



DECEMBER 2016 KASB POLICY UPDATES

To: Member Unified School Districts and other Member Organizations
From: Angie Stallbaumer, KASB Policy Specialist/Staff Attorney
Re: Recommended Board Policy Updates

KASB has posted these packets using a blind URL for Members Only on our website. The accompanying documents are the second set of 2016 policy updates we've made to our KASB recommended policies. If you did not receive the June 2016 Policy Updates, please email me at astallbaumer@kasb.org or my paralegal Leslie Garner at lgarner@kasb.org, so we can get them sent your way.

The following policy recommendations have been edited and revised by the KASB Legal/Policy Services staff. Along with this letter, you will find a table explaining in detail the changes in policy and copies of each policy showing the edits to each using Track Changes in Word. Clean copies of the policies with all edits incorporated may also be downloaded at your convenience using the blind URL www.kasb.org/policyupdates.

The purpose of these revisions is to fill in some gaps where districts desire more comprehensive policy language, to eliminate some redundancy, update the language to ensure compliance with new Federal laws, and make the policies easier to administer.

The contents of this policy package should be reviewed by the superintendent, the clerk, and the board. It may not hurt to run it by your other district administrators, staff, and student body representatives if your policy requires staff and student input. If any of the new policy recommendations meet district needs, they are ready to add to the policy book **after board approval**.

Once adopted, policies have the force and effect of law. Suggested policies should not be placed in the policy book without an opportunity for board discussion and an official motion to approve their addition to the district's policy book.

Minutes from the meeting should reflect when policies were adopted and which policies were approved. To save time in case of an audit, file a copy of the minutes with critical policies required by law.

Notice the phrase "KASB Recommendation – [date]" on each policy. This should reduce confusion as to which KASB policy recommendation is the most current. Remember to delete the date of the KASB recommendation and put in the local adoption date or maintain both separately if it's helpful for you.

Clerks must also make sure an historical policy file is maintained in the district containing older versions of the policies for future reference. Note that these may be scanned and retained electronically to ease your storage burden, but you don't want to discard them altogether.

We sincerely hope these policy recommendations will be helpful for you. If you have comments, questions, or concerns about these policy recommendations, or if you have additional policy questions, call 1-800-432-2471 and ask to speak to Angie Stallbaumer; email me at astallbaumer@kasb.org; or contact another member of the KASB Legal/Policy Services staff.

Sincerely,

Angie Stallbaumer

KASB Policy Specialist/Staff Attorney

DECEMBER 2016 UPDATED KASB POLICIES

POLICY CODE	RATIONALE FOR RECOMMENDED REVISION OR ADDITION	RECOMMENDED ACTION
CN (Public Records)	We made editorial changes to this policy to help word flow, especially near the portions where the districts are to fill in the blanks with employee titles responsible for each portion of the policy. We also reworded the paragraph clarifying the timeline districts have to comply with an open records request so that it is more reflective of state statute.	Review and adopt if preferred. This is not a legally required change.
DFAB (Standard of Conduct for Federally Funded Contracts) → NEW	This policy was developed pursuant to requests for a food service code of conduct based on Federal Uniform Grant Guidance. If preferred, language in the next to last paragraph carving out exceptions when gratuitous offerings could be accepted by staff could be tightened up a bit. This language was our attempt to anticipate where districts would have conflict with the policy based on regular practice. However, if the exceptions don't appeal to you, simply retain language on what retail value will be considered de minimus, and the rest may be eliminated.	Review and adopt the policy if desired. This type of language is being requested by the Kansas State Department of Education ("KSDE").
DP (Collection Procedures) → NEW	While addressing unpaid meal charge policy needs in policy EE, we decided having a policy on how the district will approach debt collection would be helpful. While you are not obligated to maintain any of this language, please note that there will need to be changes made to our newly updated policy EE to remove references to DP and to beef up its procedures for debt collection with regard to food service if this policy is not adopted.	Review and adopt the policy if desired. It is not required, but if choosing not to adopt it, modification of policy EE will be necessary.

<p>EE (Food Services Management)</p>	<p>New federal statutory and regulatory changes require districts to adopt more detailed policy language on unpaid meal charges before July 1, 2017. We revised this policy in accordance with suggestions from the United States Department of Agriculture and KSDE.</p> <p>While much of this language is required to be written as it is, there is some room for the district to customize it. For example, you are not required to allow students to charge any meals, but, if you do, you need to set a dollar amount or a maximum number of meals at which point no further charges will be accepted. The options included right now were just examples, and the numbers may be adjusted to meet your needs.</p> <p>Also, you are not required to provide students (except free lunch students) with an alternative food source if they have no money to pay for meals. But, if you do, you have to give some detail as to what that alternative meal would be. As currently written, the costs for covering a sandwich and milk would have to be wholly absorbed by the district. Another option would be to offer whole grain crackers at a reduced price so that you could still get some reimbursement from federal funding.</p> <p>Similarly, you are obligated to include some language about how parents will be notified that their child has run out of money for meals, and what processes you'll go through to attempt to get parents to pay for meals charged once the money runs out. You do not have to use the procedures in our EE or DP, but, if you don't keep that language, be sure to write in your own which better reflects local practice.</p> <p>As questions arise, please do not hesitate to ask us to clarify your responsibilities here.</p>	<p>Review and adopt with desired customization. This is a legally required change, although you have some authority to make elections to customize the language to meet your district's needs.</p>
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GAK (Personnel Records)	<p>This policy was revised to address new requirements under the Every Student Succeeds Act (“ESSA”). In sum, the law now prohibits the board, individual board members, and any individual or entity who is a district employee, contractor, or agent from assisting a district employee, contractor, or agent in obtaining a new job if the board, individual, or entity knows, or has probable cause to believe, that such person engaged in sexual misconduct regarding a minor or student in violation of the law.</p> <p>While you may still provide personnel records to prospective employees, we’ll need to be more careful in drafting settlement agreements and such to ensure we don’t make promises to give glowing evaluations in these circumstances.</p>	Review and adopt. Changes are legally required.
GBU (Ethics)	<p>Another change with the adoption of the ESSA was a move away from ensuring teachers are “highly qualified” and simply ensuring they’re licensed or certified for the positions they’re teaching in. Therefore, we added a bullet to our teacher ethics policy to ensure that it was abundantly clear teachers are to have and maintain proper licensure or certification as part of their ethical duties to the profession.</p>	Review and adopt. This is based on a change in the law.
JBC (Enrollment)	<p>We put a caveat into this policy to provide proof of identification requirements must not serve as barriers to immediate enrollment of students designated as homeless or foster children as required by ESSA and the McKinney-Vento Act as amended by ESSA. We also noted these students may not always go to school at the attendance center assigned to the location in which they live, as law would require best interest determinations to see if the</p>	Review and adopt. This is based on current law.

	student(s) would be better off going to the school of origin instead.	
JBCA (Homeless Student)	ESSA removed foster care students from the definition of homeless to be a stand alone group with new required protections. So, we made an update to the body of the policy to reflect that.	Review and adopt. This more accurately depicts present federal law.
JBCA (Homeless Students Regulations and Complaint Form)	While the policy for homeless students is quite short, we've included updated regulations for your consideration which should go into enough detail to help district staff understand how best to implement the ESSA changes with regard to homeless students. A complaint form was also modified.	Review and adopt, as these reflect current law.
JBCB (Foster Care Students) → NEW	ESSA has created a framework for ensuring foster care students are expeditiously enrolled and educated in a stable educational environment. We've created a new policy and new regulations to help districts navigate this area of the law.	Review and adopt, as this reflects new legal requirements.
JBCB (Foster Care Student Regulations) → NEW	Look to these regulations for needed detail to help your staff implement new ESSA requirements regarding foster students. Note that there are some General Transportation Procedures in italics near the back of these regulations which are totally optional. They really just serve to help district staff understand some of their options with regard to providing and paying for foster care student transportation.	Review and adopt, as it is based on changes in law.
JGC (Health Assessments and Physicals)	As with our enrollment policy, JBC, we added language to ensure homeless and foster student enrollment is not delayed because we do not have immediate access	Review and adopt. This is based on change in the law.

	to a student's records on health assessments and physicals or because they were never performed previously.	
JGCB (Inoculations)	As with JBC and JGC, we added language to the inoculations policy to ensure lack of current vaccinations or records thereof does not create a barrier to homeless or foster student enrollment and attendance.	Review and adopt. This is based on changes in the law.
JGFGBA (Student Self-Administration of Medications)	<p>As formerly written, our self-administration of medications policy only allowed students to self-medicate in response to severe allergic reactions or asthma attacks.</p> <p>We decided it wouldn't hurt to open the language up a bit to allow doctors to authorize self-medicating with a broader classification of prescription drugs and parents to authorize the use of over-the-counter medications such as cough drops, allergy medicine, and pain relievers in the school setting. You may want to discuss this language with your school nurse, if you have one, and decide whether you feel this is a move in the right direction before adopting it.</p>	Review and adopt if preferred to present policy. This change is not based on change in the law.
JRB (Release of Student Records)	ESSA provides districts must give certain student directory information to military recruiters and post-secondary institutions if parents do not specifically opt out of them being able to do so. We added some language relevant to this change and provided language saying that we had to at least allow a reasonable amount of time for parents or eligible students to opt out of the use of directory information after having received notice.	Review and adopt.
MI (Kansas Education Systems Accreditation) → NEW TITLE	Kansas has moved away from the Quality Performance Accreditation model and into	Review and adopt.

	the Kansas Education Systems Assurances process for accreditation. We met with our leadership development colleagues to rewrite the policy to reflect districts' requirements under the new process.
TOTAL=	11 Existing Policy Revisions 3 New Policies 1 New Form 2 Revised Forms

Source: KASB Legal and Policy Services

CN **Public Records**

CN

(See BE, CNA, ECA, IDAE, II, HAI, JGGA, and JR et seq.)

The board shall designate a Freedom of Information Officer, {the superintendent/or_____}, with the authority to establish and maintain a system of records in accordance with the Kansas Open Records Act and other applicable laws and may assign another district employee, {the cClerk/or_____}, to handle requests for records and to serve as the custodian of the records. The custodian shall prominently display and distribute or otherwise make available to the public a brochure in the form prescribed by the local Freedom of Information Officer.

Types of Records

A public record means any recorded information, regardless of form or characteristics, which is made, maintained, or kept by or is in the possession of the district, including those exhibited at public board meetings.

Central Office Records

Records maintained by the superintendent shall include, but not be limited to, the following: financial, personnel, and property (both real and personal) owned by the district.

Building Records

Records maintained by the building principals shall include, but may not be limited to, the following: activity funds, student records, and personnel records. (See JR et seq.)

Public Access

All records, except those subject to exception by the Kansas Open Records Act, shall be open to inspection by the general public during regular office hours of any school or the district office. The superintendent will establish procedures for making records available on normal business days when district offices are closed. Copies of open records shall be available on written request.

Requests for access to open records shall be made in writing to an official custodian of district records. The official custodian shall examine each request to determine whether the record requested is an open record or is subject to an exception by the Kansas Open Records Act. The custodian shall either grant or deny the request.

If the custodian does not grant the request, the person requesting the record shall receive a written explanation of the reason for the denial within three days of the request, if an explanation is requested. If the requester disagrees with the explanation, the freedom of information officer shall settle the dispute.

Each request for access to a public record shall be acted upon as soon as possible, but not later than the end of the third business day following the date that the request is received.~~To the extent possible, requests for access to records shall be acted on immediately.~~ If the request is not acted on immediately, the custodian shall inform the requester, within the three day window,~~of~~ when and where the open record will be made available.~~—The record shall be made available within three business days of the request.~~

Each custodian shall file all requests and their dispositions in the appropriate office and make reports as requested by the superintendent or the board.

The board shall annually set a fee for copies of records. Advance payment of the expense of copying open records shall be borne by the individual requesting the ~~copies~~. Under no circumstances shall the documents be allowed out of their usual building location without approval of the official custodian.

Revenue from copying open records will be deposited in the district's general fund.

Disposition

All district office records shall be kept for at least the minimum length of time required by law.

The clerk is designated as the official custodian of all board records maintained by the district. ~~The _____ is designated as official custodian of all district office records maintained by the district. Each building principal {or ___} is designated as official custodian of all records established and maintained at the building level. In addition to those records required by law, the {clerk} shall be responsible for preparing and keeping other records necessary for the district's efficient operation.~~

District employees shall follow the guidelines found in the student records policies. (See IDAE and JR through JRD and JRB)

Retention of Documents in Certain Circumstances (See CNA)

Approved:

KASB Recommendation – 6/00; 01/02; 4/07; 6/07; 12/16

DFAB Standard of Conduct for Federally Funded Contracts

DFAB

The following standard of conduct shall be followed by board members, district employees, officers, and their agents in an effort to eliminate conflicts of interest and to govern actions while engaged in the selection, award, and administration of contracts on behalf of the district.

No board member, employee, officer, or agent may participate in the selection, award, or administration of a contract supported by Federal funds if he or she has a real or apparent conflict of interest concerning the contract.

For the purposes of this policy, a conflict of interest would include any instance when a board member, employee, officer, or agent; any member of his or her immediate family; his or her partner; or an organization which employs or is about to employ any of the parties indicated herein has a financial or other interest in or receives or would receive a tangible personal benefit from a firm considered for a contract.

Unless otherwise provided herein, no board member, employee, officer, or agent of the district may solicit or accept gratuities, favors, or anything of monetary value from vendors, contractors, or parties to subcontracts. Therefore, these individuals would be prohibited from accepting offers for free entertainment which would otherwise cost the individual, lodging, transportation, gifts, or meals. However, accepting meals offered by a sponsor and consumed by such individual at school, a school sponsored activity, or a related event and/or accepting free product samples having a retail value no greater than \$__ will not be a violation of this policy or standard of conduct.

Employees, officers, and agents of the district found to be in violation of this policy and standard of conduct shall be subject to disciplinary action,

DFAB Standard of Conduct for Federally Funded Contracts

DFAB-2

up to and including suspension or termination for employees and denial of access to district property and activities and/or the severing of the officer or agency relationship with the district, as appropriate.

Approved:

KASB Recommendation – 12/16

Unpaid Fees and Negative Account Balances

Unpaid or overdue accounts disrupt accounting practices within the district. All persons who owe overdue fees or have negative account balances with the district shall be notified of the delinquency up to three times in not less than ten day increments by the superintendent or superintendent's designee via letter sent by U.S. First Class Mail providing that the individual owes the district fees or that a specified account has insufficient funds or a negative balance and the reason for the fees or account withdrawals.

If, within ten days after the second notice was mailed, the debt is not paid in full or arrangements have not been made with the superintendent or superintendent's designee to pay it, a third and final notice shall be sent to the debtor by mail. Postage and stationary costs may be added to the original bill.

If full payment is not received by the clerk within ten days after mailing of the final notice, authorization for the enforcement of collection may be obtained through the local small claims court in compliance with Kansas statutes or the superintendent or superintendent's designee may turn the matter over to legal counsel to commence debt collection proceedings on behalf of the district.

Insufficient Funds Checks

The superintendent or the superintendent's designee is authorized to request charges to be filed against a person or persons giving worthless or insufficient fund checks to the school district. In addition, the board adopts the

following procedures for dealing with returned checks in the school setting.

Once the person is notified of the first returned check via U.S. First Class Mail, if restitution is made within five working days from the notification being mailed, there will be no charge for a returned check. If after a second notification is sent, restitution is not made within an additional five working days, a fee of \$10.00 will be charged.

- If a person has a second returned check, he/she will be notified and assessed a \$15.00 fee, providing restitution is made within five working days. After the second notification is mailed concerning the second returned check, a fee of \$20.00 will be assessed.
- For a third returned check, the person will be notified, assessed a \$30.00 fee, and informed that the district and its schools will not accept any future checks from such person. All future payments to the district or individual schools would then need to be in the form of cash, cashier's check, or credit/debit card payment.
- If restitution of the third check is not made within five working days from mailing the final notification, the superintendent or superintendent's designee will be notified, and the superintendent or superintendent's designee may turn the matter over to the county attorney for legal action.

Approved:

KASB Recommendation – 12/16

EE Food Services Management

EE

A supervisor may be hired by the board to oversee the district's food service program.

Sanitation Inspections

The building principal shall inspect each lunchroom to ensure that proper sanitation procedures are being followed.

Records

The supervisor shall be responsible for keeping food service records required by state and federal laws and regulations.

The supervisor shall be under the direct supervision of the superintendent and shall have control over all aspects of the district's food service programs subject to board policy, rules and state and federal regulations.

Meal Prices

Meal prices shall be determined by the board.

Free and Reduced Price Meals

Parents or guardians of students attending schools participating in federal school meal programs must be informed of the availability of reimbursable school meals and provided with information about eligibility and the process for applying for free or reduced price meals on or before the start of school each year.

Unpaid Meal Charges

The district's meal charging requirements are as follows.

A charge account for students paying full or reduced price for meals may be established with the district. Students may charge no more than {\$20

worth of/5} meals to this account. Charging of a la carte or extra items to this account will not be permitted.

Any student failing to keep his/her account solvent as required by the district shall not be allowed to charge further meals until the negative account balance has been paid in full. However, such students will be allowed to purchase a meal if the student pays for the meal when it is received. Students who have charged the maximum allowance to this account and cannot pay out of pocket for a meal will be provided an alternate meal consisting of a peanut butter, peanut butter alternative, or cheese sandwich and milk.

At least one written warning shall be provided to a student and his/her parent or guardian prior to denying meals for exceeding the district's charge limit. If payment of the negative balance is not received within 5 working days of the maximum charge limit being attained, the debt will be turned over to the superintendent or superintendent's designee for collection in accordance with board policy DP. If the debt is not paid within 10 days of mailing the final notice of the negative account balance under policy DP, it shall be considered bad debt for the purposes of federal law concerning unpaid meal charges.

Payments for school meals may be made at the school or district office {or online at _____}. Students, parents, and guardians of students are encouraged to prepay meal costs.

The district will provide a copy of this unpaid meal charges policy to all households at or before the start of school each year and to families and students that transfer into the district at the time of transfer. The terms of this

policy will also be communicated to all district staff responsible for enforcing any aspect of the policy. Records of how and when it is communicated to households and staff will be retained.

Approved:

KASB Recommendation - 4/07; 12/16

Personnel files required by the district shall be confidential and in the custody of the records custodian and/or the superintendent. Employees have the right to inspect their files upon proper notice under the supervision of an appropriate supervisor. All records and files maintained by the district should be screened periodically by the custodian of records.

All personnel files and evaluation documents, including those stored by electronic means, shall be adequately secured.

Requests for References

Unless otherwise ~~provided~~ **allowed** by law, a request by a third party for release of any personnel record shall require the written consent of the employee, and shall be submitted to the records custodian who shall respond to the request as the law allows.

Upon receipt of a written request district officials may provide information regarding past and present employees to prospective employers in compliance with current law. Information that may be provided will include:

- employment date(s);
- job description and duties while in the district's employ;
- last salary or wage;
- wage history;
- whether the employee was voluntarily or involuntarily released from service and the reasons for the separation;
- written employee evaluations which were conducted prior to the employee's separation from the employer and to which an employee shall be given a copy upon request.

Immunity Provided

Unless otherwise provided by law, an employer who responds in writing to a written request concerning a current or former employee from a prospective employer of that employee shall be absolutely immune from civil liability for disclosure of the information noted earlier in this policy~~above~~ to which an employee may have access.

Prohibition on Aiding and Abetting Sexual Abuse

Pursuant to the federal Every Student Succeeds Act, the board prohibits the board, individual board members, and any individual or entity who is a district employee, contractor, or agent from assisting a district employee, contractor, or agent in obtaining a new job if the board, individual, or entity knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law. For the purposes of this policy, it shall not be deemed assisting in obtaining a new job if the aforementioned individuals or entities participate in the routine transmission of administrative and personnel files in accordance with law and this policy.

Approved:

KASB Recommendation – 7/02; 4/07; 12/16

An educator in the performance of assigned duties shall:

- meet and continuously maintain applicable certification or licensure requirements as defined by state and/or federal law for position held;
- actively support and pursue the district's educational mission;
- recognize the basic dignity of all individuals;
- maintain professional integrity;
- avoid accepting anything of substantial value offered by another which is known to be or which may appear to influence judgment or the performance of duties;
- accurately represent professional qualifications; and
- be responsible to present any subject matter in a fair and accurate manner.

Approved:

KASB Recommendation – 2/98; 4/07; 12/16

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 Students

Non-resident students are those who do not meet the definition of a resident student. Although the district is not required to admit non-resident students, non-resident students may be admitted to the extent that staff, facilities, equipment, and supplies are available. Other criteria regarding students seeking non-resident student admittance may be considered prior to acting on any annual non-resident student application as specified in this policy.

Non-resident Students-Continued Enrollment

Non-resident students admitted to the district shall be evaluated each spring by district administration on the following criteria: whether the student made academic progress; regularity and punctuality of attendance; and

JBC Enrollment

JBC-2

disciplinary record, specifically whether the student complied with the student conduct code and avoided 1) major disciplinary problems and/or 2) a large number of referrals for minor disciplinary problems.

Students may be readmitted or denied admission 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. Parents shall be informed of any administrative decision on non-resident student applications no later than

_____.

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

Part-time students may enroll with the (board's/administration's) permission if they complete all paperwork in a timely fashion and are in attendance no later than _____. (Insert date) 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.

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

JBC Enrollment

JBC-5

experiences and performance on tests administered to determine grade level placement.

Approved:

KASB Recommendation – 6/01; 4/07; 6/13; 12/14; 6/15; 12/15; 12/16

JBCA Homeless Students (See EDAA and JBC)

JBCA

The district, in accordance with state and federal law and the Kansas state plan will ensure that homeless children in the school district have access to a free and appropriate public education. Homeless students are individuals who lack a fixed, regular, and adequate nighttime residence. For the purposes of this policy, a student awaiting foster care placement shall not be considered homeless.

Coordinator

The board shall designate a homeless coordinator for the district.

Approved:

KASB Recommendation – 7/03; 4/07; 12/16

Note: The reader is encouraged to review regulations and forms for related information.

JBCA HOMELESS STUDENTS

Homeless Student Regulations Required by Federal and State Law

NOTE: This document MUST be approved by board action to become policy. File with clerk, distribute to principals, and duplicate as necessary in district newsletters and other documents.

Homeless students shall, by definition, include the following:

1. Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; ~~or are abandoned in hospitals; or are awaiting foster care placement.~~
2. Children and youth who have a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings.
3. Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
4. Migratory children who meet one of the above-described circumstances.

Enrollment/Placement (See JBC)

The district, according to the child's or youth's best interest, shall either continue the child's or youth's education in the school of origin for the duration of homelessness in any case in which: 1) a family becomes homeless between academic years or during an academic year; and 2) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

JBCA HOMELESS STUDENTS

School Stability

In determining the best interest of the child or youth, the district homeless student liaison shall:

- 1) presume that keeping the 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;
- 2) consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, 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;
- 3) if, after conducting the best interest determination based on consideration of the presumption in clause (1) and the student-centered factors in clause (2), it is determined that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, provide the child's or youth's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal such determination; and
- 4) in the case of an unaccompanied youth, ensure that the district homeless student liaison assists in placement or enrollment decisions

JBCA HOMELESS STUDENTS

under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal.

Immediate Enrollment

The school selected shall immediately enroll the homeless child or youth, even if the child or youth:

- 1) is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation;
or
- 2) has missed application or enrollment deadlines during any period of homelessness.

Relevant Academic Records

The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

Relevant Health Records

If the child or youth needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the parent or guardian of the child or youth, or (in the case of an unaccompanied youth) the youth, to the district homeless student liaison, who shall assist in obtaining necessary immunizations or screenings, or immunization or other required health records.

Records

Any record ordinarily kept by the school, including immunization or other required health records, academic records, birth certificates, guardianship

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records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained so that the records involved are available, in a timely fashion, when a child or youth enters a new school or school district and in a manner consistent with the Family Educational Rights and Privacy Act. See policies JR through JRD.

Enrollment Disputes

If a dispute arises over eligibility, school selection, or enrollment in a school:

- 1) the child or youth shall be immediately enrolled in the school in which enrollment is sought (whether sought by the parent, guardian, or unaccompanied youth), pending final resolution of the dispute, including all available appeals;
- 2) 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 local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions; and
- 3) the parent, guardian, or unaccompanied youth shall be referred to the district homeless student liaison, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute.

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Placement Choice

The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

Privacy

Information about a homeless child's or youth's living situation shall be treated as a student education record, and shall not be deemed to be directory information, under policy JRB.

Contact Information

Nothing shall prohibit the district from requiring a parent or guardian of a homeless child or youth to submit contact information.

Definition

The term "school of origin" means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool.

When the child or youth completes the final grade level served by the school of origin, the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools.

Comparable Services

Each homeless child or youth shall be provided services comparable to services offered to other students in the school selected, including:

- 1) Transportation services;
- 2) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or

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local programs, educational programs for children with disabilities, and educational programs for English learners;

3) Programs in career and technical education;

4) Programs for gifted and talented students; and

5) School nutrition programs.

Coordination

The district shall coordinate the provision of services under these regulations with the Department for Children and Families and other agencies or entities providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), and transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.

Housing Assistance

If applicable, the district shall coordinate with state and local housing agencies responsible for developing the comprehensive housing affordability strategy to minimize educational disruption for children and youths who become homeless.

The coordination required shall be designed to:

1) ensure that all homeless children and youths are promptly identified;

2) ensure that all homeless children and youths have access to, and are in reasonable proximity to, available education and related support services; and

3) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

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Homeless Children and Youths With Disabilities

For children and youths who are both homeless and eligible for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the district shall coordinate the provision of services under these regulations with the provision of programs for children with disabilities served by the district and other involved local educational agencies.

District Homeless Student Liaison

The board designates the following individual to act as the district's homeless student liaison: (Name of Office) (Business Address) (Phone-Fax). The district shall inform school personnel, service providers, and advocates working with homeless families of the duties of this liaison.

The district homeless student liaison shall ensure:

- 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, district schools;
- 3) homeless families and homeless children and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act (42 U.S.C. 9831 et seq.), early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), and other preschool programs administered by the local educational agency;

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- 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) enrollment disputes are mediated in accordance with these regulations;
- 8) 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;
- 9) school personnel providing services under these regulations receive professional development and other support; and
- 10) unaccompanied youths:
 - a. are enrolled in school;

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- b. have opportunities to meet the same challenging state academic standards as Kansas establishes for other children and youth; and
- c. are informed of their status as independent students under federal law regarding student financial assistance for higher education acquisition and that the youths may obtain assistance from the district homeless student liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid.

The liaison shall also work with the state coordinator for education of homeless children and youth to request and receive needed technical assistance and monitoring to ensure the district complies with federal and state law regarding homeless students. Similarly, the liaison will coordinate with the state coordinator in order to provide professional development opportunities for district personnel to aid them in identifying and meeting the needs of homeless children and youths and will respond to inquiries from parents, guardians, and homeless children and youths to ensure they are provided with the full protection of the law and services they are due.

Notice

The district shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths of the duties of the district homeless student liaison, and publish annually updated contact information for the liaison on the district's website.

Local and State Coordination

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The district homeless student liaison, as a part of assigned duties, shall coordinate and collaborate with state coordinators, the 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.

Homeless Status

The district homeless student 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, is eligible for such program or service.

~~The administration shall consider the best interest of the child, with parental involvement, in determining whether the child should be enrolled in the school of origin or the school that nonhomeless students who live in the attendance area in which the homeless child or youth is actually living are eligible to attend. To the extent feasible, and in accordance with the child or youth's best interest, the child or youth should continue his or her education in the school of origin, except when contrary to the wishes of the parent or guardian. If the youth is unaccompanied by a parent or guardian, the homeless coordinator will consider the views of the youth in deciding where the youth will be educated. The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.~~

~~———— The school selected shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required~~

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~~for enrollment, such as previous academic records, immunization records, proof of residency or other documentation. However, the district may require a parent or guardian of a homeless child or youth to submit contact information.~~

~~—————The district must provide a written explanation, including a statement regarding the right to appeal, to the homeless child or youth's parent or guardian, or to the homeless youth if unaccompanied, if the district sends the child or youth to a school other than the school of origin or other than a school requested by the parent or guardian.~~

~~—————If a dispute arises over school selection or enrollment in a school, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. The child, youth, parent or guardian shall be referred to the district homeless coordinator, who will carry out the dispute resolution process as expeditiously as possible.~~

~~—————For the purposes of this policy, "school of origin" is defined as the school that the student attended when permanently housed or the school in which the student was last enrolled.~~

Dispute Resolution Process

A complaint regarding the placement or education of a homeless child or youth shall first be presented orally and informally to the district's homeless ~~coordinator~~student liaison. If the complaint is not promptly resolved, the complainant may present a formal written complaint (grievance) to the homeless ~~student liaison~~coordinator. The written complaint must include the following information: date of filing, description of concerns, the name of the person or persons involved, and a recapitulation of the action taken during the informal charge stage. Within five (5) working days after receiving the complaint, the