



Kentucky Legislature



SB143

12RS

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[SB 143](#) (BR 1313) - [K. Winters](#)

AN ACT relating to school attendance.

Amend KRS 159.070 to permit parents to enroll their children in school districts other than the district in which they reside, contingent on the willingness of the receiving district; establish notice deadlines; prohibit discriminatory practices in enrollment; specify SEEK fund allocations between districts of residence and attendance; require the Kentucky Board of Education to promulgate administrative regulations for implementation.

[SB 143](#) - AMENDMENTS

[SCS](#) - Retain original provisions; prohibit districts from charging tuition for out-of district students, under certain conditions; require out-of-district students, under certain conditions to follow rules governing interscholastic athletics; amend KRS 158.120 to conform.

[SFA \(1, K. Winters\)](#) - Amend KRS 159.070 to permit parents to enroll their eligible preschool children in school districts other than their district of residence under certain conditions; specify preschool program funding allocations between districts of residence and attendance.

Feb 8-introduced in Senate

Feb 14-to Education (S)

Feb 23-reported favorably, 1st reading, to Calendar with Committee Substitute

Feb 24-2nd reading, to Rules

Mar 6-posted for passage in the Regular Orders of the Day for Wednesday, March 7, 2012; floor amendment (1) filed to Committee Substitute

Mar 7-3rd reading, passed 20-15 with Committee Substitute, floor amendment (1)

Mar 8-received in House

Mar 12-to Education (H)

Mar 20-posted in committee

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AN ACT relating to school attendance.

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

→Section 1. KRS 159.070 is amended to read as follows:

(1) (a) Each school district shall constitute a separate attendance district unless two (2) or more contiguous school districts, with the approval of the Kentucky Board of Education, unite to form one (1) attendance district. Controversies arising in attendance districts relating to attendance matters shall be submitted to the Kentucky Board of Education for settlement. In case an agreement suitable to all parties cannot be reached, the Kentucky Board of Education may dissolve a united district. In case of dissolution, each school district involved may unite with other contiguous school districts in forming a united attendance district or may act as a separate attendance district.

(b) Within the appropriate school district attendance area, parents or legal guardians shall be permitted to enroll their children in the public school nearest their home.

(2) (a) ***A parent or legal guardian shall have the privilege of enrolling a child in a school district other than the district of residence contingent upon the willingness of the receiving district to accept out-of-district pupils under this subsection.***

(b) ***Notwithstanding KRS 157.280 or any other statute to the contrary, if a school district accepts pupils from outside the district, the district shall not charge a tuition fee for the pupils to attend.***

(c) ***A parent or legal guardian desiring to enroll a child in a district other than the district in which the child resides shall make the request no later than May 1 of the year preceeding the school year of the request for enrollment. The receiving district shall officially notify the parent or guardian of acceptance or nonacceptance no later than June 1 following the request.***

- (d) If a school district accepts pupils from outside the district, the district shall not discriminate based on race, ethnicity, social status, disability, or academic ability.
- (e) Pupils shall be allowed to attend the accepting district based on a first-come, first-admitted basis or by a lottery. The process used shall be posted at the central administrative office of the accepting district.
- (f) A district shall not prevent a pupil from attending school in another school district if the other school district is willing to accept the pupil.
- (g) Transportation shall not be provided for pupils attending a school in a district other than the district in which they reside.
- (h) Pupils attending school in a district other than the district in which they reside shall be subject to the rules, regulations, and bylaws that govern interscholastic athletics approved by the Kentucky Board of Education or the organization or agency approved by the state board to manage interscholastic athletics.
- (i) Pupils attending school in a district other than the district in which they reside shall generate ninety percent (90%) of Support Education Excellence in Kentucky funds for the district where they are attending school and ten percent (10%) of Support Education Excellence in Kentucky funds for the district where they reside.
- (3) The Kentucky Board of Education shall promulgate administrative regulations to establish the procedures to implement this section.

➔ Section 2. KRS 158.120 is amended to read as follows:

~~[(1) Any board of education may charge a reasonable tuition fee per month for each child attending its schools whose parent, guardian, or other legal custodian is not a bona fide resident of the district. Any controversy as to the fee shall be submitted to the Kentucky Board of Education for final settlement. The fee shall be paid by the board of~~

~~education of the school district in which the pupil resides, except in cases where the board makes provision for the child's education within his district. If a board of education is required to pay a pupil's tuition fee, the pupil shall be admitted to a school only upon proper certificate of the board of education of the district in which he resides.~~

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

SENATE

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2012 Regular Session
Unofficial Document

Amend printed copy of SB 143/SCS 1

On page 2, line 10, following "(i)" insert "1. K-12"; and

On page 2, between lines 18 and 19 insert:

"2. Eligible preschool children attending school in a district other than the district in which they reside shall generate ninety percent (90%) of the preschool program funding for the district where they are attending school and ten percent (10%) of the preschool program funding for the district where they reside."

Amendment No. SFA 1

Sponsor: Ken Winters

Committee Amendment: _____

Signed: _____

Floor Amendment: _____

Not for Filing

LRC Drafter: Stevens, Janet

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXXX