

## CHAPTER 31

## ( HB 241 )

AN ACT relating to compulsory attendance.

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

➔Section 1. KRS 159.030 is amended to read as follows:

- (1) The board of education of the district in which the child resides shall exempt from the requirement of attendance upon a regular public day school every child of compulsory school age:
  - (a) Who is a graduate from an accredited or an approved four (4) year high school; or
  - (b) Who is enrolled and in regular attendance in a private, parochial, or church regular day school. It shall be the duty of each private, parochial, or church regular day school to notify the local board of education of those students in attendance at the school. If a school declines, for any reason, to notify the local board of education of those students in attendance, it shall so notify each student's parent or legal guardian in writing, and it shall then be the duty of the parent or legal guardian to give proper notice to the local board of education; or
  - (c) Who is less than seven (7) years old and is enrolled and in regular attendance in a private kindergarten-nursery school; or
  - (d) Whose physical or mental condition prevents or renders inadvisable attendance at school; or
  - (e) Who is enrolled and in regular attendance in private, parochial, or church school programs for exceptional children; or
  - (f) Who is enrolled and in regular attendance in a state-supported program for exceptional children;
  - (g) For purposes of this section, "church school" shall mean a school operated as a ministry of a local church, group of churches, denomination, or association of churches on a nonprofit basis.
- (2)
  - (a) Before granting an exemption under subsection (1)(d) of this section, the board of education of the district in which the child resides shall require submission to the board of satisfactory evidence in the form of a signed statement of a properly licensed physician, advanced practice registered nurse, physician's assistant, psychologist, ~~or~~ psychiatrist, **or qualified mental health professional as defined in KRS 202A.011** responsible for diagnosing and treating the child, stating that the diagnosed condition of the child prevents or renders inadvisable attendance at school and requires home or hospital instruction. If the condition is mental health related, then the signed statement shall be completed by a **qualified mental health professional as defined by KRS 202A.011** ~~licensed physician, psychiatrist, psychologist, or physician's assistant described in KRS 202A.011 or an advanced practice registered nurse defined in KRS 314.011 and certified in psychiatric mental health nursing~~. On the basis of such evidence, the local board of education may exempt the child from compulsory attendance.
  - (b) Any child who is excused from school attendance more than six (6) months shall have two (2) signed statements from a combination of two (2) of the professional persons in accordance with paragraph (a) of this subsection, except that this requirement shall not apply to a child whose signed statement certifies that the student has a chronic physical condition that prevents or renders inadvisable attendance at school and is unlikely to substantially improve within one (1) year.
  - (c) Exemptions of any student under the provisions of subsection (1)(d) of this section shall be reviewed annually with the evidence required being updated.
- (3) The Kentucky Board of Education may promulgate administrative regulations to establish the components of compulsory attendance and exemptions.

**Signed by Governor March 20, 2023.**