

# 2022 KSBA Update

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LEGAL: HB 563 (2021) AMENDED KRS 158.120 TO REQUIRE THAT BY JULY 1, 2022, LOCAL BOARDS ADOPT A NONRESIDENT PUPIL POLICY TO GOVERN THE TERMS UNDER WHICH THE DISTRICT SHALL ALLOW ENROLLMENT OF NONRESIDENT PUPILS. WRITTEN AGREEMENTS WILL NO LONGER BE NECESSARY.

FINANCIAL IMPLICATIONS: NONRESIDENT PUPILS WILL BE COUNTED IN ADA FOR STATE FUNDING  
LEGAL: G.C. V. OWENSBORO PUBLIC SCHOOLS, 711 F.3D 623 (6TH CIR., 2013) CLARIFIES THAT ONCE A NONRESIDENT STUDENT IS ENROLLED FOR THE ACADEMIC YEAR, THE STUDENT MAY NOT BE DISMISSED DURING THAT ACADEMIC YEAR WITHOUT APPLICABLE DUE PROCESS.

FINANCIAL IMPLICATIONS: COST OF DUE PROCESS HEARINGS

TEXT HIGHLIGHTED IN BLUE IS LANGUAGE RECOMMENDED BY JCPS STAFF

STUDENTS

09.12

## **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.<sup>1</sup>

### **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. 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. When a child or youth completes the final grade level served by the school of origin for the next grade level, the school of origin includes the designated receiving schools 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 identified in a manner that protects student and family privacy, be permitted admission in an immediate and sensitive manner, and be enrolled in and attend school on a daily basis as required by federal law.<sup>2</sup>

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.

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

- 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.
  - 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.
  - 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 (KDE), 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.

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

v. The Dispute Resolution for Homeless form located on the KDE website shall be used.

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 assist in meeting the needs of 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 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, 704 KAR 7:090, and federal law.
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 7:090 shall apply.

Disputes over eligibility, school selection, or enrollment are to be appealed to KDE 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, including but not limited to, 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..."<sup>3</sup>

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 within the student information system maintained by KDE by the end of the working day on the day of receipt of a request. If a record provided to the new school is incomplete, the previous school shall provide the completed record within three (3) working days of the original 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.<sup>4</sup>

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.

Upon the determination that changing a child's school of enrollment is in the best interest of the child, the Cabinet, any applicable child-caring facility, child-placing agency, school, districts, and the child's state agency caseworker shall collaborate to ensure the immediate and appropriate enrollment of the child;

1. The child's state agency caseworker shall immediately contact the receiving district to inform the district of the pending enrollment changes.
2. The child's state agency caseworker or child-caring facility or child placing agency case manager shall either accompany the child and the foster parent to the new school to enroll the child or contact applicable staff at the new school via telephone during the day of enrollment, to assist with the enrollment, to share information relating to the child's unique needs and prior experiences that may impact their education, and to identify and prevent disruptions in any instructional or support services that the child may have been receiving prior to that time, including but not limited to medical and behavioral health history and individual service plans.<sup>10</sup>

**Admissions and Attendance****BEST INTEREST OF THE CHILD IN FOSTER CARE (CONTINUED)**

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.<sup>4</sup>

**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.<sup>4</sup>

**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.<sup>5</sup>

**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 pupils may be ~~enrolled inadmitted to~~ the District's schools ~~if permitted by in accordance with Board policies~~<sup>policy-09.1222 Nonresident Students, 09.124 Admission of Nonresident Students</sup>, and upon approval of the Superintendent. Once a nonresident student is enrolled for the academic year, the student may not be dismissed during that academic year without applicable due process.<sup>63</sup>

~~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 “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 AVERAGE DAILY ATTENDANCE~~**

~~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.~~<sup>4&5</sup>

**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.

## Admissions and Attendance

### EXPELLED/CONVICTED STUDENTS (CONTINUED)

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.<sup>76</sup>

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:

<sup>1</sup>KRS 159.010; OAG 78-64

<sup>2</sup>42 U.S.C. 11431 et seq. (McKinney-Vento Act) & S1177 Sec.9101.

<sup>3</sup>45 C.F.R.1335.20(a)

<sup>4</sup>Non-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

<sup>5</sup>45 C.F.R.1335.20(a)

<sup>6</sup>KRS 158.120; OAG 80-47; OAG 79-327; OAG 75-602; G.C. v. Owensboro Public Schools, 711 F.3d 623 (6th Cir., 2013)

<sup>7</sup>~~KRS 157.320~~

<sup>8</sup>~~702 KAR 7:125~~

<sup>79</sup>KRS 158.155; KRS 157.330, KRS 158.150

<sup>10</sup>~~KRS 158.140~~

KRS 157.320; KRS 157.350; KRS 157.360; KRS 158.100

KRS 199.802

702 KAR 7:125; 704 KAR 7:090; 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; 09.1222; 09.1223; 09.123; 09.124; ~~09.125~~

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

09.14; 09.211

LEGAL: HB 563 (2021) AMENDED KRS 158.120 TO REQUIRE THAT BY JULY 1, 2022, LOCAL BOARDS ADOPT A NONRESIDENT PUPIL POLICY TO GOVERN THE TERMS UNDER WHICH THE DISTRICT SHALL ALLOW ENROLLMENT OF NONRESIDENT PUPILS. WRITTEN AGREEMENTS WILL NO LONGER BE NECESSARY. CHOOSE AN OPTION BELOW.

FINANCIAL IMPLICATIONS: NONRESIDENT PUPILS WILL BE COUNTED IN ADA FOR STATE FUNDING  
TEXT HIGHLIGHTED IN BLUE IS LANGUAGE RECOMMENDED BY JCPS STAFF

CHOOSE ONE OF THESE  
OPTIONS.

09.1222

### **Nonresident Students**

☐ ~~The District shall not allow nonresident students to enroll in the District, except that the District may permit a nonresident student to enroll if:~~

1. ~~The enrollment is necessary to comply with requirements under federal or state law or regulation, or a court order;~~
2. ~~a. The student is in grades nine (9) through twelve (12) and is a resident within an independent school district within Jefferson County; and~~  
~~b. The independent school district does not have a high school and has entered into an agreement with JCPS to enroll its high school students in JCPS schools; or~~
3. ~~a. The student is the child of a parent/guardian who is a current employee of the district; and~~  
~~a. The student is eligible for enrollment and the parent/guardian pays the nonresident student tuition approved by the Board in accordance with Board Policy 09.124.~~

☐ ~~The District shall allow nonresident students to enroll in the District pursuant to existing Admissions and Attendance Policy 09.12, Tuition Policy 09.124, and related procedures.~~

~~Upon allowing nonresident pupil enrollment, the policy shall allow nonresident children to be eligible to enroll in any public school located within the District. The policy shall not discriminate between nonresident pupils, but may recognize enrollment capacity, as determined by the District. The nonresident pupil policy and any subsequent changes adopted by the Board shall be filed with the Kentucky Department of Education no later than thirty (30) days following their adoption.<sup>1</sup>~~

#### **REFERENCES:**

<sup>1</sup>~~KRS 158.120~~

~~KRS 157.350~~

~~20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)~~

#### **RELATED POLICIES:**

~~09.12; 09.124; 09.313; 09.42811~~

LEGAL: HB 563 (2021) AMENDED KRS 158.120 TO REQUIRE THAT BY JULY 1, 2022, LOCAL BOARDS ADOPT A NONRESIDENT PUPIL POLICY TO GOVERN THE TERMS UNDER WHICH THE DISTRICT SHALL ALLOW ENROLLMENT OF NONRESIDENT PUPILS. WRITTEN AGREEMENTS WILL NO LONGER BE NECESSARY.

FINANCIAL IMPLICATIONS: NONRESIDENT PUPILS WILL BE COUNTED IN ADA FOR STATE FUNDING  
TEXT HIGHLIGHTED IN BLUE IS LANGUAGE RECOMMENDED BY JCPS STAFF

STUDENTS

09.124

### **Admission of Nonresident Students**

#### **TUITION**

The Board may charge a fee, according to a schedule adopted by the Board, for each student attending its schools, whose parent/guardian is not a bona fide resident of the District.<sup>1</sup>

Based on a fee schedule approved by the Board, tuition shall be charged for nonresident students who attend District schools. ~~The Superintendent and Board Chair are authorized to sign tuition contracts.~~ Enrollment shall be permitted based on available space and acceptable behavior, grades, and attendance.

#### **REFERENCES:**

<sup>1</sup>KRS 158.120

KRS 157.350; ~~KRS 158.120~~; KRS 158.135

237 S.W. 2D 65 (1951)

OAG 80-47; OAG 91-75

702 KAR 7:125

#### **RELATED POLICIES:**

09.12; ~~09.125~~

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

LEGAL: HB 563 (2021) AMENDED KRS 158.120 TO REQUIRE THAT BY JULY 1, 2022, LOCAL BOARDS ADOPT A NONRESIDENT PUPIL POLICY TO GOVERN THE TERMS UNDER WHICH THE DISTRICT SHALL ALLOW ENROLLMENT OF NONRESIDENT PUPILS. WRITTEN AGREEMENTS WILL NO LONGER BE NECESSARY.

FINANCIAL IMPLICATIONS: NONRESIDENT PUPILS WILL BE COUNTED IN ADA FOR STATE FUNDING

STUDENTS

09.125

### **Reciprocal Agreements with Other School Districts**

~~Reciprocal written agreements with other school districts concerning nonresident students shall be made in compliance with state statutes<sup>1</sup> and administrative regulations.<sup>2</sup>~~

#### **REFERENCES:**

~~<sup>1</sup>KRS 157.350(4)~~

~~<sup>2</sup>702 KAR 7:125~~

~~OAG 91-75~~

#### **RELATED POLICIES:**

~~09.12~~

~~09.124~~

OFFICE” MEANS THE KENTUCKY PUBLIC PENSIONS AUTHORITY (KPPA) WHICH INCLUDES THE KENTUCKY RETIREMENT SYSTEM (KRS) AND THE COUNTY EMPLOYEES’ RETIREMENT SYSTEM (CERS) AND SEPARATED CERS FROM KRS. ALL REFERENCES TO SUCH INCLUDE BOTH.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 9 AMENDS KRS 160.1590 TO RENUMBER THE SECTIONS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT 4/7/22

## POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.0

### **Definitions**

The following expressions are defined with respect to their intended meanings in the context of this manual:

#### **POLICIES**

An expression of the will of the elected Board of Education or the school council. Although other statutes may have Board policy implications, the general scope of Board policies is defined by KRS 160.290 and KRS 160.340. The scope of council policies is defined by KRS 160.345. Board policies cover the general management and governance of school district operations and functions. Within the parameters of the District’s legal authority, violations of policy may provide grounds for administrative response or action as relates to students, District employees, parents, and members of the community, but such policies are not intended to heighten standards of care, establish grounds for liability or create rules for immunities enjoyed by defendants in civil judicial actions against the Board, its members, District employees, officers, or volunteers.

#### **ADMINISTRATIVE REGULATIONS**

References such as "State Board regulations", "state regulations", and "administrative regulations" shall mean Kentucky Administrative Regulations (KAR) promulgated by the Kentucky Board of Education.

#### **FULL-TIME/PART-TIME STATUS**

Employment status shall be determined in compliance with statute and regulation and shall be defined in the employee's contract. <sup>1</sup>

#### **SUPERINTENDENT**

Policies that charge the Superintendent with preparing and/or implementing provisions of procedures, plans or programs for Board review also direct any other employee to whom the Superintendent may delegate such charges.

#### **PRINCIPAL**

The Principal (or designated administrator) shall be the chief administrator of the school, acting with the approval of the Superintendent.

#### **TEACHER**

Except for referenced statutes which specify a different definition for the purposes of those statutes, in this manual the term teacher shall refer to any person, other than the Superintendent, for whom certification is required as a basis for employment.

#### **HUSBAND AND WIFE**

The term husband and wife, as used in the policy manual, shall be deemed to include a spouse in a legally recognized marriage unless the context otherwise requires.

**Definitions****PARENT OR GUARDIAN**

Parent, as used in the policy manual, means parent or legal guardian.

**GENDER**

Unless otherwise noted, gender references in this manual include all genders.

**CHILDREN AND YOUTH WITH DISABILITIES**

In compliance with federal law and unless otherwise indicated, use of the terms “special education” or “exceptional” shall refer to children and youth with disabilities.

**SCHOOL NUTRITION PROGRAM**

Use of the term "food service" shall also refer to the District's School Nutrition Program.

**STUDENT ATTENDANCE DAY**

Unless otherwise noted, use of the term “instructional day” shall have the same meaning as “student attendance day.”

**HEALTH PROVIDER**

Unless otherwise noted, the terms “health care provider” and “health care practitioner” have the same meaning.

**STUDENT SUPPORT AND BEHAVIOR INTERVENTION HANDBOOK**

The Student Support and Behavior Intervention Handbook, as used in the policy manual, means the code of acceptable behavior and discipline required under KRS 158.148.

**CHARTER SCHOOL**

Use of the term “charter school” means a public charter school as defined in KRS 160.1590~~(12)~~.

**CHARTER SCHOOL AUTHORIZER**

A local board of education or other authorizer as defined in KRS 160.1590~~(13)~~.

**KENTUCKY PUBLIC PENSIONS AUTHORITY**

Use of the terms Kentucky Retirement System (KRS) or County Employees' Retirement System (CERS) includes the Kentucky Public Pensions Authority (KPPA).

**DATING RELATIONSHIP**

A dating relationship is defined as a relationship between individuals who have a relationship of a romantic or intimate nature. It does not include a casual acquaintanceship or ordinary fraternization in a business or social context. The following factors may be considered by the Superintendent or designee in addition to any other relevant factors in determining whether the relationship is of a romantic or intimate nature:

- (a) Declarations of romantic interest;
- (b) The relationship is characterized by the expectation of affection;
- (c) Attendance at social outings together as a couple;

**Definitions****DATING RELATIONSHIP (CONTINUED)**

- (d) The frequency and type of interaction between the persons, including whether the persons have been involved together over time and on a continuous basis during the course of the relationship;
- (e) The length and recency of the relationship; and
- (f) Other indications of a substantial connection that would lead a reasonable person to understand that a dating relationship exists.

**REFERENCES**

Legal references listed in this manual, such as state and federal statutes and regulations, Kentucky Attorney General Opinions, and court cases are provided as a tool for additional research and are not intended to be viewed as a complete listing of legal resources applicable to a particular topic

**BOARD**

Board, as used in this policy manual, means the Board of Education of Jefferson County, Kentucky.

**DISTRICT**

District, as used in this policy manual, means the Jefferson County Public School District.

**REFERENCES:**

<sup>1</sup>KRS 157.320; 102 KAR 1:036; 702 KAR 1:035

KRS 78.510 – KRS 78.852

KRS 158.144

KRS 160.290; KRS 160.340; KRS 160.345

KRS 160.1590

KRS 405.028

701 KAR 8:010; 701 KAR 8:020; 701 KAR 8:030; 701 KAR 8:040

702 KAR 6:010; 702 KAR 6:020; 702 KAR 6:040

702 KAR 6:075; 702 KAR 6:090



LEGAL: NEW REGULATION 702 KAR 1:116 REPLACES EXPIRED REGULATION 702 KAR 1:115 AND AMENDS THE PROCESS FOR APPROVAL OF BOARD TRAINING HOURS RECEIVED FROM SOURCES OTHER THAN KSBA.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.83

### **In-Service Training**

Annual in-service training for all school board members in office as of December 31, 2014, shall include training on topics required by regulation that meet the minimum number of total training hours as follows:<sup>1</sup>

1. Twelve (12) hours for school board members with zero (0) to three (3) years of experience (to include five hours on the following: three (3) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation);
2. Eight (8) hours for school board members with four (4) to seven (7) years of experience (to include four hours on the following: two (2) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation); and
3. Four (4) hours for school board members with eight (8) or more years of experience (to include three hours on the following: one (1) hour of finance and one (1) hour of ethics annually and, one (1) hour of superintendent evaluation biennially).

If a Board member obtains hours through any sources other than the Kentucky School Boards Association (KSBA), he or she shall have local Board approval prior to participation in the training event and, and they shall ensure that a copy of proof of attendance including a recitation of the time, date, location, and description of the training is sent by the training provider to KSBA within two (2) weeks of completion of the training ~~shall send a copy of the record of approval (Board Minutes) to KSBA.~~

For Board members who begin initial service on or after January 1, 2015, annual in-service training requirements shall be twelve (12) hours for Board members with zero to eight (0-8) years of experience and eight (8) hours for Board members with more than eight (8) years of experience. Required annual training hours shall include:

1. Three (3) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation for members with zero (0) to three (3) years experience;
2. Two (2) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation for members with four (4) to seven (7) years experience; and
3. One (1) hour of finance, one (1) hour of ethics annually, and one (1) hour of superintendent evaluation biennially for members with eight (8) or more years experience.

In addition to the in-service training required by state law, Board members shall be encouraged to participate in activities such as:

1. Attendance at school board and administrative conferences, conventions, and workshops on a local, regional, state, and national level;
2. Exchange of ideas through joint meetings with neighboring school boards;
3. Reports on educational programs presented at Board meetings by the Superintendent and staff; and
4. Regular exposure to professional journals and papers.

**In-Service Training****IN-SERVICE TRAINING REGARDING CHARTER SCHOOL AUTHORIZATION**

Separate and apart from the above in-service training, each member of the Board shall participate in in-service training regarding charter school authorization as follows:

When the Board, or a collaborative of local school boards including the Board, receives a charter school application, any member of the Board or boards who has not received charter authorization training within twelve (12) months immediately preceding the date the application was received shall receive six (6) hours of in-service training prior to evaluating the charter application. Except for training provided prior to July 15, 2020, the training shall be in addition to the annual in-service training required under KRS 160.180, and the Board shall select the trainer to deliver the training to its members. Charter authorization training shall not be required of any Board member until a charter application is submitted to the Board or boards.<sup>2</sup>

The charter authorization training requirements shall be approved by the Commissioner of Education and shall address the following topics of authorizer responsibility and charter school formation and operation:

1. Financial governance and transparency;
2. Conflict of interest;
3. Charter application;
4. Charter school contracting;
5. Charter school monitoring;
6. Charter school renewal, nonrenewal, and revocation;
7. Charter school closure;
8. Ethics;
9. Curriculum and instruction;
10. Educational services provided for special needs, at risk, English learner, gifted and talented, and other special population students; and
11. Physical restraint and seclusion of students.

**NEW BOARD MEMBER ORIENTATION**

Each new member of the Board shall be afforded every opportunity to learn the functions and responsibilities entailed by election to the Board. It shall be the duty of the Superintendent and the administrative staff to assist each member-elect in understanding the functions, policies, and procedures of the Board and the operation of the school system before taking office. The following procedures shall be employed as a minimum:

- 1) The member-elect shall be given selected materials on the function of the Board and of the school system.
- 2) A copy of the Board's policies and bylaws and a copy of the administrative procedures shall be provided each new member, either in paper and/or electronic format.

**In-Service Training**

**NEW BOARD MEMBER ORIENTATION (CONTINUED)**

- 4) A copy of the current budget of the school system and the opportunity to become fully acquainted with the financial structure of the school system shall be provided each member-elect.
- 5) The member-elect shall be invited to attend Board meetings and to participate in discussion prior to actual induction.
- 6) The incoming member shall be invited to meet with the Superintendent and other administrative personnel whom the Superintendent shall designate to discuss the services they perform for the Board.

**REFERENCES:**

<sup>1</sup>KRS 160.180

<sup>2</sup>KRS 160.1594

701 KAR 8:020

~~702 KAR 1:116~~~~702 KAR 1:115~~

OAG 85-53; OAG 85-145

### **Exemption (SBDM)**

On or after January 1 and prior to March 1 of each calendar year, a school required to implement school-based decision making pursuant to KRS 160.345 may seek an SBDM exemption by submitting a written request to the Commissioner for consideration by the Kentucky Board of Education (KBE). Any school performing above its threshold level requirement as determined by the Kentucky Department of Education pursuant to KRS 158.6455 may apply to the Kentucky Board of Education for exemption from school-based decision making (SBDM). Implementation of an approved school-based decision making exemption shall begin on July 1 unless otherwise specified in the written request submitted to and approved by the KBE. An SBDM exemption approved by the KBE shall be valid for one (1) school year; however, a school may annually re-apply for an SBDM exemption if it meets the requirements set forth in KRS 160.345.

#### **PETITION**

Faculty members of a school who no longer wish to remain under SBDM shall present a written petition to the Principal signed by twenty-five percent (25%) or more of the faculty members, indicating their desire for a vote whether to apply for an exemption.

Under guidelines established by its membership, the parent/teacher organization of the school or, if none exists, the largest organization of parents/guardians formed for this purpose may also submit a petition to the Principal, calling for a vote on whether to apply for an exemption.

#### **SCHEDULING**

On receiving a petition, the Principal shall set the date, time, and place of a faculty meeting for the purpose of voting on whether to apply for an exemption. This meeting shall be held not less than five (5) and not more than ten (10) school days from the Principal's receipt of the petition.

#### **NOTICE**

Notice of the meeting shall be provided to all faculty members assigned to the school at least five (5) days in advance of the meeting.

#### **MEETINGS**

The Principal shall chair the meeting at which the vote is taken by the faculty. Voting shall be by secret ballot. Ballots shall offer faculty members the opportunity to vote for or against applying for an exemption. The Principal and at least two (2) teachers chosen by the faculty shall count the ballots and announce the results at the conclusion of the meeting.

The parent vote on applying for an exemption shall be conducted by the parent/teacher organization of the school or, if none exists, the largest organization of parents/guardians formed for this purpose.

An affirmative vote of the majority of the faculty and a majority of at least twenty-five (25) voting parents/guardians of students enrolled in the school shall be required to apply for an exemption from SBDM. The Principal shall forward results of the faculty and parent elections to the Superintendent and the Board. The Superintendent shall submit the results of the elections on behalf of the school to the Kentucky Board of Education to apply for an exemption from SBDM.

A vote to apply for an exemption shall be held not more than once every sixty (60) calendar days.

**Exemption (SBDM)****VOTE TO RETURN**

An exemption, once granted by the Kentucky Board of Education, shall continue unless the school fails to meet threshold requirements or votes to return to SBDM.

A vote to enter into SBDM shall be held no more than once every sixty (60) calendar days. Faculty members of a school who wish to re-enter School Based Decision Making (SBDM) shall present a written petition to the Principal, signed by a minimum of twenty-five (25%) percent of the faculty members, indicating their desire for a vote on the matter.

The Principal shall chair the meeting at which the vote is taken. Voting shall be by secret ballot. Ballots shall offer faculty members the opportunity to vote for or against re-entering SBDM. The Principal and at least two (2) teachers chosen by the faculty shall count the ballots and announce the results at the conclusion of the meeting.

If two-thirds (2/3) of the faculty vote to re-enter SBDM, the school will do so. The Principal shall forward results of the vote to the Superintendent and the Board. The Superintendent shall submit the results to the Kentucky Board of Education. Organization of elections to select teacher and parent representatives for the school council shall be conducted in accordance with Board Policy 02.421.

The Superintendent shall develop procedures, as necessary, for the exemption from school-based decision making.

**SCHOOLS OF INNOVATION**

In a designated school of innovation participating in a district of innovation application and plan, the council may request a waiver from KRS 160.345 or specific provisions within that statute by conducting a vote as set out in KRS 160.107.

**REFERENCES:**

KRS 156.108; KRS 158.6455  
KRS 160.107; KRS 160.345  
701 KAR 5:100  
OAG 94-51

**RELATED POLICIES:**

02.421  
02.4241

LEGAL: REPEAL OF 701 KAR 5:080 AND REVISIONS TO 701 KAR 5:100 ESTABLISH THE APPLICATION PROCESS AND GUIDELINES FOR ALTERNATIVE MODELS.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.414

### **Alternative Models (SBDM)**

#### **ALTERNATIVE MODELS TO SCHOOL-BASED DECISION MAKING**

A school that chooses to have [School-Based Decision Making \(SBDM\)](#) but would like to be exempt from the administrative structure set forth by KRS 160.345 may develop an alternate form of SBDM under the following process.

#### **PROCESS**

[On or after January 1 and prior to March 1 of each calendar year, a school choosing to develop an alternative model for SBDM pursuant to KRS 160.345 shall submit a completed Alternative School-Based Decision Making Application through the Board to the Commissioner for consideration by the Kentucky Board of Education.](#) Alternate models may address membership, organization, duties, and responsibilities of the council. The alternate model shall be developed by a committee composed of representatives of parents, students, teachers, and administrators. The composition of the committee shall be three (3) parents, three (3) teachers, one (1) student and one (1) administrator who shall be the Principal of the school. The parent representatives shall be appointed by the parent teacher organization. If no parent teacher organization exists at the school, then the parent representatives of the committee shall be elected under the procedures set out for electing parents to the school council. The student representative shall be appointed by the student government organization. If no student government organization exists at the school then the Principal shall appoint the student representative. The teacher representatives shall be elected by the teachers of the school.

#### **APPROVAL**

Any model developed by this committee must be approved by two-thirds (2/3) of the school faculty. An alternative model shall not eliminate or reduce the proportion of parent representatives on the council.

#### **REVIEW**

On recommendation of the Principal or on a two-thirds (2/3) vote of the certified staff, the alternate model may be reviewed by the establishment of a review committee whose membership shall be as described above. The review committee may propose amendments to the alternate model which must be approved by two-thirds (2/3) of the faculty of the school prior to its presentation to the Board.

Approved models or amendments shall be presented to the Board for review and transmitted to the Commissioner of Education and the Kentucky Board of Education for final approval. [The date of implementation of the alternative SBDM model is July 1.](#)

#### **REFERENCES:**

KRS 160.345  
701 KAR 5:100  
OAG 93-52

LEGAL: AMENDMENTS TO 703 KAR 5:225 CREATE ADDED FLEXIBILITY BY CLARIFYING TIMELINES AND CREATING PROVISIONS FOR THE INCLUSION OF NEW PLAN ELEMENTS CREATED BY OTHER STATE STATUTES OR REGULATIONS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.442

## **Comprehensive School Improvement Plan**

### **RESPONSIBILITY**

Each school council, or Principal, in a school without a council, shall develop, ~~review~~monitor, and ~~revise~~ annually ~~update~~ a Comprehensive School Improvement Plan (CSIP) by January 1 of each school year.

In an SBDM school, the school council shall organize a planning process, consistent with District's established planning process. The structure of the CSIP shall include completion of a narrative summary of the current state of the school~~the Continuous Improvement Diagnostic~~ between August 1 and October 1 of each school year and completion of the needs assessment between October 1 and November 1 of each school year. A process for development of the CSIP is to be completed between November 1 and January 1 of each school year, and other components required by state statutes or regulations. Unless otherwise noted, all additional components of the CSIP may be complete by May 1 of each school year.

In a school without a council, the Principal shall appoint a School Planning Committee comprised, at a minimum, of four (4) teachers, four (4) parents, and a community representative. The high school(s) shall include a student on the committee. The community representative shall not be a teacher, spouse of a teacher, or a parent of child(ren) attending the District schools.

The primary purposes of the CSIP shall be:

- To improve student achievement on state and federal mandated testing/accountability instruments; and
- To eliminate achievement gaps among groups of students.

### **FORM**

Unless the school planning committee requests and is granted a waiver by the Board, the school committee shall use the platform provided by the Kentucky Department of Education. The CSIP structure shall include the components set out in 703 KAR 5:225, Every Student Succeeds Act of 2015 (ESSA), and the elements required by KRS 158.649.

In addition, the school council, or school planning committee appointed by the Principal if there is no council, shall review annually the school's disaggregated student data and revise the school's improvement plan, as required by applicable statute and regulation, to address any gaps between various groups of students.

The plan shall also address reduction of physical and mental health barriers to learning, student equity, District safety and student discipline assessments, and District goals established by the Board.

The school plan shall serve as a resource for school/council decision making and shall be posted.

### **PUBLIC REVIEW**

The Principal shall convene a public meeting at the school to present and discuss the plan prior to submitting it to the Superintendent and Board.

**Comprehensive School Improvement Plan****SCHOOL REPORT CARDS**

Each school shall post its school report card on its website as required by ESSA. School report cards shall be widely accessible to the public, in an understandable and uniform format, and when possible, written in a language that parents can understand.

As outlined in KRS 160.463, a copy of the report card is to be published by one of the following methods:

- a. In the newspaper of the largest general circulation in the county;
- b. Electronically on a website of the District; or
- c. By printed copy at a prearranged site at the main branch of the public library within the District.

If b or c above is selected, the Superintendent shall be directed to publish notification in the newspaper of the largest circulation in the county. The notification shall include the electronic address of the website or the address of the library where the report card can be viewed by the public.

Each school shall send to parents a school report card containing information about school performance as outlined in KRS 158.6453 and 703 KAR 5:140, and information on electronic access to a summary of the results for the district shall be published in the newspaper with the largest circulation in the county.

**BOARD REVIEW**

The school's plan for eliminating achievement gaps among various groups of students shall be shared with the Board for its review and comment. The Board may share its comments, in writing, with the council.

**REFERENCES:**

KRS 158.645; KRS 158.6451; KRS 158.6453; KRS 158.649  
KRS 160.290; KRS 160.345; KRS 160.463  
703 KAR 5:140; 703 KAR 5:225; 703 KAR 5:280  
P. L. 114-95 (Every Student Succeeds Act of 2015)

**RELATED POLICIES:**

01.111; 02.432



LEGAL: SB 151 AMENDS KRS 158.070 TO ALLOW THE SUPERINTENDENT OF A DISTRICT THAT PARTICIPATES IN THE FEDERAL SCHOOL BREAKFAST PROGRAM TO AUTHORIZE UP TO FIFTEEN (15) MINUTES OF THE STUDENT ATTENDANCE DAY TO PROVIDE THE OPPORTUNITY FOR CHILDREN TO EAT BREAKFAST DURING INSTRUCTIONAL TIME.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## TRANSPORTATION

06.31

### **Bus Scheduling and Routing**

#### **RESPONSIBILITIES**

The Superintendent/designee shall be responsible for scheduling and routing all buses in keeping with applicable statutes and regulations and shall route all school buses in the most efficient and effective routing system possible. This shall include a system of notifying parents, pupils, and drivers of bus schedules and routes. For those schools serving breakfast, bus schedules shall be set so that students arrive in sufficient time to provide breakfast prior to the instructional day. If the District participates in the Federal School Breakfast Program, the Superintendent may also authorize up to fifteen (15) minutes of the student attendance day to provide the opportunity for children to eat breakfast during instructional time.<sup>1</sup>

#### **INFORMATION TO BE PREPARED**

The Superintendent/designee shall prepare or cause to be prepared the following information:

- Pupil transportation maps,
- Bus route descriptions, and
- Reports necessary for calculating the amount to which the District is entitled under the Fund for Excellence in Education in Kentucky.

#### **REGULAR ROUTE VEHICLES**

Except in cases of emergencies or for the transportation of students with disabilities, only school buses as defined by applicable statute and administrative regulation shall be used for transporting students to and from school along regular bus routes.

#### **REFERENCES:**

<sup>1</sup>KRS 158.070  
KRS 156.153  
~~KRS 158.070~~  
KRS 158.110  
702 KAR 5:030

#### **RELATED POLICY:**

08.31

LEGAL: SB 61 AMENDS KRS 158.142 TO REMOVE BENCHMARK SCORES FOR END-OF-COURSE EXAMINATIONS AND THE ACT AS REQUIREMENTS FOR EARLY GRADUATION.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.113

### **Graduation Requirements**

In support of student development goals set out in KRS 158.6451 and the Kentucky Academic Standards, students must complete a minimum of twenty-two (22) credits, including demonstrated performance-based competency in technology, and all other state and local requirements in order to graduate from high school in the District.

Credit shall include content standards as provided in Kentucky Academic Standards established in 704 KAR 3:303 and 704 KAR Chapter 8.

The required credits and demonstrated competencies for high school graduation shall be set forth in the Board-approved High School Student Progression, Promotion, and Graduation Handbook, and shall include the minimum requirements established by the Kentucky Board of Education in 704 KAR 3:305.

#### **CIVICS EXAM REQUIREMENT**

Students wishing to receive a regular diploma must pass a civics test made up of one hundred (100) questions selected from the civics test administered to persons seeking to become naturalized citizens and prepared or approved by the Board. A minimum score of sixty percent (60%) is required to pass the test and students may take the test as many times as needed to pass. Students that have passed a similar test within the previous five (5) years shall be exempt from this civics test. This shall be subject to the requirements and accommodations of a student's individualized education program (IEP) or a Section 504 Plan.<sup>5</sup>

#### **INDIVIDUAL LEARNING PLAN (ILP)**

Students shall complete annually an Individual Learning Plan (ILP) that focuses on career exploration and related postsecondary education and training needs.<sup>6</sup>

#### **ADDITIONAL REQUIREMENTS OF THE BOARD**

In addition to the content requirements established by the Kentucky Academic Standards, and the credits required by the minimum requirements for high school graduation in 704 KAR 3:305, the Board may impose other requirements for graduation from high school. However, the Board shall not adopt any graduation requirements that include achieving a minimum score on a statewide assessment.

#### **PERFORMANCE-BASED CREDITS**

In addition to Carnegie units, students may earn credit toward high school graduation through the District's standards-based, performance-based credit system that complies with requirements of Kentucky Administrative Regulation. Procedures for developing and amending the system shall address the following:

**Graduation Requirements****PERFORMANCE-BASED CREDITS (CONTINUED)**

1. Conditions under which high school credit will be granted under the system that allow students to demonstrate proficiency and earn credit for learning acquired outside the normal classroom setting, outside of school, or in prior learning;

Performance-based credit may be earned while the student is still “in school,” but the instructional setting will look different from a traditional “seat time” environment.

2. Performance descriptors and their linkages to Kentucky content standards and academic standards;

At the high school level, performance descriptors and evaluation procedures shall be established to determine if the content and performance standards have been met.

3. Assessments and the extent to which state-mandated assessments will be used;
4. An objective grading and reporting process; and
5. Criteria to promote and support school and community learning experiences, such as internships, apprenticeships and cooperative learning, in support of a student’s ILP. Such experiences shall be supervised by qualified instructors and aligned with State and District content and performance standards.

The High School Student Progression, Promotion, and Graduation Handbook shall include complete details concerning specific graduation requirements.

In keeping with statutory requirements, the District shall accept for credit toward graduation and completion of high school course requirements an advanced placement or a high school equivalent course taken by a student in grades 5, 6, 7, or 8 if that student attains performance levels expected of high school students in the District by achieving a score of "3" or higher on a College Board Advanced Placement examination or a grade of "B" or better in a high school equivalent.<sup>2</sup>

**GRADUATION EXERCISES**

Students shall complete all requirements for graduation before taking part in graduation exercises. Summer graduation exercises may be provided for students completing requirements in summer school. Students are not required to participate in graduation exercises. Schools shall comply with state regulations regarding participation of students with disabilities in graduation exercises.

**OTHER PROVISIONS**

The Board may grant different diplomas to those students who complete credits above the minimum number as established by the Kentucky Board of Education. In addition, the Board may award a diploma to a student posthumously indicating graduation with the class with which the student was expected to graduate.

The Board, Superintendent, Principal, or teacher may award special recognition to students.

## **Graduation Requirements**

### **OTHER PROVISIONS**

Consistent with the District's graduation practices for all students, an alternative high school diploma shall be awarded to students with disabilities in compliance with applicable legal requirements. In addition, former students may submit to the Superintendent a request that the District provide them with an alternative high school diploma to replace the certificate of attainment they received at the time of graduation from the District.<sup>3</sup>

A student who is at least seventeen (17) years of age and who is a state agency child, as defined in KRS 158.135, shall be eligible to seek attainment of a High School Equivalency Diploma.

The Board may substitute an integrated, applied, interdisciplinary, occupational, technical, or higher-level course for a required course if the alternative course provides rigorous content.

### **EARLY GRADUATION CERTIFICATE**

Students who meet all applicable legal requirements shall be eligible for early graduation in relation to receipt of a graduation diploma and an Early Graduation Certificate. Students wishing to follow an early graduation pathway shall notify the Principal of their intent prior to the beginning of grade nine (9) or as soon thereafter as the intent is known, but within the first thirty (30) school days of the academic year in which they wish to graduate. A Letter of Intent to Apply shall be entered into the student information system by October 1 of the year the student declares intent to graduate early.<sup>4</sup>

Students working toward receipt of an Early Graduation Certificate shall be supported by development and monitoring of an ILP to support their efforts.

To graduate early and earn an Early Graduation Certificate, a student shall successfully complete the requirements for early high school graduation as established in administrative regulation by the Kentucky Board of Education.÷

- ~~a. —Score proficient or higher on the state required assessments; and~~
- ~~b. —Meet the college readiness exam benchmarks established 13 KAR 2:020 for placement in credit bearing courses without the need for remediation.~~

A student who has indicated an intent to graduate early may participate in the student's state administration of the college readiness exam prior to the junior year, if needed. Students who meet all applicable legal requirements shall be awarded a diploma and an Early Graduation Certificate.

### **DIPLOMAS FOR VETERANS**

In keeping with statute and regulation, upon request, the Board shall award an authentic high school diploma to an honorably discharged veteran who did not complete high school prior to being inducted into the United States Armed Forces during World War II, the Korean conflict, or the Vietnam War.<sup>1</sup>

**Graduation Requirements**

**REFERENCES:**

<sup>1</sup>KRS 40.010; KRS 158.140; 704 KAR 7:140

<sup>2</sup>KRS 158.622

<sup>3</sup>KRS 156.160; 20 U.S.C. § 1414

<sup>4</sup>KRS 158.142; 704 KAR 3:305

<sup>5</sup>KRS 158.141

<sup>6</sup>704 KAR 3:305

KRS 156.027; KRS 158.135

KRS 158.1411; KRS 158.143; KRS 158.183; KRS 158.281

KRS 158.302; KRS 158.645; KRS 158.6451

KRS 158.860

13 KAR 2:020; 702 KAR 7:125; 703 KAR 4:060

704 KAR 3:303; 704 KAR 3:306; 704 KAR 7:090; 704 KAR Chapter 8

OAG 78-348; OAG 82-386

Kentucky Academic Standards

**RELATED POLICIES:**

08.1131; 08.14; 08.22; 08.222; 08.4

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

**RELATED PROCEDURE:**

09.12 AP.25

LEGAL: STUDENTS IN HOME/HOSPITAL INSTRUCTION ARE INELIGIBLE TO WORK, PLAY SPORTS, OR PARTICIPATE IN EXTRACURRICULAR ACTIVITIES. AMENDMENTS TO 702 KAR 7:150 CLARIFY THAT STUDENTS WITH A 504 PLAN MAY WORK, PLAY SPORTS, OR PARTICIPATE IN EXTRACURRICULAR ACTIVITIES IF PARTICIPATION IS CONSISTENT WITH THE STUDENT'S 504 PLAN. ADDITIONALLY, 704 KAR 7:120 IS REPEALED.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## CURRICULUM AND INSTRUCTION

08.1312

### **Home/Hospital Instruction**

#### **PURPOSE**

The Board shall offer home/hospital instruction for pupils whose school attendance is interrupted by illness or accident and who expect to be confined to their homes or to a hospital or treatment center.

Home/hospital instruction provides educational services to students who cannot attend school for extended periods due to temporary or recurring conditions, including fractures, surgical recuperation, or other physical, health, or mental conditions. An "extended period" refers to an absence for more than five (5) consecutive school days.

For purposes of KRS 157.360, a student who receives home/hospital instruction for a minimum of two (2) instructional sessions per week, with a minimum of one (1) hour of instruction per session, by a certified teacher provided by the Board, shall equal the student attending five (5) days in school. An instructional session may be delivered in person, electronically, or through other means established in regulation. A parent/guardian or responsible adult must be present in the home/hospital room during the time the home/hospital teacher is present or is otherwise delivering instruction.

#### **ELIGIBILITY**

Determination of a student's eligibility and provision of services for home/hospital instruction shall be made in compliance with applicable statutes and regulations. In accordance with KRS 159.030(2), the Board shall require evidence for students exempted from school attendance more than six (6) months. An exemption shall be reviewed annually.

At any time based on changes in the student's condition, the home/hospital review committee may schedule a review of the student's continued eligibility for home/hospital instruction. Eligibility for home/hospital instruction shall cease for students placed by the review committee if the student works, plays sports, or participates in extracurricular activities. For students with a 504 plan, eligibility for home/hospital instruction shall not cease if the student works, plays sports, or participates in extracurricular activities if participation is consistent with the student's 504 plan.

The Admissions and Release Committee (ARC) shall determine placement in home/hospital instruction for a student with disabilities. The 504 Team for a student may facilitate submission of an application to the review committee.

#### **SECONDARY STUDENTS**

A high school student placed on home/hospital instruction for extended periods may carry all appropriate credits during the first semester of placement. Except for students with an Individual Education Plan (IEP) or a 504 plan, the number of credits to be carried during all subsequent semesters of placement shall be determined on a case-by-case basis by the review committee, based on the following criteria:

1. The student's ability to work independently during extended periods without direct assistance.

**Home/Hospital Instruction****SECONDARY STUDENTS (CONTINUED)**

2. The student's capacity to complete assignments within a reasonable time frame.
3. The likelihood that the student will be able to complete course criteria required for graduation, as required by the Kentucky Academic Standards.
4. When considering the student's condition, should s/he take a full or reduced course load? (If a reduced course load is appropriate, the committee shall determine the number of courses the student may take.)

**STUDENTS WITH DISABILITIES**

Based on documentation of student need, including medical or mental health evaluation information, a student with disabilities may be placed in the home/hospital instructional program if his/her individual education plan (IEP) specifies such placement is the least restrictive environment for providing services. The ARC Chair shall provide written notice of eligibility and documentation to the District Director of Pupil Personnel for purposes of program enrollment.

The Admissions and Release Committee (ARC) or 504 Team shall determine on a case-by-case basis the type and extent of home/hospital services for a student, including the number of credits a student at the secondary level will be permitted to earn while on home/hospital instruction.

**REFERENCES:**

KRS 157.360

KRS 158.033

KRS 159.030

~~702 KAR 7:150~~

704 KAR 3:303

~~704 KAR 7:120~~

707 KAR 1:320

707 KAR 1:350

20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)

Section 504 of the Rehabilitation Act of 1973

34 C.F.R. 104.35

**RELATED POLICIES:**

09.122

09.123

LEGAL: SB 102 AMENDS KRS 158.4416 BY CHANGING COUNSELORS (UNDER SUPERINTENDENT TO REPORT) TO MENTAL HEALTH PROVIDERS ALONG WITH ADDING INFORMATION TO BE REPORTED BY THE SUPERINTENDENT TO THE KY DEPARTMENT OF EDUCATION BY NOVEMBER 1, 2022.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## CURRICULUM AND INSTRUCTION

08.14

### **Guidance and Mental Health Services Providers**

#### **DEFINITIONS**

1. "School counselor" means an individual who holds a valid school counselor certificate issued in accordance with the administrative regulations of the Education Professional Standards Board.
2. "School-based mental health services provider" means a licensed or certified school counselor, school psychologist, school social worker, or other qualified mental health professional as defined in KRS 202A.011.<sup>1</sup>

#### **GUIDANCE SERVICES**

The Board shall staff all schools with certified counselors necessary to provide a guidance program for students. Services provided by the guidance program shall consist of educational counseling; career and personal counseling; testing, and other services requested by students, parents, or staff.

#### **MENTAL HEALTH SERVICES**

School counselors and mental health service providers may perform mental health services and provide implementation and training on trauma-informed practices as part of a school-based team as set forth in law.<sup>1</sup>

#### **INDIVIDUAL LEARNING PLANS**

In keeping with Kentucky Administrative Regulation, the District shall implement an advising and guidance process to support development and implementation of an Individual Learning Plan (ILP) for each student that includes career development and awareness. The ILP shall specifically address the content as provided in the Kentucky Academic Standards for career studies.

#### **CONFIDENTIAL MATERIAL**

All records and counseling information shall be kept in confidence as provided by applicable law.<sup>2</sup>

#### **SUPERINTENDENT TO REPORT**

No later than November 1, 20~~22~~<sup>19</sup>, and each subsequent year, the Superintendent shall report to the Kentucky Department of Education the number ~~and placement of~~ school-based mental health service providers, the position held, placement ~~school counselors~~ in the District, certification of licensure held, ~~The report shall include~~ the source of funding for each position, ~~as well as a~~ summary of the job duties and work undertaken by each school-based mental health service provider, counselor and the approximate percent of time devoted to each duty over the course of the year.

#### **REFERENCES:**

<sup>1</sup>KRS 158.4416

<sup>2</sup>KRE 506 (Kentucky Rules of Evidence); KRS 158.154; KRS 158.155; KRS 158.156  
KRS 61.878; KRS 620.030

703 KAR 4:060; 704 KAR 3:303; 704 KAR 3:305; 704 KAR Chapter 8



**Guidance and Mental Health Services Providers**

**RELATED POLICIES:**

08.113; 09.14

LEGAL: SB 151 AMENDS KRS 158.070 TO ALLOW THE SUPERINTENDENT OF A DISTRICT THAT PARTICIPATES IN THE FEDERAL SCHOOL BREAKFAST PROGRAM TO AUTHORIZE UP TO FIFTEEN (15) MINUTES OF THE STUDENT ATTENDANCE DAY TO PROVIDE THE OPPORTUNITY FOR CHILDREN TO EAT BREAKFAST DURING INSTRUCTIONAL TIME.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## CURRICULUM AND INSTRUCTION

08.31

### **Student Attendance Day**

The length of the student attendance day designated by the Board shall provide students with no less than the minimum number of student attendance days/hours required by law. The Board may request approval of an alternative school calendar based on procedures set out in Kentucky Administrative Regulation.

If the District participates in the Federal School Breakfast Program, the Superintendent may authorize up to fifteen (15) minutes of the student attendance day to provide the opportunity for children to eat breakfast during instructional time.<sup>2</sup>

#### **EXCEPTIONS**

Kindergarten (entry level of the primary program) shall be provided no less than the equivalent of one-half (1/2) day, five (5) days a week for a full school year for each kindergarten student. An exception also may be made for preschool classes and classes for students with disabilities, or alternatives approved by the Board and Kentucky Department of Education.<sup>1</sup>

#### **MASTER SCHEDULE**

An up-to-date master (bell) schedule shall be on file in each school and up-to-date master (bell) schedules for each school shall be on file in the District's central office.

#### **REFERENCES:**

<sup>1</sup>KRS 158.060

<sup>2</sup>KRS 158.070

KRS 157.320

KRS 157.360

KRS 158.030; KRS 158.070

702 KAR 7:125

702 KAR 7:140

#### **RELATED POLICIES:**

01.42; 06.31; 08.3

LEGAL: HB 517 AMENDS KRS 159.035 TO REQUIRE THAT ANY STUDENT ENROLLED IN A PUBLIC SCHOOL SHALL NOT HAVE HIS OR HER PERFECT ATTENDANCE RECORD NEGATIVELY AFFECTED BY PARTICIPATING IN ANY OF THE PAGE PROGRAMS OF THE GENERAL ASSEMBLY.

FINANCIAL IMPLICATIONS: ALTHOUGH THE STUDENT IS NOT PRESENT AT SCHOOL, THE DISTRICT WILL STILL RECEIVE SEEK FUNDING

LEGAL: HB 194 AMENDS KRS 158.143 TO PROVIDE THAT A STUDENT ENROLLED IN A DISTRICT-OPERATED ALTERNATIVE EDUCATION PROGRAM SHALL BE ELIGIBLE TO SEEK ATTAINMENT OF A HIGH SCHOOL EQUIVALENCY DIPLOMA UNDER CERTAIN CONDITIONS AND SHALL BE EXEMPTED FROM COMPULSORY ATTENDANCE.

FINANCIAL IMPLICATIONS: STUDENT NO LONGER ENROLLED FOR SEEK FUNDING

STUDENTS

09.122

## **Attendance Requirements**

### **COMPULSORY ATTENDANCE**

Except as provided in KRS 159.030, each parent, guardian, or other person residing in the District and having custody or charge of any child subject to the compulsory attendance law shall send the child to a regular public day school for the full term that the public school of the District in which the child resides is in session, or to the public school that the Board makes provision for the child to attend. Every child actually residing in this District is subject to the laws relating to compulsory attendance and neither he/she nor the person in charge of him/her shall be excused from the operation of those laws or penalties under them on the grounds that the child's residence is seasonable or that his/her parent is a resident of another state. Once enrolled in school, a student shall be expected to be in daily attendance. All children in the district who have entered kindergarten or who are between the ages of six (6), as of August 1, and eighteen (18), except those specifically exempted by statute, shall enroll and be in regular attendance in the schools to which they are assigned.<sup>1</sup>

Per 704 KAR 5:060, any five (5) year old child not otherwise subject to compulsory attendance laws, but who voluntarily enrolls in the primary school program at the beginning of the school year, may, upon parental or guardian's written request be withdrawn from the program at any time within the first two (2) school calendar months. At the end of such trial period a child shall be considered irrevocably entered into the primary school program for purposes of KRS 159.010 and KRS 159.020.

### **EXEMPTIONS FROM COMPULSORY ATTENDANCE**

The Board shall exempt the following from compulsory attendance:

1. A graduate from an accredited or approved 4-year high school;<sup>5</sup>
2. A pupil who is enrolled in a private or parochial school;<sup>5</sup>
3. A pupil who is less than seven (7) years old and in regular attendance in a private kindergarten nursery school;<sup>5</sup>
4. A pupil whose physical or mental condition prevents or renders inadvisable, attendance at school or application to study;<sup>5</sup>
5. A pupil who is enrolled and in regular attendance in private, parochial, or church school programs for exceptional children;<sup>5, 6</sup>
6. A pupil who is enrolled and in regular attendance in a state supported program for exceptional children;<sup>2</sup> or
- 6.7. A student enrolled in a District-operated alternative education program who attains a High School Equivalency Diploma.<sup>8</sup>

**Attendance Requirements****PHYSICIAN'S STATEMENT REQUIRED**

The Board, before granting an exemption, shall require a signed statement as required by law unless a student's individual education plan (IEP) specifies that placement of the child with a disability at home or in a hospital is the least restrictive environment for providing services.<sup>2</sup>

**EXCEPTIONS TO PRESENCE AT SCHOOL**

Students must be physically present in school to be counted in attendance, except under the following conditions:

1. Students shall be counted in attendance when they are receiving home/hospital, institutional,<sup>2</sup> or court-ordered instruction in another setting.
2. Participation of a pupil in 4-H activities that are regularly scheduled and under the supervision of a county extension agent or the designated 4-H club leader shall be considered school attendance.<sup>3</sup>
3. Students may participate in cocurricular activities and be counted as being in attendance during the instructional school day, provided the Principal has given prior approval to the scheduling of the activities. Approval shall be granted only when cocurricular activities and trips are instructional in nature, directly related to the instructional program, and scheduled to minimize absences from classroom instruction.<sup>4</sup>
4. Students participating in an off-site virtual high school class or block may be counted in attendance in accordance with requirements set out in Kentucky Administrative Regulation.<sup>4</sup>
5. Students enrolled in a District middle or high school may be counted in attendance in accordance with requirements set out in Kentucky Administrative Regulation.<sup>4</sup>
6. Students having an individual education plan (IEP) that requires less than full-time instructional services shall not be required to be present for a full school day in accordance with Board policy 09.1221.<sup>4</sup>
7. Students who attend classes for moral instruction at the time specified and for the period fixed shall be credited with the time spent as if they had been in actual attendance in school, and the time shall be calculated as part of the actual school work required by law. Students shall not be penalized for any school work missed during the specified moral instruction time.<sup>5</sup>
8. Students participating as part of a school-sponsored interscholastic athletic team, who compete in a regional or state tournament sanctioned by the Kentucky Board of Education or KHSAA, that occurs on a regularly scheduled student attendance day shall be counted and recorded present at school on the date or dates of the competition, for a maximum of two (2) days per student per school year. Students shall be expected to complete any assignments missed on the date or dates of the competition.<sup>6</sup>

**Attendance Requirements****EXCEPTIONS TO PRESENCE AT SCHOOL (CONTINUED)**

9. The pupil is participating in standards-based, performance-based credit that is awarded in accordance with 704 KAR 3:305, and that falls within one (1) or more of the categories of standards-based course work. A pupil may be counted in attendance for performance-based credit for a class or block for the year or semester in which the pupil initially enrolled in the class or block if the pupil demonstrates proficiency in accordance with local policies.<sup>4</sup>  
& 7

**10.** Students attending basic training required by a branch of the United States Armed Forces shall be considered present for all purposes for up to ten (10) days.<sup>3</sup>

~~10.11.~~ Students participating in any of the page programs of the General Assembly.<sup>3</sup>

**REFERENCES:**

<sup>1</sup>KRS 159.010; OAG 85-55

<sup>2</sup>KRS 159.030

<sup>3</sup>KRS 159.035

<sup>4</sup>702 KAR 7:125

<sup>5</sup>KRS 158.240

<sup>6</sup>KRS 158.070

<sup>7</sup>704 KAR 3:305

<sup>8</sup>KRS 158.143

KRS 158.030; ~~KRS 158.143~~

KRS 159.020; KRS 159.180; KRS 159.990

704 KAR 5:060

OAG 79-68; OAG 79-539; OAG 87-40; OAG 97-26

**RELATED POLICIES:**

08.131; 08.1312; 09.111; 09.121; 09.1221; 09.123; 09.36

LEGAL: HB 44 AMENDS KRS 159.035 STATING THAT THE BOARD MAY INCLUDE PROVISIONS IN THIS POLICY FOR EXCUSED ABSENCES DUE TO A STUDENT'S MENTAL OR BEHAVIORAL HEALTH.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 517 AMENDED KRS 159.035 TO REQUIRE THAT ANY STUDENT ENROLLED IN A PUBLIC SCHOOL SHALL NOT HAVE HIS OR HER PERFECT ATTENDANCE RECORD NEGATIVELY AFFECTED BY PARTICIPATING IN ANY OF THE PAGE PROGRAMS OF THE GENERAL ASSEMBLY.

FINANCIAL IMPLICATIONS: ALTHOUGH THE STUDENT IS NOT PRESENT AT SCHOOL, THE DISTRICT WILL STILL RECEIVE SEEK FUNDING

STUDENTS

09.123

### **Absences and Excuses**

Students are required to attend on time, daily at the school in which they are enrolled. Recording of absences and tardies shall be made in compliance with the requirements of 702 KAR 7:125.<sup>1</sup>

#### **TRUANCY DEFINED**

Any pupil who has been absent from school without valid excuse for three (3) days or more, or who has been tardy without valid excuse on three (3) days or more, is a truant. A pupil who has been reported as a truant two (2) or more times is a habitual truant.

#### **EXCUSED ABSENCES**

An excused absence or tardiness is one for which work may be made up, such as:

1. Death or severe illness in the pupil's immediate family. A physician's note is required for verification after ten (10) absences for illness;
2. Illness of the pupil, including mental or behavioral health;
3. Religious holidays and practices;
4. One (1) day for attendance at the Kentucky State Fair;
5. Documented military leave;
6. One (1) day prior to departure of parent/guardian called to active military duty;
7. One (1) day upon the return of parent/guardian from active military duty;
8. Visitation for up to ten (10) days with the student's parent, de facto custodian, or person with legal custody who, while on active military duty stationed outside of the country, is granted rest and recuperation leave;
9. Ten (10) days for students attending basic training required by a branch of the United States Armed Forces; ~~or~~
- 9.10. Students participating in any of the page programs of the General Assembly;<sup>2</sup> or
- ~~10.11.~~ Other valid reasons as determined by the Principal, including trips qualifying as educational enhancement opportunities.

Provided the date(s) requested do not conflict with the State or District testing periods, a student shall be granted an excused absence for up to ten (10) school days to pursue an educational enhancement opportunity determined by the Principal to be of significant educational value. This opportunity may include, but not be limited to, participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts.

**Absences and Excuses****EXCUSED ABSENCES (CONTINUED)**

The Principal's determination may be appealed to the Superintendent/designee whose decision may then be appealed to the Board.

A student receiving an excused absence to pursue an educational enhancement opportunity shall be considered present in school during the excused absence for the purposes of calculating average daily attendance as defined by KRS 157.320.

**PARENT NOTES**

Parents/guardians are to notify the school on the day on which their child is absent and provide notes to explain and confirm excused absences and tardies within three (3) school days of the student's return.

**MAKE-UP OPPORTUNITIES**

A student receiving an excused absence shall have the opportunity to make up missed schoolwork pursuant to procedures outlined in the Student Support and Behavior Intervention Handbook and shall not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.

**REFERENCES:**

<sup>1</sup>702 KAR 7:125

<sup>2</sup>KRS 159.035

KRS 36.396<sub>;</sub> KRS 38.470<sub>;</sub> KRS 40.366

KRS 158.070<sub>;</sub> KRS 158.183<sub>;</sub> KRS 158.293<sub>;</sub> KRS 158.294

~~KRS 159.035~~<sub>;</sub> KRS 159.140<sub>;</sub> KRS 159.150<sub>;</sub> KRS 159.180

OAG 76-566<sub>;</sub> OAG 79-68<sub>;</sub> OAG 79-539<sub>;</sub> OAG 91-79<sub>;</sub> OAG 96-28

**RELATED POLICIES:**

09.111<sub>;</sub> 09.122<sub>;</sub> 09.4281

09.126

LEGAL: HB 194 AMENDS KRS 158.143 TO PROVIDE THAT A STUDENT ENROLLED IN A DISTRICT-OPERATED ALTERNATIVE EDUCATION PROGRAM SHALL BE ELIGIBLE TO SEEK ATTAINMENT OF A HIGH SCHOOL EQUIVALENCY DIPLOMA UNDER CERTAIN CONDITIONS AND SHALL BE EXEMPTED FROM COMPULSORY ATTENDANCE.

FINANCIAL IMPLICATIONS: STUDENT NO LONGER ENROLLED FOR SEEK FUNDING  
TEXT HIGHLIGHTED IN BLUE IS LANGUAGE RECOMMENDED BY JCPS STAFF

STUDENTS

09.4341

## **Alternative Education Programs**

### **DEFINITION**

Alternative Education Program means a program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience. Alternative Education Programs do not include career or technical centers or departments.<sup>1</sup>

There are two types of Alternative Education Programs governed by 704 KAR 19:002:

1. An alternative education program that is a District-operated facility with no definable attendance boundaries that is designed to remediate academic performance, improve behavior, or provide an enhanced learning experience.
2. A program funded by the Kentucky Education Collaborative for State Agency Children (KECSAC) serving state agency children.

### **PURPOSE**

The purpose of the Board's Alternative Education Programs are to provide:

- Learning activities that support innovative pathways and are aligned to college and career outcomes for all students.
- A curriculum that is aligned with the Kentucky Academic Standards and the learning goals in each student's Individual Learning Plan (ILP).
- Successful student transition to the school to which the student would otherwise be assigned under the District Student Assignment Plan, when desired, appropriate, and possible, or to post-secondary status.
- A meaningful alternative to suspension and/or expulsion of a student, where applicable.

NOTE: Students do not have a right to assignment to alternative programs or services except as specifically provided by law.

As required by Kentucky Administrative Regulation 704 KAR 19:002:

- The District's Alternative Education Programs shall include training to build capacity of staff and administrators to deliver high-quality services and programming.
- The Board shall review this policy and accompanying procedure(s) annually.<sup>2</sup>

### **ELIGIBILITY CRITERIA**

Alternative education assignments may be utilized for students at all grade levels.

The Superintendent/designee shall create procedures regarding entry eligibility, criteria, and transition/exit (see Alternative School Profiles).



**Alternative Education Programs****ELIGIBILITY CRITERIA (CONTINUED)**

Assignment may be voluntary or involuntary, and the program may be offered either on-site or off-site.

An ILP shall exist for a student in grade six (6) and above as required by regulation prior to assignment in a District Alternative Education Program.

**Involuntary Assignment**

"Involuntary assignment" means the placement of a student in an alternative education program by local district school personnel:

1.
  - a. To ensure the safety of the individual student, the student body, or staff;
  - b. To meet the educational needs of the student;
  - c. To transition the student to a placement as a state agency child pursuant to KRS 158.135 and 505 KAR 1:080; or
  - d. For disciplinary purposes; and
2. Not made at the request of the parent or emancipated student.<sup>2</sup>

Criteria for involuntary assignment by District personnel in an Alternative Education Program shall include one (1) or more of the following:

- The need for a different educational environment for the student that will reflect an instructional delivery style best provided in an alternative setting.
- Documentation that the student has contributed to substantial and on-going disruption of the educational process.
- Documentation that there are specific academic and/or behavioral performance areas that require intensive assistance best provided in an alternative setting.
- Confirmation that the student has significant and on-going truancy issues that are impeding academic growth.
- Documentation that the student needs intensive support with social and personal issues that are impeding academic performance and/or behavioral expectations.
- The student has been assigned for Student Support and Behavior Intervention Handbook or Board policy violations for which assignment to an alternative program is authorized under the code or policy.
- The student is assigned to an alternative school or program for other reasons as provided in the Student Support and Behavior Intervention Handbook, Board policy, or other program standards adopted by the Board.
- Other reasons related to safety concerns and educational needs of the student referenced in 704 KAR 19:002.

**Alternative Education Programs****ELIGIBILITY CRITERIA (CONTINUED)**

A student shall not be involuntarily assigned to an Alternative Education Program solely for being at risk of academic failure and/or dropping out of school, but that may be taken into account, with documentation, when determining an involuntary assignment, if the student meets one (1) or more of the criteria.

**Voluntary Assignment**

"Voluntary assignment" means the assignment of a student in an alternative education program at the request of the parent or emancipated student and with the agreement of school personnel to better meet the educational needs of the student.<sup>2</sup>

A student's parent/legal guardian or a student who is eighteen (18) years of age or older may request voluntary assignment in an Alternative Education Program.

Criteria for voluntary assignment by District personnel in the Alternative Education Program may include one (1) or more of the following:

- The desire of a parent or emancipated student to access an enhanced learning experience through specialized curriculum and programming available through an alternative education program.
- The need for a different educational environment that provides an instructional delivery model and academic and non-academic supports best suited to meet the needs of the student.
- Documentation that there are specific academic areas that require intensive assistance best provided in alternative setting.
- Confirmation that the student has significant and on-going truancy issues that are impeding academic growth.
- The student has been identified as being at risk of academic failure and/or dropping out of school.
- The student has previously dropped out of school, but has requested to return to school via enrollment in an alternative education setting.

**ADMINISTRATIVE PROCEDURES**

There shall be an administrative procedure for each alternative education program that shall include the:

1. Purpose of the program, including the ways the program supports the District's college and career readiness goals for students;
2. Eligibility criteria, as appropriate;
3. Process for entering students into the program;
4. Process for transitioning students out of the program;

## **Alternative Education Programs**

### **ADMINISTRATIVE PROCEDURES (CONTINUED)**

5. Composition of the team to develop the ILPA, which shall include an invitation to the parents to participate and, as appropriate, an invitation to the student to participate; and
6. Procedures for collaboration with outside agencies involved with involuntary placements, including courts or other social service agencies to address student transitions between programs.<sup>2</sup>

### **NOTIFICATION**

The designated administrator shall provide written notification to the parents regarding their child's assignment to an Alternative Education Program. The notification for an involuntary assignment shall include length and reason for assignment, expected behavior of the student, as well as criteria for exiting the program.

In cases of involuntary assignment, parents or guardians shall be provided a copy of appeal procedures when they are notified of their child's assignment.

The duration of the involuntary alternative assignment shall be as provided in applicable Board policy, Student Support and Behavior Intervention Handbook, or other alternative program standards adopted by the District, or as decided by the team and approved by the Superintendent/designee.

### **ATTAINMENT OF A HIGH SCHOOL EQUIVALENCY DIPLOMA**

Students enrolled in a District-operated alternative education program shall be eligible to seek attainment of a High School Equivalency Diploma if the student:

- Is at least seventeen (17) years of age;
- Is not on track to graduate\*<sup>2</sup>; and
- Has previously attained a passing score on an official readiness test for a High School Equivalency Diploma.

\*Not on track to graduate – At the fourth (4th) school year, not at the 75% mark to obtain the minimum twenty-two (22) credits to graduate.

A student who has attained a High School Equivalency Diploma shall be exempt from compulsory attendance.<sup>3</sup>

### **ILPA TEAM**

A designated team shall develop an Individual Learning Plan Addendum (ILPA) for students in grades kindergarten through twelve (K-12) assigned to an alternative school or program. The team may consist of the administrator/designee of the student's current school/program, the administrator/designee of the Alternative Education Program, counselors, teachers and other staff as appropriate.

The Superintendent/designee shall chair the team and invite the parents, and as appropriate, the student to participate.

**Alternative Education Programs****ILPA TEAM (CONTINUED)**

After consideration of input of the team, the designated administrator shall prepare or revise the ILPA to address, as appropriate, academic and behavioral needs, criteria for re-entry into the traditional program and review of student progress.

**EXCEPTIONS:**

- Such decisions for individual students with disabilities under the IDEA shall be made by the Admissions and Release Committee (ARC).
- Such decisions for students identified under Section 504 shall be made through the team process as required under federal law and corresponding District policies and procedures.

**EXTRACURRICULAR PARTICIPATION**

Students assigned to Alternative Education Programs shall be eligible to access extracurricular activities including, but not limited to sports activities, as allowed under applicable Board policy, Student Support and Behavior Intervention Handbook, SBDM policy, KHSAA rules or other alternative program standards adopted by the District.

**CONTINUING SUPPORT**

Opportunities shall be provided for students to continue regular school work as appropriate under the supervision of Alternative Education Program staff. Students participating in an alternative program shall continue to be able to access tutoring, intervention, counseling, and other resources and services already available in the District as determined through the development of the ILPA.

**TRANSITION**

Students may transition to a regular classroom setting in accordance with any criteria for re-entry established by the ILPA Team and in accordance with the following process:

1. The lead Alternative Education Program administrator/designee shall invite the student (age 18 or older) or the parent/legal guardian to meet to discuss the proposed transition. If the parent/legal guardian or adult student do not attend, written notification shall be provided to explain the proposed re-entry.  
  
For IDEA or Section 504 students, the ARC or Section 504 team shall determine placement of students as required by law.
2. Strategies shall be documented to promote successful transition to include specific staff responsibilities and how follow-up monitoring will occur.
3. Should the transition not be successful for the student, reassignment to the Alternative Education Program may be considered, and the ILPA Team may be reconvened accordingly.

**Alternative Education Programs****COLLABORATION WITH OUTSIDE AGENCIES**

The coordinator or lead administrator of the Alternative Education Program shall establish a process to collaborate with outside agencies involved with involuntary assignment, including Family Accountability, Intervention and Response (FAIR) teams, courts or other social service agencies, to address student transitions between programs. Release of protected information about students involved in the program shall be in compliance with the Family Educational Rights and Privacy Act (FERPA).

**2021-2022 SUPPLEMENTARY SCHOOL YEAR ASSURANCES**

For the 2021-22 school year, in accordance with the guidance provided by the Kentucky Department of Education in conformity with the provisions of Senate Bill 128 (2021 Regular Session:

1. Individual Learning Plan Addendums (ILPAs) will be reviewed and appropriately adjusted to meet the needs of alternative education program students participating in the supplemental school year program;
2. School-Based Decision Making (SBDM) councils will be given appropriate notice to allow adequate time to review and revise policies that may be impacted by the implementation of supplemental school year program; and
3. This policy has been reviewed and appropriately adjusted to meet the needs of students participating in the supplemental school year program.

**NOTE: THIS POLICY DOES NOT APPLY TO A TEMPORARY/SHORT-TERM INTERVENTION.**

**REFERENCES:**

<sup>1</sup>KRS 160.380

<sup>2</sup>704 KAR 19:002

<sup>3</sup>[KRS 158.143](#)

707 KAR 1:320

*Student Discipline Guidelines*, Kentucky Department of Education

OAG 77-419

**RELATED POLICIES:**

08.131, 08.141

09.123, 09.14, 09.426