# STUDENTS 09.12

Admissions and Attendance

Residence Defined

Pupils whose parent or guardian resides in the District and has custody of the student, or pupils who are legal residents of the school 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 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 (including preschool-aged homeless children) 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. Have access to preschool programs as provided to other children in the District;
3. Continue attending their school of origin, when deemed in the best interest of the child, for the duration of homelessness;
4. Attend regular public school with non-homeless students; and
5. Continue to receive all services for which they are eligible (i.e., special education, gifted and talented, English learner).

The District shall provide transportation to the school of origin for homeless children at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison) if the child continues to live within the area served by the District in which the school of origin is located. If the child locates to a District other than that of his/her school of origin, the districts shall work together to apportion transportation to and from the school of origin and associated costs. If the districts are unable to reach agreement, responsibility and costs for transportation shall be shared equally.

The District shall designate an appropriate staff person to serve as liaison to homeless children and youth. In addition to coordination of McKinney-Vento implementation in the District, the liaison is responsible for:

* “Outreach” to other entities and agencies so that homeless students are identified;
* Providing public notice of the educational rights of homeless children in locations frequented by parents/guardians and unaccompanied youths. This notice is to be in a manner and form that is understandable;2
* Seeing that school personnel who provide McKinney-Vento Services receive professional development and other support; and
* Ensuring that unaccompanied youths are enrolled in school and receive support to accrue credits and access to higher education.

The District shall inform school personnel, service providers, advocates working with homeless families, parents, guardians and homeless children and youths of the duties of the liaison.

# STUDENTS 09.12

(Continued)

**Admissions and Attendance**

Homeless Children and Youth (continued)

Disputes over eligibility, school selection, or enrollment are to be appealed to the Kentucky Department of Education using the Dispute Resolution for Homeless form located at the link below:

http://education.ky.gov/federal/progs/txc/Documents/Homeless\_Dispute\_Resolution\_Form.docx

The District shall provide services for homeless children and youths with disabilities as required by law.

Children in Foster Care

Students in foster care shall have equal access to all educational programs and services, including transportation, which all other students enjoy.

Foster children are to be immediately enrolled in a new school. The District shall contact the student’s prior school for relevant records.

The Superintendent shall 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.

Children in foster care, including preschool aged children if the District offers a preschool program, shall be eligible to attend their “school of origin” unless a determination is made that it is not in the child’s best interest. When possible, such determination will be made in collaboration with the child welfare agency. Dispute resolutions shall be handled by all agencies involved in the determination of the foster child’s placement.

When possible, a child exiting the foster care program during the school year shall be allowed to complete the school year in the school of origin.

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.

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.

Nonresident students designated as homeless or foster children may be required to be enrolled consistent with the “child’s best interest” or “school of origin” requirements under the Every Student Succeeds Act (ESSA) and the McKinney-Vento Act as amended by ESSA.

Transfer of ADA

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

# STUDENTS 09.12

(Continued)

**Admissions and Attendance**

Non-Immigrant Foreign Students

Non-immigrant foreign students qualifying for J-1 or F-1 immigration status or who obtain a J-1or 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.

# STUDENTS 09.12

(Continued)

**Admissions and Attendance**

References:

1[KRS 159.010](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/159-00/010.pdf&requesttype=krs); [OAG 78‑64](http://policy.ksba.org//documentmanager.aspx?requestarticle=/civil/opinions/OAG7864.htm&requesttype=oag)

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

3[KRS 158.120](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/158-00/120.pdf&requesttype=krs); [OAG 80‑47](http://policy.ksba.org//documentmanager.aspx?requestarticle=/civil/opinions/OAG8047.htm&requesttype=oag); [OAG 79‑327](http://policy.ksba.org//documentmanager.aspx?requestarticle=/civil/opinions/OAG79327.htm&requesttype=oag); [OAG 75‑602](http://policy.ksba.org//documentmanager.aspx?requestarticle=/civil/opinions/OAG75602.htm&requesttype=oag)

4[KRS 157.320](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/157-00/320.pdf&requesttype=krs)

5[702 KAR 007:125](http://policy.ksba.org//documentmanager.aspx?requestarticle=/kar/702/007/125.htm&requesttype=kar)

6[KRS 158.155](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/158-00/155.pdf&requesttype=krs); [KRS 157.330](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/157-00/330.pdf&requesttype=krs); [KRS 158.150](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/158-00/150.pdf&requesttype=krs)

[KRS 157.360](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/157-00/360.pdf&requesttype=krs); [KRS 158.100](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/158-00/100.pdf&requesttype=krs)

[704 KAR 007:090](http://policy.ksba.org//documentmanager.aspx?requestarticle=/kar/704/007/090.htm&requesttype=kar); [OAG 91-171](http://policy.ksba.org//documentmanager.aspx?requestarticle=/civil/opinions/OAG91171.htm&requesttype=oag)

P. L. 104-208

P. L. 114-95 (Every Student Succeeds Act of 2015), 20 U.S.C. § 6301 et seq.

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:

06.32; 08.1114

09.11; 09.121; 09.1223;09.123; 09.124; 09.125

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

09.14; 09.211

Adopted/Amended: 8/15/2017

Order #: IVI