

LEGAL: HOUSE BILL 9 (2021) CREATED KRS 78.510 – KRS 78.852 TO CLARIFY THAT THE “RETIREMENT OFFICE” MEANS THE KENTUCKY PUBLIC PENSIONS AUTHORITY (KPPA) WHICH INCLUDES THE KENTUCKY RETIREMENT SYSTEM (KRS) AND THE COUNTY EMPLOYEES’ RETIREMENT SYSTEM (CERS) AND SEPARATED CERS FROM KRS. ALL REFERENCES TO SUCH INCLUDE BOTH.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.0

Definitions

The following expressions are defined with respect to their intended meanings in the context of this manual:

NKCES

An educational service agency providing high quality, cost-effective support programs and services to local public schools and districts within the northern Kentucky area.

POLICIES

An expression of the will of the Board of Directors. Board policies cover the general management and governance of school district operations and functions. Within the parameters of the **NKCES**’ legal authority, violations of policy may provide grounds for administrative response or action as relates to students, **NKCES** employees, parents, and members of the community, but such policies are not intended to heighten standards of care, establish grounds for liability or create rules for immunities enjoyed by defendants in civil judicial actions against the Board, its members, District employees, officers, or volunteers.

ADMINISTRATIVE PROCEDURES

Statements of the Executive Director or the Board of Directors that serve as administrative instruments to implement Board policy and other legal mandates.

EXECUTIVE DIRECTOR

Policies that charge the Executive Director with preparing and/or implementing provisions of procedures, plans or programs for Board review also shall include any other employee to whom the Executive Director may delegate such charges.

PRINCIPAL/HEAD TEACHER

In this manual the term principal refers to principal or head teacher as appropriate and includes any other employee to whom the principal or head teacher may delegate responsibility for a specific task.

GENDER

Unless otherwise noted, all gender references include both male and female.

HUSBAND AND WIFE

The term husband and wife, as used in the policy manual, shall be deemed to include a spouse in a legally recognized marriage unless the context otherwise requires.

PARENT OR GUARDIAN

Parent, as used in the policy manual, means parent, legal guardian, or other person authorized by law to act as a parent as the context requires.

Definitions

CHILDREN AND YOUTH WITH DISABILITIES

In compliance with federal law and unless otherwise indicated, use of the terms "handicapped/special education/exceptional" shall refer to children and youth with disabilities.

STUDENT ATTENDANCE DAY

Unless otherwise noted, use of the term "instructional day" shall have the same meaning as "student attendance day".

HEALTH PROVIDER

Unless otherwise noted, the terms "health care provider" and "health care practitioner" have the same meaning.

CHARTER SCHOOL

Use of the term "charter school" means a public charter school.

CHARTER SCHOOL AUTHORIZER

A local board of education as defined in KRS 1604.1590.

KENTUCKY PUBLIC PENSIONS AUTHORITY

Use of the terms Kentucky Retirement System (KRS) or County Employees' Retirement System (CERS) includes the Kentucky Public Pensions Authority (KPPA).

LEGAL: HB 453 AMENDS THE NOTICE REQUIREMENTS IN KRS 61.826 TO PROVIDE SPECIFIC INFORMATION ON HOW ANY MEMBER OF THE PUBLIC OR MEDIA ORGANIZATION MAY VIEW A TELECONFERENCE MEETING ELECTRONICALLY. THE NOTICE SHALL IDENTIFY A PRIMARY PHYSICAL LOCATION IF TWO OR MORE MEMBERS ARE MEETING FROM THE SAME LOCATION.
FINANCIAL IMPLICATIONS: COST OF PROVIDING NOTICE

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.42

Regular Meetings

TIME AND PLACE

At a meeting in **April**, the Board shall adopt a schedule of regular meetings for the calendar year, identifying the date, time and place of each meeting. **Dates are subject to change at the discretion of the Executive Director and the President.** Rescheduled regular meetings shall be noticed and held as special meetings.^{1 & 2}

When circumstances dictate a change in the time, date, and/or place of the regular meeting, the President shall consult with members of the Board and Executive Director to reach a consensus regarding alternatives.

EXCEPTION

The President will consult with the Executive Director and cause all Board members to be notified of an alternate meeting time, date, and/or place in person or by email or mail at least twenty-four (24) hours in advance of the meeting.

OPEN MEETINGS

All meetings of a quorum of the members of the Board at which any action is taken are to be public meetings that are open to the public.

VIDEO TELECONFERENCES

The Board may conduct its meeting by video teleconference (including closed sessions). Notice of a video teleconference meeting shall comply with the requirements of KRS 61.820 or KRS 61.823 as appropriate. ~~In addition,~~ The notice shall clearly state that the meeting will be a video teleconference; provide specific information on how any member of the public or media organization may view the meeting electronically; and in any case where the Board has elected to provide a physical location, or in any circumstance where two (2) or more members of the Board are attending a video teleconference meeting from the same physical location, and precisely identify ~~at the~~ primary physical location of the video teleconference where all members can be seen and heard and the public may attend in accordance with KRS 61.840.

The same procedures with regard to participation, distribution of materials and other matters shall apply in all video teleconference locations. Members of the Board who participate in a video teleconference shall remain visible on camera at all times that business is being discussed.

Regular Meetings

VIDEO TELECONFERENCES (CONTINUED)

Any interruption in the video or audio broadcast of a video teleconference at any location shall result in the suspension of the video teleconference until the broadcast is restored.

If a regular meeting is changed to a video conference, the meeting shall remain a regular meeting if the meeting occurs on the same date and time as originally scheduled and the Board follows the provisions of KRS 61.823 to provide a notice that meets these requirements.³

REFERENCES:

¹KRS 61.820

²92-OMD-1677; 04-OMD-056

³[KRS 61.823](#); [KRS 61.826](#)

KRS 61.810

~~KRS 61.826~~; KRS 61.840

17-OMD-148

RELATED POLICIES:

01.421; 01.43; 01.44

School Resource Officers (SROs)

See Regional School Program (RSP) and/or District of Record Policies and Procedures.

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DEFINITION

"School resource officer" or "SRO" means an officer whose primary job function is to work with youth at a school site who has specialized training to work with youth at a school site and is:

- (a) 1. A sworn law enforcement officer; or
- 2. A special law enforcement officer appointed pursuant to KRS 61.902; and
- (b) Employed:
 - 1. Through a contract between a local law enforcement agency and a school district;
 - 2. Through a contract as secondary employment for an officer, as defined in KRS 16.010, between the Department of Kentucky State Police and a school district; or
 - 3. Directly by a local Board of Education.¹

Training Requirements

~~ALL SCHOOL RESOURCE OFFICERS (SROs) WITH ACTIVE SRO CERTIFICATION SHALL SUCCESSFULLY COMPLETE FORTY (40) HOURS OF ANNUAL IN-SERVICE TRAINING THAT HAS BEEN CERTIFIED OR RECOGNIZED BY THE KENTUCKY LAW ENFORCEMENT COUNCIL FOR SROs. ANY SRO WHO FAILS TO SUCCESSFULLY COMPLETE TRAINING REQUIREMENTS WITHIN THE SPECIFIED TIME PERIODS, INCLUDING APPROVED EXTENSIONS, SHALL LOSE HIS/HER SRO CERTIFICATION AND SHALL NO LONGER SERVE IN THE CAPACITY OF AN SRO IN A SCHOOL.~~

Firearm Requirement

~~EACH SRO SHALL BE ARMED WITH A FIREARM, NOTWITHSTANDING ANY PROVISION OF LOCAL BOARD POLICY, LOCAL SCHOOL COUNCIL POLICY, OR MEMORANDUM OF AGREEMENT.²~~

Superintendent to Report

~~NO LATER THAN NOVEMBER 1 OF EACH YEAR, THE SUPERINTENDENT SHALL REPORT TO THE CENTER FOR SCHOOL SAFETY THE NUMBER AND PLACEMENT OF SROs IN THE DISTRICT. THE REPORT SHALL INCLUDE THE SOURCE OF FUNDING AND METHOD OF EMPLOYMENT FOR EACH POSITION.~~

References:

¹~~KRS 158.441~~

²~~KRS 158.4414~~

~~KRS 61.902~~

~~KRS 158.4415~~

Related Policy:

~~05.48; 09.4361~~

LEGAL: 803 KAR 2:180 WAS FOUND DEFICIENT AND REPEALED. 803 KAR 2:181 OUTLINES NEW OSHA REPORTING REQUIREMENTS.
FINANCIAL IMPLICATIONS: EMPLOYEE TIME MAKING REPORTS

PERSONNEL

03.14

- CERTIFIED PERSONNEL -

Health and Safety

It is the intent of the Board to provide a safe and healthful working environment for all employees. Employees shall report any conditions they believe to be unsafe to their immediate supervisor, who shall examine the situation and take appropriate action.

NKCES shall develop, maintain and implement health and safety plans in compliance with state and federal law.

HAZARD COMMUNICATION PLAN

The **Executive Director** shall develop a NKCES Hazard Communication Plan. The plan shall include:

1. The assignment of a NKCES employee to be responsible for the implementation and coordination of the Hazard Communication Plan;
2. The inventory of all chemicals used at each NKCES-owned worksite;
3. The identification of each chemical in the inventory that is covered by the OSHA Hazard Communication Standard;
4. Maintenance of a Safety Data Sheet (SDS) for each substance on the chemical inventory list for as long as NKCES uses the substance, plus thirty (30) years;
5. Labeling of all containers of each chemical identified as required by the Hazard Communication Standard;
6. The development of an employee Hazard Communication Information and Training Program; and
7. The development, implementation and maintenance of a written Hazard Communication Program.

BLOODBORNE PATHOGEN CONTROL

The Executive Director shall develop an Exposure Control Plan to eliminate or minimize NKCES occupational exposure to bloodborne pathogens. The plan shall address:

1. Identification of employees at-risk of occupational exposure and their assigned tasks and procedures which could lead to such exposure;
2. Communication of hazards to employees;
3. Vaccinations of at-risk employees for Hepatitis B at no cost to these employees;
4. Determination of universal precautions to be observed, including adequate engineering controls and housekeeping procedures;
5. Appropriate training of employees;
6. Provision of personal protective equipment including an opportunity provided annually for employees who use medical sharps in performance of their duties to identify, evaluate and select engineering and work practice controls to be implemented by the NKCES, as appropriate;
7. Maintenance of a sharps injury log;
8. Medical follow-up and counseling for employees after a work-site exposure;

Health and Safety**BLOODBORNE PATHOGEN CONTROL (CONTINUED)**

9. Maintenance of confidential records of each exposure incident; and
10. A schedule for implementing all provisions required by the OSHA standard.

The Executive Director designee shall review and update the Exposure Control Plan at least once each year and when needed to reflect new or modified tasks and procedures that affect occupational exposure or new or revised employee positions with occupational exposure. The review and update shall also address:

- Changes in technology that eliminate or reduce exposure to bloodborne pathogens; and
- Annual documentation that appropriate, commercially available and effective safer medical devices that are designed to eliminate or minimize occupational exposure have been obtained and are now in use.

LOCKOUT/TAGOUT

The Executive Director/designee shall develop a lockout/tagout program to eliminate or minimize the unexpected startup or release of stored energy in mechanical or electrically powered equipment. The plan shall address:

1. Assignment of an NKCES employee to be responsible for implementation and coordination of the lockout/tagout program;
2. A written program consisting of energy control procedures;
3. Development, documentation and utilization of energy control procedures for the control of potentially hazardous energy when employees are engaged in servicing and maintaining equipment;
4. Periodic review of the lockout/tagout program to assure authorized employees are properly controlling unexpected startup or release of stored energy; and
5. Annual training of employees authorized to use lockout/tagout to emphasize program procedures and retraining whenever a periodic review reveals deficiencies in employee performance.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Each year, the Executive Director /designee shall conduct a hazard assessment to determine when and where the use of personal protective equipment (PPE) is necessary. The hazard assessment shall address:

1. Assignment of an NKCES employee responsible for assessing the workplace for hazards;
2. Selection of appropriate PPE to safeguard employees from hazards that cannot be eliminated;
3. A training program to be conducted to educate employees about the need for PPE and when it must be worn;

Health and Safety**PERSONAL PROTECTIVE EQUIPMENT (PPE) (CONTINUED)**

4. Training of employees on the use and care of PPE, how to recognize deterioration and failure and the need for replacement; and
5. Requiring employees to wear designated PPE as deemed necessary by the hazard assessment.

REPORTING FATALITIES, AMPUTATIONS, HOSPITALIZATIONS, OR LOSS OF EYE

NKCES shall, within eight (8) hours from when reported to the NKCES, make an oral report to the Kentucky Labor Cabinet of the death of any employee as a result of a work-related incident, including any death resulting from a heart attack; or the hospitalization of three (3) or more employees, including any hospitalization resulting from a heart attack, which occurs in the work environment or is caused or contributed to by an event in the work environment.

NKCES shall, within seventy-two (72) hours from when reported to the NKCES, make an oral report to the Kentucky Labor Cabinet of an amputation suffered by an employee, an employee's loss of an eye, or the hospitalization of an employee, including hospitalization resulting from a heart attack fewer than three (3) employees, which occurs in the work environment or is caused or contributed to by an event in the work environment.²

ASBESTOS MANAGEMENT

The Executive Director /designee shall conduct facility inspection and re-inspection activities as required by state and federal law¹ to identify the status of asbestos. The Executive Director/designee shall maintain an updated asbestos management plan that shall include, but not be limited to, applicable current and/or future inspection activities, response actions and surveillance activities and a description of steps taken to inform staff and parents about any such activities. **The school** shall maintain in its administrative office an updated copy of the management plan for **the school**. Annual written notice of the availability of the plan shall be provided to parent, teacher, and employee organizations. In the absence of any such organizations, the Executive Director/designee shall provide written notice of plan availability to parents, employees, and others as applicable.

Any custodial or maintenance personnel who may work in a building with asbestos-containing building materials (ACBM) shall have a minimum of two (2) hours of asbestos awareness training. New custodial or maintenance staff who may work in the areas above shall be trained within sixty (60) days of hire. Maintenance and custodians who will be involved in activities that will involve a disturbance of ACBM shall receive an additional fourteen (14) hours of asbestos training.

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PERSONNEL

03.14
(CONTINUED)

Health and Safety

REFERENCES:

¹401 KAR 58:010; 40 C.F.R. Part 763

²~~803 KAR 2:181~~~~803 KAR 2:180~~

Kentucky Department for Public Health

Centers for Disease Control and Prevention

Kentucky Labor Cabinet; 803 KAR 2:308; 803 KAR 2:404

OSHA 29 C.F.R. 1910

132 PPE Hazard Assessment

147 Lockout/Tagout

1001 Asbestos-ACBM

1200 Hazard Communication

1030 Bloodborne Pathogens

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FINANCIAL IMPLICATIONS: EMPLOYEE TIME MAKING REPORTS

PERSONNEL

03.24

- CLASSIFIED PERSONNEL -

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14. Determination of universal precautions to be observed, including adequate engineering controls and housekeeping procedures;
15. Appropriate training of employees;
16. Provision of personal protective equipment including an opportunity provided annually for employees who use medical sharps in performance of their duties to identify, evaluate and select engineering and work practice controls to be implemented by the **NKCES**, as appropriate;
17. Maintenance of a sharps injury log;

Health and Safety**BLOODBORNE PATHOGEN CONTROL (CONTINUED)**

18. Medical follow-up and counseling for employees after a work-site exposure;
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Health and Safety**PERSONAL PROTECTIVE EQUIPMENT (PPE) (CONTINUED)**

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PERSONNEL

03.24
(CONTINUED)

Health and Safety

REFERENCES:

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LEGAL: SB 1 CREATES A NEW SECTION OF KRS 158 (KRS 158.196) TO REQUIRE EACH SCHOOL TO PROVIDE INSTRUCTION AND INSTRUCTIONAL MATERIALS THAT ARE ALIGNED WITH THE SOCIAL STUDIES ACADEMIC STANDARDS AND CONSISTENT WITH CERTAIN CONCEPTS.
FINANCIAL IMPLICATIONS: COST OF PURCHASING/CREATING INSTRUCTIONAL MATERIALS

[DRAFT 6/1/22](#)

CURRICULUM AND INSTRUCTION

08.21

Instruction and Instructional Materials

[See Regional School Program \(RSP\) and/or District of Record Policies and Procedures.](#)

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LEGAL: SB 151 AMENDS KRS 158.070 TO ALLOW THE SUPERINTENDENT OF A DISTRICT THAT PARTICIPATES IN THE FEDERAL SCHOOL BREAKFAST PROGRAM TO AUTHORIZE UP TO FIFTEEN (15) MINUTES OF THE STUDENT ATTENDANCE DAY TO PROVIDE THE OPPORTUNITY FOR CHILDREN TO EAT BREAKFAST DURING INSTRUCTIONAL TIME.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.31

Student Attendance Day

See Regional School Program (RSP) and/or District of Record Policies and Procedures.

STUDENT ATTENDANCE DAY

~~The length of the student attendance day designated by NKCES shall provide students with no less than the minimum number of student attendance days/hours required by law. NKCES may request approval of an alternative school calendar based on procedures set out in Kentucky Administrative Regulation.~~

Exceptions

~~STUDENTS WITH DISABILITIES AND STUDENTS ATTENDING PRIMARY SCHOOL MAY ATTEND LESS THAN SIX (6) HOURS PER DAY UNDER PROGRAMS APPROVED BY THE BOARD AND THE COMMISSIONER OF EDUCATION.¹~~

Master Schedule

~~AN UP-TO-DATE MASTER (BELL) SCHEDULE SHALL BE ON FILE IN EACH SCHOOL AND UP-TO-DATE MASTER (BELL) SCHEDULES FOR EACH SCHOOL SHALL BE ON FILE IN THE NKCES OFFICE.~~

References:

~~¹KRS 158.060~~

~~KRS 157.320~~

~~KRS 157.360~~

~~KRS 158.030; KRS 158.070~~

~~702 KAR 7:125~~

~~702 KAR 7:140~~

Related Policies:

~~01.42; 08.3~~

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
LEGAL: G.C. V. OWENSBORO PUBLIC SCHOOLS, 711 F.3D 623 (6TH CIR., 2013) CLARIFIES THAT ONCE A NONRESIDENT STUDENT IS ENROLLED FOR THE ACADEMIC YEAR, THE STUDENT MAY NOT BE DISMISSED DURING THAT ACADEMIC YEAR WITHOUT APPLICABLE DUE PROCESS.

FINANCIAL IMPLICATIONS: COST OF DUE PROCESS HEARINGS

DRAFT 5/31/22, REVISED 6/1/22

STUDENTS

09.12

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Admissions and Attendance

See Regional School Program (RSP) and/or District of Record Policies and Procedures.

RESIDENCE DEFINED

~~Pupils whose parent or guardian resides in the NKCES and has custody of the student, or pupils who are legal residents of the school NKCES, or as otherwise provided by state or federal law, shall be considered residents and entitled to the privileges of the NKCES' schools.~~

~~All other pupils shall be classified as nonresidents for school purposes.¹~~

Homeless Children and Unaccompanied Youth

~~THE NKCES SHALL PROVIDE EDUCATIONAL AND RELATED SERVICES TO HOMELESS CHILDREN AND YOUTH INCLUDING PRESCHOOL-AGED HOMELESS CHILDREN, AND HOMELESS CHILDREN OR YOUTH NOT IN THE PHYSICAL CUSTODY OF A PARENT OR GUARDIAN (UNACCOMPANIED YOUTH) IN A MANNER THAT DOES NOT SEGREGATE OR STIGMATIZE STUDENTS ON THE BASIS OF THEIR HOMELESS STATUS.~~

~~The NKCES shall provide its schools with guidelines that detail the rights of homeless students and the responsibilities that schools have to meet their needs and eliminate barriers to school attendance. These guidelines shall emphasize the right of homeless students to:~~

- ~~1. Have equal access to all educational programs and services, including transportation, that non-homeless students enjoy;~~
- ~~1. Have access to preschool programs as provided to other children in the NKCES;~~
- ~~2. Continue attending their school of origin, when deemed in the best interest of the child, for the duration of homelessness;~~
- ~~3. Attend regular public school with non-homeless students; and~~
- ~~4. Continue to receive all services for which they are eligible (i.e., special education, gifted and talented, English learner).~~

~~The NKCES shall provide transportation to the school of origin for homeless children at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison) if the child continues to live within the area served by the NKCES in which the school of origin is located. If the child locates to a District other than that of his/her school of origin, the districts shall work together to apportion transportation to and from the school of origin and associated costs. If the districts are unable to reach agreement, responsibility and costs for transportation shall be shared equally.~~

~~The NKCES shall designate an appropriate staff person to serve as liaison to homeless children and unaccompanied youth. In addition to coordination of McKinney-Vento implementation in the NKCES, the liaison is responsible for:~~

ADMISSIONS AND ATTENDANCE**Homeless Children and Unaccompanied Youth (continued)**

- ~~“OUTREACH” TO OTHER ENTITIES AND AGENCIES SO THAT HOMELESS STUDENTS ARE IDENTIFIED;~~
- ~~Providing public notice of the educational rights of homeless children in locations frequented by parents/guardians and unaccompanied youths. This notice is to be in a manner and form that is understandable;²~~
- ~~Seeing that school personnel who provide McKinney-Vento Services receive professional development and other support; and~~
- ~~Ensuring that unaccompanied youths are enrolled in school and receive support to accrue credits and access to higher education.~~

~~The NKCES shall inform school personnel, service providers, advocates working with homeless families, parents, guardians and homeless children and unaccompanied youths of the duties of the liaison.~~

~~<https://education.ky.gov/federal/progs/txe/Documents/Homeless%20Dispute%20Resolution%20Form.pdf>~~

~~The liaison shall provide a copy of the referenced form to the complainant.~~

~~The NKCES shall provide services for homeless children and unaccompanied youths with disabilities as required by law.~~

Children in Foster Care

~~STUDENTS IN FOSTER CARE SHALL HAVE EQUAL ACCESS TO ALL EDUCATIONAL PROGRAMS AND SERVICES, INCLUDING TRANSPORTATION, WHICH ALL OTHER STUDENTS ENJOY.~~

~~Foster children are to be immediately enrolled in a new school. The NKCES collaborate with the Cabinet to ensure immediate and appropriate enrollment of the child and immediately shall contact the student's previous school for relevant records. The previous school shall provide the new school records within the student information system maintained by the Kentucky Department of Education by the end of the working day on the day of receipt of a request. If a record provided to the new school is incomplete, the previous school shall provide the completed record within three (3) working days of the original request. Remaining records shall be provided within ten (10) working days of the request.~~

~~The Executive Director shall appoint a Foster Care Liaison to coordinate activities relating to the NKCES' provision of services to children placed in foster care, including transportation services, when the NKCES is notified by the Cabinet for Health and Family Services in writing that the Cabinet has designated its foster care point of contact for the NKCES. The Executive Director may appoint the NKCES Foster Care Liaison prior to such notice from the Cabinet.~~

~~Children in foster care, including preschool aged children if the NKCES offers a preschool program, shall be eligible to attend their "school of origin" unless a determination is made that it is not in the child's best interest. Such determination will be made in collaboration with the child welfare agency. Dispute resolutions shall be handled by all agencies involved in the determination of the foster child's placement.~~

~~When possible, a child exiting the foster care program during the school year shall be allowed to complete the school year in the school of origin.~~

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ADMISSIONS AND ATTENDANCE**Best Interest of the Child**

~~DETERMINING THE BEST INTEREST OF THE CHILD TAKES INTO CONSIDERATION THE FOLLOWING FACTORS, INCLUDING BUT NOT LIMITED TO:~~

- ~~• The benefits to the child of maintaining educational stability;~~
- ~~• The appropriateness of the current educational setting;~~
- ~~• The child's attachment and meaningful relationships with staff and peers at the current educational setting;~~
- ~~• The influence of the school's climate on the child;~~
- ~~• The safety of the child; and~~
- ~~• The proximity of the placement to the school of origin, and how the length of a commute would impact the child.~~

~~Upon the determination that changing a child's school of enrollment is in the best interest of the child, the Cabinet, any applicable child-caring facility, child-placing agency, school, districts, and the child's state agency caseworker shall collaborate to ensure the immediate and appropriate enrollment of the child;~~

- ~~1. The child's state agency caseworker shall immediately contact the receiving district to inform the district of the pending enrollment changes.~~
- ~~1. The child's state agency caseworker or child-caring facility or child-placing agency case manager shall either accompany the child and the foster parent to the new school to enroll the child or contact applicable staff at the new school via telephone during the day of enrollment, to assist with the enrollment, to share information relating to the child's unique needs and prior experiences that may impact their education, and to identify and prevent disruptions in any instructional or support services that the child may have been receiving prior to that time, including but not limited to medical and behavioral health history and individual service plans.⁷~~

Immigrants

~~NO STUDENT SHALL BE DENIED ENROLLMENT BASED ON HIS/HER IMMIGRATION STATUS, AND DOCUMENTATION OF IMMIGRATION STATUS SHALL NOT BE REQUIRED AS A CONDITION OF ENROLLMENT.~~

~~The NKCES may provide an approved high school program to a student who is a refugee or legal alien until the student graduates or until the end of the school year in which the student reaches the age of twenty-one (21), whichever comes first.~~

Nonresidents

~~NONRESIDENT PUPILS MAY BE ADMITTED TO THE NKCES' SCHOOLS IN ACCORDANCE WITH BOARD POLICY AND UPON APPROVAL OF THE EXECUTIVE DIRECTOR.³~~

~~Written nonresident pupil contract information shall be kept on file at both the attending and resident districts.~~

ADMISSIONS AND ATTENDANCE**Nonresidents (continued)**

~~NONRESIDENT STUDENTS DESIGNATED AS HOMELESS OR FOSTER CHILDREN MAY BE REQUIRED TO BE ENROLLED CONSISTENT WITH THE “BEST INTEREST OF THE CHILD” OR “SCHOOL OF ORIGIN” REQUIREMENTS UNDER THE EVERY STUDENT SUCCEEDS ACT (ESSA) AND THE MCKINNEY-VENTO ACT AS AMENDED BY ESSA.~~

Transfer of ADA

~~NONRESIDENT PUPILS MAY BE ADMITTED TO THE NKCES SCHOOLS UPON PAYMENT OF TUITION AND/OR TRANSFER OF THE PUPIL'S AVERAGE DAILY ATTENDANCE AS DEFINED UNDER KENTUCKY'S PUBLIC SCHOOL FUND.^{4&5}~~

Non-Immigrant Foreign Students

~~NON-IMMIGRANT FOREIGN STUDENTS QUALIFYING FOR F-1 IMMIGRATION STATUS OR WHO OBTAIN~~ ~~AN~~

~~F-1 STUDENT VISA MAY BE ADMITTED TO THE NKCES BASED ON THE FOLLOWING GUIDELINES:~~

- ~~1. These students shall not be permitted to attend any publicly funded adult education program.~~
- ~~1. These students may be permitted to attend in grades nine through twelve (9-12), but not at earlier grade levels.~~
- ~~2. As required by law, these students shall pay a tuition fee equal to the full, unsubsidized per capita cost to the NKCES for providing education to the student for the period of attendance.~~
- ~~3. The period of attendance shall not exceed twelve (12) months.~~

~~These requirements do not apply to immigrant students residing in the NKCES or foreign students in any other immigration status, including exchange students.~~

Expelled/Convicted Students

~~THE PARENT, GUARDIAN, PRINCIPAL, OR OTHER PERSON OR AGENCY RESPONSIBLE FOR THE STUDENT SHALL PROVIDE TO THE SCHOOL PRIOR TO ADMISSION, A SWORN STATEMENT OR AFFIRMATION CONCERNING ANY OF THE FOLLOWING THAT HAVE OCCURRED IN OR OUTSIDE KENTUCKY:~~

- ~~1. If a student has been expelled from school; or~~
- ~~1. If a student has been adjudicated guilty/convicted of, homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs.~~

~~Assault shall mean any physical assault, including sexual assault.~~

~~The sworn statement or affirmation shall be on a form provided by the appropriate state agency and shall be sent to the receiving school within five (5) working days of official notification that a student has requested enrollment in the new school.⁶~~

~~If a student is suspended or expelled for any reason, or faces charges that may lead to suspension or expulsion, but withdraws prior to a hearing from any public or private school in Kentucky or any other state and then moves into the NKCES and seeks to enroll, the NKCES shall review the details of the charges, suspension, or expulsion and determine if the student will be admitted, and if so, what conditions may be imposed upon the admission. Prior to a decision to deny admission, the NKCES shall offer the student, parent/guardian, or other persons having legal custody or control of the student a hearing before the Board.~~

ADMISSIONS AND ATTENDANCE**References:**

~~¹KRS 159.010; OAG 78-64~~

~~²42 U.S.C. 11431 et seq. (McKinney-Vento Act)~~

~~³KRS 158.120; OAG 80-47; OAG 79-327; OAG 75-602;~~

~~⁴KRS 157.320~~

~~⁵702 KAR 7:125~~

~~⁶KRS 158.155; KRS 157.330; KRS 158.150~~

~~⁷KRS 158.140~~

~~KRS 157.360; KRS 158.100; KRS 199.802~~

~~704 KAR 7:090; OAG 91-171~~

~~P. L. 104-208~~

~~P. L. 114-95 (Every Student Succeeds Act of 2015); 20 U.S.C. § 6301 et seq.~~

~~8 U.S.C. Sections 1101 and 1184; 8 C.F.R. Section 214~~

~~*Plyler v. Doe*, 457 U.S. 202 (1982)~~

~~Equal Educational Opportunities Act of 1974 (EEOA)~~

Related Policies:

~~06.32; 08.1114; 09.11; 09.121; 09.1223; 09.123; 09.124; 09.125~~

~~09.126 (re requirements/exceptions for students from military families)~~

~~09.14; 09.211~~

LEGAL: HB 44 AMENDS KRS 159.035 STATING THAT THE BOARD MAY INCLUDE PROVISIONS IN THIS POLICY FOR EXCUSED ABSENCES DUE TO A STUDENT'S MENTAL OR BEHAVIORAL HEALTH.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED
LEGAL: HB 517 AMENDED KRS 159.035 TO REQUIRE THAT ANY STUDENT ENROLLED IN A PUBLIC SCHOOL SHALL NOT HAVE HIS OR HER PERFECT ATTENDANCE RECORD NEGATIVELY AFFECTED BY PARTICIPATING IN ANY OF THE PAGE PROGRAMS OF THE GENERAL ASSEMBLY.
FINANCIAL IMPLICATIONS: ALTHOUGH THE STUDENT IS NOT PRESENT AT SCHOOL, THE DISTRICT WILL STILL RECEIVE SEEK FUNDING

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STUDENTS

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Absences and Excuses

See Regional School Program (RSP) and/or District of Record Policies and Procedures.

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~~Pupils are required to attend regularly and punctually the school in which they are enrolled. Recording of absences and tardies shall be made in compliance with the requirements of 702 KAR 7:125.¹~~

~~All students are held accountable for attendance by their sending district. NKCES collaborates with the sending district for attendance issues.~~

~~Truancy Defined~~

~~ANY STUDENT WHO HAS ATTAINED THE AGE OF SIX (6), BUT HAS NOT REACHED HIS/HER EIGHTEENTH (18TH) BIRTHDAY, WHO HAS BEEN ABSENT FROM SCHOOL WITHOUT VALID EXCUSE FOR THREE (3) DAYS OR MORE, OR TARDY WITHOUT VALID EXCUSE ON THREE (3) DAYS OR MORE, IS A TRUANT.~~

~~Any student enrolled in a public school who has attained the age of eighteen (18) years, but has not reached his/her twenty first (21st) birthday, who has been absent from school without valid excuse for three (3) or more days, or tardy without valid excuse on three (3) or more days, is a truant.~~

~~A student who has been reported as a truant two (2) or more times is an habitual truant.~~

~~For the purposes of establishing a student's status as a truant, a student's attendance record is cumulative for an entire school year. When students transfer from one Kentucky district to another, attendance information from the previous district shall become part of their official attendance record for that school year.~~

~~Excused Absences~~

~~AN EXCUSED ABSENCE OR TARDINESS IS ONE FOR WHICH WORK MAY BE MADE UP, SUCH AS:~~

- ~~1. Death or severe illness in the pupil's immediate family;~~
- ~~1. Illness of the pupil, including mental or behavioral health;~~
- ~~2. Religious holidays and practices;~~
- ~~3. One (1) day for attendance at the Kentucky State Fair;~~
- ~~4. Documented military leave;~~
- ~~5. One (1) day prior to departure of parent/guardian called to active military duty;~~
- ~~6. One (1) day upon the return of parent/guardian from active military duty;~~
- ~~7. Visitation for up to ten (10) days with the student's parent, de facto custodian, or person with legal custody who, while on active military duty stationed outside of the country, is granted rest and recuperation leave;~~
- ~~— Ten (10) days for students attending basic training required by a branch of the United States Armed Forces; or~~

8. Students participating in any of the page programs of the General Assembly;² or

ABSENCES AND EXCUSES**Excused Absences (continued)****9. ~~OTHER VALID REASONS AS DETERMINED BY THE PRINCIPAL, INCLUDING TRIPS QUALIFYING AS EDUCATIONAL ENHANCEMENT OPPORTUNITIES.~~**

~~Students shall be granted an excused absence for up to ten (10) school days to pursue an educational enhancement opportunity determined by the Principal to be of significant educational value. This opportunity may include, but not be limited to, participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts.~~

~~Unless the Principal determines that extenuating circumstances exist, requests for date(s) falling within State or NKCES testing periods shall not be granted.~~

~~The Principal's determination may be appealed to the **Executive Director**/designee whose decision may then be appealed to the Board under its grievance policy and procedures.~~

~~Students receiving an excused absence under this section shall have the opportunity to make up school work missed and shall not have their class grades adversely affected for lack of class attendance or class participation due to the excused absence.~~

Unexcused Absences**~~WORK MAY BE MADE UP FOR UNEXCUSED ABSENCES AT THE DISCRETION OF THE TEACHER INVOLVED.~~****References:**

~~¹702 KAR 7:125~~

~~²KRS 159.035~~

~~KRS 36.396; KRS 38.470; KRS 40.366~~

~~KRS 158.070; KRS 158.183; KRS 158.293; KRS 158.294~~

~~KRS 159.035; KRS 159.140; KRS 159.150; KRS 159.180~~

~~OAG 76-566; OAG 79-68; OAG 79-539; OAG 91-79; OAG 96-28~~

Legal Status/Member Districts

NKCES is a legal body created by statutory authority of the State of Kentucky (KRS 65.210 -KRS 65.300).

NKCES personnel are under the management and control of the Board of Directors, which consists of the superintendents of member districts and representatives of **Northern Kentucky University**.

- **Beechwood Independent School District**
- **Bellevue Independent School District**
- **Boone County School District**
- **Bracken County School District**
- **Campbell County School District**
- **Carroll County School District**
- **Covington Independent School District**
- **Dayton Independent School District**
- **Erlanger-Elsmere Independent School District**
- **Fleming County School District**
- **Ft. Thomas Independent School District**
- **Grant County School District**
- **Greenup County School District**
- **Kenton County School District**
- **Ludlow Independent School District**
- **Newport Independent School District**
- **Owen County School District**
- **Pendleton County School District**
- **Southgate Independent School District**
- **Walton-Verona Independent School District**
- **Williamstown Independent School District**
- **Northern Kentucky University**

As hereafter referenced in this manual, references to the “Board” shall refer to the Northern Kentucky Cooperative for Educational Services Board of Directors.

To be eligible for membership on the Board, a person must be a current superintendent or designated representative of a member district or agency.

Legal Status/Member Districts

The Board is a body politic and corporate with perpetual succession. Board members have no authority over **NKCES** affairs as individuals, but do retain authority, within state law, over **NKCES** affairs when they act at the Board of Directors.

NOTICE OF NONDISCRIMINATION

As required by law, **NKCES** does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or gender identity), genetic information, disability, age, or limitations related to pregnancy, childbirth, or related medical conditions in its programs and activities and provides equal access to its facilities to the Boy Scouts and other designated youth groups.

NOTICE OF NONDISCRIMINATION (CONTINUED)

Notice of the name, work address and telephone number of the Title IX Coordinator and the Section 504 Coordinator for **NKCES** shall be provided to employees, applicants for employment, students, parents/guardians, and other beneficiaries such as participants in activities offered to the public.

WEBSITE ACCESSIBILITY

NKCES is committed to ensuring accessibility of its website for students, employees, visitors, and members of the community with disabilities. All pages on the **NKCES** website shall conform to Level AA of the Web Content Accessibility Guidelines (WCAG) 2.0 developed by the World Wide Web Consortium (W3C) Web Accessibility Initiative (WAI), or updated equivalents of these guidelines.

Under **NKCES** developed administrative procedures, students, parents, and members of the public may present a complaint regarding a violation of the Americans with Disabilities Act (ADA), Section 504 related to the accessibility of any official **NKCES** web presence which is developed by, maintained by, or offered through **NKCES** or third party vendors and open sources.

REFERENCES:

KRS Chapter 344
Americans with Disabilities Act
Section 504 of the Rehabilitation Act of 1973
Title VI of the Civil Rights Act of 1964
42 U.S.C. 200e, Civil Rights Act of 1964, Title VII
20 U.S.C. 1681, Education Amendments of 1972, Title IX
Genetic Information Nondiscrimination Act of 2008
20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)
Web Content Accessibility Guidelines
Bostock v. Clayton County, Georgia 140 S. Ct. 1731 (2020)

RELATED POLICIES:

03.113; 03.212; 09.13
03.162; 03.262; 09.42811
05.3; 10.5