

1 AN ACT relating to supplementary education and declaring an emergency.

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

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

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

13 (2) To allow a high school student enrolled in a Kentucky public high school in
14 grade 12 during the 2020-2021 school year to request the supplemental school year
15 notwithstanding any passing grades and the student satisfying state and district graduation
16 requirements and graduating under KRS 158.140 and 156.160 and 704 KAR 3:305, a
17 local board of education may establish a temporary program for graduated seniors for the
18 2021-2022 school year. Graduated students enrolled in a program under this subsection
19 shall be eligible for inclusion in the school district's average daily attendance for the
20 purposes of calculating SEEK funds; however, SEEK eligibility for each of the two
21 semesters shall be tied to the student's completion of courses during that semester and
22 enrollment during the entirety of the semester. A graduated student enrolled in a program
23 under this subsection shall not receive any additional credits or certifications as a result of
24 coursework unless the student completes the course and remains enrolled in the program
25 until the completion of such course.

26 (3) A student under subsection (1) or (2) of this section shall submit the request to
27 the local board of education of the district in which the student is enrolled by May 1,

1 2021. A local board of education shall not approve or reject requests on an individual
2 basis, but shall determine by June 1, 2021, whether the district shall or shall not accept all
3 requests. A local board approving the requests shall develop a plan for implementing the
4 supplemental school year and the temporary program for graduated seniors and may adopt
5 policies on grades, schedules, classifications, graduation ceremonies, and other
6 operational issues in offering the supplemental school year. The local board shall notify
7 the Kentucky Department of Education and submit the plan along with any requests for
8 waivers from Kentucky Board of Education regulations to the department by June 16,
9 2021.

10 →Section 3. Any Kentucky nonpublic school may implement a supplemental
11 school year program and allow a student enrolled during the 2020-2021 school year to use
12 the 2021-2022 school year as a supplemental school year to retake or supplement the
13 courses the student has already taken. However, in order for students to qualify under
14 Section 4 of this Act, the student shall submit the request to the nonpublic school by May
15 1, 2021, and the student shall only use the supplemental school year at the nonpublic
16 school at which the student was enrolled on that date.

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

1 and promulgate administrative regulations necessary to carry out this section.

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