

Newton, Robin - BOE, Executive Assistant to the Superintendent

From: Kinman, Katrina - KSBA <katrina.kinman@ksba.org>
Sent: Monday, October 10, 2016 9:17 AM
To: Stanley, Marganna - BOE, Superintendent
Cc: Newton, Robin - BOE, Executive Assistant to the Superintendent
Subject: 2016 Interim Procedure Update 20-I
Attachments: H09_AP.doc; H09_AP.pdf

Importance: High

October 10, 2016

Dear Superintendent/Policy Contact:

The "Every Student Succeeds Act" requires that boards have procedures addressing transportation of children in foster care in place by **December 10, 2016**. With the help of KSBA attorney John Fogle, the following updated procedures meet that requirement:

- **06.32 AP.1**
- **09.11 AP.21**
- **09.12 AP.1**
- **09.121 AP.1**

Please refer to the explanatory note at the top of each draft for further information.

How to Proceed

After staff review of these procedures, please present the drafts for review by the Board. Keep in mind that unlike policy which generally requires two readings, administrative procedures only require one review (not adoption) by the Board with an opportunity to make comments. This should allow for time to meet the December 10 deadline.

Please send the signed checklist back to your assigned consultant as soon as possible so that we may process this update to meet the December 10 deadline.

Katrina Kinman
Director of Policy and [eMeeting](#) Services
Kentucky School Boards Association
260 Democrat Drive
Frankfort, KY 40601
katrina.kinman@ksba.org
502-783-0082 or 1-800-372-2962 x 1219
502-783-1442 fax
502-783-2727 eMeeting Support



KSBA is providing the attached/enclosed information/documents at your request. This information only reflects draft and/or sample language. Although it may contain provisions to facilitate a general understanding of the law, it is not intended to be an exhaustive treatment of the law on this subject, nor is it intended to substitute for the advice of your local Board attorney. We recommend consulting with your own attorney in order to apply legal guidance to district specific fact situations.

Ask me about KOSAA!!!

EXPLANATION: THE "EVERY STUDENT SUCCEEDS ACT OF 2015 (P. L. 114-95)" REQUIRES DISTRICTS TO ADDRESS ADMISSION OF FOSTER CHILDREN AND HOW THEY WILL BE TRANSPORTED. THIS MUST BE IMPLEMENTED BY DECEMBER 10, 2016.

FINANCIAL IMPLICATIONS: POSSIBLE INCREASE IN TRANSPORTATION COSTS

TRANSPORTATION

06.32 AP.1

Eligibility for Transportation

STUDENTS WITH DISABILITIES

The need for special transportation for students with disabilities must be determined by the ARC or Section 504 Team and stated in the student's Individual Education Plan (IEP) or Section 504 Plan.

CAREER AND TECHNICAL STUDENTS

High school students attending an area career and technical school or extension center are eligible to be transported from the high school to the career and technical school. Transportation will be provided by the District in accordance with state regulations.

DISTANCE LIMITATIONS

Three (3)- and (4)-year-old preschool children and students with disabilities are not required to meet the distance specifications in Policy 06.32 to be eligible for school transportation.

PRESCHOOL TRANSPORTATION

The District shall provide Child Safety Restraint Systems for use by preschool students being transported on District buses in compliance with guidelines established by the National Highway Traffic Safety Administration.

When the parent/guardian, or a person authorized by the parent/guardian to accept the child, is not present upon midday or afternoon delivery, the child shall be returned to the school upon completion of the route. The parent/guardian shall be notified of the child's location and shall be responsible for pick up.

Upon the third (3rd) time the assigned adult is not present to receive the child, the parent(s)/guardian will be requested to provide transportation for the child.

CHILDREN IN FOSTER CARE

The Superintendent will appoint a Point of Contact (POC) to coordinate activities relating to the District's provision of services to children placed in foster care, including transportation services, when the District is notified by the Cabinet for Health and Family Services in writing that the Cabinet has designated its foster care POC for the District. The Superintendent may appoint the District POC prior to such notice from the Cabinet.

The District will collaborate with the Cabinet when transportation is required to maintain children placed in foster care in a school of origin outside their usual attendance area or District when in the best interest of the student. Under the supervision of the Superintendent/designee, the District POC will invite appropriate District officials, the Cabinet POC, and officials from other districts or agencies to consider how such transportation is to be promptly arranged and funded in a cost effective manner. The arrangement and funding will be in accordance with the Cabinet's authority to use child welfare funding when required to maintain children in foster care in their school of origin when in the best interest of the student.

Eligibility for Transportation**CHILDREN IN FOSTER CARE (CONTINUED)**

If there are additional costs to be incurred in providing transportation to maintain a student in the school of origin, the District will provide transportation to such school if:

- The Cabinet agrees to reimburse the District for the cost of such transportation;
- The District agrees to pay for the cost of such transportation; or
- The District and the Cabinet agree to share the cost of such transportation.

DEFINITIONS

“Foster Care” means 24-hour care for children placed away from their parents, guardians, or person exercising custodial control or supervision and for whom the Cabinet has placement care and responsibility.

“School of origin” means the school in which a child is enrolled at the time of placement in foster care.

While “Best Interest” is not defined in ESSA, that determination shall take into account all relevant factors, including consideration of the appropriateness of the current educational setting, and the proximity to the school in which the child is enrolled at the time of foster care placement.¹

REFERENCES:

¹Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care
KRS 605.120
922 KAR 1:350
42 U.S.C. § 675(4)(A)
20 U.S.C. § 6311(g)(1)(E)
20 U.S.C. § 6312(c)(5)
P. L. 114-95, (Every Student Succeeds Act of 2015)

EXPLANATION: THE "EVERY STUDENT SUCCEEDS ACT OF 2015 (P. L. 114-95)" REQUIRES DISTRICTS TO ADMIT HOMELESS YOUTH AND FOSTER CHILDREN IN THE "SCHOOL OF ORIGIN" WHEN DETERMINED THAT IS IN THEIR BEST INTEREST. THIS MUST BE IMPLEMENTED BY DECEMBER 10, 2016.

FINANCIAL IMPLICATIONS: POSSIBLE INCREASE IN TRANSPORTATION COSTS

STUDENTS

09.11 AP.21

School Attendance Zones/Areas - Maximum Class Size

REQUEST BY RESIDENT FOR CHANGE IN SCHOOL ASSIGNMENT

Students living within the District will not be permitted to enroll in a school outside their geographic attendance zone/area if the class in which they would enroll meets or exceeds the maximum class size. If these students are enrolled in a class whose membership increases to exceed the maximum class size, they will be reassigned according to the following options:

- student to be reassigned immediately to another class/school
- student to be reassigned when class size permits in the school that serves his/her attendance zone.

When other factors are equal, date of enrollment will determine order of assignment and reassignment.

HOMELESS YOUTH AND FOSTER CHILDREN

Assignment to attendance zones shall be subject to modification when federal law applicable to students placed in foster care or students who are homeless requires that such students be educated in a "school of origin" that differs from the assigned attendance area.

EXPLANATION: THE MCKINNEY-VENTO ACT NO LONGER INCLUDES "AWAITING FOSTER CARE PLACEMENT" AS CHILDREN AND YOUTH LACKING A FIXED, REGULAR AND ADEQUATE NIGHTTIME RESIDENCE. THIS MUST BE IMPLEMENTED BY DECEMBER 10, 2016.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.12 AP.1

Student Enrollment and Homeless/Immigration Status

IMMIGRANT STATUS

The Principal/designee shall notify school staff that a student's right to enrollment does not depend on his/her or the parent/guardian's immigration status.

School personnel should not engage in any practice that would inhibit or discourage an unauthorized alien student or any other student from attending.

HOMELESS STUDENTS

The term "homeless" shall refer to children and youths who lack a fixed, regular and adequate nighttime residence and includes those that are:

1. Sharing the housing of other persons due to loss of housing, economic hardship or a similar reason;
2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;
4. Abandoned in hospitals;
- ~~5. Awaiting foster care placement;~~
- ~~4-5.~~ Residing in a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
6. Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; and/or
7. Migratory children who are living in the previously described circumstances.

GUIDELINES FOR ENROLLMENT

~~2-1.~~ In general, only minimal information, such as name and age, can be required to enroll any student in school.

~~3-2.~~ Types of reliable proof of a student's identity and age may include, but are not be limited to:

- Passport
- Military identification or immigration card
- Baptismal certificate
- Copy of the record of baptism that has been notarized or duly certified and reflects the date of the student's birth
- Any religious record authorized by a religious official
- Recording of the student's name and birth in a family Bible or other religious text
- Notarized statement from the parents or another relative or guardian as to the date of the student's birth
- Prior school record indicating the date of the student's birth

Student Enrollment and Homeless/Immigration Status**GUIDELINES FOR ENROLLMENT (CONTINUED)**

- Driver's license or learner's permit
- Adoption record
- Affidavit of identity and age
- Any government document or court record reflecting the date of the student's birth
- Oral proof when the native language of a parent or guardian is not a written language.

4.3. A student's exact date of birth (month, day and year) is not required for initial enrollment.

5.4. When a student is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs and street outreach programs may offer proof of age and identity of a student for initial enrollment purposes.

6.5. The District homeless student coordinator shall assist homeless students to obtain essential records that are not in existence so that enrollment shall not be delayed or denied.

7.6. To the extent possible, the District homeless student coordinator shall attempt to provide required notices to non-English speaking parents via written language understandable to the general public and in the native language or other mode of communication of the parent with documentation of the attempt. If the native language of the parent is not a written language, the coordinator should take steps to ensure that the notice is translated orally or by other means so that the parent understands the content of the notice and that there is written evidence of the translation to the extent possible with documentation of the attempt.

EXPLANATION: THE "EVERY STUDENT SUCCEEDS ACT OF 2015 (P. L. 114-95)" AND MCKINNEY-VENTO ACT REQUIRE DISTRICTS TO ELIMINATE BARRIERS TO THE IMMEDIATE ADMISSION OF HOMELESS YOUTH AND FOSTER CHILDREN. THE DISTRICT IS TO WORK WITH THE LOCAL CHILD WELFARE AGENCY TO OBTAIN ANY NECESSARY ENROLLMENT DOCUMENTATION AFTER THE STUDENT IS ENROLLED. THIS MUST BE IMPLEMENTED BY DECEMBER 10, 2016.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.121 AP.1

Entrance Age

PRINCIPAL'S RESPONSIBILITY

~~Principals are responsible for administering the following e~~Entrance requirements related to age and health status of a student are as follows:

- *Proof of Age and Identity* - Each pupil entering any elementary or secondary school for the first time shall present evidence of age by means of a birth certificate or other reliable proof of the student's identity and age. If a birth certificate is not presented, an affidavit of the inability to produce a copy of the birth certificate must be given.
- *Proof of Immunization* - Upon enrollment, each pupil entering kindergarten or first grade for the first time shall present evidence of immunization by means of a certificate issued by a licensed physician or an APRN.
- *Preventive Student Health Care, Vision, and Dental Examinations* - Within one (1) year prior to initial entry to school, each student shall undergo a preventive student health care examination, which shall be documented on the state-required form or an electronic medical record that includes all of the data equivalent to that on the Preventive Student Health Care Examination form. A preventive student health care examination may also be required for students entering pre-school.

Also upon enrollment, each student entering the first year of public school, public pre-school or Head Start must undergo a vision examination as required by applicable statute and regulation and provide the school with either the required form or electronic medical record by January 1 of the first year of enrollment. Evidence of a dental screening or examination shall be required to be submitted on the required form or electronic medical record by January 1 of the first year that a five- and six-year-old student is enrolled in the District.

The above requirements are not to serve as barriers to immediate enrollment of students designated as homeless or foster children as required by the Every Student Succeeds Act (ESSA) and the McKinney-Vento Act as amended by ESSA. The District shall work with the local child welfare agency, the school last attended, or other relevant agencies to obtain necessary enrollment documentation.

PRINCIPALS TO REPORT

Principals are to report to the Superintendent/designee the names of those children who do not present acceptable evidence of age and required immunizations and examinations.

FAILURE TO PROVIDE

Except for vision examination records and dental examination records as noted above, which are due by January 1 of the first year of enrollment, failure to provide immunization documentation upon enrollment and a physical and birth certificate/or other reliable proof of age and identity within thirty (30) days after enrollment may constitute reason for appropriate action.

STUDENTS

09.121 AP.1
(CONTINUED)

Entrance Age

RELATED PROCEDURE:

09.12 AP.1