



Kenton County School District | It's about ALL kids.

# ISSUE PAPER

**DATE:**

July 24, 2025

**AGENDA ITEM (ACTION ITEM):**

Consider/Approve an emergency waiving of the 1<sup>st</sup> reading of revisions to Policy 09.12 (Admissions and Attendance) and Approve the second reading.

**APPLICABLE BOARD POLICY:**

01.5 – School Board Policies

**HISTORY/BACKGROUND:**

The Kentucky School Board Association has completed an annual update of our policies after the legislation session to align our policies with revised statutes. Administrators in the district also reviewed and revised several policies that are included in the annual update. The emergency waiver of the first reading is needed to provide congruency with our Tuition Policy which is being considered for a second reading before the school year starts.

**FISCAL/BUDGETARY IMPACT:**

None

**RECOMMENDATION:**

Approve an emergency waiving of the 1<sup>st</sup> reading of revisions to Policy 09.12 (Admissions and Attendance) and Approve the second reading.

**CONTACT PERSON:**

Henry Webb

\_\_\_\_\_  
*Principal/Administrator*

\_\_\_\_\_  
*District Administrator*

  
\_\_\_\_\_  
*Superintendent*

*Use this form to submit your request to the Superintendent for items to be added to the Board Meeting Agenda.*

*Principal –complete, print, sign and send to your Director. Director –if approved, sign and put in the Superintendent's mailbox.*

## **Admissions and Attendance**

### **RESIDENCE DEFINED**

Pupils whose parent or guardian resides in the District and has custody of the student, or pupils who are legal residents of the school District, or as otherwise provided by state or federal law, shall be considered residents and entitled to the privileges of the District's schools. All other pupils shall be classified as nonresidents for school purposes.<sup>1</sup>

Upon request, parents shall be required to furnish school officials with proof of legal residency. Legal guardianship must be documented by an order from the County Circuit Court.

### **HOMELESS CHILDREN AND UNACCOMPANIED YOUTH**

The District shall provide educational and related services to homeless children and youth, including preschool-aged homeless children, and homeless children or youth not in the physical custody of a parent or guardian (unaccompanied youth) in a manner that does not segregate or stigmatize students on the basis of their homeless status.

The District shall provide its schools with guidelines that detail the rights of homeless students and the responsibilities that schools have to meet their needs and eliminate barriers to school attendance. These guidelines shall emphasize the right of homeless students to:

1. Have equal access to all educational programs and services, including transportation, that non-homeless children enjoy;
2. Have access to preschool programs as provided to other children in the District;
3. Continue attending their school of origin, when deemed in the best interest of the child, for the duration of homelessness;
4. Attend regular public school with non-homeless students; and
5. Continue to receive all services for which they are eligible (i.e., special education, gifted and talented, English learner).

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

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

- “Outreach” to other entities and agencies so that homeless students are identified;
- Providing public notice of the educational rights of homeless children in locations frequented by parents/guardians and unaccompanied youths. This notice is to be in a manner and form that is understandable;<sup>2</sup>



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

- Seeing that school personnel who provide McKinney-Vento Services receive professional development and other support; and
- Ensuring that unaccompanied youths are enrolled in school and receive support to accrue credits and access to higher education.

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

All concerns regarding the education of homeless children and unaccompanied youth shall be referred to the District 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 the Kentucky Department of Education using the Dispute Resolution for Homeless form located at the link below:

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

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

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

**CHILDREN IN FOSTER CARE**

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

Foster children are to be immediately enrolled in a new school. The District shall 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 the Kentucky Department of Education 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.

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.

**Admissions and Attendance****CHILDREN IN FOSTER CARE (CONTINUED)**

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**

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 influence of the school's climate on the child;
- The safety of the child; and
- The proximity of the placement to the school of origin, and how the length of a commute would impact 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.

**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.

**Admissions and Attendance****NONRESIDENTS**

Nonresident pupils may be admitted to the District's schools if capacity is available at the school in accordance with Board policies 09.1222, 09.124, and upon approval of the Non-Resident Pupil Admission application (09.124 AP.21) by the Superintendent/designee. Adequate capacity is defined as adequate space per recommended State Cap existing in the grade level/classes in the school and there is no undue impact on the programmatic needs of the school/District. Parents are responsible for all transportation to/from school if accepted. 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>3</sup>

Assuming space is available, cases will be considered for acceptance based on students abiding by the following four (4) criteria:

- Satisfactory academic progress and effort as determined by the Principal.
- District attendance policies including matching the District's average attendance and not exceeding six (6) unexcused absences.
- Behave in accordance with the Code of Expected Behavior and Conduct.
- Parent(s)/guardian(s) are cooperative and supportive in their working relationship with the school.

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.

Out-of-state residents are responsible for payment of an amount equal to the SEEK allocation.

**~~EMPLOYEES' CHILDREN~~**

~~Upon written application of the parent/guardian, students whose parent/guardian resides outside of the District and whose parent/guardian is a full-time employee of the District may be admitted with permission of the Superintendent/designee. Contingent on the District receiving ADA as provided by law, the tuition for these students shall be waived. Out-of-state residents are responsible for payment of an amount equal to the SEEK allocation.~~

**EXPELLED/CONVICTED STUDENTS**

The parent, guardian, Principal, or other person or agency responsible for the student shall provide to the school prior to admission, a sworn statement or affirmation concerning any of the following that have occurred in or outside Kentucky:

1. If a student has been expelled from school; or
2. If a student has been adjudicated guilty/convicted of, homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs.

Assault shall mean any physical assault, including sexual assault.

The sworn statement or affirmation shall be on a form provided by the appropriate state agency and shall be sent to the receiving school within five (5) working days of official notification that a student has requested enrollment in the new school.<sup>4</sup>



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

If a student is suspended or expelled for any reason, or faces charges that may lead to suspension or expulsion, but withdraws prior to a hearing from any public or private school in Kentucky or any other state and then moves into the District and seeks to enroll, the District shall review the details of the charges, suspension, or expulsion and determine if the student will be admitted, and if so, what conditions may be imposed upon the admission. Prior to a decision to deny admission, the District shall offer the student, parent/guardian, or other persons having legal custody or control of the student a hearing before the Board for expulsion cases and before the Superintendent or designee for suspension cases.

**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.

**EXCHANGE STUDENTS**

The District shall regulate the admission and participation of exchange students in the District's educational programs. Only exchange students who participate in programs officially recognized by the Board shall be accepted. The District retains the right to maintain an equitable distribution of exchange students among the high schools.

**OTHER**

For further information concerning students who move out of the District during the school year, refer to Policy 09.124

For further information concerning students attending a school outside their residential attendance zone, refer to Policy 09.11.

**Admissions and Attendance****REFERENCES:**

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

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

<sup>3</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>4</sup>KRS 158.155; KRS 157.330; KRS 158.150

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

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

09.14; 09.211