

PUBLIC NOTICE OF HEARING REGARDING ENROLLMENT OF NONRESIDENT STUDENTS' POLICY

PUBLIC NOTICE

Notice is hereby given pursuant to K.S.A. 72-3126, of a public hearing to be held on the 11th day of December, 2023 at 6:00 p.m. the Leavenworth Board of Education office, 200 N 4th Street, Leavenworth, Kansas 66048, regarding the Unified School District No. 453, Leavenworth County, Kansas proposed policy to determine the number of nonresident students that the school district has the capacity to accept in each grade level for each school of the school district pursuant to K.S.A. 72-3123, and amendments thereto, including clearly specifying the reasons that the board may use to deny continued enrollment of a nonresident student who is not in good standing.

A representative of the board shall present the board's proposal for the policy, and the board shall hear testimony regarding the proposed policy.

JBC Enrollment (See IIBGB, JBCA, JBCB, JBCC and JQKA)

Resident Students

A “resident student” is any child who has attained the age of eligibility for school attendance and lives with a parent, or a person acting as a parent, who is a resident of the district. Children who are “homeless” as defined by Kansas law and who are located in the district will be admitted as resident students. For purposes of this policy, “parent” means the natural parents, adoptive parents, step-parents, and foster parents. For purposes of this policy, “person acting as a parent” means a guardian or conservator, a person liable by law to care for or support the child, a person who has actual care and control of the child and provides a major portion of support, or a person who has actual care and control of the child with written consent of a person who has legal custody of the child.

Non-resident Student

Details concerning the enrollment and continued enrollment process for nonresident students may be found in board policy JBCC.

Enrollment Restriction

Unless approved in advance by the board, no student, regardless of residency, who has been suspended or expelled from another school district will be admitted to the district until the period of such suspension or expulsion has expired.

Enrollment Procedures

The superintendent shall establish orderly procedures for enrolling all students, including pre-enrollment, changes in enrollment, normal enrollment times, and communication to parents and to the public.

Part-Time Students

The board allows any child to enroll part-time in the school district to allow the student to attend any courses, programs, or services offered by the school district if the child:

- Is also enrolled in a nonaccredited private elementary or secondary school or in any other private, denominational, or parochial school as required by law;
- Requests to enroll part-time in the school district; and
- Meets the age of eligibility requirements for school attendance.

District administrators shall make a good faith attempt to accommodate scheduling requests of students enrolling in the school district in these situations but shall not be required to make adjustments to accommodate every such request.

Part-time students, other than those specified previously in this policy may enroll with the administration's permission if they complete all paperwork in a timely fashion and are in attendance no later than the first week of September. Such part-time students may be admitted only to the extent that staff, facilities, equipment, and supplies are available and the students follow the district's student conduct policies and rules.

Identification of Students

All students enrolling in the district for the first time shall provide required proof of identity. Students enrolling in kindergarten or first grade shall provide a certified copy of their birth certificate, a certified copy of the court order placing the child in the custody of the Secretary of the Department for Children and Families, or other documentation which the board determines to be satisfactory. Students enrolling in grades 2-12 shall provide a certified transcript, similar pupil records or data, or other documentary evidence the board deems satisfactory.

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

If proper proof of identity is not provided within 30 days of enrolling, the

superintendent shall notify local law enforcement officials as required by law and shall not notify any person claiming custody of the child.

Enrollment Information

The enrollment documentation shall include a student's permanent record card with a student's legal name as it appears on the birth certificate, or as changed by a court order and the name, address and telephone number of the lawful custodian. The records shall also provide proper proof of identity.

Assignment To A School Building, Grade Level, or Classes

Unless otherwise provided herein, the superintendent shall assign students to the appropriate building. Any student desiring to attend a school outside the attendance area in which the student resides may do so only with the prior written permission of the superintendent.

If required by law, students placed in foster care or students who are homeless may be educated in their "school of origin" instead of the building corresponding to the assigned attendance area. (For definition of "school of origin", see regulations for JBCA and JBCB.) Assignment to a particular grade level or particular classes shall be determined by the building principal based on the educational abilities of the student. If the parents disagree, the principal's decision may be appealed to the superintendent. If the parents are still dissatisfied with the assignment, they may appeal in writing to the board.

A student shall be required to attend the school designated for the attendance area in which the student resides, unless the superintendent approves a transfer based on the exceptional circumstances outlined in this policy.

Transferring Credit

In middle school/junior high and high school, full faith and credit shall be given to units earned in other accredited schools at the time the student enrolls in the district, unless the principal determines there is valid reason for not doing so. For online credit approval procedures after enrollment, see board policy IIBGB.

Transfers from Non-Accredited Schools

Students transferring from non-accredited schools will be placed by the principal. Initial placement will be made by the principal after consultation with parents or guardians and guidance personnel. Final placement shall be made by the principal based on the student's documented past educational experiences and performance on tests administered to determine grade level placement.

1. Superintendent-initiated transfer

The superintendent may transfer a student from his or her assigned school to any school in the district whenever such transfer is determined to be in the best interests of the student and the district.

2. Student/parent-initiated transfer

A request for transfer of a student from one school to another may be made by a parent under exceptional circumstances and for justifiable reasons. Such a request shall be considered by the superintendent on the basis of the educational needs and interests of the student as well as the educational needs and interests of the students in the sending and receiving schools. Educational needs and interests of the students and schools shall include, but not be limited to, these: (1) functional enrollment numbers for the current year, as well as future class sizes; (2) class sizes; (3) adequate program flexibility and efficiency; and (4) staffing. (Transfers for special education purposes will be processed by the school's special services team.)

3. Procedure for transfer requests

a. A request for transfer for the next school year must be submitted in writing on a form provided by the district. That form shall include pertinent information from this policy and shall include a parent signature line to indicate parental understanding of this policy.

b. The building administrator shall approve or disapprove each request for transfer and shall notify the requesting party in writing. A copy of each approved transfer shall be

provided to the sending school and to the receiving school. Unless otherwise indicated, an approved transfer shall be effective only for the next school year and must be renewed annually.

Employee Student Transfer

District employees, including those residing outside of the school district, may request the attendance center of their choice. The request shall be in writing to the superintendent of schools or designee. The approval may be subject to the extent that staff, student class size, facilities, equipment, and supplies are available.

Approved: 7/27/09; 10/12/09; 6/14/10; 7/12/10; 7/18/11; 8/23/11; 7/16/12; 7/15/13; 9/18/13; 7/16/14; 2/15; 8/19/15; 2/17/16; 7/15/16; 1/18/17; 9/9/19; 9/12/22; 11/13/23

JBCC Enrollment of Nonresident Students (See JBC, JBCA, JBCB, JQKA)

Kansas law requires the board to allow nonresident students to enroll in and attend the schools of the district if the board's capacity determination finds there are open seats for such students. In order to determine the district's capacity to accept nonresident students at each grade level in each district school, the board has adopted this policy.

Details concerning the open enrollment and continued enrollment processes for nonresident students may be found in this policy, while general processes on enrollment documentation, assignment to buildings and classes, etc., may be found in board policy JBC.

Definitions

For the purposes of this policy, the following definitions apply.

"Homeless child" means a child who lacks a fixed, regular and adequate nighttime residence and whose primary nighttime residence is:

- A. A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters and transitional housing for the mentally ill;
- B. an institution that provides a temporary residence for individuals intended to be institutionalized; or
- C. a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

"Nonresident student" means a student who is enrolled and in attendance at or seeking to enroll and attend a school located in a district where such student is not a resident.

"Parent" means and includes natural parents, adoptive parents, stepparents, and foster parents.

"Person acting as parent" means:

- A. A guardian or conservator; or
- B. a person, other than a parent, who:
 - i. Is liable by law to maintain, care for or support the child;
 - ii. has actual care and control of the child and is contributing the major portion of the cost of support of the child;
 - iii. has actual care and control of the child with the written consent of a person who has legal custody of the child; or
 - iv. has been granted custody of the child by a court of competent jurisdiction.

"Receiving school district" means a school district of nonresidence of a student who attends school in such school district.

"Sibling" means a brother or sister of the whole or half blood, adoptive brother or sister, a stepbrother or stepsister or a foster brother or foster sister.

Determining Capacity for Nonresident Enrollment

The superintendent or designee has the responsibility for studying capacity in each school of the school district and at each grade level within each school and for making recommendations to the board regarding the district's capacity to accept nonresident students. To make recommendations to the board to assist with determining capacity, the superintendent or the superintendent's designee(s) shall do the following.

The superintendent or designee shall develop recommendations on capacity and classroom student-to-teacher ratios in each grade level in each school serving kindergarten students and students in grades one through eight. Such recommendations may be based on, but not be limited to, the following factors:

- Present classroom student-teacher ratios in each grade level in each school;
- projected enrollment shifts based on the resident student population, which may include a percentage adjustment for anticipated growth or decline based on documented enrollment trends; and
- maximum capacity of the classroom and associated learning, activity, and common area spaces.

The superintendent or designee shall develop recommendations on capacity and student-to-teacher ratios for each school building or program serving students in grades nine through twelve. Such recommendations may be based on, but not be limited to, the following factors:

- Present building or program student-teacher ratios;
- projected enrollment shifts based on the resident student population, which may include a percentage adjustment for anticipated growth or decline based on documented enrollment trends;
- anticipated demand for particular courses or programming; and
- maximum capacity of the classroom and associated learning, activity, and common area spaces.

On or before May 1 of each year, the superintendent shall present the recommendations concerning capacity and student-to-teacher ratios to the board for adoption or modification, and the board shall determine, for each grade level in each school building of the school district for the next succeeding school year, the following:

- Capacity based on the study conducted by the superintendent or the superintendent's designee;
- the number of students expected to attend school in the school district; and
- the number of open seats available to nonresidents at each grade, building, or program level.

On or before June 1 of each year, the district shall publish the number of open seats available to nonresident students in each grade level for each school building of the district for the next succeeding school year on the school district's website.

From June 1 through June 30, district administration shall accept applications from nonresident students.

If the number of applications for a grade level in a school building is less than the number of available seats for that grade level in the school building, the nonresident students shall be accepted for enrollment and attendance at the school district, except as provided below for nonresident students regarding continued enrollment.

If the number of applications for a grade level in a school building is greater than the number of available seats for the grade level in the school building, district administration shall randomly select nonresident students using a confidential lottery process. This process shall be completed on or before July 15 of each year.

The district shall provide to the parent or person acting as a parent of a nonresident student who was not accepted for or denied enrollment at such school district the reason for the nonacceptance or denial and an explanation of the nonresident student selection process.

Priority in Filling Open Seats

Subject to having capacity to enroll nonresident students, the district shall give priority in enrollment to the following nonresident students, who shall receive open seats without necessity of being selected through the open-seat lottery. Priority nonresident students open seats will be filled in the order they are received:

- Any sibling of a nonresident student who was accepted to enroll in and attend school in the district, with priority given when the nonresident student is first

accepted and, if necessary, at any other time the district considers transfer applications; and

- any nonresident student who is a military student as defined in K.S.A. 72-5139, with priority given when the student is first accepted and, if necessary, at any other time the district considers transfer applications.

Regardless of capacity determinations, the following categories of students shall be allowed to enroll as if resident students:

- any child who is in the custody of the Department for Children and Families and who is living in the home of a nonresident student who transfers to the district;
- any nonresident student who has a parent or person acting as parent employed by the district, while the parent or person acting as a parent remains employed by the district; or
- any child who is experiencing homelessness shall be permitted to enroll in and attend the school district of origin or the school district of residence.

If one of these exceptions no longer applies to the student, the student's enrollment status would be subject to review under the terms for continued enrollment under this policy.

Prohibitions Regarding Open Enrollment Provisions of this Policy

The district shall not:

- Charge tuition or fees to any nonresident student who transfers to the district pursuant to this policy, except fees that are otherwise charged to every student enrolled in and attending school in the district; or
- accept or deny a nonresident student transfer based on ethnicity; national origin; gender; income level; disabling condition; proficiency in the English language; or measure of achievement, aptitude, or athletic ability.

Except for a child in the custody of the Department for Children and Families or a child who is experiencing homelessness, a nonresident student shall not transfer more than once per school year to one or more receiving school districts pursuant to the provisions of this policy or authorizing Kansas law.

Transportation of Nonresident Students

The district, by virtue of being a receiving school district of a nonresident student, shall not be required to provide transportation to nonresident students unless otherwise required to do so by state and/or federal law, as a related service through a student's individualized education program,

or as an accommodation pursuant to the student's Section 504 plan. If space is available on district transportation vehicles, the district may assign nonresident students an in-district bus stop to and from which transportation may be provided by the district for nonresident students. The district shall ensure that transportation for nonresident homeless students is provided comparably to that of housed students.

KSHSAA Eligibility

Nothing in this policy or state law shall exempt a nonresident student who transfers into the district from the requirements of the Kansas State High School Activities Association ("KSHSAA") regarding eligibility to participate in KSHSAA activities.

Information Share with the Kansas State Department of Education

The superintendent shall submit or have submitted to the Kansas State Department of Education this policy, the number of nonresident student transfers approved and denied in each grade level and whether the denials were based on capacity or in accordance with the policy's terms, as required.

Nonresident Student Continued Enrollment

A nonresident student who has been accepted for enrollment and attendance at a district school shall be permitted to continue enrollment and attendance in the district until such student graduates from high school, reaches the age of 21 (if the student is a student with an exceptionality, not solely eligible for gifted services under an individualized education program), or receives a G.E.D., unless such student is no longer deemed by district administration to be in good standing.

Except as otherwise specified herein, nonresident students who have previously been accepted for enrollment by the school district will be allowed to continue enrolling in the district as specified above. The district will not require parents to resubmit a new application each school year and will advance the previous application of an enrolled student amending only the grade placement of the student unless the district provides notification to the parent, person acting as a parent, or student that enrollment is not going to be continued for the upcoming school year for reasons specified as follows.

Regardless of capacity to accept nonresident students at a nonresident student's grade level or in the student's designated school or program, an individual student may be denied continued enrollment for not being in good standing. Nonresident students admitted to the district shall be evaluated each spring by district administration to determine standing for continued enrollment.

Students may be denied continued enrollment for the next school year based on the results of these evaluations. However, if the student has a disability, the student's ability to meet these expectations shall be considered prior to denying continued enrollment in the district. Similarly, administration shall consider the adverse impact of homelessness on a student's attendance and any resulting suspensions or expulsions before making a determination on the continued enrollment of a student who is homeless. As part of this reflection, administration shall consider the obstacles a homeless student faces to arrive at school on time or each day due to housing instability, lack of transportation, or lack of other basic resources that can hinder consistent attendance.

A student meeting one or more of the following criteria shall automatically be deemed not in good standing and may be denied continued enrollment based solely thereon.

- The nonresident student failed to maintain a 95% attendance rate in the last school year, excluding excused absences under board policy JBD and/or any relevant student handbook language;
- the nonresident student is truant as defined by state statute and board policy JBE-any three consecutive unexcused absences, any five unexcused absences, in a semester, or seven unexcused absences in a school year, whichever comes first;
- the nonresident student or the student's parent or person acting as a parent provided false or fraudulent information in the application process;
- the nonresident student is not a resident of Kansas;
- the nonresident student has failed multiple classes in the current school year and is not on track to graduate
- the student has had three or more in-school suspensions or two or more out of school suspensions in the current school year, excluding suspensions a manifestation determination determined to be a manifestation of the student's disability or a failure on the part of school staff to implement an individualized education program, Section 504 plan, or behavior intervention plan; or
- the student has been given a long-term suspension or expulsion by the district in the current school year.
- the student is currently under a period of suspension or expulsion from any Kansas school district, and such suspension or expulsion will not expire until after the next school year has begun.

Parents shall be informed of any administrative decision not to continue enrollment of a nonresident student no later than June 1.

11/13/23