 exceed seven hours of instructional time unless the district submitted and received  
16 approval from the commissioner of education for an innovative alternative calendar.

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

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

26 (7) Notwithstanding any other statute, administrative regulation, or local board of  
27 education policy to the contrary, each classified and certified employee of a local board

1 of education shall be considered to have completed one day of his or her employment  
2 contract for each day made up in accordance with subsection (4) of this section and days  
3 waived in accordance with subsection (5) of this section.

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

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

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

11 (1) "Average daily attendance" means the aggregate days attended by pupils in a public  
12 school, adjusted for weather-related low attendance days if applicable, divided by  
13 the actual number of days the school is in session, after the five (5) days with the  
14 lowest attendance have been deducted.

15 (a) Aggregate days shall include, in addition to the aggregate number of days  
16 attended by a pupil who was suspended during a school year, the number of  
17 days the pupil was suspended, not to exceed ten (10) days in total for the  
18 school year; and

19 (b) Aggregate days shall include, in addition to the aggregate number of days  
20 attended by a pupil who was expelled for behavioral problems, the number of  
21 days the pupil was expelled up to a total of one hundred seventy-five (175)  
22 days. This total may extend into the next school year and shall be counted in  
23 the average daily attendance for the next year;

24 (2) "Base funding level" means a guaranteed amount of revenue per pupil to be  
25 provided for each school district, to be used for regular operating and capital  
26 expenditures;

27 (3) "Board" means the board of education of any county or independent school district;

- 1 (4) "District" means any school district as defined by law;
- 2 (5) "Elementary school" means a school consisting of the primary school program  
3 through grade eight (8) as defined in KRS 158.030, or any appropriate combination  
4 of grades within this range, as determined by the plan of organization for schools  
5 authorized by the district board;
- 6 (6) "Support Education Excellence in Kentucky" means the level of educational  
7 services and facilities which is to be provided in each district from the public school  
8 fund;
- 9 (7) "Kindergarten full-time equivalent pupil in average daily attendance" means each  
10 kindergarten pupil counted no more than one-half (1/2) day in the aggregate days  
11 attended by kindergarten pupils in a public school divided by the actual number of  
12 days school is in session after the five (5) days with the lowest attendance have  
13 been deducted. Kindergarten is the entry level of the primary program and shall be  
14 provided no less than the equivalent of one-half (1/2) day, five (5) days a week for a  
15 full school year for each kindergarten pupil;
- 16 (8) "Public school fund" means the fund created by KRS 157.330 for use in financing  
17 education in public elementary and secondary schools;
- 18 (9) "Administrative regulations of the Kentucky Board of Education" means those  
19 regulations which the Kentucky Board of Education may adopt upon the  
20 recommendation and with the advice of the commissioner of education. The  
21 commissioner of education shall recommend administrative regulations necessary  
22 for carrying out the purposes of KRS 157.310 to 157.440;
- 23 (10) "Experience" means employment as a teacher, other than as a substitute or nursery  
24 school teacher, for a minimum of one hundred forty (140) days during a school year  
25 in a public or nonpublic elementary or secondary school or college or university  
26 that is approved by the public accrediting authority in the state in which the  
27 teaching duties were performed. A teacher who is employed by a board for at least

1       one hundred forty (140) days of a school year and who performs teaching duties for  
2       the equivalent of at least seventy (70) full school days during that school year,  
3       regardless of the schedule on which those duties were performed, shall be credited  
4       with one (1) year of experience. A teacher who is employed by a board for at least  
5       one hundred forty (140) days during each of two (2) school years and who performs  
6       teaching duties for the equivalent of at least seventy (70) full school days during  
7       those years shall be credited with one (1) year of experience. No more than one (1)  
8       year of experience shall be credited for the performance of teaching duties during a  
9       single school year;

10   (11) "Secondary school" means a school consisting of grades seven (7) through twelve  
11       (12), or any appropriate combination of grades within this range as determined by  
12       the plan of organization for schools authorized by the district board. When grades  
13       seven (7) through nine (9) or ten (10) are organized separately as a junior high  
14       school, or grades ten (10) through twelve (12) are organized separately as a senior  
15       high school and are conducted in separate school plant facilities, each shall be  
16       considered a separate secondary school for the purposes of KRS 157.310 to  
17       157.440;

18   (12) "Single salary schedule" means a schedule adopted by a local board from which all  
19       teachers are paid for one hundred eighty-five (185) days and is based on training,  
20       experience, and such other factors as the Kentucky Board of Education may  
21       approve and which does not discriminate between salaries paid elementary and  
22       secondary teachers. If the budget bill contains a minimum statewide salary  
23       schedule, no teacher shall be paid less than the amount specified in the biennial  
24       budget salary schedule for the individual teacher's educational qualifications and  
25       experience;

26   (13) "Teacher" means any regular or special teacher, principal, supervisor,  
27       superintendent, assistant superintendent, librarian, director of pupil personnel, or

1 other member of the teaching or professional staff engaged in the service of the  
2 public elementary and secondary school for whom certification is required as a  
3 condition of employment;

4 (14) "Percentage of attendance" means the aggregate days attended by pupils in a public  
5 school for the school year divided by the aggregate days' membership of pupils in a  
6 public school for the school year;

7 (15) "Middle school" means a school consisting of grades five (5) through eight (8) or  
8 any appropriate combination of grades as determined by the plan of organization for  
9 schools authorized by the district board;

10 (16) "National board certification salary supplement" means an annual supplement  
11 added for the life of the certificate to the base salary of a teacher who attains  
12 national board certification;

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

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

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

25 (1) (a) In determining the cost of the program to support education excellence in  
26 Kentucky, the statewide guaranteed base funding level, as defined in KRS  
27 157.320, shall be computed by dividing the amount appropriated for this

1           purpose by the prior year's statewide average daily attendance.

2           (b) When determining the biennial appropriations for the program, the average  
3           daily attendance for each fiscal year shall include an estimate of the number  
4           of students graduating early under the provisions of KRS 158.142.

5       (2) Each district shall receive an amount equal to the base funding level for each pupil  
6       in average daily attendance in the district in the previous year, except a district shall  
7       receive an amount equal to one-half (1/2) of the state portion of the average  
8       statewide per pupil guaranteed base funding level for each student who graduated  
9       early under the provisions of KRS 158.142. Each district's base funding level shall  
10      be adjusted by the following factors:

11      (a) The number of at-risk students in the district. At-risk students shall be  
12      identified as those approved for the free lunch program under state and federal  
13      guidelines. The number of at-risk students shall be multiplied by a factor to be  
14      established by the General Assembly. Funds generated under this paragraph  
15      may be used to pay for:

16           1. Alternative programs for students who are at risk of dropping out of  
17           school before achieving a diploma; and  
18           2. A hazardous duty pay supplement as determined by the local board of  
19           education to the teachers who work in alternative programs with  
20           students who are violent or assaultive;

21      (b) The number and types of exceptional children in the district as defined by  
22      KRS 157.200. Specific weights for each category of exceptionality shall be  
23      used in the calculation of the add-on factor for exceptional children; and

24      (c) Transportation costs. The per-pupil cost of transportation shall be calculated  
25      as provided by KRS 157.370. Districts which contract to furnish  
26      transportation to students attending nonpublic schools may adopt any payment  
27      formula which ensures that no public school funds are used for the

1 transportation of nonpublic students.

2 (3) Beginning with the 2015-2016 school year and each year thereafter, the General  
3 Assembly shall annually allocate funds equal to one-half (1/2) of the state portion  
4 of the average statewide per pupil guaranteed base funding level for each student  
5 who graduated early under the provisions of KRS 158.142 the previous school year  
6 to the Kentucky Higher Education Assistance Authority for deposit in the early  
7 graduation scholarship trust fund.

8 (4) The program to support education excellence in Kentucky shall be fully  
9 implemented by the 1994-95 school year.

10 (5) (a) Except for those schools which have implemented school-based decision  
11 making, the commissioner of education shall enforce maximum class sizes for  
12 every academic course requirement in all grades except in vocal and  
13 instrumental music, and physical education classes. Except as provided in  
14 subsection (6) of this section, the maximum number of pupils enrolled in a  
15 class shall be as follows:

- 16 1. Twenty-four (24) in primary grades (kindergarten through third grade);
- 17 2. Twenty-eight (28) in grade four (4);
- 18 3. Twenty-nine (29) in grades five (5) and six (6);
- 19 4. Thirty-one (31) in grades seven (7) to twelve (12).

20 (b) Except for those schools which have implemented school-based decision  
21 making, class size loads for middle and secondary school:

- 22 1. Classroom teachers shall not exceed the equivalent of one hundred fifty  
23 (150) pupil hours per day; and
- 24 2. Virtual program teachers shall not exceed the equivalent of three  
25 hundred (300) pupil hours per day.

26 (c) The commissioner of education, upon approval of the Kentucky Board of  
27 Education, shall adopt administrative regulations for enforcing this provision.

1           These administrative regulations shall include procedures for a superintendent  
2           to request an exemption from the Kentucky Board of Education when unusual  
3           circumstances warrant an increased class size for an individual class. A  
4           request for an exemption shall include specific reasons for the increased class  
5           size with a plan for reducing the class size prior to the beginning of the next  
6           school year. A district shall not receive in any one (1) year exemptions for  
7           more classes than enroll twenty percent (20%) of the pupils in the primary  
8           grades and grades four (4) through eight (8).

9           (d) In all schools the commissioner of education shall enforce the special  
10          education maximum class sizes set by administrative regulations adopted by  
11          the Kentucky Board of Education. A superintendent may request an  
12          exemption pursuant to paragraph (c) of this subsection. A local school council  
13          may request a waiver pursuant to KRS 156.160(2). An exemption or waiver  
14          shall not be granted if the increased class size will impede any exceptional  
15          child from achieving his or her individual education program in the least  
16          restrictive environment.

17       (6) In grades four (4) through six (6) with combined grades, the maximum class size  
18       shall be the average daily attendance upon which funding is appropriated for the  
19       lowest assigned grade in the class. There shall be no exceptions to the maximum  
20       class size for combined classes. In combined classes other than the primary grades,  
21       no ungraded students shall be placed in a combined class with graded students. In  
22       addition, there shall be no more than two (2) consecutive grade levels combined in  
23       any one (1) class in grades four (4) through six (6). However, this shall not apply to  
24       schools which have implemented school-based decision making.

25       (7) If a local school district, through its admission and release committee, determines  
26       that an appropriate program in the least restrictive environment for a particular child  
27       with a disability includes either part-time or full-time enrollment with a private



1 school or agency within the state or a public or private agency in another state, the  
2 school district shall count as average daily attendance in a public school the time  
3 that the child is in attendance at the school or agency, contingent upon approval by  
4 the commissioner of education.

5 (8) Pupils attending a center for child learning and study established under an  
6 agreement pursuant to KRS 65.210 to 65.300 shall, for the purpose of calculating  
7 average daily attendance, be considered as in attendance in the school district in  
8 which the child legally resides and which is party to the agreement. For purposes of  
9 subsection (1) of this section, teachers who are actually employees of the joint or  
10 cooperative action shall be considered as employees of each school district which is  
11 a party to the agreement.

12 (9) Program funding shall be increased when the average daily attendance in any  
13 district for the first two (2) months of the current school year is greater than the  
14 average daily attendance of the district for the first two (2) months of the previous  
15 school year. The program funds allotted the district shall be increased by the  
16 percent of increase. The average daily attendance in kindergarten is the  
17 kindergarten full-time equivalent pupils in average daily attendance.

18 (10) If the average daily attendance for the current school year in any district decreases  
19 by ten percent (10%) or more than the average daily attendance for the previous  
20 school year, the average daily attendance for purposes of calculating program  
21 funding for the next school year shall be increased by an amount equal to two-thirds  
22 (2/3) of the decrease in average daily attendance. If the average daily attendance  
23 remains the same or decreases in the succeeding school year, the average daily  
24 attendance for purposes of calculating program funding for the following school  
25 year shall be increased by an amount equal to one-third (1/3) of the decrease for the  
26 first year of the decline.

27 (11) If the percentage of attendance of any school district shall have been reduced more

1 than two percent (2%) during the previous school year, the program funding  
2 allotted the district for the current school year shall be increased by the difference in  
3 the percentage of attendance for the two (2) years immediately prior to the current  
4 school year less two percent (2%).

5 (12) (a) Instructional salaries for vocational agriculture classes shall be for twelve (12)  
6 months per year. Vocational agriculture teachers shall be responsible for the  
7 following program of instruction during the time period beyond the regular  
8 school term established by the local board of education: supervision and  
9 instruction of students in agriculture experience programs; group and  
10 individual instruction of farmers and agribusinessmen; supervision of student  
11 members of agricultural organizations who are involved in leadership training  
12 or other activity required by state or federal law; or any program of vocational  
13 agriculture established by the Department of Education. During extended  
14 employment, no vocational agriculture teacher shall receive salary on a day  
15 that the teacher is scheduled to attend an institution of higher education class  
16 which could be credited toward meeting any certification requirement.

17 (b) Each teacher of agriculture employed shall submit an annual plan for summer  
18 program to the local school superintendent for approval. The summer plan  
19 shall include a list of tasks to be performed, purposes for each task, and time  
20 to be spent on each task. Approval by the local school superintendent shall be  
21 in compliance with the guidelines developed by the Department of Education.  
22 The supervision and accountability of teachers of vocational agriculture's  
23 summer programs shall be the responsibility of the local school  
24 superintendent. The local school superintendent shall submit to the  
25 commissioner of education a completed report of summer tasks for each  
26 vocational agriculture teacher. Twenty percent (20%) of the approved  
27 vocational agriculture programs shall be audited annually by the State

1 Department of Education to determine that the summer plan has been properly  
2 executed.

- 3 (13) (a) In allotting program funds for home and hospital instruction, statewide  
4 guaranteed base funding, excluding the capital outlay, shall be allotted for  
5 each child in average daily attendance in the prior school year who has been  
6 properly identified according to Kentucky Board of Education administrative  
7 regulations. Attendance shall be calculated pursuant to KRS 157.270 and shall  
8 be reported monthly on forms provided by the Department of Education; and
- 9 (b) Pursuant to administrative regulations of the Kentucky Board of Education,  
10 local school districts shall be reimbursed for home and hospital instruction for  
11 pupils unable to attend regular school sessions because of short-term health  
12 impairments. A reimbursement formula shall be established by administrative  
13 regulations to include such factors as a reasonable per hour, per child  
14 allotment for teacher instructional time, with a maximum number of funded  
15 hours per week, a reasonable allotment for teaching supplies and equipment,  
16 and a reasonable allotment for travel expenses to and from instructional  
17 assignments, but the formula shall not include an allotment for capital outlay.  
18 Attendance shall be calculated pursuant to KRS 157.270 and shall be reported  
19 annually on forms provided by the Department of Education.

- 20 (14) Except for those schools which have implemented school-based decision making  
21 and the school council has voted to waive this subsection and for virtual programs,  
22 kindergarten aides shall be provided for each twenty-four (24) full-time equivalent  
23 kindergarten students enrolled.

- 24 (15) Effective July 1, 2001, there shall be no deduction applied against the base funding  
25 level for any pupil in average daily attendance who spends a portion of his or her  
26 school day in a program at a state-operated career and technical education or  
27 vocational facility.

- 1 (16) During a fiscal year, a school district may request that the Department of Education  
2 recalculate its funds allocated under this section if the current year average daily  
3 attendance for the twenty (20) day school month as defined in KRS 158.060(1) that  
4 contains the most days within the calendar month of January exceeds the prior year  
5 adjusted average daily attendance plus growth by at least one percent (1%). Any  
6 adjustments in the allotments approved under this subsection shall be proportional  
7 to the remaining days in the school year and subject to available funds under the  
8 program to support education excellence in Kentucky.
- 9 (17) To calculate the state portion of the program to support education excellence in  
10 Kentucky for a school district, the Department of Education shall subtract the local  
11 effort required under KRS 157.390(5) from the calculated base funding under the  
12 program to support education excellence in Kentucky, as required by this section.  
13 The value of the real estate used in this calculation shall be the lesser of the current  
14 year assessment or the prior year assessment increased by four percent (4%) plus  
15 the value of current year new property. The calculation under this subsection shall  
16 be subject to available funds.
- 17 (18) Notwithstanding any other statute or budget of the Commonwealth language to the  
18 contrary, time missed due to shortening days for emergencies may be made up by  
19 lengthening school days in the school calendar without any loss of funds under the  
20 program to support education excellence in Kentucky.
- 21 ➔Section 4. KRS 158.120 is amended to read as follows:
- 22 (1) ~~By July 1, 2022,~~ A board of education shall adopt a nonresident pupil policy to  
23 govern the terms under which the district shall allow enrollment of nonresident  
24 pupils. Upon allowing nonresident pupil enrollment, the policy shall allow  
25 nonresident children to be eligible to enroll in any public school located within the  
26 district. The policy shall not discriminate between nonresident pupils, but may  
27 recognize enrollment capacity, as determined by the local school district. The

1 nonresident pupil policy and any subsequent changes adopted by a board of  
2 education shall be filed with the Kentucky Department of Education no later than  
3 thirty (30) days following their adoption.

4 (2) Any board of education may charge a reasonable tuition fee per month for each  
5 child attending its schools whose parent, guardian, or other legal custodian is not a  
6 bona fide resident of the district. Any controversy as to the fee shall be submitted to  
7 the Kentucky Board of Education for final settlement. The fee shall be paid by the  
8 board of education of the school district in which the pupil resides, except in cases  
9 where the board makes provision for the child's education within his or her district.  
10 If a board of education is required to pay a pupil's tuition fee, the pupil shall be  
11 admitted to a school only upon proper certificate of the board of education of the  
12 district in which he or she resides.

13 (3) When it appears to the board of education of any school district that it is convenient  
14 for a pupil of any grade residing in that district to attend an approved public school  
15 in another district, the board of education may enter into a tuition contract with the  
16 public school authorities of the other school district for that purpose, but before a  
17 contract is entered into with public school authorities in another state the school  
18 shall have been approved by the state school authorities of that state through the  
19 grades in which the pupil belongs. When a district undertakes, under operation of a  
20 tuition contract or of law, to provide in its school for pupils residing in another  
21 district, the district of their residence shall share the total cost of the school,  
22 including transportation when furnished at public expense, in proportion to the  
23 number of pupils or in accordance with contract agreement between the two (2)  
24 boards.

25 **(4) As used in this subsection, "virtual program" has the same meaning as in**  
26 **Section 2 of this Act. A school district may enroll nonresident pupils on a full-**  
27 **time basis in kindergarten through grade twelve (12) in a virtual program**

1 established under Section 5 of this Act by that district. Nonresident pupil  
2 enrollment shall be subject to the following requirements:

3 (a) Beginning with the 2025-2026 school year, the statewide total enrollment of  
4 nonresident pupils in virtual programs offered by school districts shall not  
5 exceed an enrollment cap of one percent (1%) of the previous year's total  
6 statewide student enrollment in all school districts. By July 1, 2025, and  
7 each year thereafter until June 30, 2028, the Kentucky Department of  
8 Education shall publish on its website the previous year's total statewide  
9 student enrollment in all school districts and the one percent (1%) value of  
10 that number. The information shall remain on the website for the  
11 remainder of each school year;

12 (b) Each school district shall report in the student information system the  
13 nonresident pupils enrolled in the district's virtual programs. The  
14 department shall monitor the number of statewide total enrollment of  
15 nonresident pupils in virtual programs;

16 (c) If the number of statewide total enrollment of nonresident pupils in virtual  
17 programs reaches eighty-five hundredths of one percent (0.85%) of the  
18 previous year's total statewide student enrollment in all school districts, the  
19 department shall alert all school districts operating virtual programs that  
20 the nonresident enrollment cap has almost been reached. Upon receiving  
21 the alert, a school district shall notify any nonresident pupil seeking  
22 enrollment in a virtual program operated by the school district that the pupil  
23 will be provisionally enrolled until the department can confirm that the  
24 pupil's enrollment would not exceed the enrollment cap, and shall report  
25 the pupil as provisionally enrolled in the student information system. If the  
26 department determines that a pupil's enrollment would exceed the  
27 enrollment cap, the department shall notify the school district that the pupil

1 cannot be approved for enrollment due to the enrollment cap. The  
2 department shall determine whether the pupil's enrollment will exceed the  
3 enrollment cap and provide notice to the school district of the  
4 determination. If the department fails to provide the school district with the  
5 determination within two (2) business days, the pupil shall be deemed to not  
6 exceed the enrollment cap and the provisional status shall be removed;

7 (d) If the nonresident enrollment cap is reached, the department shall notify all  
8 school districts operating virtual programs and that no additional  
9 nonresident pupils shall be enrolled until such time as nonresident  
10 enrollment falls below the enrollment cap;

11 (e) After reaching the nonresident enrollment cap, if the number of statewide  
12 total enrollment of nonresident pupils in virtual programs falls back below  
13 the enrollment cap, the department shall notify all school districts operating  
14 virtual programs that nonresident enrollment may resume again, but any  
15 nonresident pupils enrolled for the remainder of the school year shall be  
16 provisionally enrolled, following the same process outlined in paragraph (c)  
17 of this subsection; and

18 (f) The nonresident enrollment cap established in this subsection shall not  
19 apply to any of the following pupils:

- 20 1. A sibling of a pupil already enrolled into the same virtual program;
- 21 2. A pupil who is a dependent of a member of the Armed Forces of the  
22 United States; or
- 23 3. A pupil with a medical condition for which enrolling into the virtual  
24 program may be beneficial to the pupil, which shall be evidenced in a  
25 written statement signed by the pupil's physician.

26 All documentation related to these exceptions to the nonresident enrollment  
27 cap shall be maintained by the school district enrolling the nonresident

1                    *pupil as part of the pupil's official record.*

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

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

7                    (1) Notwithstanding any statute to the contrary, each school district shall provide an  
8                    approved preschool school program through twelve (12) grade school service. An  
9                    approved preschool school program through eight (8) grade school service shall be  
10                   provided for the children residing in the district by maintaining schools. An  
11                   approved high school service for all children of high school grade under twenty-one  
12                   (21) years of age residing in the district shall be provided either by maintaining the  
13                   schools within the district or by contract with another district. The board of  
14                   education of any school district, subject to the approval of the chief state school  
15                   officer, may establish night schools, industrial schools, and other schools for the  
16                   residents of the district as it deems advisable.

17                   (2) A school district may provide an approved high school program to a student who is  
18                   a refugee or legal alien until the student graduates or until the end of the school year  
19                   in which the student reached the age of twenty-one (21), whichever occurs first.

20                   (3) (a) The board of education of any school district may establish a virtual high  
21                   school completion program for residents of the district of at least twenty-one  
22                   (21) years of age that is designed to allow high school dropouts to complete  
23                   high school graduation requirements through the use of virtual instruction.

24                   (b) A student shall be eligible to enroll in a district's program if the student:

- 25                   1. Is a resident of the district;
- 26                   2. Is at least twenty-one (21) years of age;
- 27                   3. Had previously dropped out of a high school; and



- 1           4. Had earned at least sixteen (16) credits at the time of dropping out.
- 2           (c) Notwithstanding paragraph (b)1. of this subsection, a program may enroll a  
3           nonresident student if the student otherwise qualifies for enrollment.
- 4           (d) To enroll in a district's program, a student shall provide a notarized transcript  
5           evidencing any credits earned previously towards graduation that are not from  
6           that district.
- 7           (e) To earn a high school diploma through the virtual program, a district shall  
8           require a student to either:
- 9           1. Complete the high school graduation requirements of the district that  
10           were or would have been applicable to the student at the time the student  
11           dropped out of high school; or
- 12           2. Complete the high school graduation requirements of the district in  
13           effect at the time of enrolling in the virtual program.
- 14           (f) A district may charge a student reasonable tuition and fees for the program.

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

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

24           (2) Until June 30, 2028, the commissioner of the Kentucky Department of  
25 Education, the Kentucky Board of Education, and the Kentucky Department of Education  
26 shall not establish or implement, or require a school district to implement, any cap,  
27 limitation, or restriction on enrollment for a virtual program. Additionally, the Kentucky

1 Department of Education and the Kentucky Board of Education shall not reduce or  
2 withhold any funds due to a school district from the fund to Support Education  
3 Excellence in Kentucky based on the district's operation of a virtual program.

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

13 (a) The new student is a sibling of a student already enrolled in the virtual  
14 program;

15 (b) The new student is a dependent of a member of the Armed Forces of the  
16 United States; or

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

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

1 program, notwithstanding the temporary cap in this subsection, if:

2 (a) The new student is a sibling of a student already enrolled in the virtual  
3 program;

4 (b) The new student is a dependent of a member of the Armed Forces of the  
5 United States; or

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

9 ➔Section 7. Whereas support and relief for school districts, virtual programs, and  
10 the students enrolled therein is imperative, an emergency is declared to exist, and this Act  
11 takes effect upon its passage and approval by the Governor or upon its otherwise  
12 becoming a law.