

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  
6 in 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  
9 in 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  
5           by the department.

6           (c)—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  
10          with the school year that occurs four (4) years after the fifty five percent  
11          (55%) 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  
15       from 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  
18       parent, guardian, or other person residing in the state and having custody or charge  
19       of him. The child and the parent, guardian, or other custodian shall be required to  
20       attend a one (1) hour counseling session with a school counselor on potential  
21       problems of 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  
2 the penalties under them on the ground that the child's residence is reasonable or  
3 that his 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  
22 he has not received passing grades in at least four (4) courses, or the equivalent of  
23 four (4) courses, in the preceding semester. The local school board shall adopt a  
24 policy to reflect a similar standard for academic deficiency for students in  
25 alternative, special 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  
3 been revoked or denied and shall inform the student of his right to a hearing before  
4 the 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  
11 that:

- 12 (a) The license is needed to meet family obligations or family economic  
13 considerations which, if unsatisfied, would create an undue hardship; or  
14 (b) The student is the only licensed driver in the household; or  
15 (c) The student is not considered a dropout or academically deficient pursuant to  
16 this section.

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

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

1 and the courses meet the educational requirements for graduation. He shall provide  
2 proof issued by his school within the preceding sixty (60) days that he is enrolled  
3 and is not academically deficient.

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

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