

*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**

**09.1222**

### **Nonresident Students**

#### **ENROLLMENT**

The District may allow nonresident students to enroll in the District pursuant to Policy 09.12 and related procedures.

Enrollment of nonresident students shall not create a situation that exceeds capacity of a school or requires the hiring of additional teachers and/or support staff in the classroom or unit.

Once enrolled in the District, non-resident students are subject to disciplinary action under the District Code of Acceptable Behavior and Discipline, up to and including expulsion.

The district shall not discriminate on the basis of race, color, national origin, age, religion, marital status, sex, sexual orientation, or disability in enrollment set forth in Policy 09.13

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>

#### **LEGAL RESIDENCE**

Except for emancipated pupils, the legal residence of a pupil is determined by the address of the legal residence of the parent/guardian or as otherwise provided by law.

#### **CAPACITY**

The Superintendent or Superintendent's Designee will determine enrollment capacity based upon school and program staffing allocations, applicable class size regulations, building capacity as determined by Kentucky Department of Education, and other state, age, and class size restrictions.

#### **CRITERIA FOR ENROLLMENT OF NONRESIDENT STUDENTS**

1. Nonresident students who have been expelled or suspended from another school district or whose suspension or expulsion is pending shall not be permitted to enroll in the District's schools unless there are extenuating circumstances as determined by the Superintendent.
2. Applicants with a history of truancy will not be enrolled unless there are extenuating circumstances as determined by the Superintendent.
3. Nonresident students are accepted in the district for one school year. Acceptance for enrollment in subsequent years may be reviewed at the end of each school year.

**ATHLETIC PARTICIPATION**

Movement of nonresident student athletes from one district to another shall be addressed by KHSAA regulations.

**TRANSPORTATION**

Transportation for non-resident students will be the responsibility of the parent(s)/guardians(s).

**REFERENCES:**

<sup>1</sup>KRS 158.120

KRS 157.350

OAG 66 550; OAG 79 327; OAG 80 47

G.C. v. Owensboro Public Schools- F.3d, 2013 WL 1235592 (C.A.6 (Ky.))

**RELATED POLICY:**

09.12; 09.313; 09.42811