

SUPREME COURT OF KENTUCKY

Jefferson County Board of Education v. Fell ex rel. L.F.

391 S.W.3d 713 (Ky. 2012) · Decided September 20, 2012

SUMMARY

The Kentucky Supreme Court held that KRS 159.070 does not grant Kentucky public school students a statutory right to attend the public school nearest their homes. The court distinguished enrollment from attendance, considered related compulsory-attendance provisions and the statute's legislative history, and concluded that student assignment is committed to the discretion of local school boards. The court reversed the Court of Appeals and reinstated the Jefferson Circuit Court's dismissal of the complaint.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Justice Abramson; Abramson; Cunningham; Minton; Noble; Schroder; Scott; Venters
JURISDICTION	Kentucky
DECIDED	September 20, 2012
DISPOSITION	reversed
PROCEDURAL POSTURE	Parents of Jefferson County schoolchildren sued the Jefferson County Board of Education and the superintendent, alleging that KRS 159.070 gave their children a statutory right to attend the public school nearest their homes. The Jefferson Circuit Court dismissed the complaint under Kentucky Rule of Civil Procedure 12.02. The Court of Appeals reversed, and the Supreme Court of Kentucky granted discretionary review.
STANDARD OF REVIEW	Statutory construction is reviewed de novo because it presents a question of law. The dismissal under Kentucky Rule of Civil Procedure 12.02 was reviewed for failure to state a claim.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Kentucky; precedential.
PARTIES	Jefferson County Board of Education v. Fell ex rel. L.F.

TOPICS

statutory interpretation

legislative intent

legislative history

administrative law

PRACTICE AREAS

education law

statutory interpretation

administrative law

QUESTIONS PRESENTED

1. Whether KRS 159.070 grants Kentucky public schoolchildren a statutory right to attend the public school nearest their homes.
2. Whether the terms "enroll" and "attend" in KRS 159.070 are synonymous.
3. Whether student assignment within a Kentucky school district is committed to the discretion of the local board of education.

HOLDINGS

1. KRS 159.070 does not grant Kentucky public schoolchildren a statutory right to attend the public school nearest their homes.
2. Assignment of pupils to schools within a district is a matter committed to the sound discretion of the local board of education, subject to constitutional and statutory limits.
3. When statutory language is ambiguous, Kentucky courts may consider the statute as a whole, related statutes, legislative history, and established canons of construction to determine legislative intent.

KEY QUOTATIONS

"Kentucky public school students have no statutory right to attend a particular school." (391 S.W.3d at 713)

"student assignment within a school district in Kentucky is a matter that the legislature has committed to the sound discretion of the local school board." (391 S.W.3d at 713)

"Kentucky law does not grant a statutory right for schoolchildren to attend the school nearest their home." (391 S.W.3d at 729)

FACTUAL BACKGROUND

Parents of fourteen Jefferson County schoolchildren alleged that the children were denied admission to the public schools nearest their homes. Their sole claim was that KRS 159.070 required the Jefferson County Public Schools to permit enrollment and attendance at the nearest school. Several parents later withdrew after their children were reassigned through the ordinary administrative process, leaving nine plaintiffs representing ten students.

PROCEDURAL HISTORY

The Jefferson Circuit Court dismissed the complaint for failure to state a claim, concluding that KRS 159.070 did not equate enrollment with attendance and did not create a neighborhood-school entitlement. The Court of Appeals reversed and directed JCPS to develop a new student-assignment plan. The Supreme Court of Kentucky reversed the Court of Appeals and reinstated the circuit court's dismissal.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The Court of Appeals' decision was reversed, and the ruling of the Jefferson Circuit Court dismissing the complaint was reinstated.

CASES CITED

- Cumberland Valley Contractors, Inc. v. Bell County Coal Corp., 238 S.W.3d 644, 647 (Ky. 2007)
- MPM Financial Group, Inc. v. Morton, 289 S.W.3d 193, 197-98 (Ky. 2009)
- Saxton v. Commonwealth, 315 S.W.3d 293, 300 (Ky. 2010)
- Shawnee Telecom Resources, Inc. v. Brown, 354 S.W.3d 542, 551 (Ky. 2011)
- Petitioner F. v. Brown, 306 S.W.3d 80, 85-86 (Ky. 2010)
- Democratic Party of Kentucky v. Graham, 976 S.W.2d 423, 429 (Ky. 1998)
- Fiscal Court of Jefferson County v. City of Louisville, 559 S.W.2d 478, 480 (Ky. 1977)
- Stephenson v. Woodward, 182 S.W.3d 162, 172 (Ky. 2005)
- Fox v. Grayson, 317 S.W.3d 1, 8 (Ky. 2010)
- Economy Optical Co. v. Kentucky Board of Optometric Examiners, 310 S.W.2d 783 (Ky. 1958)
- Bd. of Ed. of Louisville v. Bd. of Ed. of Jefferson County, 522 S.W.2d 854 (Ky. 1975)
- City of Somerset v. Bell, 156 S.W.3d 321, 326 (Ky. App. 2005)
- Mitchell v. Kentucky Farm Bureau Mutual Insurance Co., 927 S.W.2d 343, 346 (Ky. 1996)
- Whitley County Board of Education v. Meadors, 444 S.W.2d 890, 891 (Ky. 1969)
- Inland Steel Co. v. Hall, 245 S.W.2d 437, 438 (Ky. 1952)
- Johnson v. Branch Banking and Trust Co., 313 S.W.3d 557 (Ky. 2010)
- Hines v. Pulaski County Board of Education, 166 S.W.2d 37, 38 (Ky. 1942)
- Skinner v. Board of Education of McCracken County, 487 S.W.2d 903, 905 (Ky. 1972)
- Revenue Cabinet v. O'Daniel, 153 S.W.3d 815, 819 (Ky. 2005)
- Rose v. Council for Better Education, Inc., 790 S.W.2d 186, 189 (Ky. 1989)
- Bd. of Trustees of the Judicial Form Retirement System v. Attorney General of the Commonwealth, 132 S.W.3d 770, 786 (Ky. 2003)
- Caesars Riverboat Casino, LLC v. Beach, 336 S.W.3d 51, 58 (Ky. 2011)
- Devasier v. James, 278 S.W.3d 625, 632 (Ky. 2009)
- Malone v. Kentucky Farm Bureau Mutual Insurance Co., 287 S.W.3d 656, 658 (Ky. 2009)
- Commonwealth v. McCombs, 304 S.W.3d 676, 681 (Ky. 2009)
- Clark v. Commonwealth, 267 S.W.3d 668, 676-77 (Ky. 2008)
- Brown v. Sammons, 743 S.W.2d 23, 24 (Ky. 1988)

