

- CERTIFIED PERSONNEL -**Hiring****SUPERINTENDENT'S RESPONSIBILITIES**

All appointments, promotions, and transfers of certified personnel for positions authorized by the Board shall be made by the Superintendent who, at the first meeting following such actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes.

The Superintendent shall determine, pursuant to state law, when vacancies exist and shall post such staff vacancies as necessary to recruit applicants for positions.

When a vacancy occurs, the Superintendent shall notify the Commissioner of Education fifteen (15) days before the position is to be filled.

When a vacancy needs to be filled in less than fifteen (15) days to prevent disruption of necessary instructional or support services of the school District, the Superintendent may seek a waiver of the fifteen (15)-day advance notice requirement from the Commissioner of Education. If the waiver is approved, the appointment shall not be made until the person selected by the Superintendent has been approved by the Commissioner of Education.

EFFECTIVE DATE

Personnel actions shall not be effective until the employee receives written notice of such action from the Superintendent. Certified employees may be appointed by the Superintendent for any school year at any time after February 1 preceding the beginning of the next school year.

QUALIFICATIONS

The Superintendent shall employ only individuals who are certified for the positions they will hold and who possess qualifications established by law, regulation and Board policy, except in the case where no individual applies who is properly certified and/or who meets established qualifications set by Board policy. In all cases, the most qualified candidate shall be hired.

Hiring of certified personnel who have previously retired under TRS shall be in compliance with applicable legal requirements.²

PRE-EMPLOYMENT INQUIRIES

Pre-employment inquiries may include, but are not limited to, requests for licensure/certification, conviction and criminal history records, references, job attendance data, traffic/accident records, and physical examinations, where applicable. Information obtained from pre-employment inquiries concerning an applicant's conviction and criminal history record, toxicology screens, results of job-related competency/skills assessments and other pre-employment inquiry information shall be confidential to the extent permitted by law, but shall be considered in determining employment status.

CRIMINAL BACKGROUND CHECK AND TESTING

Applicants, employees, and student teachers assigned within the District shall undergo records checks and testing as required by applicable statutes and regulations.¹

Each application or renewal form provided to applicants for a certified position shall conspicuously state the following:

Hiring

CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)

"FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND HAVE A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE EMPLOYEE IS CLEAR TO HIRE BASED ON NO FINDINGS OF SUBSTANTIATED CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES AS A CONDITION OF EMPLOYMENT."

Employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a sexual offense, a drug offense, a violent offense as defined in [KRS 17.165](#), any felony offense or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall terminate on receipt of a criminal history background check documenting a conviction for an offense listed above. Employees shall immediately notify their supervisor if they are arrested for or charged with one of the offenses listed above. The supervisor shall immediately notify employee relations.

Employment shall also be contingent on receipt of a letter from the Cabinet provided by the individual documenting that the individual does not have a substantiated finding of child abuse or neglect in records maintained by the Cabinet. Employment shall terminate upon receipt of a letter from the Cabinet documenting a substantiated finding of child abuse or neglect.

Link to DPP-156 Central Registry Check and more information on the required Cabinet Letter:

<http://manuals.sp.chfs.ky.gov/chapter30/33/Pages/3013RequestfromthePublicforCANChecksandCentralRegistryChecks.aspx>

~~Criminal records checks on persons employed in Head Start programs shall be conducted in conformity with 45 C.F.R. § 1302.90.~~

REPORT TO SUPERINTENDENT

An employee shall report to the Superintendent if the employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal. Any failure to report this finding shall result in the employee being subject to dismissal or termination.

VACANCIES POSTED

A job register listing vacancies to be filled shall be posted on the District's website.

Vacancies may also be posted and advertised outside the District. All central office administrative positions and all principal positions shall be advertised nationally.

When a vacancy for a teaching position occurs in the District, the Superintendent shall conduct a search to locate minority candidates to be considered for the position.

REVIEW OF APPLICATIONS

Under procedures developed by the Superintendent, each application shall be reviewed. Applications for candidates not employed shall be retained for three (3) years.

References are required on applicants for all positions and will be carefully reviewed as part of the employment decision.

Hiring

RELATIONSHIPS

All applications shall require a response concerning the relationship as defined in [KRS 160.180](#) and KRS 160.380 of each applicant to the Superintendent, any Principal of the District, any other District employees, or a Board member. The hiring of relatives of the Superintendent, Board members and principals of the District is subject to the restrictions provided in KRS 160.180 and KRS 160.380.

The Superintendent shall not employ a relative of a Board member as defined in either [KRS 160.180](#) or [KRS 160.380](#) unless the relative was initially employed by the District prior to the tenure of the Board member and the member was seated on the Board prior to July 13, 1990.

A relative of the Superintendent or any Principal of the District shall not be employed except as provided by [KRS 160.380](#).

A relative of the Superintendent or any principal of the District who is otherwise ineligible for employment may be employed as a substitute for a certified or classified employee if the relative is not:

- A regular full-time or part-time employee of the District;
- Accruing continuing contract status or any other right to continuous employment;
- Receiving fringe benefits other than those provided other substitutes; or
- Receiving preference in employment or assignment over other substitutes.

No employee may use his/her employment status to influence the employment in the District of a relative which is defined for the purposes of this paragraph of this policy as the employee's father, mother, brother, sister, husband, wife, son, and daughter.

No employee shall be assigned to a school, office, work group or other unit if the assignment would cause a relative of such employee to be a supervisor of such employee.

For purposes of this paragraph of this policy, a relative is defined as the employee's father, mother, brother, sister, husband, wife, son, and daughter; and a supervisor is defined as a person who has authority to oversee and direct work assignments, assign tasks, schedule hours of work, evaluate work performance, or recommend the hiring, discipline or termination of an employee. For purposes of this paragraph of this policy, the Principal and each assistant principal of a school shall be considered to be the supervisor of each employee in the school building. This paragraph of this policy shall apply even if the status of relative results from a marriage after an initial assignment, or if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having the relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this paragraph of this policy exists or may exist. Any failure to give such notice shall result in disciplinary action. The Superintendent shall develop procedures to implement this paragraph of this policy for all personnel assignments and shall make a final determination as to the appropriate action to implement this paragraph of this policy.

Exception to the above is substitute personnel.

CONTRACT

Except for substitute teachers, all certified personnel shall enter into written contracts with the District.

Hiring**JOB DESCRIPTION**

All employees shall receive a copy of their job description and responsibilities.

INTENT

Under procedures developed by the Superintendent, employees may be requested to indicate their availability for employment for the next school year.

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT

Each year all full-time and part-time certified employees shall be notified in writing by the last day of the school year whether they have reasonable assurance of continued employment for the following school year.

Certified employees assigned extra duties such as coaching shall be notified in writing by the last day of that assigned duty if they have reasonable assurance of continued employment in that or a similar capacity for the following school year.

EMPLOYEES SEEKING A JOB CHANGE

Other than the routine transmission of administrative and personnel files, District employees are prohibited from assisting a school employee, contractor, or agent in obtaining a new job if the individual knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law and such school employee, contractor, or agent does not meet the exceptions outlined in 20 U.S.C. § 7926.

JOB SHARING

District employees may be permitted to participate in a job sharing program in accordance with procedures established by the Superintendent. However, initial probationary, temporary, seasonal and substitute employees and student workers are not eligible for the job sharing program.

EXCHANGE OF TEACHERS

The Superintendent may approve the exchange of teachers with other countries, states, and programs outside the District. All arrangements for such exchanges shall adhere to state laws and regulations.

REFERENCES:

¹[KRS 160.380](#)

²[KRS 161.605](#); [702 KAR 001:150](#)

³P. L. 114-95, (Every Student Succeeds Act of 2015)

20 U.S.C. § 7926; 42 U.S.C. § 9843a(g)

34 C.F.R. 200.55-200.56; 45 C.F.R. § 1302.90

[KRS 17.160](#); [KRS 17.165](#); [KRS 156.106](#); [KRS 160.345](#); [KRS 160.390](#)

[KRS 161.042](#); [KRS 161.611](#); [KRS 161.750](#); [KRS 335B.020](#); [KRS 405.435](#)

[016 KAR 009:080](#); [702 KAR 003:320](#); [704 KAR 007:130](#)

[OAG 73-333](#); [OAG 91-10](#); [OAG 91-149](#); [OAG 91-206](#)

[OAG 92-1](#); [OAG 92-59](#); [OAG 92-78](#); [OAG 92-131](#); [OAG 97-6](#)

[Records Retention Schedule, Public School District](#)

RELATED POLICIES:

01.11; 02.4244; 03.132

Adopted/Amended: 8/28/2018

Order #: 2018-203

- CLASSIFIED PERSONNEL -**Hiring****SUPERINTENDENT'S RESPONSIBILITIES**

All appointments, promotions, and transfers of classified personnel for positions authorized by the Board shall be made by the Superintendent who, at the first meeting following such actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes.

The Superintendent shall determine, pursuant to state law, when vacancies exist and shall post such staff vacancies as necessary to recruit applicants for positions.

EFFECTIVE DATE

Personnel actions shall not be effective until the employee receives written notice of such action from the Superintendent.

PRE-EMPLOYMENT INQUIRIES

Pre-employment inquiries may include, but are not limited to, requests for licensure/certification, conviction and criminal history records, references, job attendance data, traffic/accident records, and physical examinations. Information obtained from pre-employment inquiries concerning an applicant's conviction and criminal history record, toxicology screens, results of job-related competency/skills assessments and other pre-employment inquiry information shall be confidential to the extent permitted by law, but shall be considered in determining employment status.

CRIMINAL BACKGROUND CHECK AND TESTING

Applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations.^{1 & 2}

Each application or renewal form provided applicants for a classified position shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A STATE CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT. UNDER CERTAIN CIRCUMSTANCES, A NATIONAL CRIMINAL HISTORY BACKGROUND CHECK MAY BE REQUIRED AS A CONDITION OF EMPLOYMENT".¹

Each application or renewal form provided to applicants for a classified position shall conspicuously state the following:

"FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND HAVE A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE EMPLOYEE IS CLEAR TO HIRE BASED ON NO FINDINGS OF SUBSTANTIATED CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES AS A CONDITION OF EMPLOYMENT."

Hiring

CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)

Employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a sexual offense, a drug offense, a violent offense as defined in [KRS 17.165](#), any felony offense or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall terminate on receipt of a criminal history background check documenting a conviction for an offense listed above. Employees shall immediately notify their supervisor if they are arrested for or charged with one of the offenses listed above. The supervisor shall immediately notify employee relations.

Employment shall also be contingent on receipt of a letter from the Cabinet provided by the individual documenting that the individual does not have a substantiated finding of child abuse or neglect in records maintained by the Cabinet. Employment shall terminate upon receipt of a letter from the Cabinet documenting a substantiated finding of child abuse or neglect.

Link to DPP-156 Central Registry Check and more information on the required Cabinet Letter:

<http://manuals.sp.chfs.ky.gov/chapter30/33/Pages/3013RequestfromthePublicforCANChecksandCentralRegistryChecks.aspx>

~~Criminal records checks on persons employed in Head Start programs shall be conducted in conformity with 45 C.F.R. § 1302.90.~~

REPORT TO SUPERINTENDENT

An employee shall report to the Superintendent if the employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal. Any failure to report this finding shall result in the employee being subject to dismissal or termination.

EDUCATIONAL REQUIREMENTS

No person shall be initially hired unless s/he holds at least a high school diploma or high school certificate of completion or GED certificate or unless s/he shows progress, as defined by Administrative Regulations of the State Board for Adult, and Technical Education, toward obtaining a certificate of high school equivalency. Employees shall hold the qualifications for the position as established by the Commissioner of Education.³

All paraprofessionals shall satisfy educational requirements specified by federal law.⁴

VACANCIES POSTED

A job register listing vacancies to be filled shall be posted on the District's website.

Vacancies may also be posted and advertised outside the District.

The Superintendent shall implement procedures for emergency hiring of staff to prevent disruption of necessary instructional or support services.

REVIEW OF APPLICATIONS

Under procedures developed by the Superintendent, each application shall be reviewed. Applications for candidates not employed shall be retained for three (3) years.

References shall be required on applicants for all positions and will be carefully reviewed as part of the employment decision.

Hiring

RELATIONSHIPS

All applications shall require a response concerning the relationship as defined in [KRS 160.180](#) and [KRS 160.380](#) of each applicant to the Superintendent, other District employees or a Board member. The hiring of relatives of the Superintendent, Board members and principals of the District is subject to the restrictions provided in [KRS 160.180](#) and [KRS 160.380](#).

A relative of the Superintendent shall not be employed except as provided by [KRS 160.380](#).¹

The Superintendent shall not employ a relative of a Board member as defined in either [KRS 160.180](#) or [KRS 160.380](#) unless the relative was initially employed by the District prior to the tenure of the Board member and the member was seated on the Board prior to No employee may use his/her employment status to influence the employment in the Jefferson County School District of a relative which is defined for the purposes of this paragraph of this policy as the employee's father, mother, brother, sister, husband, wife, son, and daughter.

No employee shall be assigned to a school, office, or unit if the assignment would cause a relative of such an employee to be a supervisor of such employee. For purposes of this paragraph of this policy, a relative is defined as the employee's father, mother, brother, sister, husband, wife, son, and daughter; and a supervisor is defined as a person who has authority to oversee and direct work assignments, assign tasks, schedule hours of work, evaluate work performance, or recommend the hiring, discipline or termination of an employee. This paragraph of this policy shall apply even if the status of relative results from a marriage after an initial assignment, or if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having the relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this paragraph of this policy exists or may exist. Any failure to give such notice shall result in disciplinary action. The Superintendent shall develop procedures to implement this paragraph of this policy for all personnel assignments and shall make a final determination as to the appropriate action to implement this paragraph of this policy.

EMERGENCY HIRING

The Superintendent shall implement procedures for emergency hiring of staff to prevent disruption of necessary instructional or support services.

JOB DESCRIPTION

All employees shall receive a copy of their job description and responsibilities.

CONTRACT

The District shall enter into written contracts with all full-time and part-time classified staff.

Hiring

JOB SHARING

District employees may be permitted to participate in a job sharing program in accordance with procedures established by the Superintendent. However, initial probationary, temporary, seasonal and substitute employees and student workers are not eligible for the job sharing program.

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT

Each year, all full-time and part-time classified employees, including substitutes, shall be notified in writing by the last day of the school year whether they have reasonable assurance of continued employment for the following school year.

Classified employees assigned extra duties such as coaching shall be notified in writing by the last day of that assigned duty if they have reasonable assurance of continued employment in that or a similar capacity for the following school year.

EMPLOYEES SEEKING A JOB CHANGE

Other than the routine transmission of administrative and personnel files, District employees are prohibited from assisting a school employee, contractor, or agent in obtaining a new job if the individual knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law and such school employee, contractor, or agent does not meet the exceptions outlined in 20 U.S.C. § 7926.

REFERENCES:

¹[KRS 160.380](#)

²[702 KAR 005:080](#)

³[KRS 161.011](#)

⁴P.L. 114-95, (Every Student Succeeds Act of 2015)

20 U.S.C. § 7926; 42 U.S.C. § 9843a(g)

34 C.F.R. 200.58-200.59; 45 C.F.R. § 1302.90

[KRS 17.160](#), [KRS 17.165](#); [KRS 156.070](#)

[KRS 160.345](#); [KRS 160.390](#); [KRS 335B.020](#); [KRS 405.435](#)

[OAG 91-10](#); [OAG 91-149](#); [OAG 91-206](#)

[OAG 92-1](#); [OAG 92-59](#); [OAG 92-78](#); [OAG 92-131](#); [OAG 97-6](#)

Kentucky Local District Classification Plan; [013 KAR 003:030](#); [702 KAR 003:320](#)

Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221

Adopted/Amended: 8/7/2018

Order #: 2018-177

Safety

DEVELOPMENT OF PROGRAM

The Superintendent shall develop a transportation safety program as required by applicable law and administrative regulation. Appropriate safety information shall be disseminated annually in writing to District employees, parents, and pupils.

BOOSTER SEATS

When students who are under eight (8) years old and between forty (40) and fifty-seven (57) inches in height are transported in District-owned or leased vehicles designed for nine (9) or fewer passengers, they shall be properly secured in a child booster seat. Per [KRS 189.125](#), a child of any age who is greater than fifty-seven (57) inches in height is not required to be secured in a booster seat.

~~Child Safety Restraint Systems shall be utilized for preschool Head Start students being transported using District vehicles in compliance with guidelines established by the National Highway Traffic Safety Administration.~~

REFERENCES:

[KRS 158.110](#)

[KRS 189.125](#)

[702 KAR 005:030](#)

[702 KAR 005:060](#)

[702 KAR 005:080](#)

45 C.F.R. § 1310.11

RELATED POLICY:

06.12

Adopted/Amended: 11/7/2017

Order #: 2017-321

Head Start

The Superintendent shall delegate appropriate staff to administer and supervise the Head Start program.

The Head Start Policy Council shall approve or disapprove all hiring and termination of staff assigned to the Head Start program by the Superintendent.

Adopted/Amended: 1/13/2014

Order #: 2014-004

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

SCHOOL OF ORIGIN DEFINED

“School of origin” is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool or a charter school; provided, if a determination is made that it is not in the child’s or youth’s best interest to remain in the school of origin at the time of a change in foster care placement, the new school in which the child or youth is enrolled would then become the school of origin. When a child or youth completes the final grade level served by the school of origin, the school of origin includes the designated receiving schools at the next grade level for all feeder schools, if applicable.

HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

The 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 the District that every homeless child and youth and homeless children or youth not in the physical custody of a parent or guardian (unaccompanied 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

This policy promotes the educational stability and continuity of homeless students.

1. Homeless Definition. 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 Unaccompanied Youth Experiencing Homelessness have the right to:
 - a. Go to school, including a public preschool or charter school, no matter where they live or how long they have lived there.

Admissions and Attendance**HOMELESS CHILDREN AND UNACCOMPANIED YOUTH (CONTINUED)**

- b. Continue in the school of origin for the duration of homelessness when deemed in the best interest of the child, or for the remainder of the school year if the family becomes permanently housed during the school year. It is presumed that staying in the school of origin is in the child's best interest, unless it is against the wishes of the parent, guardian, or unaccompanied youth.
- c. Receive transportation to and from the school of origin. Transportation must be arranged promptly to ensure immediate enrollment and so as not to create barriers to homeless students' attendance, retention, and success.
- d. Enroll in school immediately even if documents normally required for enrollment are missing.
- e. Enroll and attend classes while the school and District arrange 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.
- i. If a dispute arises over eligibility, or school selection or enrollment in a school:
 - i. The child or youth shall be immediately enrolled in their school of origin, or other school in which enrollment is sought in accordance with the District's student assignment policy, pending final resolution of the dispute, including all available appeals.
 - ii. The parent or guardian of the child or youth, or in the case of an unaccompanied youth, the youth, shall be provided with a written explanation of any decisions related to school selection or enrollment made by the school, the District, or the Kentucky Department of Education, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions.
 - iii. The parent, guardian, or unaccompanied youth shall be referred to the District Homeless Liaison, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute.
 - iv. In the case of an unaccompanied youth, the District Homeless Liaison shall ensure that the youth is immediately enrolled in their school of origin, or other school in which the youth seeks enrollment in accordance with the District's student assignment policy pending resolution of such dispute.
 - v. The Dispute Resolution for Homeless form located on the KDE website shall be used.

Admissions and Attendance**HOMELESS CHILDREN AND UNACCOMPANIED YOUTH (CONTINUED)**

The District shall provide comparable 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 school of origin is located within the area served by the District and the child continues to live within the area served by the District. If a child whose school of origin is located within the area served by another school district locates to the District, the District and the other district 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.

DISTRICT HOMELESS LIAISON

The District shall designate an appropriate staff person to serve as liaison to homeless children and unaccompanied youth. The scope of responsibilities of the District Homeless Liaison shall align with the requirements under the McKinney-Vento law. The liaison is responsible for ensuring:

1. Homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies.
2. Homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of the District.
3. Homeless families and homeless children and youths have access to and receive educational services for which such families, children, and youths are eligible, including ~~services through Head Start programs (including Early Head Start programs) under the Head Start Act (42 U.S.C. 9831 et seq.)~~, early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.); and other preschool programs administered by the District.
4. Homeless families and homeless children and youths receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services.
5. The parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
6. Public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths.
7. School placement decisions are made on the basis of the best interest of the child and wishes of the parent, guardian, or unaccompanied youth.
8. Enrollment disputes are mediated in accordance with this policy.
9. The parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school that is selected.

Admissions and Attendance**HOMELESS CHILDREN AND UNACCOMPANIED YOUTH (CONTINUED)**

10. School personnel providing services under this subtitle receive professional development and other support.
11. Unaccompanied youths:
 - a. Are enrolled in school.
 - b. 'Have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth.
 - c. Are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and that the youths may obtain assistance from the District Homeless Liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid.'
12. Coordination and collaboration with State Coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements.

The District Homeless Liaison may affirm, without further agency action by the Department of Housing and Urban Development, that a child or youth who is eligible for and participating in a program provided by the District, or the immediate family of such a child or youth, who meets the eligibility requirements of for a program or service authorized under Title IV of ESSA, is eligible for such program or service.

All concerns regarding the education of homeless children and unaccompanied youth shall be referred to the District Homeless Liaison. If a complaint arises regarding services or placement of homeless children and unaccompanied youth, the dispute resolution procedures as set forth in [704 KAR 007:090](#) shall apply.

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:

<https://education.ky.gov/federal/progs/txc/Documents/Homeless%20Dispute%20Resolution%20Form.pdf>

The liaison shall provide a copy of the referenced form to the complainant.

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

POLICY REVIEW AND REVISION

The District shall review and revise any policies that may act as barriers to the identification of homeless children and youths or the enrollment of homeless children and youths in schools. In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship. Special attention shall be given to ensuring the identification, enrollment, and attendance of homeless children and youths who are not currently attending school.

Admissions and Attendance

BEST INTEREST DETERMINATION FOR HOMELESS CHILD

In determining a child's or youth's best interest, the District Homeless Liaison must presume that keeping the homeless child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or in the case of an unaccompanied youth, the youth. When determining a child's or youth's best interest, the District must consider student-centered factors, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youths, giving priority to the request of the child's or youth's parent or guardian or (in the case of an unaccompanied youth) the youth.

COMPARABLE SERVICES FOR HOMELESS STUDENTS

The District shall provide services to each homeless child and youth that are comparable to services offered to other students in the District. These services include public preschool programs and other educational programs or services for which a homeless student meets the eligibility criteria, such as programs for children with disabilities, programs for English learners, programs in career and technical education, programs for gifted and talented students, before-and after-school programs, school nutrition programs, transportation and charter school programs.

CHILDREN IN FOSTER CARE

"Foster care" is defined as "24-hour substitute care for children placed away from their parents or guardians and for whom the Cabinet for Health and Family Services has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes..."³

The District is committed to increasing educational stability and improving educational outcomes for students 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 collaborate with the Cabinet to ensure immediate and appropriate enrollment of the child and immediately contact the student's previous school for relevant records. The previous school shall provide the new school records maintained within the student information system by the Kentucky Department of Education within three (3) working days of receipt of a request. Remaining records shall be provided within ten (10) working days of the request.

The Superintendent shall appoint a Foster Care Liaison 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 point of contact for the District. The Superintendent may appoint the District Foster Care Liaison prior to such notice from the Cabinet.

Admissions and Attendance

PLACEMENT OF CHILDREN IN FOSTER CARE

It is presumed to be in a child's best interest to remain in the school of origin. If a determination is made at the time of such change in placement that it is in the child's best interest to be placed in a school other than the school of origin, the new school shall be considered the school of origin for future school placement decisions.⁴

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. 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.

BEST INTEREST OF THE CHILD IN FOSTER CARE

Determining the best interest of the child takes into consideration the following factors, including but not limited to:

- The benefits to the child of maintaining educational stability;
- The appropriateness of the current educational setting;
- The child's attachment and meaningful relationships with staff and peers at the current educational setting;
- The safety of the child;
- The proximity of the placement to the school of origin, and how the length of a commute would impact the child; and
- The influence of the school's climate on the child.

The District and the Cabinet shall have flexibility in determining the factors to be considered in evaluating the appropriateness of the educational setting of a child in foster care, and determining a school placement that is in the child's best interest. Best interest determinations should include input from relevant parties, including the child, foster parents, biological relatives, and school staff. Though the specific factors may vary depending on context, a variety of student-centered factors should be considered when determining the most appropriate educational setting for a child. The District and Cabinet shall consult U.S. Department of Education guidance regarding the factors that may be considered.⁴

Admissions and Attendance**DISPUTE RESOLUTION**

The District and Cabinet shall make every effort to reach agreement regarding the appropriate school placement of children in foster care. If a conflict arises between a social service worker and the District regarding school placement, the social service worker shall address the matter through the Cabinet and District Foster Care Liaison. During a dispute, the District shall ensure transportation for the child to the school of origin until a resolution is reached. If an agreement cannot be reached, the final decision regarding a child's best interest rests with the Cabinet.⁴

TRANSPORTATION

The District shall collaborate with child welfare agencies to ensure that transportation to a child's school of origin for students in foster care is provided, arranged, and funded for the duration of the time the student is in foster care. Transportation costs shall not be considered as a factor when determining a child's best interest regarding school placement. The District's Foster Care Liaison shall assist in exploring transportation options.

IMMEDIATE ENROLLMENT

When a determination is made that it is not in the child's best interest to remain in school of origin at the time of a change in placement, the District shall immediately enroll the child in a new school in accordance with the District's student assignment plan and enrollment procedures, even if the child does not have required documentation. The District shall contact the student's prior school for relevant records.

When the placement of a state agency child, including a child in foster care, is changed, and the child is transferring from one school to another, the sending school shall prepare a Cabinet Educational Passport form within two (2) days of the transfer and provide it to the social service worker, who shall present it to the receiving school within two (2) days of enrollment.⁵

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.

Admissions and Attendance**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.

Nonresident students designated as homeless or foster children may be required to be enrolled consistent with the "best interest of the child" 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 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}

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

Admissions and Attendance**EXPELLED/CONVICTED STUDENTS (CONTINUED)**

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.

REFERENCES:

¹[KRS 159.010](#); [OAG 78-64](#)

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

³45 C.F.R.1335.20(a)

⁴Non-regulatory Guidance on Foster Care Provisions in Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act of 2015

⁵45 C.F.R.1335.20(a)

⁶[KRS 158.120](#); [OAG 80-47](#); [OAG 79-327](#); [OAG 75-602](#)

⁷[KRS 157.320](#)

⁸[702 KAR 007:125](#)

⁹[KRS 158.155](#); [KRS 157.330](#), [KRS 158.150](#)

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

[KRS 199.802](#)

[704 KAR 007:090](#); [OAG 91-171](#)

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: 8/7/2018

Order #: 2018-177

School Health Requirements

IMMUNIZATIONS

A valid immunization certificate shall be on file within two (2) weeks of a student's enrollment in school.^{1, 2 & 4} Forms relating to exemptions from immunization requirements shall be available at each school. Immunizations/exemptions shall be reported on the state-required forms. Students enrolling in ~~Head Start or~~ State Funded Pre-K programs will not be placed without a current immunization certificate.⁵

A current immunization certificate shall be required for home-schooled students prior to attending one (1) or more in-school classes or participating in sports or other school-sponsored extra-curricular activities.

Immunization certificates shall be kept current.¹

The parent/guardian shall provide a current immunization certificate at enrollment in a day care center, kindergarten, seventh grade, eleventh grade, and for the 2018-2019 school year for twelfth grade; new enrollment at any grade resulting from transfer; upon legal name change; and at a school required examination pursuant to [702 KAR 001:160](#).

As required by Kentucky Administrative Regulation, all pupils shall undergo preventive student health care examinations within one (1) year prior to the student's initial admission to school and again upon entry into sixth grade. The results shall be submitted to the school within two (2) months of enrollment. Results of the examinations shall be reported 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 form.

DENTAL EXAM

A dental screening or examination shall be required for five (5) and six (6) year old students enrolling in the District and shall be submitted no later than January 1 of the first year that the student is enrolled in the District. This is a one-time requirement. Results of the examination shall be reported on the state-required form or an electronic medical record that includes all of the data equivalent to that on the Dental Screening/Examination Form for School Entry.

VISION EXAM

A vision examination performed by an optometrist or ophthalmologist shall be required for three (3), four (4), five (5) or six (6) year old students enrolling in the District and shall be submitted no later than January 1 of the first year that the student is enrolled in the District. This is a one-time requirement. Results of the examination shall be reported on the state-required form or an electronic medical record that includes all of the data equivalent to that on the Kentucky Eye Examination Form for School Entry.

School Health Requirements

REFERENCES:

¹[KRS 156.160](#); [702 KAR 001:160](#)

²[KRS 214.036](#); [KRS 214.034](#)

³[902 KAR 002:090](#)

⁴[902 KAR 002:060](#); [KRS 158.035](#)

⁵[702 KAR 003:410, Section 5, Subsection \(2\)](#); [KRS 157.3175](#)

[OAG 82-131](#)

Health Services Reference Guide, Kentucky Department of Education

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

McKinney-Vento Act, 42 U.S.C. 11431 et seq.

RELATED POLICIES:

09.121

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

Adopted/Amended: 8/7/2018

Order #: 2018-177

