**CONTRACT FOR NONRESIDENT PUPILS**

**Instructions:**

1. Contracts are required by KRS 157.350, which reads in part: "Each district which meets the following requirements shall be eligible to share in the distribution of funds from the fund to Support Education Excellence in Kentucky (SEEK). A school district may not include nonresident pupils in its average daily attendance (ADA) , except by written agreement with the district of the pupil’s legal residence.
2. Each district is to keep a signed copy of this contract on file.
3. The board of education of the district where the nonresident pupils attend school agrees to make attendance reports at the close of the first two (2) months and at the close of the school term. These reports shall be delivered to the board of education where the pupils legally reside and shall agree with the terms of this contract.
4. The board of education of the district of residence and the board of education of the district providing instruction agree that all contractual terms, supplemental agreements, and other conditions governing this exchange of students are herewith fully disclosed. Copies of all such contracts, agreements, and conditions are attached and made part of this contract for nonresident pupils
5. Contract may be written to read "any", "all", or a specific to restrictions of the local board of education (attach copy of local board policy).

# STUDENTS 09.12

Admissions and Attendance

Definition of Legal Residence

The legal residence of a pupil is determined by the address of the legal residence of the parent or guardian who has custody of the student as evidenced by legal documents or as otherwise provided by state or federal law (and not by the address at which the pupil is living.)

All other pupils shall be classified as nonresidents for school purposes.1

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 the 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 children 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.2

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 pupils may be admitted to the District's schools in accordance with Board policy and upon approval of the Superintendent.3

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

# STUDENTS 09.12

# (Continued)

Admissions and Attendance

Fort Knox Community Schools

Students whose guardian/s are active duty military or U.S. Government employees and reside on post must attend Ft. Knox Community Schools. If the parents of a student(s) residing in the Hardin County School District subsequently move on post prior to the beginning of the second semester (for trimester schedules, a student that moves to post during the first half of the school year would enroll on post), the student(s) will be withdrawn from the Hardin County Schools, except for rising seniors (juniors) and seniors who are on track to graduate. Students whose parents move on post after the beginning of the second semester may be permitted to attend Hardin County Schools for the remainder of that school year with the Principal’s approval. Students that move with their families on post during their junior (rising senior) or senior year may remain enrolled in Hardin County Schools until graduation. Parents are responsible for transporting the student.

Transfer of ADA

Nonresident pupils may be admitted to the District schools upon transfer of the pupil's average daily attendance as defined under public school fund.4 & 5

All costs for any special services offered to the child shall be paid by the resident district. The resident district shall be permitted to count the student for IDEA‑B funding purposes.

Survey

Each year a survey shall be conducted to determine the number of students whose parents are civilians employed on Federal property or in active military service. The purpose of such survey shall be to determine how much Federal Impact Aid the District is eligible to receive.

Teachers shall assist in the distribution and collection of forms for such survey.

Foreign Exchange Students

The Hardin County Schools will accept high school students participating in international exchange programs recognized by the United States Department of Education or the Kentucky State Department of Education.

Non-Immigrant Foreign Students

Nonimmigrant 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.

# STUDENTS 09.12

# (Continued)

Admissions and Attendance

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.6

Any student currently serving an expulsion from any other public or private school system may not enroll in the Hardin County School System until the expulsion period has expired.

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 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:

1[KRS 159.010](file:///C:\DocumentManager.asp%3frequestarticle=\KRS\159-00\010.pdf&requesttype=krs); [OAG 78‑64](file:///C:\documentmanager.asp%3frequestarticle=\civil\opinions\OAG7864.htm&requesttype=oag); [OAG 91-171](file:///C:\documentmanager.asp%3frequestarticle=\civil\opinions\OAG91171.htm&requesttype=oag)

242 U.S.C. 11431 et seq. (McKinney-Vento Act)

3[KRS 158.120](file:///C:\DocumentManager.asp%3frequestarticle=\KRS\158-00\120.pdf&requesttype=krs); [OAG 80‑47](file:///C:\documentmanager.asp%3frequestarticle=\civil\opinions\OAG8047.htm&requesttype=oag); [OAG 79‑327](file:///C:\documentmanager.asp%3frequestarticle=\civil\opinions\OAG79327.htm&requesttype=oag); [OAG 75‑602](file:///C:\documentmanager.asp%3frequestarticle=\civil\opinions\OAG75602.htm&requesttype=oag)

4[KRS 157.320](file:///C:\DocumentManager.asp%3frequestarticle=\KRS\157-00\320.pdf&requesttype=krs)

5[702 KAR 007:125](file:///C:\documentmanager.asp%3frequestarticle=\kar\702\007\125.htm&requesttype=kar)

6[KRS 158.155](file:///C:\DocumentManager.asp%3frequestarticle=\KRS\158-00\155.pdf&requesttype=krs); [KRS 158.150](file:///C:\DocumentManager.asp%3frequestarticle=\KRS\158-00\150.pdf&requesttype=krs)

[KRS 157.360](file:///C:\DocumentManager.asp%3frequestarticle=\KRS\157-00\360.pdf&requesttype=krs); [KRS 158.100](file:///C:\DocumentManager.asp%3frequestarticle=\KRS\158-00\100.pdf&requesttype=krs)

[704 KAR 007:090](file:///C:\documentmanager.asp%3frequestarticle=\kar\704\007\090.htm&requesttype=kar)

Public Law 104-208, 22 CFR §514.13(b)

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:

303.127, 09.124, 09.125

03.226,09.1223, 09.123, 09.211

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

Adopted/Amended: 06/19/2014