

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.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 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.

The Jefferson County Public School District is dedicated to ensuring all students experiencing homelessness (McKinney-Vento eligible students) have “equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths” in accordance with the McKinney Vento Homeless Assistance Act (reauthorized under the Every Student Succeeds Act, December 10th 2015). It is the policy of JCPS that every homeless child and youth be sensitively identified, permitted admission in an immediate and sensitive manner, and enrolled in and attend school on a daily basis as required by federal law.²

1. Homeless. According to the McKinney Vento law a student experiencing homelessness is defined as a child or youth who lacks a fixed, regular, and adequate nighttime residence. This includes a child or youth who is living:
 - a. With a friend, relative, or someone else due to economic hardship, loss of housing, or a similar reason.
 - b. In a motel, hotel, trailer park, or camp grounds due to lack of alternative accommodations.
 - c. In an emergency or transitional shelter.

- d. In a public or private space not ordinarily designed for or used as a sleeping accommodation.
 - e. In a car, park, abandoned building, bus or train station, substandard housing, or similar setting.
2. Children and Youth Experiencing Homelessness have the right to:
- a. Go to school, including public preschool, no matter where they live or how long they have lived there.
 - b. Continue in the school of origin (The school attended when permanently housed or the school in which last enrolled) if that is the parent's or youth's choice.
 - c. Receive transportation to and from the school of origin.
 - d. Enroll in school immediately even if documents normally required for enrollment are missing.
 - e. Enroll and attend classes while the school arranges for the transfer of immunization records or any other documents required for enrollment.
 - f. Enroll and attend classes in either the school of origin or the reside school even while the school and parent or youth seek to resolve a dispute over the selected school.
 - g. Receive the same special programs and services, if needed, as provided to all other students served in these programs.
 - h. Receive transportation to and from school and school programs, comparable to that of housed students.
3. The District shall provide guidelines that detail the rights of McKinney-Vento eligible students and the responsibilities the schools have to meet their needs and eliminate barriers to school enrollment and attendance.

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.³

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

TRANSFER OF ADA

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.^{4&5}

STUDENTS

09.12

Admissions and Attendance

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.⁶

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.

Admissions and Attendance

REFERENCES:

¹[KRS 159.010](#); [OAG 78-64](#)

²42 U.S.C. 11431 et seq. (McKinney-Vento Act) [& S1177 Sec. 9101](#).

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

⁴[KRS 157.320](#)

⁵[702 KAR 7:125](#)

⁶[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: 08/11/2014
Order #: 2014-125