CHAPTER 108

(SB 128)

AN ACT relating to supplementary education and declaring an emergency.

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

➔Section 1. The Supplemental School Year Program for the 2021-2022 school year is hereby established.

➔Section 2. (1) Notwithstanding any passing grades a public school student may receive during the 2020-2021 school year, any student enrolled in a Kentucky public school in grades kindergarten through 12 during the 2020-2021 school year may request to use the 2021-2022 school year as a supplemental school year to retake or supplement the courses or grades the student has already taken. A retaken high school course under this subsection shall not count as an additional credit towards graduation unless the student failed the original course. Retaking a course under this section shall count towards full-time enrollment for the student.

(2) To allow a high school student enrolled in a Kentucky public high school in grade 12 during the 2020-2021 school year to request the supplemental school year notwithstanding any passing grades and the student satisfying state and district graduation requirements and graduating under KRS 158.140 and 156.160 and 704 KAR 3:305, a local board of education may establish a temporary program for graduated seniors for the 2021-2022 school year. Graduated students enrolled in a program under this subsection shall be eligible for inclusion in the school district's average daily attendance for the purposes of calculating SEEK funds; however, SEEK eligibility for each of the two semesters shall be tied to the student's completion of courses during that semester and enrollment during the entirety of the semester. A graduated student enrolled in a program under this subsection shall not receive any additional credits or certifications as a result of coursework unless the student completes the course and remains enrolled in the program until the completion of such course.

(3) A student under subsection (1) or (2) of this section shall submit the request to the local board of education of the district in which the student is enrolled by May 1, 2021. A local board of education shall not approve or reject requests on an individual basis, but shall determine by June 1, 2021, whether the district shall or shall not accept all requests. A local board approving the requests shall develop a plan for implementing the supplemental school year and the temporary program for graduated seniors and may adopt policies on grades, schedules, classifications, graduation ceremonies, and other operational issues in offering the supplemental school year. The local board shall notify the Kentucky Department of Education and submit the plan along with any requests for waivers from Kentucky Board of Education regulations to the department by June 16, 2021.

➔Section 3. Any Kentucky nonpublic school may implement a supplemental school year program and allow a student enrolled during the 2020-2021 school year to use the 2021-2022 school year as a supplemental school year to retake or supplement the courses the student has already taken. However, in order for students to qualify under Section 4 of this Act, the student shall submit the request to the nonpublic school by May 1, 2021, and the student shall only use the supplemental school year at the nonpublic school at which the student was enrolled on that date.

➔Section 4. Notwithstanding any rule or regulation of the Kentucky Board of Education or the Kentucky High School Athletic Association, but in compliance with KRS 156.070(2)(f) relating to age limits, if a member school provides evidence to the Kentucky High School Athletic Association documenting a student enrolled in grades 9 through 12 during the 2020-2021 school year as utilizing the 2021-2022 school year as a supplemental school year under Section 2 or 3 of this Act at the member school, then the student shall have five consecutive calendar years of eligibility from the date of first entry into grade 9, and retaking courses pursuant to Section 2 or 3 of this Act shall not otherwise disqualify the student from eligibility. However, any other rules or regulations governing eligibility, such as rules regarding transfers, are not waived under this section. The Kentucky High School Athletic Association may adopt rules, policies, and bylaws and promulgate administrative regulations necessary to carry out this section.

➔Section 5. Whereas school districts and state agencies will require sufficient time to establish the procedures necessary to carry out this Act, an emergency is hereby declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 24, 2021.