

Diploma for Students in Custody of DCF and KDOC 2021-2022 Fact Sheet

What does the law say?

- **DCF:** Kansas State Statute 38-2285, Awarding high school diplomas; requirements:
(a) The board of education of a school district shall award a high school diploma to any person requesting a diploma if such person: (1) Is at least 17 years of age; (2) is enrolled or resides in such school district; (3) is or has been a child in the **custody** of the **secretary**, or in the **custody** of a federally recognized Indian tribe in this state, at any time on or after such person's 14th birthday; and (4) has achieved at least the minimum high school graduation requirements adopted by the state board of education.

- **KDOC:** Kansas State Statute 38-2388, Awarding high school diplomas; requirements:
(a) The board of education of a school district shall award a high school diploma to any person requesting a diploma if such person: (1) Is at least 17 years of age; (2) is enrolled or resides in such school district; (3) is or has been a child in the **custody** of the **commissioner** at any time on or after such person's 14th birthday; and (4) has achieved at least the minimum high school graduation requirements adopted by the state board of education.

Definitions:

- "Secretary" means the secretary for children and families or the secretary's designee.
- "Commissioner" means the secretary of corrections or the secretary's designee.
- "Custody" whether temporary, protective or legal, means the status created by court order or statute that vests in a custodian, whether an individual or an agency, the right to physical possession of the child and the right to determine placement of the child, subject to restrictions placed by the court.

How will the district know that the student has been "in the custody" of the Secretary or Commissioner?

- The student is responsible for showing documentation that he/she has been "in the custody" of the secretary or commissioner.
- The student can access his/her court documents at the district court where his/her hearing was held.

When is a district required to issue a diploma based on the minimum high school graduation requirements?

- When a student meeting the requirements of the law requests such a diploma. The district cannot require students to wait until the end of the school year to receive their diploma. It must be issued when the requirements are met and it is requested by the student, regardless of the time of year.

Must a district allow students to participate in graduation and senior activities?

- Districts are highly encouraged to allow students to participate in all graduation and senior activities. This is a state recognized diploma option and participating students should not be ostracized from graduation and senior activities.

What type of diploma should the district award the student?

- The student should be awarded a regular high school diploma from the district. It should look exactly the same as all other diplomas issued by the district and should not include any language such as "minimum credit diploma", "state requirement diploma" or "KDOC/DCF diploma".

If the student is incarcerated in the city or county adult or juvenile facility, is he/she eligible for this diploma?

- Incarceration in an adult or juvenile facility is not immediate grounds for eligibility. Even if the student spent time in a KDOC facility, the district will still want to see court documents that confirm that the student was placed into the custody of the secretary.

If a student was in state custody in another state, is he/she eligible for this diploma?

- No. This diploma option only applies to students in state custody within Kansas. However, the local board of education can always waive local graduation requirements that are in excess of the state minimum for specific students; so long as the local board of education has adopted a policy that gives them that discretion.

If a student was in state custody but never was removed from the home, is he/she eligible for this diploma?

- Yes. Although the intent of the law was to serve those students who had multiple placements, it does not preclude students who were in state custody but placed in their home.

What are the minimum high school graduation requirements in Kansas? (Requirements taken from K.A.R. 91-31-35, see regulation for additional details)

- Four units of English language arts, which shall include reading, writing, literature, communication, and grammar. The building administrator may waive up to one unit of this requirement if the administrator determines that a pupil can profit more by taking another subject
- Three units of history and government, which shall include world history; United States history; United States government, including the Constitution of the United States; concepts of economics and geography
- Three units of science, which shall include physical, biological, and earth and space science concepts and which shall include at least one unit as a laboratory course
- Three units of mathematics, including algebraic and geometric concepts
- One unit of physical education, which shall include health and which may include safety, first aid, or physiology
- One unit of fine arts, which may include art, music, dance, theatre, forensics, and other similar studies selected by a local board of education
- Six units of elective courses

Who is the contact if there are questions?

Dr. David Fernkopf
Assistant Director
Career, Standards, and Assessment Services
(785) 296-8447
dfernkopf@ksde.org

Dr. Robyn Kelso
Education Program Consultant
Career, Standards, and Assessment Services
(785) 296-3444
rkelso@ksde.org

R. Scott Gordon
General Counsel
785-296-3204
sgordon@ksde.org