

Raising the Compulsory Attendance Age in Kentucky (SB 97) Frequently Asked Questions

1) When does the new compulsory age of 18 take effect?

This is dependent on the effective school year indicated in district policy. The earliest the new compulsory attendance age can take effect is the 2015-16 school year. The latest is the 2017-18 school year.

2) How will SB97 affect the No Pass No Drive laws and regulations?

The parameters around a student's eligibility to drive will not change as a result of SB97.

3) What are the responsibilities of a director of pupil personnel regarding students who drop out prior to the change in the compulsory attendance age, but are under eighteen years of age when SB 97 (2013) takes effect in 2015-2016?

KRS 159.140(1)(b) requires the director of pupil personnel (DPP) to enforce the compulsory attendance laws in the district he or she serves. KRS 159.170 does not exempt drop outs from compulsory attendance. SB 97 (2013) did not change these obligations. A DPP is required to enforce the compulsory attendance laws. Because the law does not provide an exemption for drop outs, a DPP is required, by KRS 159.140(1)(b) to enforce the law, as written, without exemptions other than those provided in KRS 159.030. KDE is not aware of any district that has amended compulsory attendance policies in an attempt to create an exception from these statutes, and encourages districts considering such an exemption to consult with local board counsel.

Kentucky law requires students who drop out prior to the effective school year of the new compulsory age (2015-16 for most districts) and are under the age of eighteen to attend school until their 18th birthday.

KDE suggests that districts advise the parents of sixteen and some seventeen year old students who considering dropping out that those students will be required to return to school until they reach age eighteen.

Kentucky's compulsory attendance laws are enforced through a legal process described in KRS 159.140(3), and not by KDE.

Because KDE does not enforce the compulsory attendance law, KDE recommends that DPPs direct questions about students under eighteen who have already acquired a GED, students under eighteen who are on active duty with the military, and students who are under eighteen and are enrolled in a college or vocational program to their local court-designated worker or to the local family accountability, intervention, and response team responsible for enforcing the compulsory attendance law.

4) What if we have questions about the implementation of SB97 or spending the implementation grants?

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