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SPENCER COUNTY PUBLIC SCHOOLS

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Chuck Adams
Superintendent

Norma Thurman
Assistant Superintendent

Todd Russell
Director of Special Education

Brett N. Beaverson
Director of Operations

Bob Hafendorfer
Director of Pupil Personnel

April 10, 2013

William E. Sharp, Staff Atty.
ACLU of Kentucky
315 Guthrie Street, Suite 300
Louisville, KY 40202

Dear Mr. Sharp:

Please find attached requested information per your Open Records Request dated April 4, 2013.

The cost for the Open Records Request is \$1.50 (15 pages x .10 per page). If paying by check, please make payable to the Spencer County Board of Education.

If you have any questions or if I may be of any assistance to you, please don't hesitate to call me at 502/477-3250.

Sincerely,

Diana Thomas
Personnel Program Manager

Attach

GOING THE DISTANCE FOR ALL STUDENTS!

Equal Education and Employment Institution

Spencer County Public Schools does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities

Community Use of School Facilities

WHO MAY USE

Principals, following the guidelines contained in this policy, may grant the use of school facilities for purposes that provide demonstrable benefit to the schools or to the community as a whole. Use of school facilities shall not be granted when such use interferes with educational purposes or if such use would be detrimental to the facility's function as an educational institution. School facilities shall only be used by educational, religious, political, civic, or social groups and not for individuals or commercial entities.

The Board may authorize the use of school property by public members of the community during non-school hours for the purpose of recreation, sport, academic, literary, artistic, or community uses as defined in KRS Chapter 162 pursuant to this and other policies adopted by the Board and related procedures established by the Superintendent.¹

AVAILABILITY

Use of Board property by any group as set out above is permissive, and no group is entitled to use the Board property. The permitted use of Board property by any group or organization shall not create any expectation that the Board property shall be available for use by that same group at any time in the future. The Board shall determine when and which facilities will be available to the community and shall establish reasonable fees for their usage.

APPLICATION AND CONTRACT

The Board shall adopt an official application form and an official rental contract, both of which shall detail the conditions of usage. Persons authorized to represent officially their organization must sign the application and contract. Any person who signs a rental contract under a claim of authorization by an organization but does not have the actual authorization of the organization shall be held personally responsible for the terms of the contract and shall personally assume all liability under the contract, including any fees owed to the Board.

Applications must be submitted to the Principal who will approve and schedule the use of facilities. Approval of a request to use District facilities does not signify District sponsorship, endorsement or approval of an organization or activity.

LIABILITY

The Board shall require each organization to assume all liability for injury to individuals by reason of the lease of Board property and that the organization indemnify and save harmless the Board from any loss or damage thereby. Additionally, any organization using school property must assume liability for any damage to Board property which occurs during the time the organization occupies the Board property or which arises out of the organization's use of Board property, and shall reimburse the Board for any repair of damages to or replacement of school property which is lost, stolen, damaged or vandalized while under the care of the group or organization.

Community Use of School Facilities**INSURANCE**

If the non-school related activity sponsored by the community group involves admission or is designated as a high-risk activity by the Superintendent or designee, the community group shall provide a certificate of liability insurance naming the Board as additional insured under the policy for the activity.

Under certain circumstances specified in District policy and/or procedure, the renting organization is required to provide liability insurance consisting of an insurance rider for the following amounts: Insurance liability waiver of **one (1) million dollars** with Spencer County Schools as additional insured.

The rider shall be for the time period of use of the building. Riders of this nature can be obtained from an insurance agency. The rider, including the name of the insurance agent, address, and phone number, shall be presented to the Board along with the application for use of facility.

FEES

The Board shall establish a fee for all rentals that are not civic or charitable in nature.

EXCEPTION

Activities that are sponsored by approved student organizations, faculty groups, local parks and recreation organizations, or school-related parent groups may use school facilities without charge when approved by the Principal. The organization is responsible for supervision of the event and care of the facility and must still assume all liability as set forth above.

REQUEST FOR USE

Principals shall not grant any request for extended use of school property. In order to allow all requesting educational, religious, agricultural, political, civic, or social groups to use Board property, qualified organizations must submit a request, in writing, to the Superintendent/designee, not more than four (4) weeks nor less than one (1) week prior to the date on which use of the property is requested. An event requested outside these parameters shall require a waiver by Superintendent/designee.

Requests will be accepted on a first-come, first-served basis, with the following exceptions;

- Requests which are received more than four (4) weeks or less than one (1) week prior to the requested use date may not be considered.
- Should two or more groups or organizations request the use of the same facility for the same time, the Principal will determine if any of the requesting groups or organizations have used the facility in the sixty (60) days preceding the requested use date. If so, that group or organization will be disqualified from using the facility in favor of a group or organization which has not used the facility in the sixty (60) days preceding the requested use date.

Community Use of School Facilities**REQUEST FOR USE (CONTINUED)**

If more than one group or organization requests the use of the same facility for the same time period, the Principal may, at his/her discretion, determine that different parts of the facility can be used by different groups or organizations at the same time (i.e., one group using the cafeteria while another uses the gymnasium). Factors which may be considered include the nature of each activity, whether one group's activity will interfere with the use of the facility by the other group or organization, and the number of people anticipated to be in attendance at each activity.

Requests may be submitted by mail, by facsimile, by e-mail or by hand-delivery to the main office of the facility which is the subject of the request and requests shall be reviewed on a case by case basis by the Superintendent/designee.

CANCELLATIONS

Fees for the use of the facility must be paid upon receipt of billing. Cancellations must be submitted in writing. Any cancellation by the group or organization which is received less than one week prior to the use date will result in a forfeiture of the fee.

In the event of a disaster or unforeseen emergency, the Board, the Superintendent, or the facility Principal may determine a particular activity needs to be cancelled due to anticipated use of the facility by the District during the requested use time. Any use fee which has been paid will be refunded if the cancellation is initiated by the District.

DISREGARD OF RULES

Disregard of the rules and procedures governing use of school facilities shall result in the disqualification of the offending group or organization for future requests for use of the facilities.

REFERENCES:

¹KRS 162.055

KRS 160.290

KRS 160.293

KRS 160.340

KRS 162.050

OAG 60-389; OAG 80-78

P. L. 107-110 (No Child Left Behind Act of 2001)

20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)

RELATED POLICIES:

05.31

10.3

Adopted/Amended: 08/27/2012

Order #: 35

Community Use of School Facilities

PRIMARY PURPOSE

School facilities are for the primary purpose of meeting the educational needs of school-age youth in the district. However, with reasonable policies and procedures, the school can assist the community in meeting social, civic, recreational and cultural needs by effective utilization of school facilities.

PRIORITY FOR USE OF SCHOOL FACILITIES

Priority	Examples of Groups	Approval	Scheduling	Fees Charged	Proof of Liability Insurance
I - School Groups	<p>Educational programs that are an outgrowth of classroom instruction including, but not limited to, science fairs, plays, exhibits and concerts.</p> <p>Interscholastic activities including athletic teams, speech and debate, band competition and academic competition.</p> <p>Any school group that requires a faculty sponsor including, but not limited to, all school-sponsored clubs, homerooms, honor societies and student council.</p>	Principal/ designee	Principal/ designee	None	None required
II - School-Related Community Groups and Not-for-Profit Groups (See footnotes below.)	<p>District Adult/Community education programs</p> <p>Parent-Teacher Association/ Organization¹</p> <p>Booster Groups - academic, athletic and band¹</p> <p>4-H Clubs¹</p> <p>Scout groups¹</p> <p>County Recreation Programs⁴</p> <p>Little League and/or comparable groups including, but not limited to, YMCA</p> <p>Spencer County Parks and Recreation⁴</p> <p>Adult farmers</p> <p>Civic clubs</p> <p>Industrial groups</p> <p>Church groups</p> <p>Homemakers</p> <p>Farm Bureau</p> <p>Historical Society</p>	Superintendent/ designee	Principal/ designee (working with the Supt./ designee)	² Custodial fee. waived if cleanup provided by the group is adequate, as determined by District representative.	None required Organizations will be required to sign a release and indemnity agreement relieving the Board of any liability in accordance with Board policy 05.3.

Community Use of School Facilities**PRIORITY FOR USE OF SCHOOL FACILITIES (CONTINUED)**

Priority	Examples of Groups	Approval	Scheduling	Fees Charged	Proof of Liability Insurance
III - Meetings of General Public ³	General meetings of various community groups including, but not limited to, political parties, and admission-charging activities.	Superintendent/designee	Superintendent/designee (working with the Principal /designee	Usage and custodial fees, as designated in contract.	As specified in the contract for high risk, profit-making, advertised, and/or admission-charging activities. Organizations will be required to sign a release and indemnity agreement relieving the Board of any liability in accordance with Board policy 05.3.

FOOD SERVICE

Eligible groups may contract for meals to be served in school dining areas. Use of kitchen equipment requires the presence of a School Food Service employee.

PUBLIC ELECTIONS

School facilities may be used for public elections without charge.

SPECIAL/EMERGENCY USE

Special/emergency use of facilities may be approved by the Superintendent/designee with explanation made to the Board at its next regular meeting.

FOOTNOTES

¹ Any group or organization that contracts to use school district facilities on a frequent and on-going basis (more than once each month) will be placed in category III.

² All custodial fees will be charged at time and one-half plus all benefits.

³ Supervision shall be provided as directed by Board policy 05.3.

⁴ Groups or organizations may use **inside** school district facilities on a frequent and on-going basis (more than once each month) without being placed in category III. The group or organization must pay a custodial fee for times beyond normal custodial hours.

Review/Revised:10/27/11

Rental or Lease Application and Contract**CONDITIONS OF RENTAL**

All rental or lease of school facilities is subject to the following conditions:

1. An official application shall be made to the Superintendent or the Superintendent's designee.
2. Rentals or leases will be made only to responsible and organized groups, and responsible officers of that group must sign the application and the contract.
3. Conditions of that contract shall include:
 - a. Acceptance of responsibility by officials of the renting or leasing organization for any damage or loss resulting from the rental;
 - b. Agreement that renting or leasing organizations, and officers thereof, shall assume all liability for any personal injuries incurred during their use of the facilities and shall hold the Board harmless from any such claims against it;
 - c. Agreement to observe all fire and safety regulations;
 - d. Agreement that smoking shall not occur within the building and that the use of alcoholic beverages is prohibited in school buildings or on school grounds;
 - e. Observance that no games of chance or otherwise immoral or illegal activity shall be allowed on the premises;
 - f. The presence of a school employee at all times as may be required at the discretion of the Board, the appropriate school Principal, or other authorized school personnel. Unless an exception is approved by the Superintendent or designee, this employee shall be a food-service employee when kitchen facilities are used. The hourly wage of the employee may be included in the contract along with the social security and retirement payments required by law. If the employee is employed beyond the normal 40-hour week that he works for the Board, overtime wages must be paid.
 - g. Agreement that no alterations to the buildings or grounds be made without prior approval;
 - h. Agreement that the renting or leasing party shall not sublease or reassign any portion of the building or item of equipment covered by the rental contract;
 - i. Agreement that school equipment shall not be a part of the rental or lease contract unless specifically enumerated; and
 - j. Agreement to leave the facilities in as good a condition as before used.

REFERENCES:

KRS 162.055; KRS 438.050

OAG 81-295

P. L. 107-110 (No Child Left Behind Act of 2001)

RELATED POLICIES:

05.3; 10.3

Adopted/Amended: 05/18/1995

Order #: 191

Instructional Resources**SURVEY**

Schools not having SBDM school councils shall survey teachers to determine their needs for instructional resources. The results of the survey shall be used to establish priorities for purchase.

ALLOCATION METHOD

Within budgetary limits, schools or school councils shall establish an equitable method of allocating funds to purchase instructional resources.

FINANCIAL REPORT

A financial report on allocations to and expenditures for instructional resources shall be prepared annually by the Board and shall be a public record.

Each school may carry forward to the next fiscal year any part of the instructional resource allocation distributed to the school that has not been spent or committed in the current fiscal year.

INSTRUCTIONAL RESOURCE FUND

Schools with any grade from P-8 may purchase instructional resources using State funds in accordance with 704 KAR 003:455.

Each school allocated instructional resource funds shall complete an annual plan to identify purchases following guidelines of the Kentucky Board of Education.

The annual plan shall be approved by the Board and by the School Council in SBDM schools.

All plans shall be approved by the local Board as to sufficiency of funding to support the requested purchases.

Any purchase exceeding the funds allocated shall be paid from other Council funds in SBDM schools.

FEES

If the Board authorizes charging rental fees for students in grades nine through twelve (9-12), the Board shall establish those fees annually.

Instructional resources shall be made available to all students. No student shall be denied full participation in any educational program due to an inability to pay for, or rent, all necessary instructional resources.¹

Fee waivers shall be provided as required by applicable statutes and regulations.²

RESPONSIBILITY

Students or parents shall compensate the District for instructional resources that are lost, damaged, or destroyed while in the student's possession.

Instructional Resources

SECTARIAN TEXTS

No book or other publication of a sectarian, infidel, or immoral character or one that reflects on any religious denomination shall be used or distributed in any school.³

REFERENCES:

¹KRS 158.108

²KRS 160.330; 702 KAR 003:220

³KRS 158.190

KRS 156.433

KRS 156.439

KRS 157.110

702 KAR 003:246

704 KAR 003:455

RELATED POLICIES:

02.4242

04.32

09.15

Adopted/Amended: 08/25/2003

Order #: 28

Use of School Facilities by Noncurriculum-Related Student Groups**APPROVAL REQUIRED**

Noncurriculum-related secondary student groups may be provided meeting space on application to and approval by the Principal. Space shall be provided only during noninstructional time either before the beginning or after the conclusion of the school day.

PROVISIONS

All meetings of noncurriculum-related student groups shall be voluntary. No meeting shall be sponsored by the District or any of its employees. All such meetings shall be student initiated, directed, conducted, and controlled. Nonschool personnel may not regularly attend such meetings nor attempt to direct, control, or conduct the same. Agents or employees of the District may attend religion-related meetings only in a nonparticipatory capacity.

PERMISSION MAY BE DENIED

Permission to use school facilities may be denied where reasonable cause exists to believe the meeting will materially and substantially interfere with the orderly conduct of the educational activities of the school or pose a danger to the health, safety, or welfare of the students in attendance or to school property.

REFERENCES:

20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)
KRS 158.181

RELATED POLICIES:

09.3
09.32
09.321

Adopted/Amended: 05/18/1995

Order #: 191

Relationships with Community Organizations**COMMON GOALS**

Although the Board has primary responsibility for the management of the public schools, the Board recognizes that other community organizations and other governmental agencies share common goals with the schools. It shall be the policy of the Board to work cooperatively with other community organizations in matters that promote the well-being of the schools and the community as a whole.

The Board believes that the quality of the District's total program depends largely on the effectiveness of staff, parents, students and citizens working toward common goals. A comprehensive and continuous program of two-way communications is essential. To that end, the District commits to the following:

- To keep staff and citizens of the District regularly informed, through appropriate means of communication, of the District's needs, policies, programs, and plans;
- To encourage, through appropriate channels of feedback and advisory groups, two-way communication with all audiences;
- To cooperate in every reasonable way with community organizations and the news media, recognizing their right to public information about the District and their responsibility to disseminate the facts objectively and in full;
- To charge the District's employees, as well as the members of the Board, with the responsibility for carrying out this policy as a key part of regular activities.

RELATED POLICIES:

02.4231

05.3

05.31

Adopted/Amended: 08/25/2008

Order #: 27

Advertising in the Schools

PROHIBITION

No commercial advertising nor distribution of advertising materials shall be allowed in the facilities or on the grounds of school property, except as expressly approved by the Superintendent or Principal.

EXCEPTION

Nothing herein shall be construed to prevent advertising in publications which are published by student organizations, PTA/PTO, booster club, or other parent groups.

SOLICITATIONS

Unless authorized by the Superintendent, sales representatives, agents, or other solicitors shall not solicit or contact pupils, teachers, or other employees during the school day.

RELATED POLICIES:

03.1323

03.2323

Adopted/Amended: 05/18/1995

Order #: 191

Visitors to the Schools

LOCAL CITIZENS

The Board encourages parents, professional educators, and others who have legitimate educational interests pertaining to the District's public school program to visit the schools. Persons visiting the District's schools shall do so under the following guidelines:

1. Visits shall not interrupt the instructional program for students; i.e., teaching, testing, etc., and shall be scheduled in advance with the teacher and/or Principal;
2. Visitors shall report immediately to the Principal's office upon entering the school to identify themselves and declare their purpose for visiting;
3. Visits must be reasonable in length and frequency;
4. Visitors shall be dressed appropriately; and
5. Visits should be related to the need(s) of the child.

REGISTRANTS

No registrant, as defined in KRS 17.500, nor any person residing outside of Kentucky who would be required to register under KRS 17.510 if the person resided in Kentucky, shall be on the clearly defined grounds of a District school, except with the advance written permission of the Principal or the Board that has been given after full disclosure of the person's status under KRS 17.510 as a registrant or sex offender from another state and all registrant information as required in KRS 17.500.

A registrant is defined as:

1. Any person eighteen (18) years of age or older at the time of the offense or any youthful offender, as defined in KRS 600.020, who has committed:
 - a. A sex crime; or
 - b. A criminal offense against a victim who is a minor; or
2. Any person required to register under KRS 17.510; or
3. Any sexually violent predator; or
4. Any person whose sexual offense has been diverted pursuant to KRS 533.250, until the diversionary period is successfully completed.

A registrant who is the parent/legal guardian, or the person designated by the parent/legal guardian to have access to a student, must request and receive prior permission from the Principal to come onto school grounds. The Principal shall determine whether the requesting registrant is permitted to come onto school grounds for the following reasons:

1. To pick up or drop off their child each day.
2. To pick up the child who is injured or ill.
3. To confer with school staff concerning academic, disciplinary or placement issues involving the student, including matters required by federal or state law.
4. To attend a school activity, including athletic practices and competition, in which the student is a participant.
5. To vote when the school has been designated as a polling place.

Visitors to the Schools**REGISTRANTS (CONTINUED)**

Depending on the facts of the particular request, the Principal's response options may include, but are not be limited to the following:

- Requiring the registrant to provide additional information needed;
- Specifying check-in and check-out requirements;
- Requiring the registrant to be directly supervised by an individual designated by the Principal while on school grounds;
- Restricting the registrant to a designated location on school grounds;
- Limiting the time the registrant will be permitted to be on school grounds; and
- Denying the request to come onto school grounds.

The Principal shall notify the Superintendent/designee of each request from a registrant and the response made to the registrant. If questions arise about a request, the Principal shall consult with the Superintendent concerning requests from registrants, and the Superintendent may seek further advice from the Board Attorney.

For all other reasons and for all individuals making a request other than parent/legal guardian/designee, the Principal shall consult with the Superintendent as the executive agent of the Board before making a final determination.

OUTSIDERS

Professional educators and citizens who are from other communities and who wish to observe the schools in operation are welcome. Arrangements for such visits must be made in advance with the Principal.

Students are not permitted to bring guests or visitors to school without permission from the Principal.

CONDUCT

All visitors to the schools must conduct themselves so as not to interfere with the daily operation of the school program.

SMOKING

Smoking is prohibited in any building owned or operated by the Board where children meet on a routine or regular basis.

ACCOMMODATION

Visitors with disabilities shall be accommodated as required by law. Individuals requesting accommodation shall contact the District ADA/504 Coordinator for assistance and guidance. Accommodations may include, but are not limited to, the following considerations:

- Effective communication
- Event ticket sales accommodation
- Companion seating at events
- Use of power driven mobility devices
- Use of service animals

The District shall notify the public of any requirements and/or deadline for requesting such accommodation.

COMMUNITY RELATIONS

10.5
(CONTINUED)

Visitors to the Schools

REFERENCES:

KRS 17.545; KRS 17.500; KRS 17.510
KRS 160.380; KRS 211.394, KRS 211.395; KRS 600.020
OAG 91-13; P. L. 107-110 (No Child Left Behind Act of 2001)
Section 504 of the Rehabilitation Act of 1973

RELATED POLICIES:

05.3; 09.227; 09.3211

Adopted/Amended: 08/25/2011
Order #: 23

Visitors to the Schools

CLASSROOM VISITATION

Requests for classroom observation by parents, educators, or other local citizens with legitimate interests shall be made to the Principal with reasonable notification. The Principal may grant the request if:

1. The teacher involved is notified in advance of the arrangement.
2. The number in the group is small enough to be accommodated in the classroom without interfering with the class.
3. The frequency of the visits does not interfere with the scheduled instructional program in the classroom.

SPECIAL INVITATION

A special invitation for parents and other interested persons to visit the schools may be extended during appropriate school programs or activities and special occasions.

Review/Revised:8/23/2004