

1 AN ACT relating to homeschools.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 159 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Board" means the Kentucky Board of Education;*

7 *(b) "Certified teacher" means a teacher who holds a valid teaching certificate*
8 *issued by the Education Professional Standards Board;*

9 *(c) "Department" means the Kentucky Department of Education;*

10 *(d) "Homeschool" means a private school where the program of instruction is*
11 *primarily conducted in a home by a parent; and*

12 *(e) "Parent" means a person or entity having legal custody of a child,*
13 *including a parent or guardian.*

14 *(2) No later than July 1 of each year, a parent of a homeschool student shall submit*
15 *to the department an affidavit, signed under penalty of perjury, certifying that the*
16 *student received at least one thousand sixty-two (1,062) hours of instruction*
17 *during the proceeding academic year.*

18 *(3) A parent of a homeschool student shall maintain a homeschool student portfolio*
19 *which is made contemporaneously with the instruction and contains samples of*
20 *tests, writings, worksheets, workbooks, and creative materials used or developed*
21 *by the student. A copy of the portfolio shall be submitted to the department as an*
22 *attachment to the affidavit required by subsection (2) of this section.*

23 *(4) The department shall review a homeschool student portfolio to determine if the*
24 *student has achieved adequate academic growth. A student shall be deemed to*
25 *have achieved adequate academic growth if the contents of the portfolio*
26 *demonstrate that the child has received regular, thorough instruction.*

27 *(a) Within sixty (60) days of receiving the homeschool student portfolio, the*

1 department shall notify the parent of whether the homeschool student has
2 achieved adequate academic growth.

3 (b) If a homeschool student has not achieved adequate academic growth, the
4 parent, with the advice and approval of a certified teacher, shall prepare
5 and implement a remediation plan to address the homeschool student's
6 academic deficiencies.

7 1. The parent shall file the remediation plan with the department within
8 thirty (30) days of receiving the notice under paragraph (a) of this
9 subsection.

10 2. The remediation plan may be amended periodically with the advice
11 and approval of a certified teacher, provided that the department is
12 notified within thirty (30) days of amendment.

13 3. The remediation plan shall remain in effect until the homeschool
14 student:

15 a. Exhibits adequate academic growth, as determined by the
16 department;

17 b. Is enrolled in a public, parochial, or private school that is not a
18 homeschool; or

19 c. Is no longer subject to compulsory attendance pursuant to KRS
20 159.010.

21 (5) If a homeschool student does not achieve adequate academic growth within
22 twenty-four (24) months of implementation of a remediation plan or does not
23 complete the requirements of subsection (4) of this section, the department shall
24 file a written complaint with the board.

25 (a) The department shall send a copy of the complaint by certified mail to the
26 parent.

27 (b) Within twenty (20) days of service of the complaint, the parent may file an

1 answer with the board. The filing of an answer is wholly permissive, and no
2 inferences shall be drawn from the failure to file an answer.

3 (c) No later than ten (10) days after the board receives the answer, or the time
4 expires for the filing of an answer, the board shall appoint a qualified
5 hearing officer in accordance with KRS Chapter 13B. The hearing officer
6 shall initiate a preliminary inquiry into the allegations in the complaint.

7 (d) If the hearing officer determines from the answer or preliminary inquiry
8 that the complaint does not allege facts sufficient to establish probable
9 cause of a homeschool student's failure to achieve academic growth for a
10 twenty-four (24) month period, the hearing officer shall immediately
11 dismiss the complaint.

12 (e) If the hearing officer determines that the complaint alleges facts sufficient
13 to establish probable cause of a homeschool student's failure to achieve
14 academic growth for a twenty-four (24) month period, the hearing officer
15 shall notify the parent and department of his or her findings and set a date,
16 time, and location within the school district for a hearing held in
17 accordance with KRS Chapter 13B.

18 (f) The hearing officer shall afford the parent an opportunity to appear in
19 response to the allegations in the complaint. The parent shall have the right
20 to be represented by counsel, to appear and be heard under oath, and to
21 offer evidence in response to the allegations in the complaint.

22 (g) Upon hearing both sides of the case, the hearing officer shall render a
23 decision which shall contain findings of fact and conclusions of law.

24 1. Upon clear and convincing proof of a homeschool student's failure to
25 achieve academic growth for a twenty-four (24) month period, the
26 hearing officer shall terminate the homeschool student's enrollment
27 in the homeschool or extend the remediation plan up to six (6)

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months.

2. Upon a lack of clear and convincing proof of a homeschool student's failure to achieve academic growth for a twenty-four (24) month period, the hearing officer shall dismiss the complaint with prejudice.

3. The decision of the hearing officer shall constitute exhaustion of administrative remedies. A parent aggrieved by a decision of the hearing officer may appeal to Circuit Court in the same manner as provided in KRS 13B.140.

(6) Any student who is a habitual truant, as defined in KRS 159.150(3), at any time during the six (6) months prior to the student's proposed enrollment in a homeschool may not be enrolled in the homeschool unless the superintendent approves a written description of the curricula submitted by the student's parent.

(7) The department shall promulgate administrative regulations necessary to carry out the provisions of this section in accordance with KRS Chapter 13A.