

# SB 128 Supplemental School Year Program (SSYP) Considerations

Guidance from the Kentucky Department of Education (KDE) and Kentucky High School Athletic Association (KHSAA) is changing regularly as it relates to the implementation SB 128 Supplemental School Year Program (SSYP). Please consult the [SB 128 KDE Guidance for Schools and Districts](#) and [SB 128 Guidance for Sports and Sports Activities](#) for the most up to date information.

## Timeline and Process

Students have until May 1, 2021 to submit a request to their local board of education; the local board has until June 1, 2021 to decide whether to accept all requests or no requests.

## District and School Considerations

- SB 128 will negatively impact the [graduation rate](#) of schools where students remain in high school for a supplemental year.
  - Currently, schools with a 4-year graduation rate of less than 80% are classified as Comprehensive Support and Improvement (CSI) schools
- Attendance and funding for SSYP students - Pursuant to HB 208, school districts will receive funding for the 2021-2022 ADA, including growth factor, if applicable, during school year 2022-2023.
  - For graduated students, SEEK eligibility for each of the two semesters is tied to the completion of courses during the semester and enrollment during the entirety of the semester.
- Whether or not a local board decides by June 1, 2021, to approve the requests of all students to have 2021-2022 as a supplemental year, students still can be retained pursuant to longstanding promotion and retention guidance. Board Policy 08.22, Curriculum and Instruction, Promotion and Retention.
- When considering the creation of a Supplemental School Year Program (SSYP), districts should consider the impact of the program on the staffing allocation and Section 6 funds distributed and overseen by school-based decision making (SBDM) councils.
  - Pursuant to 702 KAR 3:246, final staffing allocations are due to SBDM councils by May 1.
- K-12 students who request a supplemental school year are expected to be assessed in the state required assessments at that grade level.
  - If enrolled students without an approved medical exemption do not test, the lowest score is entered for the student in the school data.

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## Student and Family Considerations

- SB 128 Supplemental School Year Program (SSYP) is not available to preschool students.

## Considerations for Current 12th Grade Students

- Pursuant to [KRS 158.140\(2\)](#), students who meet all state and local graduation requirements shall receive a high school diploma from the school district. Districts do not have the flexibility of allowing a student to defer a diploma and graduate with a different cohort.
  - Once the diploma is issued, the student's final GPA should be calculated and should not be altered at a later date to reflect additional or updated coursework as part of the final GPA or credits toward graduation.
    - High school transcripts must contain an accurate account of the student's final academic standing at the time the diploma is issued.
- Pursuant to guidance from the Kentucky Council on Postsecondary Education (CPE), graduated seniors who return and wish to take postsecondary coursework during the 2021-2022 year must pursue dual enrollment (defined within [KRS 164.002](#)), rather than dual credit coursework.
  - Dual enrollment tuition for courses taken by graduated students will be determined by the postsecondary institution.
- Pursuant to guidance from the Kentucky Higher Education Assistance Authority (KHEAA), it should be noted that students who graduate from high school during the 2020-2021 year are no longer considered high school students for scholarship purposes and, therefore, are not eligible for Dual Credit or Work Ready Dual Credit scholarships during the 2021-2022 year.
- High school graduates who desire to use their KEES awards for postsecondary expenses must be enrolled at the postsecondary level as regular postsecondary students who are subject to full tuition rates.
- It is recommended that before students and families make a decision about whether or not a graduated senior will request 2021-2022 as a supplemental year, they consult guidance provided by the [KHEAA](#), the [CPE](#) and the [Kentucky High School Athletic Association](#).

## Considerations for Current Kindergarten through 12th Grade Students

- Once the local board of education has determined to accept ALL student requests for a supplemental year, SB 128 provides that local school districts may establish policies on

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grades, schedules, classifications, graduation ceremonies and other operational issues in offering the supplemental school year.

- Courses taken during the supplemental year must be those the student previously was enrolled in or bear a reasonable connection to previous courses to be supplementary in nature.
  - Which courses satisfy a reasonable connection to previous courses and are supplementary in nature will be determined by the local district.
  - Students may not retake or supplement courses from any school year prior to the 2020-2021 school year.
  - The Supplemental School Year Program (SSYP) also was not established for students to explore coursework they otherwise didn't have the opportunity to take
- Students cannot earn credit for the same required Kentucky Academic Standards (KAS) content more than once.
  - If the student failed the course during the 2020-2021 school year, the student is eligible for credit due to the prior failure.

## Athletics Considerations

### High School Athletics

- SSYP students will not be granted a waiver of the statutory age rule.
  - Specific within the SB 128 were provisions that the age limitation (age 19 before August 1) is not to be waived.
- All students approved to utilize the provisions of the SSYP who are enrolled in grades 9 through 12 during the 2020-2021 school year, will have the limit of four years extended to five per the provisions of Senate Bill 128.
- All students desiring participation at any high school level, including seniors who have earned graduation credit, shall be full-time enrolled in the member school, and may be dual-enrolled (not dual credit) to meet this requirement.
- Students enrolled at or above grade nine, if approved to utilize the SSYP, may participate at the varsity level (practice or play) in all sports and sport-activities, even while repeating the grade.
- The first-day "credit check", detailed in Sec. 1, is waived for all participants in sports and sport-activities for the 2021-2022 school year, with or without SSYP approval within the school district.
- The requirement of continual progress each week continues to be in place, even for students in the SSYP.

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## Middle School Athletics

- Middle School age provisions in [702 KAR 7:065](#), implemented originally solely due to health and safety concerns, remain in place as written.
- All students approved to utilize the provisions of the SSYP who are enrolled in grades 9 through 12 during the 2020-2021 school year, will have the limit of four years extended to five per the provisions of Senate Bill 128.
  - Students below grade 9 during the 2020-2021 school year will continue to have four years of eligibility upon enrollment in grade 9 as the SSYP year is not impactful on this rule.
- Students enrolled in grades 7 or 8, if approved to utilize the SSYP, may participate at the varsity level (practice or play) in all sports and sport-activities except for soccer and football, even while repeating the grade.
- Middle School provisions regarding repeating students were repealed during the 2019-2020 school year and these provisions are local jurisdiction including actions by each school, school district, conference, or association of schools.

## NCAA Implications

- Athletes contemplating participating in athletics should be aware that there could be issues relative to initial eligibility for those seeking initial eligibility certification.
- At this time, representatives of the NCAA Initial-Eligibility Center continue to caution that “In Division I, if you do not graduate on time (in four years/ eight semesters), the NCAA Eligibility Center will still use your grades and coursework for the first four years/eight semesters for your certification. You will still need to provide proof of graduation (once you graduate) and you may not use any coursework taken after your high school graduation toward your certification.”
  - For this reason, prospective NCAA athletes should be referred to material such as the [“Guide for the College-Bound Student-Athlete”](#) and the [“NCAA Eligibility Center COVID-19 Response FAQs”](#) for specific questions.