

KENTUCKY

Compulsory Attendance Ages: Every child who has reached his sixth birthday by October 1st and has not passed his eighteenth birthday is required to attend school. Kentucky Revised Statutes Annotated §§ 159.010, 158.030. Any student between “the age of six (6) years” and “his or her eighteenth birthday, who has been absent from school without valid excuse for three (3) or more days...is a truant.” Any student enrolled in a *public school* who is “eighteen (18) years, but has not reached his or her twenty-first birthday, who has been absent from school without valid excuse for three (3) or more days, or tardy without valid excuse on three (3) or more days, is a truant.” Ky. Rev. Stat. Ann. § 159.150(1)-(2).

Required Days of Instruction: At least 1062 hours “of instructional time for students delivered on not less than one hundred seventy (170) student attendance days.” The school term of a private school “shall not be for a shorter period in each year than the term of the public school provided in the district in which the child attending the school resides.” “School term” means not less than 185 days of student attendance days, teacher professional days, and holidays. Ky. Rev. Stat. Ann. §§ 158.070 and 158.080.

Required Subjects: “Private schools shall be taught in the English language and shall offer instruction in the several branches of study required to be taught in the public schools of the state, consistent with KRS 156.445(3)” Ky. Rev. Stat. Ann. § 158.080. These branches of study include reading, writing, spelling, grammar, history, mathematics, and civics.

Home School Statute: None.

Alternative Statutes Allowing for Home Schools: Ky. Rev. Stat. Ann. § 159.030(1)(b).

The board of education of the local school district “shall exempt from the requirement of attendance upon a regular public day school every child of compulsory school age...[w]ho is enrolled and in regular attendance in a private, parochial, or church regular day school.” Ky. Rev. Stat. Ann. § 159.030(1). A home school qualifies as a private, parochial, or church school if it does the following:

1. “It shall be the duty of each private, parochial, or church regular day school to notify the local board of education of those students in attendance at the school.” Ky. Rev. Stat. Ann. § 159.030(1)(b). Home schoolers need only send in a letter with this information during the first two weeks of school. Memorandum from Gary Bale, State Regulation of Private Schools (Ky. Dep’t of Educ. Jan. 21, 1985).

2. All private and parochial schools must keep an attendance register and scholarship reports “in the same manner as is required by law or by regulation of the Kentucky Board of Education of public school officials. Such schools shall at all times be open to inspection by directors of pupil personnel and officials of the Department of Education.” Ky. Rev. Stat. Ann. § 159.040. School officials, however, have no authority to enter home schools, since they are protected by the Fourth Amendment of the U.S. Constitution. (The Christian Home Educators of Kentucky and the Kentucky Home Education Association agree with HSLDA in their “Best Practice Document” that “the privacy of the home must be recognized and no visit inside the home may be conducted without the consent of an adult resident or a duly issued warrant.”)
3. A church school is defined as a “school operated as a ministry of a local church, group of churches, denomination, or association of churches on a nonprofit basis.” Ky. Rev. Stat. Ann. § 159.030(1)(g).
4. In *Ky. State Bd. for Elementary & Secondary Educ. v. Rudasill*, 589 S.W.2d 877 (Ky. 1979), the Kentucky Supreme Court held that the Commonwealth’s textbook approval, teacher certification, and school accreditation requirements violated Section 5 of the Kentucky Constitution, which states that no person shall “be compelled to send his child to any school to which he may be conscientiously opposed.”

The Court explained that only one form of monitoring was allowed. “If the legislature wishes to monitor the work of private and parochial schools in accomplishing the constitutional purpose of compulsory education, it may do so by an appropriate standardized achievement testing program. *Wolman v. Walter*, 433 U.S. 229... (1977).” *Rudasill*, 598 S.W.2d at 884. The Kentucky legislature has not authorized testing of private schools.

Regarding textbook approval (of private or church schools—including those based in home), the court prohibited the practice because “[t]he textual materials used in the public schools are at the very heart of the conscientious opposition to those schools.” *Rudasill*, 598 S.W.2d at 884.

Concerning a teacher certificate or college degree, the Court said it “is an indicator of the level of achievement, but it is not a *sine qua non* [essential condition or prerequisite] the absence of which establishes private and parochial school teachers are unable to teach their students to intelligently exercise the elective franchise.” *Rudasill*, 598 S.W.2d at 884 (emphasis added).

Teacher Qualifications: None.

Standardized Tests: Not required by statute for private or religious schools (home schools).