

Enrollment of Nonresident Students - Hearing – USD 112
Nov. 13, 2023
6:00 p.m.

USD #112 Board of Education met for the Enrollment of Nonresident Students Hearing Monday evening, Nov. 13, 2023 at 6:00 p.m. in the USD 112 District Office in Claflin, KS, with the following attending:

Board Members:

Chad Rogers
Allison Koch
Roger Robinson (absent)
Brad Schiermeyer
Dalton Wirth
Joshua Hurley
Tamara Dody

Roll

Also attending were Bill Lowry, Superintendent, Diane Ney, Clerk, Jane Oeser, Central Plains Elementary Principal, Toby Holmes, Central Plains Jr-Sr High School Principal, Scott Mitchum, livestream, John Sherman, school attorney, and the attached list of patrons.

Mr. Lowry conducted the hearing for the enrollment of nonresident students as it relates to the recommended board policy – JBCC – Enrollment of Nonresident Students. He read through the entire policy as recommended and answered any questions presented by the public and the board of education.

Hearing -
Enrollment of
Nonresident
Students

On motion by Chad Rogers and seconded by Allison Koch, the board voted 6-0 to adjourn the hearing on board policy JBCC.

Adjourn
Hearing

Minutes - Regular Board Meeting - USD 112
Nov. 13, 2023

USD #112 Board of Education continued with the regular session meeting, Monday evening, Nov. 13, 2023 in the USD 112 Central Plains District Office in Claflin, KS.

On motion by Allison Koch and seconded by Chad Rogers, the board voted 6-0 to approve the agenda.

Approve
Agenda

On motion by Josh Hurley and seconded by Allison Koch, the board voted 5-0-1 to approve the minutes of the Oct. 9, 2023, Oct. 18, 2023 and Nov. 8, 2023 board meetings. Brad Schiermeyer abstained.

Approve
Minutes

On motion by Brad Schiermeyer and seconded by Josh Hurley, the board voted 6-0 to approve the treasurer's report.

Approve
Treasurer's
Report

On motion by Allison Koch and seconded by Josh Hurley, the board voted 6-0 to approve all invoices in the amount of \$416,704.38.

Approve
Invoices

The board of education reviewed the cash summary report and the bank balances were reconciled with the treasurer's report as of Oct. 31, 2023.

Bank
Reconciliation

There was no public forum.

The board continued with Item 10 – 2022-2023 Audit Report.

Kim Bollig, representing Adams Brown, LLC, Certified Public Accountants, presented the 2022-2023 district audit report. She reviewed various funds in the budget, carryover cash balances, activity funds at the building level, and segregation of duties by employees.

2022-2023
Audit Report

On motion by Allison Koch and seconded by Chad Rogers, the board voted 6-0 to approve the 2022-2023 audit report as presented.

Approve 2022-23
Audit

The board returned to Item 9 – HVAC Project Bids.

Chris Sele, from Innovative Groups, presented information on the ESSER-III, HVAC project at Central Plains Jr-Sr High School for the gymnasium and weight room. He reviewed the three bids that were received for the project. The lowest bid submitted was \$480,600, which would not be completely covered by the ESSER-III balance remaining. Approximately \$151,500 would be the additional cost for the project out of the Capital outlay fund.

Discussion -
HVAC Project
at CPJSHS

On motion by Tamara Dody and seconded by Josh Hurley, the board voted 2-4 to approve the bid from Kraig Kruse for the Central Plains Jr-Sr High School ventilation improvements. Brad Schiermeyer, Dalton Wirth, Chad Rogers and Allison Koch voted no. Motion failed.

Motion Failed
for HVAC Bid

After additional discussion, the board directed Mr. Sele to develop another scope to the project to reduce the cost and this will be discussed further at the December board meeting.

Further discussion

On motion by Allison Koch and seconded by Brad Schiermeyer, the board voted 6-0 to approve the resolution for adopting board policy JBCC – Enrollment of Nonresident Students as presented.

Approve Board Policy - JBCC

John Sherman gave a report on the reconfiguration of member districts for USD 112 based on updated population from the census of 2010 to 2020. He shared a proposed map of the possible new member district boundaries.

Report on member district reconfiguration

By consensus, the board agreed to have Mr. Sherman develop the legal description of each of the proposed member district boundaries and present them at the December board meeting.

Consensus Agreement

Item 13 – Executive Session was not needed.

On motion by Allison Koch and seconded by Josh Hurley, the board voted 6-0 to approve the resignation of Kendra Bay as custodian at CPJSHS.

Approve Resignation - Custodian

On motion by Allison Koch and seconded by Josh Hurley, the board voted 6-0 to approve the resignation of Toby Holmes as principal of CPJSHS, effective at the end of the 2023-2024 school year.

Approve Resignation - Jr-Sr High School Principal

On motion by Allison Koch and seconded by Josh Hurley, the board voted 6-0 to approve Sarah Burkhead as a substitute teacher for Central Plains.

Approve Substitute Teacher

Under Board Member Reports, the KASB convention report was presented, which included keynote speakers and topics of several breakout sessions. Those board members that attended were Tamara Dody, Josh Hurley, Allison Koch and Dalton Wirth.

Board Member Reports

Administrative reports were read by Bill Lowry, Toby Holmes, and Jane Oeser.

Administrative Reports

Under Open Agenda Items, the board discussed the resolution to establish board meeting locations, time and dates. This will be on the agenda in January for approval.

Open Agenda

The next board meeting will be Dec. 11, 2023. Agenda items will include the following: HVAC information and ESSER-III, update on superintendent search, and personnel.

Next Board
Meeting -Agenda
Items

On motion by Allison Koch and seconded by Brad Schiermeyer, the board voted 6-0 to adjourn the meeting at 8:02 p.m.

Adjourn



Clerk

President

USD #112 Board of Education
Nov. 13, 2023 – Regular Board Meeting
Guest Registration

PLEASE PRINT:

Name

Kate Collins

Cory Lieb

CHRIS SELE

PLEASE PRINT:

Name

RESOLUTION FOR ADOPTING POLICY REGARDING ENROLLMENT OF NONRESIDENT STUDENTS

RESOLUTION – 23-11-13

WHEREAS, Kansas law, K.S.A. 72-2236, requires the board of education of any unified school district to adopt a policy to determine the number of nonresident students that the school district has the capacity to accept in each grade Kindergarten—8th grade and program grades 9—12 for each school of the school district pursuant to K.S.A. 72-3123, and amendments thereto; and

WHEREAS, Unified School District No. 112, Ellsworth County, Kansas timely published notice of and held a public hearing on the 13th day of November, 2023 to hear and consider testimony and evidence on the proposed policy; and

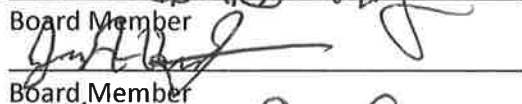
WHEREAS, the Board of Education of Unified School District No. 112, Ellsworth County, Kansas has considered the testimony and evidence presented or submitted at the public hearing and determined whether to adopt or revise the proposed policy at a subsequent public meeting of the board.

NOW THEREFORE, BE IT RESOLVED by the Board of Education of Unified School District No. 112, Ellsworth County, Kansas in a meeting lawfully assembled this 13th day of November, 2023, that the attached policy shall be adopted and published on the school district's website.

ADOPTED by the Board of Education of Unified School District No. 112, Ellsworth County, Kansas, the 13th day of November, 2023.

By:


Board Member


Board Member


Board Member


Board Member


Board Member


Board Member


Board Member

Board Member

Attest: 
Clerk, Board of Education

Enrollment of Nonresident Students

JBCC

(See JBC, JBCA, JBCB, and 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:

- 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

Enrollment of Nonresident Students

JBCC-4

- 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, 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.

Enrollment of Nonresident Students

JBCC-6

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 92% attendance rate in the last school year, excluding excused absences under board policy JBD and/or any relevant student handbook language;
- 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 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.
- The student has failed multiple classes in the current school year and/or is not on track to graduate with their cohort class;
- the student has had multiple behavior referrals 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.

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

Approved: 11/13/2023