

**157.350 Eligibility of districts for participation in fund to support education excellence in Kentucky.**

Each district which meets the following requirements shall be eligible to share in the distribution of funds from the fund to support education excellence in Kentucky:

- (1) Employs and compensates all teachers for not less than one hundred eighty-five (185) days. The Kentucky Board of Education, upon recommendation of the commissioner of education, shall prescribe procedures by which this requirement may be reduced during any year for any district which employs teachers for less than one hundred and eighty-five (185) days, in which case the eligibility of a district for participation in the public school fund shall be in proportion to the length of time teachers actually are employed;
- (2) Operates all schools for a minimum school term as provided in KRS 158.070 and administrative regulations of the Kentucky Board of Education. If the school term is less than one hundred eighty-five (185) days, including not less than one hundred seventy (170) student attendance days as defined in KRS 158.070 or one thousand sixty-two (1,062) hours of instructional time, for any reason not approved by the Kentucky Board of Education on recommendation of the commissioner, the eligibility of a district for participation in the public school fund shall be in proportion to the length of term the schools actually operate;
- (3) Compensates all teachers on the basis of a single salary schedule and in conformity with the provisions of KRS 157.310 to 157.440;
- (4) Includes no nonresident pupils in its average daily attendance, except:
  - (a)
    1. Until July 1, 2022, pupils listed under a written agreement, which may be for multiple years, with the district of the pupils' legal residence.
    2. If an agreement cannot be reached, either board may appeal to the commissioner for settlement of the dispute.
    3. The commissioner shall have thirty (30) days to resolve the dispute. Either board may appeal the commissioner's decision to the Kentucky Board of Education.
    4. The commissioner and the Kentucky Board of Education shall consider the factors affecting the districts, including but not limited to academic performance and the impact on programs, school facilities, transportation, and staffing of the districts.
    5. The Kentucky Board of Education shall have sixty (60) days to approve or amend the decision of the commissioner;
  - (b) Beginning July 1, 2022, those nonresident pupils admitted pursuant to district nonresident pupil policies adopted under KRS 158.120; and
  - (c) A nonresident pupil who attends a district in which a parent of the pupil is employed. All tuition fees required of a nonresident pupil may be waived for a pupil who meets the requirements of this paragraph.

This subsection does not apply to those pupils enrolled in an approved class conducted in a hospital and pupils who have been expelled for behavioral reasons who shall be counted in average daily attendance under KRS 157.320;

- (5) Any secondary school which maintains a basketball team for boys for other than intramural purposes, shall maintain the same program for girls;
- (6) Any school district which fails to comply with subsection (5) of this section shall be prohibited from participating in varsity competition in any sport for one (1) year. Determination of failure to comply shall be made by the Department of Education after a hearing requested by any person within the school district. The hearing shall be conducted in accordance with KRS Chapter 13B. A district under this subsection shall, at the hearing, have an opportunity to show inability to comply.

**Effective:** June 29, 2021

**History:** Amended 2021 Ky. Acts ch. 167, sec. 1, effective June 29, 2021. -- Amended 2014 Ky. Acts ch. 14, sec. 4, effective July 15, 2014. -- Amended 2013 Ky. Acts ch. 56, sec. 1, effective June 25, 2013. -- Amended 2007 Ky. Acts ch. 104, sec. 1, effective June 26, 2007. -- Amended 2005 Ky. Acts ch. 52, sec. 1, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 309, sec. 2, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 50, effective July 15, 1996; and ch. 362, sec. 6, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 258, sec. 1, effective April 7, 1992. -- Amended 1990 Ky. Acts ch. 476, Pt. III, sec. 96, effective July 13, 1990. - - Amended 1978 Ky. Acts ch. 133, sec. 2, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 93, sec. 13, effective July 1, 1977. -- Created 1976 Ky. Acts ch. 93, sec. 24, effective July 1, 1976.

**2024-2026 Budget Reference.** See State/Executive Branch Budget, 2024 Ky. Acts ch. 175, Pt. I, C, 1, (17) at 1830.

**History for former KRS 157.350.** Repealed 1974 Ky. Acts ch. 363, sec. 18, effective June 30, 1976. -- Amended 1974 Ky. Acts ch. 349, sec. 1, effective June 21, 1974. -- Amended 1960 Ky. Acts ch. 145, sec. 2, effective June 16, 1960. -- Amended 1956 Ky. Acts ch. 106, sec. 2. -- Created 1954 Ky. Acts ch. 214, sec. 5.

**Legislative Research Commission Note.** Former KRS 157.350 (Enact. Acts 1954, ch. 214, sec. 5; 1956 ch. 106, sec. 2; 1960, ch. 145, sec. 2; 1974, ch. 349, sec. 1) was repealed by Acts 1974, ch. 363, sec. 18, effective June 30, 1976.