

Q. Where will the pilot charter be in Northern Kentucky?

A. It has yet to be determined where the NKY pilot charter will be located.

Q. Do high school equivalency program students required to do state testing?

A. Based on the assessment and accountability regulations and guidance, if a student is enrolled in a Kentucky public school or alternative program during windows for required testing, he/she is expected to complete tests required of the enrolled grade. KRS 158.143 was amended to provide that a student enrolled in a district-operated alternative education program shall be eligible to seek attainment of a High School Equivalency Diploma under certain conditions <https://apps.legislature.ky.gov/recorddocuments/bill/22RS/hb194/bill.pdf>

Q. Mental Health Day code. Will it be a present code?

A. No. This will be an excused absence.

Q. How many Mental Health Days does a student get for the 22-23 school year?

A. This is a district decision. A district may elect to grant mental health days, but it is not required. Any cap on mental health days should be included in local board policy.

Q. Are there any circumstances under which a nonresident student may be returned to their home county?

A. To remove a nonresident student from the district mid-year, the district would have to follow their expulsion process. Information on expulsion coding can be found [here](#).

Q. How does HB 563 impact in-district transfer requests?

A. HB563 does not impact transfer requests within a district. Districts can follow the same policies and procedures that they use currently. This is a local decision.

Q. We currently have a policy that we hold 20% for move-ins. Is that something we can still use?

A. You can design your policy for accepting non-resident students the best way suited for your district. Holding capacity for students who may become residents of the district mid-year is a justifiable clause in a district policy. Any holding of capacity for move-ins should be reasonable and based on past experience. Being consistent and following the policy that you put in place is essential. Please work with your board attorney when putting the plan in place.

Q. Does not charging tuition apply to all school?

A. Although KDE’s position is districts should not charge tuition since they will be receiving the same SEEK funds for non-resident students. Districts should discuss the issue with your board attorney.

Q. What is the interpretation of transportation as a related service on non-resident IEPs? OCR is not clear on this matter.

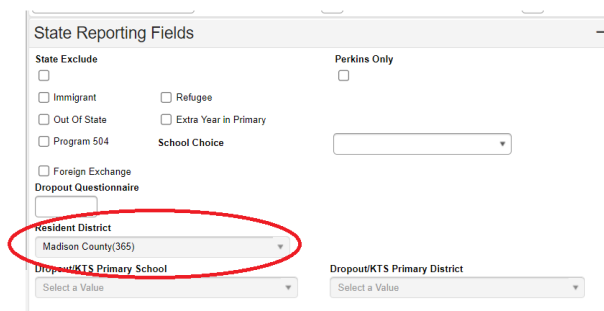
A.

Q. Can a district refuse to release SEEK funds?

A. Districts do not release SEEK funds or hold back funding from another district. When a student is enrolled into a district, the SEEK funding will be calculated to the district where the student attends school. Due to HB 563, the resident district is no longer required to enter into a nonresident agreement for the enrolling district to receive SEEK funds for the student.

Q. Can you review the coding process in I.C. for non-resident students.

- A. Coding nonresident students will remain relatively unchanged:
- Local School Districts of enrollment will record the nonresident student status in Infinite Campus
 - Resident District (enrollment tab) must be completed
 - Contract/noncontract Attendance Groups are NOT needed
 - Once the nonresident student is enrolled in the school district, nonresident students are accounted for the same as resident students for purposes of SEEK and other ADA-based funding.
 - Nonresident student reviews will be included in student attendance audits



State Reporting Fields

State Exclude

Immigrant Refugee

Out Of State Extra Year in Primary

Program 504 School Choice

Foreign Exchange

Dropout Questionnaire

Resident District

Madison County(365)

Dropout/KTS Primary School

Select a Value

Perkins Only

Dropout/KTS Primary District

Select a Value

Q. Could you elaborate on how the mealtime affects the calendar? What's the expectation for the extra breakfast time?

A. Calendars do not have to show the fifteen-minute breakfast granted by SB151 in the schedule. The expectation is for students to eat and learn. Students will report to first period as they normally would do and begin instruction. Students are permitted to eat breakfast for fifteen-

minutes during that time, if a school chooses to offer breakfast during instructional time. The calendar schedule doesn't need to change or reflect this time.

Q. What about fees for nonresident students--supplies, virtual curriculum usage for schools that are A5? Not tuition. Is that allowed?

A. Fees for supplies and virtual curriculum usage should be consistent for resident and non-resident students. If each student is charged for the supplies and usage, there should be no difference in costs or fees from a non-resident student to a resident student. Districts should follow their policies related to fees.

Q. Are these "mental health" days in addition to our normal number of days we provide as excused?

A. The mental health days can be in addition or could be included in the current number of excuses absences allowed by the district. This is the district's decision on whether to offer the additional days and should be outlined in local board policy.

Q. Can preschool be included in the non-resident like K-12?

A. Preschool is not part of the SEEK funding and not included in HB563.

Q. Do you have to give notice to the parent if not allowing a student to return the following year?

A. Yes, students and parents should be advised as soon as practicable if a previously enrolled nonresident student will not be allowed to return to the district for the following school year. Your policy should clearly communicate expectations and any conditions on enrollment. Policies should be discussed with local board attorneys prior to adoption and be consistent with the nondiscriminatory requirements of HB 563.

Q. Our current non-resident policy requests grades, attendance, behavior IEP and any 504 plan can we still request this information?

A. Please reach out to your board attorney for advice on this question. KDE is unable to provide legal advice to districts.

Q. Will KDE be sending out sample policy for nonresident students?

A. KDE will not be creating a sample policy. The KSBA has issued a sample policy and it can be found on the [KSBA website](#).

Q. Does the KRS 156.070 supersede KHSAA policies on athletics?

A. Yes

Q. Is it possible to still turn in our waiver for virtual and get approval?

A. Yes. Please reach out to Ben Maynard at ben.maynard@education.ky.gov with questions. The below link is the application form.

[Administrative Regulation Waiver - Pupil Attendance Form \(ky.gov\)](#)

Q. We don't allow in-district transfers. So, if we allow a non-resident student request then are we required to accept in-district requests for transfer?

A. In-district transfers are not governed by HB563. Student assignment is a district decision.

Q. I have been told that some independent schools are going to charge tuition and receive SEEK as well. Is this true?

A. KDE does not have information on if districts plan to charge tuition. KDE will not be reviewing nonresident policies to track districts who are charging tuition. Please reach out to your board attorney on clarification for your district.

Q. I thought not charging tuition is KDE's stance. That provision is not in the law...right?

A. KDE's stance is that the law does not allow the collection of SEEK and charging of tuition. However, KDE cannot provide legal advice and district's should discuss the issue with your local board attorney prior to adopting a nonresident policy.

Q. If non-resident contracts have already been signed for the FY 23 school year will these now null and void due to HB 563?

A. Non-resident contracts that were used prior to HB563 are no longer valid.

Q. What if they enroll prior to July 1 - can they play?

A. KRS156.07 states that they cannot play sports for one calendar year after enrollment into school. The athletics transfer rule is found in [KRS 156.070\(2\)\(h\)](#). It says:

(h) Any student who transfers enrollment from a district of residence to a nonresident district under KRS157.350(4)(b) shall be ineligible to participate in interscholastic athletics for one (1) calendar year from the date of the transfer.

The transfer must be pursuant to [KRS 157.350\(4\)\(b\)](#) which says:

(b) Beginning July 1, 2022, those nonresident pupils admitted pursuant to district nonresident pupil policies adopted under KRS 158.120

This only applies to nonresident students that transfer schools per a nonresident policy. Because nonresident policies do not become effective until July 1, 2022, the ineligibility rule does not become effective until then as well.

Q. There is information going around that says districts do not have to accept any nonresident students. Basically, we take all or we take none. Is this true?

A. No, HB563 says that you must have a policy in place to accept non-resident students.
[HB 563 Guidance .pdf \(ky.gov\)](#)

Q. Will districts receive any guidance on the special education portion of the policy? Disability discrimination and open enrollments is highly litigated.

A. Awaiting a response from OSEEL

Q. Can you put details in your nonresident policy that if there are issues with behavior or attendance, the district can send student back to resident district? Or, are you required to keep for 1 year?

A. To remove a nonresident student from the district mid-year, the district would have to follow their expulsion process. Information on expulsion coding can be found [here](#). Including anything regarding returning students to his/her home district in the district policy should be included only after consultation with your district's attorney.

Q. Has there been any further discussion about transitioning SEEK funding from ADA to ADM in the future?

A. A bill was filed during the las session but it did not pass. KDE does not know how this may proceed in future sessions.

Q. Will you get clarification if that applies to in-district middle school transfers too or just out-of-district, please?

A. KHSAA has verified that the interscholastic athletic rules apply to all students – elementary, middle and high school students.

Q. There are school districts that currently charge a base tuition for nonresident students to offset property tax. Can you address this?

A. Local effort was not addressed in HB 563. Any determination regarding the charging of tuition should be decided with the input of your local board attorney. However, it is the position of KDE that districts should not charge tuition when they receive SEEK funds for a student.

Q. Can district applications ask for attendance records, behavior records, and special education records?

A. Because of the limited language contained in HB 563, KDE is unable to approve or give guidance regarding nonresident policies and applications. HB 563 left a lot of unanswered questions, and KDE had hoped the General Assembly would revisit the bill to provide some additional clarity. However, the GA did not take up the bill during the last session. HB 563 (KRS 158.120) requires a district to adopt a nonresident student policy by July 1, 2022. KRS 158.120 states, “the policy shall not discriminate between nonresident pupils, but may recognize enrollment capacity, as determined by the local school district.” We’ve received similar questions from other districts related to using factors to determine set admission criteria and whether such factors may be considered discriminatory. KDE has provided non-regulatory guidance on HB 563 that may be found on our [website](#). We understand that other districts are considering using the same or similar factors to determine admission. Unfortunately, it may ultimately take a court to decide what constitutes nonresident pupil discrimination. KDE strongly advises that districts consult with their attorneys in the drafting of any nonresident policy or student application.

Q. KDE recently posted guidance on this manner, and item 3 on page 2 states the following, “The criteria the district will utilize for enrolling nonresident pupils and assignment to schools within the district. As the policy “shall not discriminate between nonresident pupils,” districts should adopt criteria which is no more stringent than criteria applied to resident pupils.” When they reference resident pupils, are they referencing out-of-area students? (Students who live in our district but want to attend another school within our district other than the one they are districted)

A. In-district student placement (assignment) is a local decision. HB563 is addressing non-resident students.

Q. Can a district revoke enrollment due to poor grades, attendance, and behavior resulting in suspension?

A. To remove a nonresident student from the district mid-year, the district would have to follow their expulsion process. Information on expulsion coding can be found [here](#). Including anything regarding returning students to his/her home district in the district policy should be included only after consultation with your district’s legal counsel.

Q. Being that we are so late in the year, and staffing allocations have been reviewed by SBDM, would it be appropriate setting the window for application in November and December? In other words...we would not accept students this coming school year.

A. No, the law states that HB563 is effective July 1, 2022.

Q. Capacity is not always looking at square footage, it is also the building usage for special programs within a school. Will a district be able to establish acceptance criteria based on our definition of capacity?

A. Each district can design their non-resident policy around their interpretation of capacity. Please work with your board attorney to determine how you want to define capacity.

Q. Will out of district students be accepted on a yearly basis? It is quite possible that we may have space in 5th grade at a school but have no space in middle schools. In this scenario, we would not encourage.

A. The district can put a percentage cap on their capacity ceiling, by school, grade, teacher ratio, or even square footage. This determination should be clearly written in your policy. Capacity information should be clearly communicated to prospective nonresident students and families.

Q. KDE recommends not charging a tuition for nonresident students due to SEEK funding following the student (but not local funding). If districts (as I have seen) charge a \$50 monthly (\$500 annually) fee, please explain who will pay that fee (family or resident board) and what that entails.

A. If a district is charging a fee, then it should be consistent with their district policy on school fees. It is KDE's opinion that districts should not charge tuition and receive SEEK for non-resident students.

Q. If capacity allows districts have to accept any and all who apply regardless of attendance, behavior, academic performance, etc (no discrimination), correct? If that is correct, then after year 1 (based on nonresident acceptance good for one school year in policy) can attendance, behavior, academic performance be taken into consideration then when they reapply? I assume not but want these questions verified.

A. District policy should be established in consultation with your legal counsel.

Q. If a district accepts an application (due to available capacity) from a SPED student with an IEP that states school transportation must be provided due to disability then does the nonresident district have to provide.

A. Awaiting a response from OSEEL

Q. For 563, I didn't think that KDE was approving the policies. I thought the submission was for collection only, right?

A. Correct. KDE is not verifying or approving policies. We are only collecting and storing the policies. We have created a mailbox to submit policies. The address for that mailbox is nonresidentpolicy@education.ky.gov