1   AN ACT relating to virtual schools and declaring an emergency.

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

3   ➔Section 1.   KRS 158.120 is amended to read as follows:

4   (1)   A board of education shall adopt a nonresident pupil policy to govern the terms

5   under which the district shall allow enrollment of nonresident pupils. Upon

6   allowing nonresident pupil enrollment, the policy shall allow nonresident children

7   to be eligible to enroll in any public school located within the district. The policy

8   shall not discriminate between nonresident pupils, but may recognize enrollment

9   capacity, as determined by the local school district. The nonresident pupil policy

10   and any subsequent changes adopted by a board of education shall be filed with the

11   Kentucky Department of Education no later than thirty (30) days following their

12   adoption.

13   (2)   Any board of education may charge a reasonable tuition fee per month for each

14   child attending its schools whose parent, guardian, or other legal custodian is not a

15   bona fide resident of the district. Any controversy as to the fee shall be submitted to

16   the Kentucky Board of Education for final settlement. The fee shall be paid by the

17   board of education of the school district in which the pupil resides, except in cases

18   where the board makes provision for the child's education within his or her district.

19   If a board of education is required to pay a pupil's tuition fee, the pupil shall be

20   admitted to a school only upon proper certificate of the board of education of the

21   district in which he or she resides.

22   (3)   When it appears to the board of education of any school district that it is convenient

23   for a pupil of any grade residing in that district to attend an approved public school

24   in another district, the board of education may enter into a tuition contract with the

25   public school authorities of the other school district for that purpose, but before a

26   contract is entered into with public school authorities in another state the school

27   shall have been approved by the state school authorities of that state through the

1   grades in which the pupil belongs. When a district undertakes, under operation of a

2   tuition contract or of law, to provide in its school for pupils residing in another

3   district, the district of their residence shall share the total cost of the school,

4   including transportation when furnished at public expense, in proportion to the

5   number of pupils or in accordance with contract agreement between the two (2)

6   boards.

7 (4) As used in this subsection, "virtual program" has the same meaning as in KRS

8   157.320. A school district may enroll nonresident pupils on a full-time basis in

9   kindergarten through grade twelve (12) in a virtual program established under KRS

10   158.100 by that district. Nonresident pupil enrollment shall be subject to the

11   following requirements:

12   (a) *1.* [Beginning with the 2025-2026 school year,]The statewide total

13   enrollment of nonresident pupils in virtual programs offered by school

14   districts shall not exceed an enrollment cap of one percent (1%) of the

15   previous year's total statewide student enrollment in all school districts.

16   By July 1, 2025, and each year thereafter until June 30, 2028, the

17   Kentucky Department of Education shall publish on its website the

18   previous year's total statewide student enrollment in all school districts

19   and the one percent (1%) value of that number. The information shall

20   remain on the website for the remainder of each school year.**.**[;]

21   *2.* *Beginning with the 2026-2027 school year, the districtwide total*

22   *enrollment of nonresident pupils in virtual programs offered by a*

23   *school district shall not exceed an enrollment cap of ten percent (10%)*

24   *of the previous year's total districtwide student enrollment in the*

25   *school district. By July 1, 2026, and each year thereafter until June*

26   *30, 2028, the Kentucky Department of Education shall publish on its*

27   *website the previous year's districtwide student enrollment for each*

1   *school district and the ten percent (10%) value of that number. The*

2   *information shall remain on the website for the remainder of each*

3   *school year;*

4   (b)   *1.*   Each school district shall report in the student information system the

5   nonresident pupils enrolled in the district's virtual programs.

6   *2.*   The department shall monitor the number of statewide total enrollment

7   of nonresident pupils in virtual programs*.*

8   *3.   Each school district shall be responsible for monitoring its districtwide*

9   *total enrollment of nonresident pupils in virtual programs and*

10   *complying with the districtwide nonresident enrollment cap for virtual*

11   *programs*;

12   (c)   If the number of statewide total enrollment of nonresident pupils in virtual

13   programs reaches eighty-five hundredths of one percent (0.85%) of the

14   previous year's total statewide student enrollment in all school districts, the

15   department shall alert all school districts operating virtual programs that the

16   nonresident enrollment cap has almost been reached. Upon receiving the alert,

17   a school district shall notify any nonresident pupil seeking enrollment in a

18   virtual program operated by the school district that the pupil will be

19   provisionally enrolled until the department can confirm that the pupil's

20   enrollment would not exceed the enrollment cap, and shall report the pupil as

21   provisionally enrolled in the student information system. If the department

22   determines that a pupil's enrollment would exceed the *statewide nonresident*

23   enrollment cap, the department shall notify the school district that the pupil

24   cannot be approved for enrollment due to the *statewide* enrollment cap. The

25   department shall determine whether the pupil's enrollment will exceed the

26   *statewide* enrollment cap and provide notice to the school district of the

27   determination. If the department fails to provide the school district with the

1   determination within two (2) business days, the pupil shall be deemed to not

2   exceed the *statewide* enrollment cap and the provisional status shall be

3   removed;

4   (d)   If the *statewide* nonresident enrollment cap is reached, the department shall

5   notify all school districts operating virtual programs and that no additional

6   nonresident pupils shall be enrolled until such time as *statewide* nonresident

7   enrollment falls below the enrollment cap;

8   (e)   After reaching the *statewide* nonresident enrollment cap, if the number of

9   statewide total enrollment of nonresident pupils in virtual programs falls back

10   below the enrollment cap, the department shall notify all school districts

11   operating virtual programs that nonresident enrollment may resume again, but

12   any nonresident pupils enrolled for the remainder of the school year shall be

13   provisionally enrolled, following the same process outlined in paragraph (c)

14   of this subsection; and

15   (f)   The *statewide and districtwide* nonresident enrollment *caps for virtual*

16   *programs*[cap] established in this subsection shall not apply to any of the

17   following pupils:

18   1.   A sibling of a pupil already enrolled into the same virtual program;

19   2.   A pupil who is a dependent of a member of the Armed Forces of the

20   United States; or

21   3.   A pupil with a medical condition for which enrolling into the virtual

22   program may be beneficial to the pupil, which shall be evidenced in a

23   written statement signed by the pupil's physician.

24   All documentation related to these exceptions to the nonresident enrollment

25   *caps*[cap] shall be maintained by the school district enrolling the nonresident

26   pupil as part of the pupil's official record.

27 (5) A school district operating a virtual program that enrolls nonresident pupils shall no

1   longer continue the enrollment of nonresident pupils in the program after June 30,

2   2028, unless explicit permission to do so is provided by the General Assembly.

3   ➜Section 2. Whereas ensuring an efficient system of common schools, including

4 virtual programs offered therein, is imperative, an emergency is declared to exist, and this

5 Act takes effect upon its passage and approval by the Governor or upon its otherwise

6 becoming a law.