

KENTUCKY REVISED STATUTES/ADMINISTRATIVE REGULATIONS

Frequently Asked Questions

What are the state laws that apply specifically to alternative education?

- 703 KAR 4:080 (5) -“A5 School” - An alternative school which is a district operated and district controlled facility with no definable attendance boundaries that is designed to provide services to at-risk populations with unique needs. Its population composition and characteristics change frequently and are controlled by the school district student assignment practices and policies.
- KRS 160.345, (1), (b) - “School”- An elementary or secondary educational institution that is under the administrative control of a principal or head teacher and is not a program or part of another school. The term “school” does not include district-operated schools that are alternative schools designed to provide services to at-risk students with unique needs.
- 703 KAR 4:080 (5) - Alternative Education Enrollment Characteristics - Students who are actual dropouts returning to an alternate educational environment, potential or probable dropouts, drug abusers, physically abused students, discipline problem students, nontraditional students (e.g., students who have to work during the school day), and students needing treatment (e.g., emotional/psychological).
- KRS 158.44, (2), (1) - Alternative Education Programs and Intervention Services –
Any preventive, developmental, corrective, supportive services or treatment provided to a student who is at risk of school failure, is at risk of participation in violent behavior or juvenile crime, or has been expelled from the school district.

How many hours constitute a school day?

- KRS 158.060 (3) - School Month and School Day – A minimum of six (6) hours of actual school work shall constitute a school day except for children with disabilities and children attending the primary school program who may attend a program of less than six (6) hours per day under policy adopted by the local school district board of education and approved by the commissioner of education and children attending a school district where the local school board has approved a schedule that provides at least the equivalent of six (6) hours of daily instruction during the school year.

- **How many hours constitute an instructional term?**
- KRS 158.070 (1) – School Term – The minimum school term shall be one hundred eighty-five (185) days, including no less than the equivalent of one hundred seventy-five (175) six (6) hour instructional days. A board of education may extend its term beyond the minimum term.
- **Are school districts required to provide special school or programs for students violating the No Pass No Drive law ?**
- KRS 159.051- “No Pass-No Drive” - Separate schools or special programs within Schools is a district decision. They are designed specifically to address individual needs of youth between sixteen and eighteen years of age who are exhibiting one or more excessive unexcused absences, are in danger of not achieving two credits a semester, are planning to drop out of school, and have their driver’s license suspended as a result of the “No Pass – No Drive” Law.
- **Are alternative programs classified as “schools” requiring School Based Decision Making Councils?**
- KRS 160.345, (1) (b) (3) – School Based Decision Making Council - The term “school” does not include district-operated alternative schools designed to provide services to at-risk populations with unique needs.
- **Do alternative education teachers require a certificate for classroom teaching?**

KRS 161.020 - Certification - Requires that a teacher and other professional school personnel hold a certificate of legal qualifications for the respective position to be issued upon completion of a program of preparation prescribed by the Education Professional Standards Board.
- 704 KAR 20:165 (14) - Certification - A classroom teacher in an alternative “school” shall qualify on the basis of a certificate valid for classroom teaching.
- **Do pupil attendance requirements apply to alternative education programs?**
- 702 KAR 7:125 (6) Pupil Attendance – Local school districts shall provide a minimum of 1,050 hours of instructional hours per school term (185 days).
- **Are high school students required to meet the minimum requirements for high school graduation?**

- 704 KAR 3:305 - Minimum Requirements for High School Graduation – Administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation. The courses of study are described in the program of studies. The minimum requirements necessary for entitlement to a high school diploma, including the requirements beginning with the graduating class of 2002.
- **Does the KY Program of Studies apply to alternative education students?**
- 704 KAR 3:303 - Required Program of Studies – Establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected outcomes for students and schools.
- **What are the requirements for the placement and discipline of students with disabilities in alternative education programs?**
- 707 KAR 1: 220 – Least Restrictive Environment – Least restrictive environment means the educational setting in which the child or youth with a disability can learn effectively, based upon unique needs and capabilities, and interact with similar age peers who are disabled.
- Public Law 105-17 – Individuals with Disability Education Act. IDEA sets forth the requirements regarding discipline and placement of students with disabilities in appropriate “interim alternative educational settings.”