GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2016 REGULAR SESSION

HOUSE BILL NO. 87

TUESDAY, MARCH 22, 2016

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE April 13, 2016
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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

1 AN ACT relating to military service.

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

3 ➔Section 1. KRS 159.035 is amended to read as follows:

4 (1) Notwithstanding the provisions of any other statute, any student in a public school
5 who is enrolled in a properly organized 4-H club shall be considered present at
6 school for all purposes when participating in regularly scheduled 4-H club
7 educational activities, provided, the student is accompanied by or under the
8 supervision of a county extension agent or the designated 4-H club leader for the 4-
9 H club educational activity participated in.

10 ***(2) Notwithstanding the provisions of any other statute, any student in a public***
11 ***school shall be considered present for all purposes for up to ten (10) days while***
12 ***attending basic training required by a branch of the United States Armed Forces.***

13 ***(3)***[~~(2)~~] Except as provided in paragraph (e) of this subsection, a public school
14 principal shall give a student an excused absence of up to ten (10) school days to
15 pursue an educational enhancement opportunity determined by the principal to be of
16 significant educational value, including but not limited to participation in an
17 educational foreign exchange program or an intensive instructional, experiential, or
18 performance program in one (1) of the core curriculum subjects of English, science,
19 mathematics, social studies, foreign language, and the arts.

20 (a) A student receiving an excused absence under this subsection shall have the
21 opportunity to make up school work missed and shall not have his or her class
22 grades adversely affected for lack of class attendance or class participation due
23 to the excused absence.

24 (b) Educational enhancement opportunities under this subsection shall not include
25 nonacademic extracurricular activities, but may include programs not
26 sponsored by the school district.

27 (c) If a request for an excused absence to pursue an educational enhancement

1 opportunity is denied by a school principal, a student may appeal the decision
2 to the district superintendent, who shall make a determination whether to
3 uphold or alter the decision of the principal. If a superintendent upholds a
4 principal's denial, a student may appeal the decision to the local board of
5 education, which shall make a final determination. A principal,
6 superintendent, and local board of education shall make their determinations
7 based on the provisions of this subsection and the district's school attendance
8 policies adopted in accordance with KRS 158.070 and KRS 159.150.
9 (d) A student receiving an excused absence under the provisions of this
10 subsection shall be considered present in school during the excused absence
11 for the purposes of calculating average daily attendance as defined by KRS
12 157.320 under the Support Education Excellence in Kentucky program.
13 (e) A student shall not be eligible to receive an excused absence under the
14 provisions of this subsection for an absence during a school's testing window
15 established for assessments of the state assessment developed under KRS
16 158.6453 or during a testing period established for the administration of
17 additional district-wide assessments at the school, except if a principal
18 determines that extenuating circumstances make an excused absence to pursue
19 an educational enhancement opportunity appropriate.
20 *(4)*[~~(3)~~] (a) If a student's parent, de facto custodian, or other person with legal
21 custody or control of the student is a member of the United States Armed
22 Forces, including a member of a state National Guard or a Reserve component
23 called to federal active duty, a public school principal shall give the student:
24 1. An excused absence for one (1) day when the member is deployed;
25 2. An additional excused absence for one (1) day when the service member
26 returns from deployment; and
27 3. Excused absences for up to ten (10) days for visitation when the member

1 is stationed out of the country and is granted rest and recuperation leave.
2 (b) A student receiving an excused absence under this subsection shall have the
3 opportunity to make up school work missed and shall not have his or her class
4 grades adversely affected for lack of class attendance or class participation due
5 to the excused absence.
6 (c) A student receiving an excused absence under this subsection shall be
7 considered present in school during the excused absence for the purposes of
8 calculating average daily attendance as defined by KRS 157.320 under the
9 Support Education Excellence in Kentucky program.

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date 13 APRIL 2016