

**159.035 Participation in 4-H activities to be considered attendance -- Excused absence for educational enhancement -- Appeal of denial of excused absence -- Exception for testing periods -- Excused absences for deployment and return days of parent or guardian on active duty -- Excused absence to visit parent or guardian on R and R.**

- (1) Notwithstanding the provisions of any other statute, any student in a public school who is enrolled in a properly organized 4-H club shall be considered present at school for all purposes when participating in regularly scheduled 4-H club educational activities, provided, the student is accompanied by or under the supervision of a county extension agent or the designated 4-H club leader for the 4-H club educational activity participated in.
- (2) Except as provided in paragraph (e) of this subsection, a public school principal shall give a student an excused absence of up to ten (10) school days to pursue an educational enhancement opportunity determined by the principal to be of significant educational value, including but not limited to participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts.
  - (a) A student receiving an excused absence under this subsection shall have the opportunity to make up school work missed and shall not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.
  - (b) Educational enhancement opportunities under this subsection shall not include nonacademic extracurricular activities, but may include programs not sponsored by the school district.
  - (c) If a request for an excused absence to pursue an educational enhancement opportunity is denied by a school principal, a student may appeal the decision to the district superintendent, who shall make a determination whether to uphold or alter the decision of the principal. If a superintendent upholds a principal's denial, a student may appeal the decision to the local board of education, which shall make a final determination. A principal, superintendent, and local board of education shall make their determinations based on the provisions of this subsection and the district's school attendance policies adopted in accordance with KRS 158.070 and KRS 159.150.
  - (d) A student receiving an excused absence under the provisions of this subsection shall be considered present in school during the excused absence for the purposes of calculating average daily attendance as defined by KRS 157.320 under the Support Education Excellence in Kentucky program.
  - (e) A student shall not be eligible to receive an excused absence under the provisions of this subsection for an absence during a school's testing window established for assessments of the state assessment developed under KRS 158.6453 or during a testing period established for the administration of additional district-wide assessments at the school, except if a principal

determines that extenuating circumstances make an excused absence to pursue an educational enhancement opportunity appropriate.

- (3) (a) If a student's parent, de facto custodian, or other person with legal custody or control of the student is a member of the United States Armed Forces, including a member of a state National Guard or a Reserve component called to federal active duty, a public school principal shall give the student:
1. An excused absence for one (1) day when the member is deployed;
  2. An additional excused absence for one (1) day when the service member returns from deployment; and
  3. Excused absences for up to ten (10) days for visitation when the member is stationed out of the country and is granted rest and recuperation leave.
- (b) A student receiving an excused absence under this subsection shall have the opportunity to make up school work missed and shall not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.
- (c) A student receiving an excused absence under this subsection shall be considered present in school during the excused absence for the purposes of calculating average daily attendance as defined by KRS 157.320 under the Support Education Excellence in Kentucky program.

**Effective:** June 25, 2009

**History:** Amended 2009 Ky. Acts ch. 18, sec. 1, effective June 25, 2009; and ch. 101, sec. 10, effective March 25, 2009. -- Amended 2006 Ky. Acts ch. 252, Pt. XXVIII, sec. 9, effective April 25, 2006. -- Amended 2004 Ky. Acts ch. 87, sec. 1, effective July 13, 2004. -- Amended 1990 Ky. Acts ch. 476, Pt. IV, sec. 217, effective July 13, 1990. -- Created 1960 Ky. Acts ch. 245, sec. 1.

**Legislative Research Commission Note (6/25/2009).** This section was amended by 2009 Ky Acts chs.18 and 101, which do not appear to be in conflict and have been codified together.