

SCHOOL CHOICE MATTERS

Kentucky Policy Report

Introduction

PURPOSE

A combination of well-designed policies give all students access to the broadest range of educational opportunities, including key core policies and helpful policy enhancers. The purpose of this document is to provide insight to how well your state is doing at implementing the Ecosystem of School Choice Policies. This state report summarizes evidence across the seven policy buckets, with each policy component detailed in individual cells.

CORE POLICIES

Key policies expand student opportunities.



[Open Enrollment](#)



[Charter Schools](#)



[Private School Choice](#)



[Homeschooling](#)

POLICY ENHANCERS

Supporting policies enhance those opportunities.



[Part-time Enrollment/Course Access](#)



[Learn Everywhere](#)



[Transportation](#)

CORE POLICIES



Open Enrollment in Kentucky

POLICY	RATING	POLICY OVERVIEW
<p>Transfers Between Districts</p>	<p>LIMITED</p> <p>Sending and/or receiving districts have discretion over transfers</p>	<p>Kentucky statute requires every board of education to adopt a nonresident pupil policy which establishes terms under which nonresident pupils are allowed to enroll within the district. The policy must provide for open enrollment (enrollment in any school within the district) upon enrollment of the nonresident pupil in the district. Discrimination between nonresident pupils is prohibited, but a board of education’s policy may consider enrollment capacity.</p> <p>If the board of education in which the pupil resides is required to pay the pupil’s tuition fee to the nonresident district, “the pupil shall be admitted to a school only upon proper certificate of the board of education of the district in which he or she resides.”</p> <p>(Ky. Rev. Stat. Ann. § 158.120 Nonresident pupils -- Nonresident pupil policy -- Tuition)</p>
<p>Transfers Within Districts</p>	<p>NO</p> <p>No policy</p>	<p>Kentucky statute establishes that each school district constitutes a separate attendance district, with limited exceptions, and that within the appropriate school district attendance area, parents and legal guardians must be permitted to enroll their children in the public school nearest their home.</p> <p>(KY Rev Stat § 159.070 Attendance districts --Enrollment permitted in school nearest home)</p> <p>Kentucky statute authorizes pre-enrollment and preadmission of a child within a school district if the child’s parent or guardian is transferred to or is pending transfer to a military installation or reserve component within the state or is within a year of being separated from the military with an honorable discharge or the like. It requires a school district to accept any such application for enrollment and course registration, “including enrollment in a specific school or program within the school district.”</p>

		<p>(Ky. Rev. Stat. Ann. § 159.075 Pre-enrollment and preadmission of child whose parent or guardian is transferred to military installation or is returning to the state after being separated from the military)</p>
<p>Year-round Transfer Window</p>	<p>NO No policy</p>	<p>Application policies and windows are not prescribed by state statute or administrative rules. They are left to the discretion of the local board.</p> <p>KDE’s non-resident pupil enrollment policy guidance indicates that school districts have discretion in developing their policies, including regarding “the annual method the district will utilize for accepting applications of nonresident pupils for enrollment, including the opening and closing dates for application” and “the method the district will utilize annually to notify districts of residence of each student enrolled pursuant to this subsection prior to the school year of attendance at the nonresident district. Nonresident districts receiving students are encouraged to provide notice to each resident district for students enrolled in the nonresident district no later than thirty days after the closing dates for applications.”</p> <p>(KDE, Nonresident Pupil Enrollment Policy Guidance – HB 563 (April 8, 2022))</p>
<p>Tuition-Free Public Schools</p>	<p>LIMITED Tuition can be charged</p>	<p>Any board of education may charge the school district in which the pupil resides a reasonable tuition fee per month for nonresident pupil attendance in the district’s schools if the parent, guardian or other legal custodian is not a district resident. The resident school district may enter a tuition contract with the nonresident district. Kentucky statute provides that, “[W]hen a district undertakes, under operation of a tuition contract or of law, to provide in its school for pupils residing in another district, the district of their residence shall share the total cost of the school, including transportation when furnished at public expense, in proportion to the number of pupils or in accordance with contract agreement between the two (2) boards.”</p> <p>(Ky. Rev. Stat. Ann. § 158.120 Nonresident pupils -- Nonresident pupil policy -- Tuition)</p> <p>KDE’s non-resident pupil enrollment policy guidance indicates that “districts have questioned whether they are able to charge tuition for nonresident pupils who enroll under new nonresident pupil attendance policies required by KRS 158.120...Section 183 of the Kentucky Constitution requires the General Assembly to provide for an efficient system of common schools. Through HB 563, the General Assembly has provided a mechanism for students to enroll in any common school in the Commonwealth and for common school funds (i.e. SEEK funds) to follow that student to the district of enrollment, irrespective of any agreement with the student’s district of residence. In <i>Rose v. Council for Better Education</i>, the Kentucky Supreme Court interpreted Section 183 of the Kentucky Constitution, holding that “common schools shall be free to all.” Furthermore, Section 184 of the Constitution provides for appropriation of the common school fund to common schools and for no other purpose. Given this interpretation of Section 183 of the Kentucky Constitution by the Commonwealth’s highest court, it is KDE’s position that districts may not charge tuition to students/parents for students included in the district’s ADA calculation for participation in the SEEK fund...”</p>

		(KDE, Nonresident Pupil Enrollment Policy Guidance – HB 563 (April 8, 2022))
School Capacity Transparency	NO No transparency policy	
Transfer Data Transparency	LIMITED Information only collected and/or some data not reported	KDE’s Non-Resident Student report provides the aggregate number of non-resident students attending each district and aggregates the number of non-resident students leaving each district. KDE also publishes district’s non-resident policies. (See KDE, Non-Resident Student Policy)
Transparent Appeal Process	NO	

SOURCE CITATIONS

Statutes

[Ky. Rev. Stat. Ann. § 158.120 Nonresident pupils -- Nonresident pupil policy -- Tuition](#)

[KY Rev Stat § 159.070 Attendance districts --Enrollment permitted in school nearest home](#)

[Ky. Rev. Stat. Ann. § 159.075 Pre-enrollment and preadmission of child whose parent or guardian is transferred to military installation or is returning to the state after being separated from the military](#)

State Department of Education

[KDE, Non-Resident Student Policy](#)

[KDE, Nonresident Pupil Enrollment Policy Guidance – HB 563 \(April 8, 2022\)](#)



Charter Schools in Kentucky

POLICY	RATING	POLICY OVERVIEW
<p>Multiple Charter Authorizers</p>	<p>YES</p> <p>Multiple authorizers</p>	<p>Kentucky statute, within the definition of "Public charter school authorizer", establishes the following as authorizers:</p> <ul style="list-style-type: none"> • A local school board of a local school district (authority limited to approving charter applications within the district’s boundaries); • A collaborative among local school boards that forms to set up a regional public charter school to be located within the area managed and controlled by those local school boards; • The mayor of a consolidated local government (authority limited to authorizing public charter schools to be physically located within the county in which the city is located); and • The chief executive officer of an urban-county government, (authority limited to authorizing public charter schools to be physically located within the county in which the city is located). <p>(KY Rev Stat § 160.1590 Definitions for KRS 160.1590 to 160.1599)</p> <p>Kentucky statute establishes a pilot project to study the impact of public charter schools. In doing so, it identifies the following as authorizers for the pilot project:</p> <ul style="list-style-type: none"> • “A school board of a county school district located in a county with a consolidated local government, which shall have authorizing jurisdiction within the territory of the district's boundaries”; and • “notwithstanding KRS 160.1590, the board of regents of Northern Kentucky University, which shall have authorizing jurisdiction within any county containing four (4) or more local school districts.” <p>The Board of Regent’s status as an authorizer only becomes effective if the board adopts a resolution confirming the status by January 1, 2023.</p> <p>(KY Rev Stat § 160.15911 Kentucky Public Charter School Pilot Project --Authorizers --Approval of charter application --Collective may act as substitute authorizer --Annual report --Performance review --Contract renewal)</p>

<p>Charter Appeal Process</p>	<p>YES</p> <p>Independent appeals process</p>	<p>Kentucky statute establishes that a charter applicant or approved public charter school may appeal a decision of an authorizer concerning a charter application, a charter amendment, or the nonrenewal or revocation of a charter, or the unilateral imposition of conditions. An appeal is initiated by providing the state board and the authorizer with a notice of appeal within thirty (30) days after the authorizer's decision. The appellant is to limit the grounds of the appeal to the grounds for the denial of or the nonrenewal or revocation of a charter, or the unilateral imposition of conditions, whichever is being appealed, specified by the authorizer.</p> <p>(KY Rev Stat § 160.1595 Request for technical assistance --Appeal of approval or denial to state board --Judicial review --Joint oversight)</p> <ul style="list-style-type: none"> • KRS 160.1598 requires the Kentucky Board of Education to promulgate an administrative regulation to establish the process to appeal a decision of an authorizer denying a charter application or a charter contract amendment request, unilaterally imposing conditions on the applicant or charter school, or revoking or nonrenewing a charter contract. This administrative regulation establishes the requirements for the appeal process. <p>Administrative Regulations require an authorizer to include in its policies and procedures, among other things, the “requirements for appeal of an authorizer decision denying a charter application or a charter amendment request, nonrenewing or revoking a charter contract, or imposing unilateral conditions on an applicant or charter school.” An appellant must submit its appeal of an authorizer’s decision to the commissioner of education, acting on behalf of the State Board of Education. The Board must issue a written decision on an appeal no later than forty-five (45) days following receipt of the notice of appeal.</p> <p>(701 KAR 8:030 Charter school appeal process)</p>
<p>Charter Regulatory Flexibility</p>	<p>LIMITED</p> <p>Some or no exemptions</p>	<p>Kentucky statute defines “Public charter school” as a public school that, among other things, has “autonomy over decisions, including but not limited to matters concerning finance, personnel, scheduling, curriculum, and instruction”.</p> <p>(KY Rev Stat § 160.1590 Definitions for KRS 160.1590 to 160.1599)</p> <p>Kentucky statute establishes that a public charter school is exempt from all statutes and administrative regulations applicable to the state board, a local school district, or a school, except that it must adhere to the same health, safety, civil rights, and disability rights requirements as are applied to all public schools and to all requirements otherwise identified in KRS 160.1590 to 160.1599 (regarding Charter Schools) and 161.141 (Participation in retirement systems -- State-sponsored insurance program -- Appropriations for retirement and insurance -- Sick leave credit -- Requirements and prohibitions concerning public charter school employees and</p>

		<p>local school boards -- Employees of education service provider). In addition, among other things, a public charter school may only hire qualified teachers to provide student instruction.</p> <p>(KY Rev Stat § 160.1592 Public charter schools part of state's public education system --Exemption from laws and regulations --School requirements...)</p> <p>Kentucky statute defines "Qualified teacher" as a person certified by the Education Professional Standards Board pursuant to KRS 161.028, 161.030, 161.046, or 161.048.</p> <p>(KY Rev Stat § 160.1590 Definitions for KRS 160.1590 to 160.1599)</p> <p>Kentucky statute establishes that a public charter school employee shall not be required to be a member of any collective bargaining agreement. However, it requires that public charter school employees participate in the Teachers' Retirement System or the County Employees Retirement System, as determined by their eligibility for participation in the appropriate system and provided the public charter school satisfies the criteria set by the Internal Revenue Service to participate in a governmental retirement plan. A public charter school must also participate in the state-sponsored health insurance program on the same basis as a local school district. Any state appropriation for retirement, health, or life insurance benefits made on behalf of a local public employee or a school district employee shall also be made on behalf of a public charter school employee.</p> <p>(KY Rev Stat § 161.141 Participation in retirement systems -- State-sponsored insurance program -- Appropriations for retirement and insurance -- Sick leave credit -- Requirements and prohibitions concerning public charter school employees and local school boards -- Employees of education service provider.)</p> <p>Kentucky statute establishes that employees of a conversion public charter school may organize and collectively bargain only as a unit separate from other school employees.</p> <p>(KY Rev Stat §160.1599 Conversion of public noncharter school to public charter school --Establishment requirements --Administrative regulations --Governance --Enrollment requirements --Employees --Collective bargaining --School facilities)</p>
<p>Equitable Charter Funding</p>	<p>LIMITED</p> <p>Disparities exist</p>	<p>Kentucky statute requires that the contract entered between the board of directors of a public charter school and the authorizer (the charter contract) must include the allocation of state, local, and federal funds, and the schedule to disburse funds to the public charter school by the authorizer. Related provisions include:</p> <ul style="list-style-type: none"> • All students enrolled in a public charter school shall be included in the average daily attendance calculation and the aggregate and average daily attendance of transported pupils calculation of the district of location in the same manner as any other public schools in the district and shall be reported by the

public charter schools to the school district and state Department of Education for purposes of calculating the state and local share of funding for each public charter school.

- Notwithstanding the formula for allocating district funds under KRS 160.345(8) and any other statute governing a district's funding of schools, unless an authorizing district agrees to provide a larger sum of funding in the charter contract, after local capital outlay funds that are restricted in use pursuant to KRS 157.420(4) and funds under KRS 157.440(1)(b) and 157.621 necessary to meet debt service obligations on bonds or other financing mechanisms for new construction and renovation projects for school facilities are excluded, and before any other funds are budgeted for district use, a district shall transfer to each of the public charter schools located within the district:
- The amount that is proportional to the public charter school's enrollment or average daily attendance in comparison with the overall district qualifying numbers for:
 1. Funds that are related to students' attendance and enrollment and allocated to the district of location pursuant to KRS 157.360;
 2. Any add-on or funding factors provided for in the state budget;
 3. Any add-on or funding factors provided for by the Kentucky Department of Education; and
 4. Funds pursuant to KRS 157.360(2)(a) and (b) and (13)(a).

For each identified funding source, the transfer amount shall be based on the public charter school's qualifying student enrollment or average daily attendance, depending on the method used in the funding source's calculation;

On a proportionate per pupil basis:

1. Education funds allocated to the school district pursuant to KRS 157.440(1)(a) and (2)(a), or pursuant to any applicable federal statute; and
 2. All taxes and payments in lieu of taxes transferred to the district of location or levied and collected by the district of location; and
 3. On a proportionate per pupil transported basis, transportation funds calculated pursuant to KRS 157.360(2)(c) and 157.370 and distributed to the district of location, unless the school district provides transportation to students attending the public charter school under written terms agreed upon by the district and the public charter school in either the charter contract or, if the district is not the public charter school's authorizer, a separate agreement.
- Notwithstanding the identification of funds to be transferred, a collaborative among local school boards authorizing a public charter school may negotiate among the local boards and a charter applicant to identify the amount of funds to be transferred to the public charter school.

[\(KY Rev Stat § 160.1596 Board of directors of public charter schools --Required elements of charter contract with authorizer --Calculation of daily average attendance --Proportional transfer of funds...\)](#)

		<ul style="list-style-type: none"> ○ KRS 160.1596 requires the Kentucky Board of Education to promulgate administrative regulations governing the calculation and distribution of funds due to public charter schools from school districts, the schedule of distribution of funds, and the imposition of fines for late distribution of funds. <p>Administrative regulation establishes the requirements for the calculation and distribution of funds to a public charter school, the schedule of distribution of funds, and the fines for failure to timely transfer funds.</p> <p>(701 KAR 8:050 Charter school funding)</p>
<p>Charter Facilities Funding</p>	<p>LIMITED</p> <p>Some or no facilities funding</p>	<p>Kentucky statute establishes that a public charter school shall not have the power to levy taxes or to acquire property by eminent domain but shall have police powers to the same extent and under the same requirements as a local school district. In addition, a public charter school is exempt to the same extent as other public schools from all taxation, fees, assessments, and special ad valorem levies on its earnings and its property. Instruments of conveyance to or from a public charter school and any bonds or notes issued by a public charter school, along with the income received, shall always be exempt from taxation.</p> <p>(KY Rev Stat §160.1597 Term of approved charter school contract --Contract between board of directors and authorizer's governing body --Corporate powers --Prohibition against tax levies and use of eminent domain --Immunity from liability)</p> <p>Kentucky statute establishes that a public charter school, as a public body corporation, has the power to acquire real property for use as its facility or facilities, from public or private sources. It may negotiate and contract with its authorizer or any third party for the use, operation, and maintenance of a building and grounds, and may own, rent, or lease its space.</p> <p>It also establishes that the Finance and Administration Cabinet must annually publish a list of vacant and unused buildings and vacant and unused portions of buildings that are owned by the state and that may be suitable for the operation of a public charter school and shall provide the list to applicants for public charter schools and to existing public charter schools upon request.</p> <p>(KY Rev Stat § 160.1592 Public charter schools part of state's public education system --Exemption from laws and regulations --School requirements...)</p>

<p>Options for High-Performing Charters</p>	<p>LIMITED</p> <p>No opportunities for high-performing charter schools</p>	<p>Kentucky does not offer incentives or a favorable regulatory environment to high-performing charters.</p> <p>Kentucky statute establishes that an authorizer’s renewal application guidance must include or refer explicitly to the criteria that will guide the authorizer's renewal decisions, “which shall be based on the performance framework as identified in the charter contract.”</p> <p>(KY Rev Stat § 160.1598 Renewal or nonrenewal of charter contract --School performance report --Reasons for nonrenewal or revocation --Administrative regulations --Report of action taken and reason for decision --School closure protocol)</p>
<p>Charter Zoning Exemptions</p>	<p>YES</p> <p>The same exemptions are provided</p>	<p>Kentucky statute establishes that a public charter school shall be exempt from administrative regulations governing public schools for purposes of zoning and local land use regulation.</p> <p>(KY Rev Stat § 160.1592 Public charter schools part of state's public education system --Exemption from laws and regulations --School requirements...)</p>

SOURCE CITATIONS

Statutes

[KY Rev Stat § 160.1590 Definitions for KRS 160.1590 to 160.1599](#)

[KY Rev Stat § 160.15911 Kentucky Public Charter School Pilot Project --Authorizers -- Approval of charter application --Collective may act as substitute authorizer -- Annual report --Performance review --Contract renewal](#)

[KY Rev Stat § 160.1595 Request for technical assistance --Appeal of approval or denial to state board --Judicial review --Joint oversight](#)

[KY Rev Stat § 160.1596 Board of directors of public charter schools --Required elements of charter contract with authorizer --Calculation of daily average attendance --Proportional transfer of funds...](#)

[KY Rev Stat §160.1597 Term of approved charter school contract --Contract between board of directors and authorizer's governing body --Corporate powers --Prohibition against tax levies and use of eminent domain --Immunity from liability](#)

[KY Rev Stat § 160.1591 Legislative findings and declarations --Public charter school project](#)

[KY Rev Stat § 160.1592 Public charter schools part of state's public education system --Exemption from laws and regulations --School requirements...](#)

[KY Rev Stat § 161.141 Participation in retirement systems -- State-sponsored insurance program -- Appropriations for retirement and insurance -- Sick leave credit -- Requirements and prohibitions concerning public charter school employees and local school boards -- Employees of education service provider.](#)

Administrative Code

[701 KAR 8:030 Charter school appeal process](#)

[701 KAR 8:050 Charter school funding](#)



Private School Choice in Kentucky

POLICY	OVERALL RATING	PROGRAM OVERVIEW
Universal Eligibility	<p>NO</p> <p>No choice program</p>	<p>Kentucky does not have a private school choice program.</p> <p>During the 2024 Regular Session of the Kentucky General Assembly, HB 2 (An Act proposing to create a new section of the Constitution of Kentucky relating to education funding) was passed and delivered to the Secretary of State. It proposes that a new section be added to the Constitution of Kentucky to read as follows:</p> <ul style="list-style-type: none"> “The General Assembly may provide financial support for the education of students outside the system of common schools. The General Assembly may exercise this authority by law, Sections 59, 60, 171, 183, 184, 186, and 189 of this Constitution 14 notwithstanding.” <p>(House Bill 2, Kentucky General Assembly (2024))</p>
Comparable Student Funding	<p>NO</p> <p>No choice program</p>	
Uncapped Student Access	<p>NO</p> <p>No choice program</p>	
Extended Application Window	<p>NO</p> <p>No choice program</p>	
Student Testing Options	<p>NO</p> <p>No choice program</p>	

School Autonomy	NO No choice program	
Accessible School Participation	NO No choice program	
ESAs and Parent-Directed Spending		
Freedom to Customize	NO No ESA or microgrant program	Kentucky does not have an education scholarship account or microgrant program.
Freedom to Access	NO No ESA or microgrant program	
Carry-Over Funding	NO No ESA or microgrant program	

Tax Credits

Full Tax Credit

NO

No choice program

Kentucky does not have an education tax credit program.

The Kentucky Department of Education provides the following regarding the Educational Opportunity Account Program which it ceased to administer after the enabling legislation was ruled unconstitutional:

- “Pursuant to Franklin Circuit Court’s October 8, 2021 Opinion and Order addressing a challenge to the constitutionality of HB 563, which, in part, established a tax credit for a limited pool of Kentuckians to pay for private school tuition, the Department of Revenue was ordered to cease administering the programs established by the bill. Accordingly, the Department of Revenue shall not approve the creation or operation of any Account-Granting Organizations, the establishment of any Educational Opportunity Accounts, or grant any tax credits to fund such organizations and accounts under the legislation enacted in House Bill 563. See KRS 141.500 *et seq.*”

[\(Kentucky Department of Revenue – Educational Opportunity Account Program\)](#)

SOURCE CITATIONS

Statutes

[House Bill 2, Kentucky General Assembly \(2024\)](#)

[Kentucky Department of Revenue – Educational Opportunity Account Program](#)

Other Resources

[EdChoice Kentucky, About](#)



Homeschooling in Kentucky

POLICY	RATING	POLICY OVERVIEW
<p>Homeschool without Prior Approval</p>	<p>YES</p> <p>No permission required</p>	<p>Kentucky statutes regarding compulsory attendance do not explicitly provide for homeschooling; rather, the Kentucky Board of Education is required to maintain a register of students’ attendance at private and parochial schools. Such school authorities are required to make attendance and scholarship reports in the same manner as public school officials, as required by law or KDE regulations.</p> <p>(KY Rev Stat § 159.040 Attendance at private and parochial schools)</p> <p>Families are not required to provide notice to, or receive permission from, a local school board in order to practice homeschooling.</p> <p>Kentucky statute establishes that a district’s school board is to exempt a child from the compulsory attendance requirement if the child is enrolled and in regular attendance in a private, parochial, or church regular day school. Any such school must notify the local board of education of those students in attendance.</p> <p>(KY Rev Stat § 159.030 Exemptions from compulsory attendance)</p> <p>KDE’s homeschool information packet notes the following:</p> <ul style="list-style-type: none"> • “A homeschool student is one whom the family has withdrawn from public school pursuant to KRS 159.030 and chosen to educate through a private or home setting. Section 5 of the Kentucky Constitution establishes that parents may choose the formal education for their child. Over thirty years ago, the Supreme Court of Kentucky determined that the Kentucky Department of Education (KDE) may not prescribe standards for homeschooling. Kentucky classifies homeschools as non-public schools; therefore, the laws relating to non-public schools also apply to homeschools. KDE does not accredit or certify homeschools and does not provide any financial assistance...” <p>(KDE, Kentucky Homeschool Information Packet)</p>

<p>No Extra Homeschool Notifications</p>	<p>YES One-time or no notification</p>	
<p>No Certification to Homeschool</p>	<p>YES No certification requirement</p>	<p>Kentucky does not require homeschool parents to possess state teacher certifications.</p>
<p>Flexible Assessment Options</p>	<p>YES Flexible academic accountability</p>	<p>Kentucky statutes do not address the participation of homeschool students in state assessments or their access to other academic assessment options.</p> <p>KDE’s Kentucky Homeschool Information Packet includes the suggestion “that the person responsible for instruction keep a portfolio that contains samples of the best work done by each child in several areas of study and maintain the portfolio each year the student is homeschooled...”</p> <p>(KDE, Kentucky Homeschool Information Packet)</p>

SOURCE CITATIONS

Statutes

[KY Rev Stat § 159.040 Attendance at private and parochial schools](#)

[KY Rev Stat § 159.030 Exemptions from compulsory attendance](#)

State Department of Education

[KDE, 2023 Kentucky School Laws, Notes to Decisions on the Constitution of Kentucky, 5. Compulsory attendance, p. 1](#)

[KDE, Kentucky Public School Enrollment Requirements](#)

[KDE, Homeschool](#)

[KDE, Kentucky Homeschool Information Packet](#)

POLICY ENHANCERS



Part-time Enrollment in Kentucky

POLICY	RATING	POLICY OVERVIEW
Resident Course Access	<p>LIMITED</p> <p>By type of student, type of course, or district policy</p>	<p>Kentucky statute does not require school districts to provide nonpublic and homeschool students access to courses – core or elective. Regarding homeschooled students, this is confirmed by the Home School Legal Defense Association (HSLDA), which notes the following:</p> <ul style="list-style-type: none"> “Kentucky does not have a law granting homeschooled students the right to participate in public school classes and activities; thus, the individual schools and school districts have the authority to decide whether to allow homeschooler participation. Policies often vary from district to district.” <p>(HSLDA , Public School Access for Homeschoolers in Kentucky)</p>
Nonresident Course Access	<p>LIMITED</p> <p>Districts only serve resident students or can impose other restrictions</p>	<p>Kentucky statute does not require school districts to provide nonpublic and homeschool students access to courses – core or elective, including nonresident students.</p>

<p>Virtual Course Access</p>	<p>NO</p> <p>No virtual options provided by other entities than the school district in which a student resides</p>	<p>KDE’s Online/Virtual and Remote Learning Program Support webpage provides the following in a series of “Quick Facts”:</p> <ul style="list-style-type: none"> • Does Kentucky have a state-wide online/virtual school or program NO • Does Kentucky have any multi-district online/virtual schools or programs? NO • Does Kentucky have any online/virtual charter schools or programs? NO • Does Kentucky have an approval process for third-party online content providers? NO • Are Kentucky public school districts permitted to create online/virtual programs to serve their students? YES <p>(KDE, Online/Virtual and Remote Learning Program Support)</p> <p>Note: Administrative regulations note that KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in program service to students. This administrative regulation establishes minimum requirements for the operation of online, virtual and remote learning programs in school districts for grades kindergarten through grade 12. As provided in regulations, all such programs must be for full-time enrollment only, not programs providing students access to individual courses.</p> <p>(704 KAR 3:535 Full-time Enrolled Online, Virtual, and Remote Learning Programs)</p>
<p>Extracurricular Access</p>	<p>LIMITED</p> <p>Access denied to some resident students, or students must take at least one class in a public school</p>	<p>Charter Schools</p> <p>Kentucky statute establishes that a public charter school shall “be eligible to participate in state-sponsored or district-sponsored interscholastic athletics, academic programs, competitions, awards, scholarships, and recognition programs for students, educators, administrators, and schools to the same extent as noncharter public schools, subject to the participating students’ compliance with eligibility requirements.” A public charter school has no obligation to provide extracurricular activities or access to facilities for students enrolled in the public charter school.</p> <p>If a public charter school does not offer any interscholastic athletic activity sanctioned by the Kentucky Board of Education or the agency designated by the state board to manage interscholastic athletics, a student enrolled in the public charter school shall be eligible to participate at the school the student would attend based on the student’s residence.</p> <p>(KY Rev Stat § 160.1592 Public charter schools part of state's public education system --Exemption from laws and regulations --School requirements...)</p>

		<p>Homeschool KDE’s Kentucky Homeschool Information Packet provides the following:</p> <p>“Participation in extracurricular activities sponsored by the public school is decided upon by individual school districts. State law only requires the public school district to allow opportunity for a student to participate in extracurricular activities if the student is enrolled in the public school district. Some districts are willing to allow homeschools to participate, but this is decided by individual school districts...”</p> <p>(KDE, Kentucky Homeschool Information Packet)</p> <p>Nonpublic Schools KDE notes: “Kentucky has numerous high-quality non-public schools, each of which determines its own curriculum and extra-curricular offerings. Although non-public schools are not required to be accredited or certified to be considered legal schools, their oversight is the responsibility of each local school district or a governing body such as a diocese.”</p> <p>(KDE, Kentucky Public School Enrollment Requirements)</p>
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SOURCE CITATIONS

Statutes	Administrative Code	State Department of Education	Other Resources
<p>KY Rev Stat § 160.1592 Public charter schools part of state's public education system --Exemption from laws and regulations --School requirements...</p> <p>KY Rev Stat § 158.100 Program required to be provided by school district -- Additional programs permitted -- Refugee or legal alien students --Virtual high school completion program</p>	<p>704 KAR 3:535 Full-time Enrolled Online, Virtual, and Remote Learning Programs</p>	<p>KDE, Kentucky Homeschool Information Packet</p> <p>KDE, Kentucky Non-Public Schools Information Packet.</p> <p>KDE, Kentucky Public School Enrollment Requirements</p> <p>KDE, Online/Virtual and Remote Learning Program Support</p>	<p>HSLDA, Public School Access for Homeschoolers in Kentucky</p>



Learn Everywhere in Kentucky

POLICY	RATING	POLICY OVERVIEW
Provider Qualification Standard	<p>NO</p> <p>No program</p>	<p>Kentucky has not established a Learn Everywhere program.</p>
Course Credit Standard	<p>NO</p> <p>No program</p>	
Core Course Opportunities	<p>NO</p> <p>No program</p>	
Central State List	<p>NO</p> <p>No program</p>	



Transportation in Kentucky

POLICY	RATING	POLICY OVERVIEW
<p>Open Enrollment Transit</p>	<p>NO</p>	<p>Kentucky statute provides that, “[W]hen a district undertakes, under operation of a tuition contract or of law, to provide in its school for pupils residing in another district, the district of their residence shall share the total cost of the school, including transportation when furnished at public expense, in proportion to the number of pupils or in accordance with contract agreement between the two (2) boards.”</p> <p>(Ky. Rev. Stat. Ann. § 158.120 Nonresident pupils -- Nonresident pupil policy -- Tuition)</p> <p>KDE’s non-resident pupil enrollment policy guidance indicates that school districts have discretion in developing their policies, including regarding “any transportation services the school district will provide to nonresident pupils enrolled in the district”.</p> <p>(KDE, Nonresident Pupil Enrollment Policy Guidance – HB 563 (April 8, 2022))</p>
<p>Fair Transportation Access</p>	<p>NO</p>	<p>Charter Schools</p> <p>Kentucky statute establishes that funding to be provided to a public charter school includes “on a proportionate per pupil transported basis, transportation funds calculated pursuant to KRS 157.360(2)(c) and 157.370 and distributed to the district of location, unless the school district provides transportation to students attending the public charter school under written terms agreed upon by the district and the public charter school in either the charter contract or, if the district is not the public charter school's authorizer, a separate agreement.</p> <p>If transportation funds are provided to the public charter school, it must provide transportation services to enrolled students in the district of location. If transportation services are not provided by the public charter school and no written agreement to provide transportation services with the district of location exists, then no transportation funds shall be transferred, and the district of location shall not be responsible for providing transportation to the public charter school's students.</p> <p>(KY Rev Stat § 160.1596 Board of directors of public charter schools --Required elements of charter contract with authorizer --Calculation of daily average attendance --Proportional transfer of funds...)</p>

<p>Vehicle Flexibility</p>	<p>YES</p>	<p>House Bill 447, signed by the Governor on April 4, 2024, permits districts to use vehicles designed and built for passenger transportation of nine (9) or fewer passengers, for transporting students to and from school and approved school activities.</p> <p>(House Bill 447, Kentucky Legislature (2024))</p> <ul style="list-style-type: none"> This allowance is to be included in an alternative transportation plan approved by the Kentucky Department of Education and the State Board of Education is required to promulgate administrative rules establishing, among other things, minimum standards and specifications for non-school bus passenger vehicles. Rules have not yet been proposed.
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SOURCE CITATIONS

<p>Statutes</p> <p>KY Rev Stat § 158.120 Nonresident pupils -- Nonresident pupil policy -- Tuition</p> <p>KY Rev Stat § 160.1596 Board of directors of public charter schools --Required elements of charter contract with authorizer --Calculation of daily average attendance --Proportional transfer of funds...</p> <p>House Bill 447, Kentucky Legislature (2024)</p>	<p>State Department of Education</p> <p>KDE, 2023 Kentucky School Laws, Notes to Decisions on the Constitution of Kentucky, 8. Student Transportation, p. 2</p> <p>KDE, Nonresident Pupil Enrollment Policy Guidance – HB 563 (April 8, 2022)</p>
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