

**School Attendance Areas****ASSIGNMENT OF STUDENTS TO SCHOOLS**

Each student enrolled in the District shall be required to attend the school assigned by the Board.

The Board may revise attendance zones from time to time.

**REQUESTS FOR TRANSFER**

Requests for transfer to another school within the District shall be considered pursuant to procedures developed by the Superintendent. All decisions by the Superintendent/designee regarding transfer shall be final.

In addition, students shall be permitted to transfer to another school as required by the No Child Left Behind Act of 2001.\*<sup>1</sup>

\*~~Because~~Pending renewal of the Kentucky request to the U. S. Dept. of Education for flexibility~~-was granted~~, this specific portions -reason-is shall be waived through the 2013-20142014-2015 school year. If the request is not renewed, then those transfer portions will be in force.

**REFERENCES:**

- <sup>1</sup>P. L. 107-110 (No Child Left Behind Act of 2001)  
34 CRF 200.44

Adopted/Amended: 01/27/2014  
Order #: 2014-016

### **Admissions and Attendance**

#### **RESIDENCE DEFINED**

Students in the custody of a parent or guardian who resides in the District, or as otherwise provided by state or federal law, shall be considered residents and entitled to the privileges of the District's schools.

All other students shall be classified as nonresidents for school purposes.<sup>1</sup>

#### **HOMELESS CHILDREN AND YOUTH**

The District shall provide educational and related services to homeless children and youth in a manner that does not segregate or stigmatize students on the basis of their homeless status.

The District shall provide its schools with guidelines that detail the rights of homeless students and the responsibilities that schools have to meet their needs and eliminate barriers to school attendance. These guidelines shall emphasize the right of homeless students to:

1. Have equal access to all educational programs and services, including transportation, that non-homeless students enjoy;
2. Continue attending their school of origin for the duration of homelessness;
3. Attend regular public school with non-homeless students; and
4. Continue to receive all services for which they are eligible (i.e., special education, gifted and talented, limited English proficient).

The District shall designate an appropriate staff person to serve as liaison to homeless children and youth. The District liaison must provide public notice of the educational rights of homeless children in places where they receive services.<sup>2</sup>

#### **IMMIGRANTS**

No student shall be denied enrollment based on his/her immigration status, and documentation of immigration status shall not be required as a condition of enrollment.

The District may provide an approved high school program to a student who is a refugee or legal alien until the student graduates or until the end of the school year in which the student reaches the age of twenty-one (21), whichever comes first.

#### **NONRESIDENTS**

Nonresident students may be admitted to the District's schools in accordance with Board policy and upon approval of the Superintendent.<sup>3</sup>

Written nonresident student contract information shall be kept on file at both the attending and resident districts.

#### **TRANSFER OF ADA**

**Admissions and Attendance**

Nonresident students may be admitted to the District schools upon payment of tuition and/or transfer of the student's average daily attendance as defined under Kentucky's public school fund.<sup>4&5</sup>

**NON-IMMIGRANT FOREIGN STUDENTS**

Non-immigrant foreign students qualifying for F-1 immigration status or who obtain an F-1 student visa may be admitted to the District based on the following guidelines:

1. These students shall not be permitted to attend any publicly funded adult education program.
2. These students may be permitted to attend in grades nine through twelve (9-12), but not at earlier grade levels.
3. As required by law, these students shall pay a tuition fee equal to the full, unsubsidized per capita cost to the District for providing education to the student for the period of attendance.
4. The period of attendance shall not exceed twelve (12) months.

These requirements do not apply to immigrant students residing in the District or foreign students in any other immigration status, including exchange students.

**EXPELLED/CONVICTED STUDENTS**

The parent, guardian, Principal, or other person or agency responsible for the student shall provide to the school prior to admission, a sworn statement or affirmation concerning any of the following that have occurred in or outside Kentucky:

1. If a student has been expelled from school; or
2. If a student has been adjudicated guilty/convicted of, homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs.

Assault shall mean any physical assault, including sexual assault.

The sworn statement or affirmation shall be on a form provided by the appropriate state agency and shall be sent to the receiving school within five (5) working days of official notification that a student has requested enrollment in the new school.<sup>6</sup>

If a student is suspended or expelled for any reason, or faces charges that may lead to suspension or expulsion, but withdraws prior to a hearing from any public or private school in Kentucky or any other state and then moves into the District and seeks to enroll, the District shall review the details of the charges, suspension, or expulsion and determine if the student will be admitted, and if so, what conditions may be imposed upon the admission. Prior to a decision to deny

**Admissions and Attendance**

admission, the District shall offer the student, parent/guardian, or other persons having legal custody or control of the student a hearing before the Board.

**REFERENCES:**

<sup>1</sup>[KRS 159.010](#); [OAG 78-64](#)

<sup>2</sup>42 U.S.C. 11431 et seq. (McKinney-Vento Act)

<sup>3</sup>[KRS 158.120](#); [OAG 80-47](#); [OAG 79-327](#); [OAG 75-602](#)

<sup>4</sup>[KRS 157.320](#)

<sup>5</sup>[702 KAR 7:125](#)

<sup>6</sup>[KRS 158.155](#); [KRS 157.330](#), [KRS 158.150](#)

[KRS 157.360](#); [KRS 158.100](#)

[704 KAR 7:090](#); [OAG 91-171](#)

Public Law 104-208; P. L. 107-110 (No Child Left Behind Act of 2001)

8 U.S.C. Sections 1101 and 1184; 8 C.F.R. Section 214

*Plyler v. Doe*, 457 U.S. 202 (1982)

Equal Educational Opportunities Act of 1974 (EEOA)

**RELATED POLICIES:**

09.11, [09.1223](#), 09.123, 09.124, 09.125, 09.211

09.126 (re requirements/exceptions for students from military families)

Adopted/Amended: 02/10/2014

Order #: 2014-022

## Entrance Age

### **PRESCHOOL**

In accordance with appropriate state and federal legal requirements, any child who has been identified as disabled ~~or as exceptional~~, and who is three (3) or four (4) years of age, ~~or who may become five (5) years of age after October by August~~ 1 of the current year, shall be eligible for a free and appropriate preschool education and related services.<sup>+</sup>

Children at risk of educational failure who are four (4) by ~~October~~ August 1 may enter preschool. All other four (4) year old children shall be served to the extent placements are available.<sup>-1</sup> ~~Beginning in 2017, children at risk of educational failure who are four (4) years of age by August 1 may enter preschool.~~

### **PRIMARY SCHOOL**

Any child who is five (5) years of age or who may become five (5) years of age by October 1 may enter a primary school program and may advance through the program without regard to age in accordance with [KRS 158.030](#). Any child who is six (6) years of age or who may become six (6) years of age by October 1 shall attend school or qualify for an exemption as provided by [KRS 159.030](#).<sup>3</sup>

The District shall establish guidelines to determine a student's level of academic and social skills when that student is being considered for advancement through the primary program. A student who is at least five (5) years of age, but less than six (6) years of age on or before October 1, may be enrolled in the second level of the primary program in keeping with the process set out in Kentucky Administrative Regulation.<sup>5</sup>

Beginning with the 2017-2018 school year, the following provisions shall apply:

- A child who becomes five (5) by August 1 may enter primary school and may advance through the primary program without regard to age in accordance with KRS 158.031. A child who becomes six (6) by August 1 shall attend public school unless s/he qualifies for an exemption as provided by law.
- A child who is six (6) years of age, or who may become six (6) years of age by August 1, shall attend public school or qualify for an exemption as provided by KRS 159.030.<sup>2</sup>

### **PETITION PROCESS**

Parents/guardians may petition the Board to allow their child to enter school earlier than permitted under statutory age requirements. On receipt of a petition, the District shall conduct an evaluation process to help determine a student's readiness to engage in and benefit from early entry to school. The process shall be established in accordance with the following:

1. The District shall establish guidelines to determine a student's readiness for entry, including the date by which petitions must be submitted to the Department of Pupil Personnel.

**Entrance Age****PETITION PROCESS (CONTINUED)**

2. Developmentally appropriate measures, which may include state-approved screening instruments, shall be used to determine a student's level of developmental, academic and social readiness.
3. Based on staff recommendations, the Superintendent shall recommend to the Board whether to grant the request.
4. Parents may petition for early entrance to kindergarten with the understanding that full tuition will be paid by the parent/guardian.

Considerations may include availability of space and funding.

**PROOF OF AGE**

Upon enrollment for the first time in any elementary or secondary school, a student or student's parent shall provide:

- A certified copy of the student's birth certificate, or
- Other reliable proof of the student's identity and age with an affidavit explaining the inability to produce a copy of the birth certificate.<sup>4</sup>

**REFERENCES:**

<sup>1</sup>[KRS 157.3175; 2014 Budget Bill](#)

<sup>2</sup>[KRS 158.030](#)

<sup>3</sup>[KRS 159.030](#)

<sup>4</sup>[KRS 158.032](#)

<sup>5</sup>[KRS 158.031; 702 KAR 7:125](#)

[KRS 158.990](#)

[KRS 159.010](#)

[704 KAR 5:070](#)

[OAG 82-408; OAG 85-55](#)

**RELATED POLICIES:**

08.22

09.126 (re requirements/exceptions for students from military families)

Adopted/Amended: 12/09/2013  
Order #: 2013-201

**Persons Over Compulsory Attendance Age****ADMISSION OF RESIDENT STUDENTS OVER AGE TWENTY-ONE (21)**

Resident students over age twenty-one (21) may be admitted on a tuition basis.

A student currently enrolled in the District who reaches his/her twenty-first (21st) birthday after the school year begins shall be eligible to complete that school year tuition free. Any student who reaches his/her twenty-first (21st) birthday on or before the day school begins shall be subject to a tuition charge as determined by the Board. This policy does not apply to those war veterans covered by KRS 158.105 or to individuals enrolled in any experimental program approved by the Board.

Students under age twenty-one who have earned a GED shall be permitted to enroll to work toward completion of graduation requirements.

**Exception**

The District may provide an approved high school program to a student who is a refugee or legal alien until the student graduates or until the end of the school year in which the student reaches the age of twenty-one (21), whichever comes first.

**STUDENTS WITH DISABILITIES**

In cases which involve students with disabilities, the procedures mandated by federal and state law for such students shall be followed.<sup>1</sup>

**REFERENCES:**

<sup>1</sup>P. L. 105-17

KRS 157.200

KRS 157.360

KRS 158.100

KRS 158.105

KRS 158.140

KRS 159.010

KRS 159.030

704 KAR 3:305

Adopted/Amended: 01/27/2014

Order #: 2014-016

### **Student Records**

Except as otherwise provided by law, student education records are those records recorded in any medium that are directly related to a student and maintained by the District or by a party acting for the District.

#### **TYPES OF STUDENT RECORDS**

Student records include, but are not limited to:

1. Personal and family data;
2. Evaluation and test data;
3. Medical and psychological reports;
4. Records of school achievement, progress reports and portfolios;
5. Records of conferences with students and/or parents (including Individual Education Programs for exceptional children);
6. Copies of correspondence concerning a student;
7. Photographs/video records of a student;
8. Discipline records;
9. Other information or data that may be useful in working with a student and/or required by state or federal law.

Student records shall be retained as required by law.

#### **PROCEDURE TO BE ESTABLISHED**

The Superintendent/designee shall develop procedures for the development, maintenance, use, storage, dissemination, and destruction of student records and to promote effective notification of parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) and to ensure District compliance with applicable state and federal student record requirements.

#### **DISCLOSURE OF RECORDS**

Student records shall be made available for inspection and review to the parent(s) of a student or to an eligible student on request. Eligible students are those 18 years of age or older or those duly enrolled in a post-secondary school program. In general, FERPA rights pass to the eligible student upon either of those events. Parents may be provided access to the educational records of an eligible student 18 years old or older if the student is dependent under federal tax laws.<sup>1</sup>

Student records shall be developed, maintained, stored, used, released, disseminated, and destroyed in compliance with applicable state and federal laws and regulations.

State and federal laws and regulations assuring parent/student rights to review and access student records, and to provide for the privacy and confidentiality of student records shall be followed.

Considering the totality of the circumstances, the District may disclose information from education records to appropriate parties, including parents of eligible students, whose knowledge

### **Student Records**

of the information is necessary to protect the health or safety of a student or another individual, if there is an actual, impending, or imminent articulable and significant threat to the health or safety of a student or other individual. In such instances, the basis for a decision that a health or safety emergency existed shall be recorded in the student's education records.

Authorized District personnel also may disclose personally identifiable information to the following:

- Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer;
- School officials (such as teachers, instructional aides, administrators) and other service providers (such as contractors, consultants, and volunteers used by the District to perform institutional services and functions) having a legitimate educational interest in the information.

District and school officials/staff may only access student record information in which they have a legitimate educational interest.

#### **DISCLOSURE TO REPRESENTATIVES FOR FEDERAL OR STATE PROGRAM PURPOSES**

Personally identifiable student information may be released to those other than employees who are designated by the Superintendent in connection with audit, evaluation, enforcement, or compliance activities regarding Federal or State programs. Such designation must be executed in writing with the authorized representative and specify information as required by 34 CFR Part 99.35.

#### **DUTY TO REPORT**

If it is determined that the District cannot comply with any part of FERPA or its implementing regulations due to a conflict with state or local law, the District must notify the Family Policy Compliance Office (FPCO) within forty-five (45) days of the determination and provide the text and citation of the conflicting law.

#### **DIRECTORY INFORMATION**

The Superintendent/designee is authorized to release student directory information to organizations or individuals with a legitimate educational interest and purpose upon written request. A student's name, address, grade level, honors and awards, photograph (excluding video records) and major field of study shall constitute directory information. A student's date of birth shall constitute directory information only for purposes of the U.S. Department of Education Free Application for Federal Student Aid (FAFSA) Completion Project. The Superintendent/designee shall develop a form to permit parents and eligible students to opt-out of the release of directory information.

The District allows for disclosure of directory information only to specific parties for specific purposes. Such limitations are specified in the student directory information notification.

Parents/guardian/eligible students must either permit release of all directory information or opt out of release of all directory information.

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Unless the parent/guardian or secondary school student requests in writing that the District not release such information, the student's name, address, and telephone number shall be released to Armed Forces recruiters upon their request.

#### **SURVEYS OF PROTECTED INFORMATION**

The District shall provide direct notice to parents/guardian to obtain prior written consent for their minor child(ren) to participate in any protected information survey, analysis, or evaluation, if the survey is funded in whole or in part by a program of the U.S. Department of Education.

Parents/eligible students also shall be notified of and given opportunity to opt their child(ren) out of participation in the following activities:

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Parents/eligible students may inspect, upon written request and prior to administration or use, materials or instruments used for the collection, disclosure, or use of protected information.

These requirements do not apply to evaluations administered to students in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA).

#### **STUDENTS WITH DISABILITIES**

The District's special education policy and procedures manual shall include information concerning records of students with disabilities.

#### **RECORDS RELEASE TO JUVENILE JUSTICE SYSTEM**

Once a complaint is filed with a court-designated worker alleging that a child has committed a status offense or public offense, schools shall provide all records specifically requested in writing, and pertaining to that child to any agency listed as part of Kentucky's juvenile justice system in KRS 17.125 if the purpose of the release is to provide the juvenile justice system with the ability to effectively serve, prior to adjudication, the needs of the student whose records are sought. The authorities to which the data are released shall certify that any educational records obtained pursuant to this section shall only be released to persons authorized by statute and shall not be released to any other person without the written consent of the parent of the child. The request, certification, and a record of the release shall be maintained in the student's file.

#### **JUVENILE COURT RECORDS**

Records or information received on youthful or violent offenders shall not be disclosed except as permitted by law. When such information is received, the Superintendent shall notify the Principal of the school in which the child is enrolled. The Principal shall then release the information as permitted by law. Only the Superintendent and school administrative,

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transportation, and counseling personnel or teachers or other school employees with whom the student may come in contact, shall be privy to this information, which shall be kept in a locked file when not in use and opened only with permission of the administrator. Notification in writing of the nature of offenses committed by the student and any probation requirements shall not become a part of the child's student record.<sup>1</sup>

**RECORDS OF MISSING CHILDREN**

Upon notification by the Commissioner of Education of a child's disappearance, the District shall flag the record of such child in a manner that whenever a copy of or information regarding the child's record is requested, the District shall be alerted to the fact that the record is that of a missing child. Instead of forwarding the records of a child who has been reported missing to the agency, institution, or individual making the request, the District shall notify the Justice Cabinet.

**COURT ORDER/SUBPOENA**

Prior to complying with a lawfully issued court order or subpoena requiring disclosure of personally identifiable student information, school authorities shall make a documented effort to notify the parent or eligible student. However, in compliance with FERPA, when a lawfully issued court order or subpoena requires disclosure be made without notification of the student or parent, the District shall comply with that requirement. If the District receives such an order, the matter may be referred to the General Counsel for advice.

**REFERENCES:**

<sup>1</sup>[KRS 158.153](#), [KRS 610.320](#), [KRS 610.340](#), [KRS 610.345](#)  
[KRS 7.110](#), [KRS 15A.067](#), [KRS 17.125](#), [KRS 158.032](#), [KRS 159.160](#), [KRS 159.250](#)  
[KRS 160.990](#), [KRS 161.200](#), [KRS 161.210](#), [KRS 365.732](#), [KRS 365.734](#),  
[702 KAR 1:140](#), [702 KAR 3:220](#)

20 U.S.C. 1232g, 34 C.F.R. 99.1 - 99.67

20 U.S.C. 1232h (Protection of Pupil Rights Amendment); 34 C.F.R. 98

[OAG 80-33](#), [OAG 85-130](#), [OAG 85-140](#), [OAG 86-2](#), [OAG 93-35](#)

Kentucky Family Educational Rights and Privacy Act ([KRS 160.700](#), [KRS 160.705](#)

[KRS 160.710](#), [KRS 160.715](#), [KRS 160.720](#), [KRS 160.725](#), [KRS 160.730](#))

Individuals with Disabilities Education Improvement Act of 2004

Kentucky Education Technology System (KETS)

P. L. 107-110, Sections 1061 and 9528 (No Child Left Behind Act of 2001)

**RELATED POLICIES:**

09.111; 09.12311; 09.43

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## Student Fees

### **BOARD APPROVAL REQUIRED**

Fees for rental or purchase of instructional resources may be charged. All student fees and charges shall be adopted by the Board, including any student activity fees or membership dues. Approved fees shall remain in place until modified or removed by Board resolution.

Fees collected for a specific purpose shall be used for that purpose only.

### **CLASSROOM SUPPLIES**

The Principal shall review any supply lists or written requests for supplies to be purchased by parents prior to such lists or written requests being sent to parents.

### **INABILITY TO PAY**

No child shall be denied full participation in any educational program due to an inability to pay for, or rent, necessary instructional resources.<sup>1</sup>

### **WAIVER OF FEES**

The Superintendent shall recommend and the Board shall approve a process to waive fees for students who qualify ~~for free and reduced price meals~~. At the beginning of the school year or at the time of enrollment, all students ~~who qualify~~ shall be given clear and prominent written notice of the fee waiver provisions. The written notice of the fee waiver process shall include a form that parents may use to request waiver of fees. Mandatory waiver of fees for qualifying students shall be accomplished in compliance with applicable statutory and regulatory requirements.<sup>2</sup>

### **REFERENCES:**

<sup>1</sup>~~KRS 158.108; 704 KAR 3:455~~

<sup>2</sup>~~KRS 160.330; 702 KAR 3:220~~

[Accounting Procedures for Kentucky School Activity Funds](#)

### **RELATED POLICY:**

08.232

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