legal: The 2011 General Assembly amended KRS 160.345 to revise the principal selection process in SBDM schools. districts should note that the superintendent/designee may need to undergo the required principal selection training.

FINANCIAL IMPLICATIONS: none anticipated

# ADMINISTRATION A02.4244

School Hiring (SBDM)

Principal Selection

When a vacancy exists in the position of school Principal, the outgoing Principal shall not serve on the council during the Principal selection process.

The Superintendent/designee shall serve as the Chair of the council for the purpose of the hiring process and shall have voting rights during the selection process. The council shall have access to the applications of all persons certified for the position. The Principal shall be elected on a majority vote of the membership of the council.

No Principal who has been previously removed from a position in the District for cause may be considered for appointment as Principal.

A vacancy is created in the position of Principal by the resignation, removal, transfer, retirement or death of the current Principal.

When a Principal vacancy occurs and the school has an index score in the lowest one-third (1/3) of all schools below the assistance line and a completed scholastic audit finds a lack of effectiveness of the Principal and the council, the Superintendent shall appoint a Principal after consulting with the council.

The council shall undergo training, with a trainer of its choice, in recruitment and interviewing techniques prior to carrying out the process of selecting a new Principal. The Board encourages the council to follow one (1) or more of the following practices when arranging for this training:

1. Selection of a trainer approved by the Kentucky Association of School Councils (KASC);
2. Selection of a trainer certified by the Kentucky Department of Education (KDE); and/or
3. Requiring the trainer selected to emphasize recruiting and interviewing techniques that reflect model standards developed by KASC.

Other Vacancies

When the position to be filled in the school is other than that of Principal, the Principal, after consulting with the council in accordance with procedures established by the council, shall fill the position from a list of qualified applicants provided by the Superintendent. The Superintendent shall provide names of all additional applicants to the Principal upon request when qualified applicants are available.

The Superintendent may forward to the council names of qualified applicants who have certification pending from the Education Professional Standards Board pursuant to state law. Applicants subsequently employed shall provide evidence they are certified prior to assuming the duties of their position.

# ADMINISTRATION A02.4244

#  (Continued)

School Hiring (SBDM)

References:

KRS 160.345

OAG 91‑149; OAG 92‑131; OAG 92‑78

OAG 95‑10; OAG 96-38

Related Policies:

02.4241; 03.11; 03.21

RECOMMENDED: THE SUGGESTED CHANGES MORE CLOSELY ALIGN THE LANGUAGE WITH THAT OF 702 KAR 3:246.

THIS CHANGE IS NOT REQUIRED BY LAW:

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# ADMINISTRATION A02.4331

School Staffing (SBDM)

Board Allocation Notices

In accordance with 702 KAR 3:246, the Board shall provide each council with both a tentative and a final/updated allocation for school staffing for the next fiscal year. The notifications shall include the Board-approved guidelines used in determining the allocations and the formulas utilized in calculating numbers of positions. Allocations, at a minimum, shall budget funds sufficient for the council to meet the following staffing needs of the school:

* 1. Certified Staff:
		1. Statutory class size caps based on projected student enrollment to the nearest one-tenth position minus all state enrollment deductions;
		2. Pupil contact hours as required by law; and
		3. All other certified staff positions generated by District guidelines approved annually by the Board, excluding fringe benefits, categorical programs, exceptional children services, itinerant, extra duty and extended employment positions, and positions allocated that are not required by statutory cap size requirements.
	2. Classified Staff:
		1. All school‑based positions approved annually by the Board in non‑categorical programs.
	3. All Positions:
		1. To provide salaries including adjustments for any salary changes made by the Board; and
		2. To budget for vacant positions at 95% of the average District salary for the job classification.

Any revisions made to the District’s policy/guidelines (whichever contains specific formula information) for the next school year shall be forwarded to the Kentucky Department of Education by May 1 of each year.

Council Authority

After receiving notification of the final financial allocation for the school from the Board, the council shall determine, within the funds allocated, the number of persons to be employed at the school in each school level job classification. The council shall not have the authority to recommend transfers or dismissals. The council shall not alter the staffing of District instructional services provided to all schools, including exceptional children teachers and itinerant teachers.

For existing school level vacancies, the council may choose to reassign funds from one Board approved school level job classification to another, or to use these funds for other purposes consistent with its responsibilities. Funds remaining from the school's staffing allocation at the end of the year shall revert to the District's general fund, unless the council receives Board approval to escrow the funds to be used at a future date for an approved project.

# ADMINISTRATION A02.4331

#  (Continued)

School Staffing (SBDM)

Council to Report

By the date specified by the Superintendent/designee, the council shall report to the Board the number of persons to be employed at the school in each job classification.

Adjustments

Adjustments to the final staffing allocation may be made due to increases in salary schedules, salary adjustments or changes in enrollment. However, any such adjustments shall be made by September 15 and the council notified if the adjustment represents a change.

Impact on District Budget

The funding allocation to a school in future District budgets shall not be altered by council action.

In assigning funding of vacant positions to alternate Board-approved job classifications, a council may choose to spend more than the amount allocated by the Board and provide the difference from discretionary council funds. However, the Board shall not be obligated to increase allocations in future District budgets to cover this increased expenditure.

If the salary of new certified personnel is less than 95% of the District average certified teacher’s salary or if the actual salary of new classified personnel is less than 95% of the District’s average classified salary for the personnel job classification, the difference shall revert to the District budget for possible reallocation to schools under Section 7 of 702 KAR 3:246.

References:

KRS 157.360; KRS 160.345

702 KAR 3:246

OAG 96-38

Related Policies:

02.4242; 02.4244

03.11; 03.21

04.1

RECOMMENDED: TO AVOID UNNECESSARY UNEMPLOYMENT CLAIMS, NOTIFICATION OF REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT SHOULD BE PROVIDED AS NOTED.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL CL03.11

‑ Certified Personnel ‑

Hiring

Superintendent's Responsibilities

All appointments, promotions, and transfers of certified personnel for positions authorized by the Board shall be made by the Superintendent who, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes.

When a vacancy occurs, the Superintendent shall notify the Commissioner of Education thirty (30) days before the position is to be filled.

When a vacancy needs to be filled in less than thirty (30) days to prevent disruption of necessary instructional or support services of the school District, the Superintendent may seek a waiver of the thirty (30) day advance notice requirement from the Commissioner of Education. If the waiver is approved, the appointment shall not be made until the person selected by the Superintendent has been approved by the Commissioner of Education.

Effective Date

Personnel actions shall not be effective until the employee receives written notice of such action from the Superintendent. Certified employees may be appointed by the Superintendent for any school year at any time after February 1 preceding the beginning of the school year.

Qualifications

The Superintendent shall employ only individuals who are certified for the positions they will hold and who possess qualifications established by law, regulation and Board policy, except in the case where no individual applies who is properly certified and/or who meets established qualifications set by Board policy.

Hiring of certified personnel who have previously retired under KTRS shall be in compliance with applicable legal requirements.2

All teachers of core academic subjects shall be “highly qualified,” as defined by state and federal regulation.3

Criminal Background Check and Testing

Applicants, employees, and student teachers assigned within the District shall undergo records checks and testing as required by applicable statutes and regulations.1

Each application or renewal form provided applicants for a certified position shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT".1

As permitted by KRS 160.380, employment shall be contingent on receipt of records documenting that the individual does not have a conviction for any sex crime, as a violent offender or other felony offenses as defined in KRS 17.165, or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Probationary employment shall terminate on receipt of a criminal history background check documenting a conviction for a felony sex crime or as a violent offender.

# PERSONNEL CL03.11

#  (Continued)

Hiring

Job Register

The Superintendent or the Superintendent's designee shall maintain in the Central Office a job register listing all current job openings in the District. The register shall describe the duties and qualifications for each opening, and District employment policies shall be attached to the register. The job register shall be open to public inspection during Central Office business hours.

Vacancies Posted

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted in the Central Office and in each school building on a timely basis and shall refer interested persons to the Central Office job register for additional information. Postings of vacancies may be made with other agencies, as appropriate.

When a vacancy for a teaching position occurs in the District, the Superintendent shall conduct a search to locate minority candidates to be considered for the position.

Review of Applications

Under procedures developed by the Superintendent, each application shall be reviewed and each applicant so notified upon initial application. Applications for candidates not employed shall be retained for three (3) years.

Relationships

The Superintendent shall not employ a relative of a member of the Board unless the relative was initially employed by the District prior to the tenure of the Board member and the member was seated on the Board prior to July 13, 1990.

A relative of the Superintendent shall not be employed except as provided by KRS 160.380.

Contract

Except for noncontracted substitute teachers, all certified personnel shall enter into annual written contracts with the District.

Job Description

All employees shall receive a copy of their job description and responsibilities.

Intent

Under procedures developed by the Superintendent, employees may be requested to indicate their availability for employment for the next school year.

Reasonable Assurance of Continued Employment

Each year all full-time and part-time certified employees shall be notified in writing by the last day of school if they have reasonable assurance of continued employment for the following school year.

Certified employees assigned extra duties such as coaching shall be notified in writing by the last day of that assigned duty if they have reasonable assurance of continued employment in that or a similar capacity for the following school year.

# PERSONNEL CL03.11

#  (Continued)

Hiring

References:

1KRS 160.380

2KRS 161.605; 702 KAR 1:150

3P. L. 107-110 (No Child Left Behind Act of 2001)

 34 CFR 200.55-200.56; KRS 17.160; KRS 17.165; KRS 156.106; KRS 160.345

 KRS 160.390; KRS 161.042; KRS 161.611; KRS 161.750; KRS 405.435

 704 KAR 7:130; OAG 73‑133; OAG 91‑10; OAG 91‑149; OAG 91‑206

 OAG 92‑59; OAG 92‑131; OAG 97-6

 Records Retention Schedule, Public School District

Related Policies:

 01.11, 02.4244, 03.132

LEGAL: NCLB ONLY REQUIRES THE REFERENCED ANNUAL PARENTAL NOTIFICATION IF THE SCHOOL RECEIVES TITLE I FUNDS. HOWEVER, THE DISTRICT HAS THE OPTION TO NOTIFY ALL PARENTS THAT THEY MAY REQUEST INFORMATION ABOUT PROFESSIONAL QUALIFICATIONS OF THEIR CHILD’S TEACHERS IF THE BOARD SO WISHES.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL H03.112

‑ Certified Personnel ‑

Certification and Records

Certification

The Board shall set certification requirements for teachers of all grades/courses, including elective courses, in compliance with applicable legal requirements.

All persons appointed to positions requiring Kentucky certification shall present to the Superintendent a copy of the required certificate prior to assuming the duties of the position.

Continuing Education

It shall be the responsibility of the employee to see that current certification, rank changes, and transcripts of college credits are on file in the Superintendent's office. Written notification of changes in rank must be filed by September 15.

Notice to Parents of Teacher’s Qualifications/Certification

If the school receives Title I funds, the District shall notify parents of students attending the school annually that they may request the District to provide information regarding the professional qualifications of their child’s classroom teachers. In complying with such requests, the District shall provide the information designated by federal law.

Schools receiving Title I funds shall notify parents when their child has been assigned to, or has been taught for four (4) or more consecutive weeks by, a teacher who is not “highly qualified,” as defined by state and federal regulation.

Certification for Teaching Elective Courses

The Principal/designee shall forward to the Superintendent the course description for proposed new or revised elective courses, with a proposal for certification requirements for teachers of the course. The Superintendent shall present this information, along with a recommendation for certification requirements, to the Board for its approval.

In determining certification requirements for elective courses, the Board shall observe the following standards:

1. A teacher’s preparation program should align with the basic structure of the elective course.
2. Teachers of interdisciplinary electives should be certified in at least one (1) of the disciplines included in the course.

References:

KRS 160.350; KRS 161.020; KRS 161.048

KRS 161.730; KRS 161.740; KRS 161.750

KRS 161.760; KRS 161.780; KRS 161.790

KRS 161.800; KRS 161.810

16 KAR 1:030; 34 CFR 200.61

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

# PERSONNEL H03.112

#  (Continued)

Certification and Records

Related Policies:

02.4241; 03.11; 03.121; 03.5

RECOMMENDED: THis CHANGE IS SUGGESTED BY KSBA LEGAL STAFF TO CLARIFY THAT EMPLOYEES ABSENT FROM WORK MUST BE ON SOME TYPE OF APPROVED LEAVE STATUS WITH THE SCHOOL DISTRICT.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL T03.123

‑ Certified Personnel ‑

Leaves and Absences

Approval

Authorization of leave and time taken off from one’s job shall be in accordance with specific leave policy. Absence from work that is not based on appropriate leave for which the employee is qualified may lead to disciplinary consequences, up to and including termination of employment.

Notification

In all cases of absence, employees shall notify the Principal or the Principal's designee by 6:30 AM or the night before, if possible. The Principal or the Principal's designee shall be responsible for engaging substitute teachers from the official substitute list approved by the Superintendent.

Employees on leave covered by the related policies listed below shall notify the Superintendent in writing by March 1 of the year the leave terminates of the date of their intent to return to the school system. Employees who fail to notify the Superintendent of their return by March 1 cannot be guaranteed employment for the following school year. If an employee on leave has not contacted the Superintendent by March 1, the Superintendent is authorized to fill the position for the following school year. Where an employee in the final year of leave fails to contact the Superintendent by March 1, to either request an extension of leave or to provide a date of return, the Superintendent may determine whether personnel action is required.

Leave Following Assault

The District shall provide leave with pay for employees assaulted while performing their assigned duties when the assault results in injuries that qualify the employee for workers’ compensation benefits. The period of leave shall not exceed one (1) calendar year following the assault. During that period, the employee shall not experience loss of income or benefits, including sick leave, under terms and conditions set forth in KRS 161.155.

Placement Upon Return

Employees taking any long term leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position or the same school cannot be guaranteed.

FMLA

Eligible employees may apply for leave under the provisions of the Family and Medical Leave Act of 1993.

# PERSONNEL T03.123

#  (Continued)

Leaves and Absences

References:

KRS 161.155; KRS 161.770

OAG 01-9; Family and Medical Leave Act of 1993

Related Policies:

03.1232, 03.12322, 03.1233, 03.1234, 03.1235, 03.124

LEGAL: KSBA IS RELOCATING PROVISIONS CONCERNING THE INTERPLAY OF SICK LEAVE WITH WORKERS’ COMPENSATION BENEFITS TO A COMPLETELY NEW AREA. A NEW POLICY IS PROVIDED IN THIS UPDATE. DISTRICTS ARE ADVISED TO NO LONGER ADHERE TO THE CURRENT PROVISIONS LINED THROUGH BELOW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL O03.124

- **Certified Personnel-**

Insurance

Insurance Provided by Board

The Board shall provide unemployment insurance,1 workers' compensation,2 and liability insurance for all certified personnel. The Board also provides a group term life insurance policy equal in value to the employee's contract salary rounded to the next lower $1,000.00.

Insurance Provided by State

The State provides group health and life insurance to employees with who are eligible as determined by Kentucky Administrative Regulation.3

Optional Additional Coverage

Employees have the option to purchase additional group term life insurance, cancer indemnity and family health/hospitalization coverage.

Workers' Compensation

Employees who qualify for workers’ compensation benefits following an assault and injury, while performing assigned duties, should refer to policy 03.123.

Employees who qualify for Workers' Compensation may be offered the opportunity to participate in an Early Return to Work Program. Transition employment need not be in the same job classification or location, but must comply with the treating physician's restrictions and amendments until the participating employee achieves maximum medical recovery.

References:

1KRS 341.050

2KRS 342.630

3702 KAR 1:035

 KRS 161.158; OAG 83‑151

 Consolidated Omnibus Budget Reconciliation Act

 Kentucky Constitution (Section 3); KRS 161.155; KRS 342.730(6)

Related Policies:

03.1211, 03.123, 03.12322, 03.1241, 03.14

LEGAL: this PROPOSED NEW POLICY HAS BEEN DEVELOPED IN CONJUNCTION WITH THE STATE division OF wORKERS’ COMPENSATION TO SET OUT HOW EMPLOYEES CAN USE SICK LEAVE TO RETAIN 100% OF THEIR SALARY LEVEL WHILE ON LEAVE FOR A WORKERS’ COMPENSATION INJURY. IT IS THE eMPLOYEE’S DECISION WHETHER TO USE SICK LEAVE DURING SUCH LEAVE.

FINANCIAL IMPLICATIONS: none anticipated

# PERSONNEL A03.1241

‑ Certified Personnel ‑

Workers' Compensation Payments

Coordination with Sick Leave

Employees shall not be required to use sick leave in connection with a work related injury. However, employees claiming workers’ compensation income benefits who have sick leave available may choose to use sick leave in order to maintain the equivalent of full salary for the days they are unable to work. Employees shall not be entitled to payment in excess of one hundred percent (100%) of contracted salary.

Employee Election

In order to maintain full salary, employees may voluntarily elect to use sick leave to which they are entitled. To coordinate benefits in connection with the employee’s election to use sick leave1, the employee shall pay to the District a sum equal to workers’ compensation income benefits received for the same period that the employee uses sick leave. The employee may make such payment by endorsing the workers’ compensation benefits check to the District or by paying the District by personal check or cash. The employee’s sick leave balance shall then be reinstated to the extent of such payment.

References:

1KRS 161.155, KRS 342.730

Related Policies:

03.1232

03.12322

RECOMMENDED: CHANGES ARE RECOMMENDED TO REFLECT REPORTING REQUIREMENTS UNDER KRS 158.156. AS NOTED IN THE GUIDELINES SECTION, ALLEGATIONS OF HARASSMENT /DISCRIMINATION MAY BE SUBMITTED VERBALLY OR IN WRITING.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL A03.162

‑ Certified Personnel ‑

Harassment/Discrimination

Definition

Harassment/Discrimination of employees is unlawful behavior based on the race, color, national origin, age, religion, sex, genetic information or disability of an employee involving intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred or prejudice.

Prohibition

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

Disciplinary Action

Employees who engage in harassment/discrimination of another employee or a student on the basis of any of the areas mentioned above shall be subject to disciplinary action including, but not limited to, termination of employment.

Guidelines

Employees who believe they or any other employee, student, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. If an employee is not assigned to a particular school, a report of harassment/discrimination may be made to the employee’s immediate supervisor or to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report. Without a report being made to the Principal, Superintendent or Title IX/Equity Coordinator, the District shall not be deemed to have received a complaint of harassment/discrimination.

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.1

The Superintendent shall provide for the following:

# PERSONNEL A03.162

#  (Continued)

Harassment/Discrimination

Guidelines (continued)

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) working days of receipt of the original complaint. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency.

The Superintendent/designee may take interim measures to protect complainants during the investigation.

1. A process to identify and implement, within three (3) working days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
2. A process to be developed and implemented to communicate requirements of this policy to all staff, which may include, but not be limited to, the following:
* written notice provided in publications such as handbooks, staff memoranda, and/or pamphlets;
* postings in the same location as are documents that must be posted according to state/federal law; and/or
* such other measures as determined by the Superintendent/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District’s complete policy.

1. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination; and
2. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

Prohibited Conduct

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Instances involving sexual violence;
4. Causing an employee to believe that he or she must submit to unwelcome sexual conduct in order to maintain employment or that a personnel decision will be based on whether or not the employee submits to unwelcome sexual conduct;
5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;

# PERSONNEL A03.162

#  (Continued)

Harassment/Discrimination

Prohibited Conduct (continued)

1. Seeking to involve individuals with disabilities in antisocial, dangerous or criminal activity where they, because of disability, are unable to comprehend fully or consent to the activity; and
2. Destroying or damaging an individual's property based on any of the protected categories.

Confidentiality

District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of all parties involved.

Appeal

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent.

If a supervisory staff member is an alleged party in the harassment/discrimination complaint, provision shall be made for addressing the complaint to a higher level of authority.

Failure by employees to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy or to take corrective action shall be cause for disciplinary action.

Retaliation Prohibited

No one shall retaliate against an employee or student because s/he submits a grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

Upon the resolution of allegations, the Superintendent shall take steps to protect employees and students against retaliation.

Other Claims

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 03.113, 03.1325 and/or 09.422.

References:

1KRS 158.156

42 USC 2000e, Civil Rights Act of 1964, Title VII, KRS Chapter 344

29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations Implementing Title VII

20 U.S.C. 1681, Education Amendments of 1972, Title IX

34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights
 Regulations Implementing Title IX

Genetic Information Nondiscrimination Act of 2008

Related Policies:

03.113, 03.1325, 03.16, 09.2211, 09.422, 09.42811

RECOMMENDED: KSBA LEGAL STAFF RECOMMENDS THE NEW MARCH 15 DEADLINE TO PROVIDE THE SUPERINTENDENT SUFFICIENT TIME TO COMPLETE CERTAIN PERSONNEL ACTIONS AND TO HELP AVOID UNNECESSARY UNEMPLOYMENT CLAIMS.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL A03.17

‑ Certified Personnel ‑

Termination/Nonrenewal/Separation by Employee

Termination and nonrenewal of contracts shall be the responsibility of the Superintendent who, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

Code of Ethics

Employees who violate provisions of the Professional Code of Ethics for Kentucky School Certified Personnel may be subject to disciplinary action, up to and including termination.

Termination

No contract shall be terminated except upon notification of the Board by the Superintendent. Prior to notification of the Board, the Superintendent shall furnish the teacher with a written statement specifying in detail the charge against the teacher.1

Termination of contracts of certified personnel shall be made in compliance with the requirements of KRS 161.790.

Alternatives to Termination

As an alternative to termination, the Superintendent, upon notifying the Board and providing written notification to the teacher, may impose sanctions in accordance with KRS 161.790.

Nonrenewal

The Principal/immediate supervisor shall provide the Superintendent with notice of recommended nonrenewals by March 15. Nonrenewal of limited contracts of certified personnel shall be made no later than May 15 in compliance with the requirements of KRS 161.750.

Separation by Employee

Certified employees seeking to resign or terminate contracts in force shall do so in compliance with KRS 161.780.

Reporting

The Superintendent shall comply with the reporting requirements of KRS 161.120.

# PERSONNEL A03.17

Termination/Nonrenewal/Separation by Employee

References:

1KRS 161.790

 KRS 161.120; KRS 161.750; KRS 161.780

 16 KAR 1:020 (Code of Ethics)

 Consolidated Omnibus Budget Reconciliation Act

 701 KAR 5:090

 OAG 83‑362; OAG 92‑135

Related Policy:

03.172

RECOMMENDED: THIS CHANGE IS SUGGESTED TO CLARIFY THAT REIMBURSEMENT AT TIME OF RETIREMENT FOR UNUSED SICK LEAVE IS LIMITED FOR CERTAIN PERSONNEL.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

THIS CHANGE IS NOT REQUIRED BY LAW.

# PERSONNEL AI03.175

-Certified Personnel-

Retirement

Definition

Retirement means retirement as determined by Kentucky Teachers' Retirement System guidelines.

Notice

Persons retiring should give the Superintendent notice as far in advance as possible but not less than two (2) weeks prior to retirement.

Responsibility

Retirement benefits shall be solely a matter of contract between the employee and the Kentucky Teachers' Retirement System and shall not be the responsibility of the Board except that the Board shall deduct and send to the Kentucky Teachers' Retirement System, in the manner prescribed, those amounts required under law.

Unused Sick Days

The Board shall compensate certified employees only upon initial retirement, or their estate, for each unused sick day at the rate of 30% of the daily salary. This calculation is based on the employee's last annual salary. For personnel who begin employment with a local school district on or after July 1, 2008, unused sick leave days to be recognized in calculating reimbursement under KRS 161.155 shall not exceed 300 days.1 The District shall provide compensation for unused sick leave days when the employee provides proof s/he qualifies as an annuitant who will receive a retirement or disability allowance from the Kentucky Teachers’ Retirement System. Upon death of an employee in active contributing status who was eligible to retire by reason of service, the District shall compensate the estate of the employee.

Escrow Account

The Board shall create an escrow account to maintain the funds necessary to reimburse employees who qualify for the retirement benefit.

References:

1KRS 161.155

 KRS 157.420; KRS 161.220

 KRS 161.540; KRS 161.545

 KRS 161.560; KRS 161.600

 OAG 81‑1, OAG 83‑191, OAG 97-28

 29 U.S.C. 631

RECOMMENDED: TO AVOID UNNECESSARY UNEMPLOYMENT CLAIMS, NOTIFICATION OF REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT SHOULD BE PROVIDED AS NOTED.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL CP03.21

‑ Classified Personnel ‑

Hiring

Superintendent's Responsibilities

All appointments, promotions, and transfers of classified personnel for positions authorized by the Board shall be made by the Superintendent who, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes.

Effective Date

Personnel actions shall not be effective until the employee receives written notice of such action from the Superintendent.

Qualifications

The Superintendent shall employ only individuals who possess qualifications established by law, regulation, and Board policy except in the case where no individual applies who meets established qualifications.

Educational Requirements

No person shall be initially hired unless s/he holds at least a high school diploma or high school certificate of completion or GED certificate or unless s/he shows progress, as defined by Administrative Regulations of the State Board for Adult, and Technical Education, toward obtaining a certificate of high school equivalency. Employees shall hold the qualifications for the position as established by the Commissioner of Education.3

All instructional paraprofessionals shall satisfy educational requirements specified by federal law.4

Criminal Background Check and Testing

Applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations.1 & 2

Each application or renewal form provided applicants for a classified position shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A STATE CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT. UNDER CERTAIN CIRCUMSTANCES, A NATIONAL CRIMINAL HISTORY BACKGROUND CHECK MAY BE REQUIRED AS A CONDITION OF EMPLOYMENT".1

As permitted by KRS 160.380, employment shall be contingent on receipt of records documenting that the individual does not have a conviction for any sex crime, as a violent offender, or any other felony offenses as defined in KRS 17.165 or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Probationary employment shall terminate on receipt of a criminal history background check documenting a conviction for a felony sex crime or as a violent offender.

# PERSONNEL CP03.21

#  (Continued)

Hiring

Job Register

The Superintendent or the Superintendent's designee shall maintain in the Central Office a job register listing all current job openings in the District. The register shall describe the duties and qualifications for each opening, and District employment policies shall be attached to the register. The job register shall be open to public inspection during Central Office business hours.

Vacancies Posted

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted in the Central Office and in each school building on a timely basis and shall refer interested persons to the Central Office job register for additional information. Postings of vacancies may be made with other agencies, as appropriate.

Review of Applications

Under procedures developed by the Superintendent, each application shall be reviewed and each applicant so notified.

Applications for candidates not employed shall be retained for three (3) years.

Relationships

The Superintendent shall not employ a relative of a member of the Board unless the relative was initially employed by the District prior to the tenure of the Board member and the member was seated on the Board prior to July 13, 1990.

Contract

All regular full-time and part-time classified personnel shall enter into annual written contracts with the District.

Emergency Hiring

During emergency situations, job openings may be filled without listing in the job register or posting in District buildings.

Job Description

All employees shall receive a copy of their job description and responsibilities.

Intent

Under procedures developed by the Superintendent, employees may be requested to indicate their availability for employment for the next school year.

Reasonable Assurance of Continued Employment

Each year, all full-time and part-time classified employees, including substitutes, shall be notified in writing by the last day of school if they have reasonable assurance of continued employment for the following school year.

Classified employees assigned extra duties such as coaching shall be notified in writing by the last day of that assigned duty if they have reasonable assurance of continued employment in that or a similar capacity for the following school year.

# PERSONNEL CP03.21

#  (Continued)

Hiring

References:

1 KRS 160.380

2 702 KAR 5:080

3 KRS 161.011

4P.L. 107-110 (No Child Left Behind Act of 2001)

 34 CFR 200.58-200.59

 KRS 17.160; KRS 17.165; KRS 156.070

 KRS 160.345; KRS 160.390; KRS 335B.020; KRS 405.435

 OAG 91‑10; OAG 91‑149; OAG 91‑206

 OAG 92‑1; OAG 92‑59; OAG 92‑78; OAG 92‑131; OAG 97-6

 Kentucky Local District Classification Plan; 785 KAR 1:110

 Records Retention Schedule, Public School District

Related Policies:

01.11, 02.4244, 03.232, 03.27, 03.5, 06.221

RECOMMENDED: this CHANGE IS SUGGESTED BY KSBA LEGAL STAFF TO CLARIFY THAT EMPLOYEES ABSENT FROM WORK MUST BE ON SOME TYPE OF APPROVED LEAVE STATUS WITH THE SCHOOL DISTRICT.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL O03.223

‑ Classified Personnel ‑

Leaves and Absences

Approval

Authorization of leave and time taken off from one’s job shall be in accordance with specific leave policy. Absence from work that is not based on appropriate leave for which the employee is qualified may lead to disciplinary consequences, up to and including termination of employment.

In all cases of absence, employees shall notify their immediate supervisors the night before or no later than one and one‑half hours (1 1/2) hours before the normal work day begins.

Notification of Return

During extended periods of absence due to illness or injury, a classified employee, upon request, shall report weekly to his/her immediate supervisor on the condition of recovery and the anticipated date of return to work.

Employees on leave covered by the related policies listed below shall notify the Superintendent in writing by March 1 of the year the leave terminates of the date of their intent to return to the school system. Failure to do so will render the position vacant.

Leave Following Assault

The District shall provide leave with pay for employees assaulted while performing their assigned duties when the assault results in injuries that qualify the employee for workers’ compensation benefits. The period of leave shall not exceed one (1) calendar year following the assault. During that period, the employee shall not experience loss of income or benefits, including sick leave, under the terms and conditions set forth in KRS 161.155.

FMLA

Eligible employees may apply for leave under the provisions of the Family and Medical Leave Act of 1993.

References:

KRS 161.155; KRS 161.770

Family and Medical Leave Act of 1993

Related Policies:

03.2232, 03.22322, 03.2233, 03.2234, 03.224

LEGAL: KSBA IS RELOCATING PROVISIONS CONCERNING THE INTERPLAY OF SICK LEAVE WITH WORKERS’ COMPENSATION BENEFITS TO A COMPLETELY NEW AREA. A NEW POLICY IS PROVIDED IN THIS UPDATE. DISTRICTS ARE ADVISED TO NO LONGER ADHERE TO THE CURRENT PROVISIONS LINED THROUGH BELOW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL O03.224

‑ Classified Personnel ‑

Insurance

Insurance Provided by Board

The Board shall provide unemployment insurance,1 workers' compensation,2 and liability insurance for all classified personnel. 3 The Board also provides a group term life insurance policy equal in value to the employee's contract salary rounded to the next lower $1,000.00.

Workers' Compensation

Employees who qualify for workers’ compensation benefits following an assault and injury, while performing assigned duties, should refer to policy 03.223.

Employees who qualify for Workers' Compensation may be offered the opportunity to participate in an Early Return to Work Program. Transition employment need not be in the same job classification or location, but must comply with the treating physician's restrictions and amendments until the participating employee achieves maximum medical recovery.

Insurance Provided by State

The State provides group health and life insurance to employees who are eligible as determined by Kentucky Administrative Regulation.3

Optional Additional Coverage

Employees have the option to purchase additional group term life insurance, cancer indemnity and family health/hospitalization coverage.

References:

1KRS 341.050

2KRS 342.630

3702 KAR 1:035

 KRS 161.159

 OAG 83‑151

 Consolidated Omnibus Budget Reconciliation Act

 Kentucky Constitution (Section 3); KRS 161.155; KRS 342.730(6)

Related Policies:

03.2211, 03.223, 03.22322, 03.2241, 03.24

LEGAL: this PROPOSED NEW POLICY HAS BEEN DEVELOPED IN CONJUNCTION WITH THE STATE division OF wORKERS’ COMPENSATION TO SET OUT HOW EMPLOYEES CAN USE SICK LEAVE TO RETAIN 100% OF THEIR SALARY LEVEL WHILE ON LEAVE FOR A WORKERS’ COMPENSATION INJURY. IT IS THE eMPLOYEE’S DECISION WHETHER TO USE SICK LEAVE DURING SUCH LEAVE.

FINANCIAL IMPLICATIONS: none anticipated

# PERSONNEL A03.2241

‑ Classified Personnel ‑

Workers' Compensation Payments

Coordination with Sick Leave

Employees shall not be required to use sick leave in connection with a work related injury. However, employees claiming workers’ compensation income benefits who have sick leave available may choose to use sick leave in order to maintain the equivalent of full salary for the days they are unable to work. Employees shall not be entitled to payment in excess of one hundred percent (100%) of contracted salary.

Employee Election

In order to maintain full salary, employees may voluntarily elect to use sick leave to which they are entitled. To coordinate benefits in connection with the employee’s election to use sick leave1, the employee shall pay to the District a sum equal to workers’ compensation income benefits received for the same period that the employee uses sick leave. The employee may make such payment by endorsing the workers’ compensation benefits check to the District or by paying the District by personal check or cash. The employee’s sick leave balance shall then be reinstated to the extent of such payment.

References:

1KRS 161.155, KRS 342.730

Related Policies:

03.2232

03.22322

RECOMMENDED: CHANGES ARE RECOMMENDED TO REFLECT REPORTING REQUIREMENTS UNDER KRS 158.156. AS NOTED IN THE GUIDELINES SECTION, ALLEGATIONS OF HARASSMENT /DISCRIMINATION MAY BE SUBMITTED VERBALLY OR IN WRITING.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL A03.262

‑ Classified Personnel ‑

Harassment/Discrimination

Definition

Harassment/Discrimination of employees is unlawful behavior based on the race, color, national origin, age, religion, sex, genetic information or disability of an employee involving intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred or prejudice.

Prohibition

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

Disciplinary Action

Employees who engage in harassment/discrimination of another employee or a student on the basis of any of the areas mentioned above shall be subject to disciplinary action including but not limited to termination of employment.

Guidelines

Employees who believe they or any other employee, student, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. If an employee is not assigned to a particular school, a report of harassment/discrimination may be made to the employee’s immediate supervisor or to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report. Without a report being made to the Principal, Superintendent or Title IX/Equity Coordinator, the District shall not be deemed to have received a complaint of harassment/discrimination.

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.1

# PERSONNEL A03.262

#  (Continued)

Harassment/Discrimination

Guidelines (continued)

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) working days of receipt of the original complaint. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency;

The Superintendent/designee may take interim measures to protect complainants during the investigation.

1. A process to identify and implement, within three (3) working days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
2. A process to be developed and implemented to communicate requirements of this policy to all staff, which may include, but not be limited to the following:
* written notice provided in publications such as handbooks, staff memoranda, and/or pamphlets:
* postings in the same location as are documents that must be posted according to state/federal law; and/or
* such other measures as determined by the Superintendent/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District’s complete policy.

1. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination; and
2. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

Prohibited Conduct

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors and spreading sexual rumors;
3. Instances involving sexual violence;
4. Causing an employee to believe that he or she must submit to unwelcome sexual conduct in order to maintain employment or that a personnel decision will be based on whether or not the employee submits to unwelcome sexual conduct;
5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;

# PERSONNEL A03.262

#  (Continued)

Harassment/Discrimination

Prohibited Conduct (continued)

1. Seeking to involve individuals with disabilities in antisocial, dangerous or criminal activity where they, because of disability, are unable to comprehend fully or consent to the activity; and
2. Destroying or damaging an individual's property based on any of the protected categories.

Confidentiality

District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of all parties involved.

Appeal

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent.

If a supervisory staff member is an alleged party in the harassment/discrimination complaint, provision shall be made for addressing the complaint to a higher level of authority.

Failure by employees to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy, or to take corrective action shall be cause for disciplinary action.

Retaliation Prohibited

No one shall retaliate against an employee or student because s/he submits a grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

Upon the resolution of allegations, the Superintendent shall take steps to protect employees and students against retaliation.

Other Claims

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 03.212, 03.2325 and/or 09.422.

References:

1KRS 158.156

42 USC 2000e, Civil Rights Act of 1964, Title VII, KRS Chapter 344

29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations Implementing Title VII

20 U.S.C. 1681, Education Amendments of 1972, Title IX

34 C.F.R. 106.1-106.71, U. S. Department of Education Office for Civil Rights
 Regulations Implementing Title IX

Genetic Information Nondiscrimination Act of 2008

Related Policies:

03.212, 03.2325, 03.26, 09.2211, 09.422, 09.42811

RECOMMENDED: ALTHOUGH LANGUAGE SUGGESTED TO BE ADDED TO THE CAUSES FOR ACTION SECTION APPLIES TO CERTIFIED EMPLOYEES UNDER STATUTE AND REGULATION, KRS 161.011 AUTHORIZES THE BOARD TO ADDRESS THIS MATTER BY POLICY FOR CLASSIFIED EMPLOYEES. KSBA BELIEVES THIS CLARIFICATION WILL BOLSTER THE ADMINISTRATION’S POSITION TO TAKE DISCIPLINARY OR JOB ACTION WHERE THE NEW LANGUAGE APPLIES.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL A03.27

‑ Classified Personnel ‑

Discipline, Suspension and Dismissal of Classified Employees

Disciplinary Options

Classified employees may be subject to the following actions, to include, but not limited to:

1. Verbal warning or reprimand by Superintendent/designee
2. Written warning or private reprimand by Superintendent/designee
3. Probation imposed by Superintendent/designee
4. Reassignment (temporary or permanent) by Superintendent
5. Public reprimand by Superintendent
6. Suspension without pay by Superintendent
7. Nonrenewal by Superintendent
8. Dismissal (termination of contract) by Superintendent

Actions Which May Require Hearing Procedures

Only the Superintendent may issue a public reprimand, suspend without pay or terminate a classified employee. Subject to the employee’s exercise of applicable hearing rights, these personnel actions shall be effective on the employee’s receipt of written notice from the Superintendent. Subject to the completion of any pending administrative hearing procedure on the action, the Superintendent shall notify the Board at the first meeting following a public reprimand, suspension without pay, or termination and such notification shall be recorded in the Board minutes.

Temporary Suspension with Pay Pending Investigation

An employee may be relieved from duty for the remainder of the work day (without loss of pay for the affected portion of the day) by the immediate supervisor, pending a review of the facts or allegations, when such time is needed to protect health or welfare of students or staff or to prevent disruption of the educational process.

An employee shall be suspended with pay only when the Superintendent determines there is a justifiable need to protect the health, safety, or welfare of students and staff or to prevent significant disruption of the workplace and/or educational process. The period of suspension with pay shall not exceed the time needed to conduct an investigation and to determine whether the employee is to return to active service or face disciplinary action. However, suspension with pay shall not exceed ten (10) working days. If circumstances arise that require an investigation or other proceedings that may extend beyond ten (10) days, the Superintendent may lengthen the period of suspension, not to exceed an additional fifteen (15) working days.

# PERSONNEL A03.27

#  (Continued)

Discipline, Suspension and Dismissal of Classified Employees

Temporary Suspension with Pay Pending Investigation (continued)

Employees suspended with pay shall remain available for immediate recall to active service.

Causes for Action

Any classified employee may be subject to appropriate disciplinary or job action for one (1) or more of the following reasons:

1. Dishonesty, neglect of duty, incompetence, inefficiency or insubordination.
2. Reporting to work under the influence of or use or possession of alcohol or controlled substances while on duty, or the illegal use or possession of controlled substances at any time.
3. Unsatisfactory evaluation of any factor on the employee's performance evaluation report.
4. Repeated unexcused absence, tardiness, absence without notification or abuse of sick leave.
5. Violation of or refusal to obey local policies or state regulations adopted by the Kentucky Board of Education or by the Board.
6. Refusal to comply with safety directives.
7. Falsifying information supplied to the District including information on application forms, absence reports, or any other information.
8. Violation of local policy, state, or federal statutes or regulations that apply to assigned duties.
9. Being convicted of or entering an “Alford” plea or plea of nolo contendere to a felony or any crime (including misdemeanors) involving moral turpitude or illegal transactions with minors or students.
10. Immorality, misconduct, or conduct unbecoming a school employee.
11. Loss of licensure or certification required for the position.
12. Failure to maintain the confidentiality of information about students or staff obtained in the course of employment, unless disclosure serves a legitimate job-related purpose or is required by law.
13. Engaging in any sexually related behavior with a student with or without consent, including, but not limited to, behavior such as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape, threats of physical harm; and sexual assault.
14. Physical or mental disability, consistent with applicable laws protecting employees with disabilities.1

# PERSONNEL A03.27

#  (Continued)

Discipline, Suspension and Dismissal of Classified Employees

Due Process Provisions (Suspension Without Pay/Termination)

The Superintendent shall develop/adopt procedures to provide adequate due process, covering matters that may result in public reprimand, suspension without pay or termination of classified employees. The procedures shall address, but are not limited to notice, opportunity to be heard, right to counsel, conducting a hearing (if requested), and the rendition of a decision or action.

Employees shall be provided written notification of the charges that may result in a public reprimand, suspension without pay or termination. The notification shall include a statement of the right to a hearing and a form, the signing and filing of which with the Superintendent shall constitute a demand for a hearing and a denial of the charges. If an employee wishes to request a hearing, the employee shall present the appropriate form to the Superintendent within ten (10) calendar days of the receipt of the written notification of the charges. If the employee does not file the demand for a hearing within the ten (10) day period, final personnel action may be taken or completed without a hearing or further proceedings.

Other Disciplinary Actions

When disciplinary actions other than public reprimand, suspension without pay or termination, are at issue, employees may submit a written response, which shall be placed in their file along with any documentation of the disciplinary action.

References:

1Americans with Disabilities Act of 1990 as amended by the ADA Amendments Act of 2008, 42 U.S.C. Section §12111 et seq.; KRS Chapter 344

 KRS 160.380; KRS 160.390; KRS 161.011

 OAG 76‑290; OAG 92‑135, OAG 96-3, OAG 05-006

 Consolidated Omnibus Budget Reconciliation Act

Related Policies:

03.212

03.23251

03.26

03.271

03.2711

07.162

09.14

09.42811

RECOMMENDED: KSBA LEGAL STAFF RECOMMENDS THE NEW MARCH 15 DEADLINE TO PROVIDE THE SUPERINTENDENT SUFFICIENT TIME TO COMPLETE CERTAIN PERSONNEL ACTIONS AND TO HELP AVOID UNNECESSARY UNEMPLOYMENT CLAIMS.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL A03.2711

‑ Classified Personnel ‑

Nonrenewal

The Principal/immediate supervisor shall provide the Superintendent with notice of recommended nonrenewals by March 15.

Nonrenewal of contracts for classified personnel shall be made in compliance with the requirements of KRS 161.011, with written notice being mailed or provided to the employee by the Superintendent no later than May 15.

Basis for Nonrenewal (Less Than Four Years of Service)

The Superintendent may nonrenew the contracts of classified employees with less than four (4) years of continuous active service in the District for any legal reason.

Basis for Nonrenewal (Four or More Years of Service)

Classified employees with four (4) or more years of continuous active service in the District may be nonrenewed for the following reasons:

1. Incompetency,
2. Neglect of duty,
3. Insubordination,
4. Inefficiency,
5. Misconduct,
6. Immorality,
7. Other grounds contained in Board policy, including, but not limited to, causes for action set forth in Board policy 03.27,
8. Loss or reduction of funding, or
9. A position becomes obsolete or redundant due to program reorganization, changes to program requirements, elimination or reduction of a program, including a council decision that fewer employees are needed at the school, or any other change in District personnel staffing policies or guidelines.

Reference:

KRS 161.011

Related Policies:

03.27

03.271

RECOMMENDED: THIS CHANGE IS SUGGESTED TO CLARIFY THAT REIMBURSEMENT AT TIME OF RETIREMENT FOR UNUSED SICK LEAVE IS LIMITED FOR CERTAIN PERSONNEL.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL CA03.273

‑ Classified Personnel ‑

Retirement

Notice

Persons retiring should give the Superintendent notice as far in advance as possible but not less than two (2) weeks prior to retirement.

Unused Sick Days

At the time of initial retirement and under provisions of KRS 161.155 (10), the Board shall compensate classified employees, or their estate, for unused sick days at the rate of thirty per cent (30%) of the daily salary rate for each unused sick day. For personnel who begin employment with a local school district on or after July 1, 2008, unused sick leave days to be recognized in calculating reimbursement under KRS 161.155 shall not exceed 300 days.1 This calculation shall be based on the employee's last annual salary. Upon death of an employee in active contributing status who was eligible to retire by reason of service, the District shall compensate the estate of the employee.

Retirement Defined

1. Retirement shall mean retirement from the County Employees’ Retirement System based on the provisions mandated by the County Employee’s Retirement System; or
2. Retirement shall mean retirement from the Henderson County School System for those employees who are not a contributing member in the County Employee’s Retirement System based on work hours or if the employee opted out of the County Employee’s Retirement System in 1976. The following guidelines must apply before receiving the unused sick leave pay:
* Early Retirement: Age fifty-five (55) with at least five (5) years or sixty (60) months of service credit.
* Normal Retirement: Age sixty-five (65) or twenty-seven (27) years of service credit.

Escrow Account

The Board shall create an escrow account to maintain the funds necessary to reimburse employees who qualify for the retirement benefit.

References:

1KRS 161.155

29 U.S.C. 631

KRS 61.545; KRS 78.616; KRS 157.420

OAG 81‑72; OAG 83‑191; OAG 97-28

# PERSONNEL CA03.273

#  (Continued)

Retirement

Related Policy:

03.2232

RECOMMENDED: TO AVOID UNNECESSARY UNEMPLOYMENT CLAIMS, DOCUMENTATION OF REFUSALS OF OPPORTUNITIES TO SUBSTITUTE AND NOTIFICATION OF REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT SHOULD BE PROVIDED AS NOTED.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL BB03.4

Substitute Teachers

Qualifications

All substitute teachers shall meet criminal records check and medical examination requirements as specified in policies 03.11 and 03.111. In addition, substitutes serving in a position on a long-term/extended basis must meet all certification requirements established by the Education Professional Standards Board.

Substitute List

The Superintendent or designee shall maintain a list of qualified substitute teachers. The Superintendent or designee shall engage substitutes from this list. Refusal of assignment as a substitute shall be documented, along with any reason provided.

Retired Teachers

Retired teachers may be reemployed as a part‑time, temporary or substitute teacher in keeping with requirements of the Kentucky Teacher’s Retirement System.

Length of Duty

Substitute teachers shall observe the same hours of duty as the regular teacher. The substitute will continue to report for duty until relieved by the Superintendent or designee.

Substitute teachers shall follow daily lesson plans as outlined by the regular teacher and leave a written record of the work completed during their length of duty.

Substitute Salary and Payment Schedule

Substitutes shall be paid on a single-salary schedule based on training and experience. The Board shall adopt a pay schedule which may be the same, higher, or lower than the rate of pay for a regular full-time teacher.

Employment Notification

Each year, substitutes on the District's substitute list shall be notified in writing by the last day of school if they have reasonable assurance of continued employment for the following school year.

Nonrenewal of substitute teachers on limited contracts requires written notification by April 30 in compliance with KRS 161.750.

References:

KRS 17.160; KRS 17.165; KRS 156.106; KRS 161.605; KRS 161.611

16 KAR 2:030; 16 KAR 2:120; 102 KAR 1:030; 702 KAR 1:035; 702 KAR 3:075

OAG 69‑296

Related Policies:

03.11, 03.111, 03.121

LEGAL: THIS CHANGE IS RECOMMENDED TO MORE PRECISELY REFLECT STATUTORY LANGUAGE (KRS 161.148).

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL BI03.6

Volunteers

Definition

Volunteers are persons who do not receive compensation for assisting in school or District programs. Volunteers are encouraged to use their time and effort to support school and District programs. The Superintendent shall develop procedures that encourage volunteers to assist in school and/or District programs and to facilitate effective communication with persons who volunteer.

Teacher education students or students enrolled in an educational institution and who participate in observations and educational activities under direct supervision of a local school teacher or administrator in a public school shall not be considered volunteers.

Supervision

All volunteers shall provide assistance only under the direction and supervision of a member of the professional administrative and teaching staff.1

Volunteers who assist in the District on a scheduled and/or continuing basis shall be provided with the same liability insurance coverage as a District employee and shall be provided with a written task description detailing responsibilities and expectations, as well as specific qualifications that may be required.

Records Check

The District shall conduct, at District expense, a state criminal records check on all volunteers who have contact with students on a regularly scheduled and/or continuing basis, or who have supervisory responsibility for children at a school site or on school-sponsored trips.

Pursuant to KRS 160.380, the Superintendent/designee also may require volunteers to submit to a national criminal history background check for safety reasons. With prior approval of the Superintendent/designee, the background checks will be conducted at District expense. Otherwise, except as stated previously, the volunteer must pay for the background checks.

Persons convicted of or pleading guilty to any sexual offenses or any felony offenses shall not be utilized as volunteers.

No volunteer shall be utilized to supervise students, or deemed to have the authority to supervise students, unless the volunteer has been designated to supervise students by the Principal and approved by the Superintendent/designee, and the volunteer has undergone the required records check.

Orientation

The Superintendent/designee shall develop orientation materials to be provided to all volunteers who have contact with students on a regularly scheduled or continuing basis. These materials shall include, but not be limited to, pertinent policies and safety and emergency procedures.

# PERSONNEL BI03.6

#  (Continued)

Volunteers

References:

1KRS 161.148

 KRS 160.380

 KRS 161.044

Related Policies:

03.5

08.113; 08.1131

RECOMMENDED: KSBA LEGAL STAFF RECOMMENDS ADDING THE SUGGESTED DISCLAIMER AND SUGGESTS THE DISTRICT CONSIDER INCLUDING SIMILAR LANGUAGE IN THE DISTRICT’S USAGE APPLICATIONS/FORMS.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# SCHOOL FACILITIES AN05.3

Community Use of School Facilities

Who May Use

Under procedures developed by the Superintendent, the Board may grant the use of school facilities to responsible and organized local groups for purposes that provide demonstrable benefit to the schools or to the community as a whole. School facilities are not available to groups outside the school district unless approved by the Superintendent. School facilities shall not be used for personal or commercial activities.

Availability

The Board shall determine when and which facilities will be available to the community and may establish reasonable fees for their rental.

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 the renting organization must sign the application and contract. Approval of a request to use District facilities does not signify District sponsorship, endorsement or approval of an organization or activity.

Formal written application for the use of school property should be made to the school Principal as far in advance as possible.

Liability

The Board shall require the renting 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.

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.

Charges and Fees

The renting group or organization may be charged fees as established by the Board for the use of facilities.

All individual groups and organizations using school facilities for non‑school functions and activities shall be responsible to the Board for the payment of supervisory services which are provided by the Board.

# SCHOOL FACILITIES AN05.3

#  (Continued)

Community Use of School Facilities

Exception

Activities that are sponsored by approved student organizations, faculty groups, or school‑related parent groups may use school facilities without charge when approved by the Principal and supervised by school personnel.

Disregard of Rules

Disregard of the rules and regulations governing the use of school buildings and facilities shall result in the refusal of the Board to grant the offending group or organization further use of the buildings and facilities.

Restitution of Damages

The renting group or organization shall reimburse the Board for any repair of damages to or replacement of school property lost stolen, damaged, or vandalized while under its care.

References:

KRS 160.290

KRS 160.293

KRS 160.340

KRS 162.050

OAG 80‑78

OAG 60‑389

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

RECOMMENDED: FEDERAL DEPARTMENT OF TRANSPORTATION GUIDELINES CONCERNING DRUG TESTING OF BUS DRIVERS REQUIRE LOCAL POLICY TO CLARIFY WHAT CONSTITUTES REFUSAL FOR TESTING. IN ADDITION, GUIDELINES REQUIRE EMPLOYEES TO SIGN OFF TO SIGNIFY RECEIPT OF MATERIALS. A NEW REQUIRED REPORTS SECTION IS RECOMMENDED BASED ON PROVISIONS OF 702 KAR 5:080 CONCERNING ABILITY TO OPERATE A VEHICLE WHEN TAKING MEDICATION.

THIS CHANGE NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# TRANSPORTATION AT06.221

Bus Drivers' Use of Tobacco and Other Substances

Tobacco Products

While on the bus, bus drivers shall not use tobacco products and shall not permit students to use them.

Definitions

The following definitions apply for purposes of drug and alcohol testing required by federal and state law:

"Drugs" refers to controlled substances as prohibited by the Omnibus Act, including but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

"Alcohol" refers to the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including but not limited to, methyl and isopropyl. Alcohol use includes the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

Use Prohibited

All employees subject to commercial driver's license (CDL) requirements shall be prohibited from:

1. The use of any drugs, that may affect the employee’s ability to safely drive a school bus or perform other job responsibilities;
2. The use of alcohol:
3. While on duty;
4. Four (4) hours before driving;
5. Eight (8) hours following an accident; or
6. Consumption resulting in prohibited levels of alcohol in the system.

Required Reports

* Drivers taking medication either by prescription or without prescription shall report to the immediate supervisor and shall not drive if that medication may affect the driver's ability to safely drive a school bus or perform other driver responsibilities.2
* Drivers shall immediately report to the Superintendent or designee any traffic violation specified in Kentucky Administration Regulation.2

# TRANSPORTATION AT06.221

#  (Continued)

Bus Drivers' Use of Tobacco and Other Substances

Testing

All covered applicants and employees shall be subject to pre‑employment testing (controlled substances only), and reasonable suspicion, random and post‑accident testing for drugs and alcohol. Return‑to‑duty and follow‑up testing shall also be required.

All offers of employment with the District shall be made contingent upon testing results. An applicant who tests positive shall not be employed.

Current employees who test positive shall be subject to immediate disciplinary action up to and including dismissal in accordance with Board policy and administrative procedures. A school bus driver, substitute driver, school bus mechanic or anyone performing safety-sensitive pupil transportation duties who tests 0.02 percent or higher on the confirmation alcohol test immediately before, during, or immediately following the performance of these duties shall be relieved of these duties immediately. (Drivers found under the influence of alcohol or any illegal drugs while on duty or with remaining driving responsibilities that same day shall be dismissed from employment in accordance with Kentucky Administrative Regulation and Board policy and should not be eligible for reemployment for five [5] years.)

Employees who test positive shall be notified of referral services. Additionally, employees shall be subject to CDL prohibitions and penalties under the Omnibus Act and applicable Federal Motor Carrier Safety Regulations.

Applicants who refuse drug testing shall be eliminated immediately from employment consideration. Current employees who refuse to comply with testing requirements will be regarded as insubordinate and shall be subject to disciplinary action, up to and including dismissal.

Refusal to submit to an alcohol or controlled substance test means that the individual demonstrated noncompliance, including but not limited to the following actions:

* Failed to appear for any test within a reasonable period of time as determined by the employer and consistent with applicable Department of Transportation agency regulation;
* Failed to remain at the testing site until the testing process was completed;
* Failed to provide a sample specimen for any required test;
* Failed to provide a sample in an amount sufficient for testing without an adequate medical reason for the failure;
* Failed to undergo a medical examination as directed by the Medical Review Officer as part of the verification process for the previous listed reason;
* Failed or declined to submit to a second test that the employer or collector has directed the driver to take;
* Failed to cooperate with any of the testing process; and/or
* Adulterated or substituted a test result as reported by the Medical Review Officer.

# TRANSPORTATION AT06.221

#  (Continued)

Bus Drivers' Use of Tobacco and Other Substances

Testing Costs

Pre-employment drug testing costs shall be paid for by the District. All current employee drug and alcohol testing including reasonable suspicion, random and post-accident testing costs shall be paid for by the District. Each employee who is drug tested shall receive one (1) hour pay at the extra-curricular rate.

Materials to be Provided

The Superintendent/designee shall distribute educational materials to explain state and federal legal requirements for alcohol and controlled substance testing of CDL drivers and the District’s policies and procedures to implement it and answer questions about the materials. Materials shall meet content requirements of state and federal regulations and shall be distributed to each driver prior to the start of alcohol and controlled substances testing each year and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.

Each employee is required to sign a statement certifying that s/he has received a copy of these materials. If the District recognizes an organization to represent bus drivers, the District shall provide written notice to representatives of the organization of the availability of this information.1

References:

149 C.F.R. Part 382

2702 KAR 5:080

 KRS 438.050

 Omnibus Employee Testing Act of 1991, Public Law 102-143, Title V

Related Policies:

03.11; 03.13251; 03.17

03.21; 03.23251; 03.27

LEGAL: THIS CHANGE IS SUGGESTED TO CLARIFY THE AREAS THAT FEDERAL LAW PROTECTS IN RELATION TO STUDENT PARTICIPATION IN THE SCHOOL NUTRITION PROGRAM. ALSO, KDE has advised that FOOD SERVICE funds may not be used to collect meal charges.

FINANCIAL IMPLICATIONS: NONE

# SUPPORT SERVICES AR07.1

Food/School Nutrition Services

The Board shall provide a District-wide school nutrition program in compliance with applicable state and federal statutes and regulations. It is the intent of the Board that school nutrition services be a self‑supporting program.

Breakfast and Lunch

Cafeterias shall provide complete hot or cold meals as defined by federal regulations.

Food Service/School Nutrition Director

The District (or food service area to which the District belongs) shall appoint/select a Food Service/School Nutrition Director to oversee and manage the school nutrition service program.

Annual Report/Public Forum

Immediately following the release of the annual school nutrition report, the Board shall discuss the findings and seek public comment during a publicly advertised Board meeting.

By January 31 of each year, the Board shall hold an advertised public forum to present a plan to improve school nutrition in the District.

The District shall compile a summary of findings and recommendations and submit the summary to the Kentucky Board of Education.

Discrimination Complaints

The District does not discriminate on the basis of race, color, national origin, sex, age, or disability in its school nutrition program.

In compliance with state and federal requirements, the Superintendent/designee shall develop a process to address complaints of alleged discrimination in the delivery of benefits or services in the District’s school nutrition program, whether received in written or verbal form. District personnel shall assist parents/guardians and students wishing to file a complaint.

Meal Charges

Adults shall not be permitted to charge meals. Students may charge regular reimbursable lunch and breakfast for a limited time. No charging is allowed for extra a la carte items.

Parents will be notified weekly of student charges. Charges in excess of the limit shall require prior approval of the Principal/designee. Payment of cumulative charges is due within ten (10) days of the first charge.

If the parent does not make payment or other arrangements, students may be served an alternative meal and/or exclusion from extracurricular activities that are not part of the District’s educational program.

# SUPPORT SERVICES AR07.1

#  (Continued)

Food/School Nutrition Services

Meal Charges (continued)

To accommodate a possible change in a student’s family income, the Principal/designee shall encourage students/parents to return a completed application for free or reduced price meals in the following instances:

1. When a student makes repeated charges; or
2. When a student reaches the limit allowed for accumulated charges and payment is not made in a timely manner.

Food Service funds shall not be used to collect outstanding meal charges.

Any unpaid account may be forwarded to the Board Attorney for collection.

References:

KRS 156.160

KRS 158.852; KRS 158.856

KRS 160.290

702 KAR 6:010; 702 KAR 6:020; 702 KAR 6:040; 702 KAR 6:045

702 KAR 6:050; 702 KAR 6:060; 702 KAR 6:075

702 KAR 6:090

7 CFR §210.23, FNS Instruction 113

LEGAL: THE CHANGES INDICATED REFLECT REVISIONS MADE TO 704 KAR 3:305 FOR STUDENTS GRADUATING IN 2012 AND BEYOND. ALSO, CLARIFICATION IS SUGGESTED CONCERNING THE REQUIREMENTS OF KRS 158.622 (3)(B) THAT APPLY WHEN STUDENTS IN GRADES 5-8 TAKE COURSES TO APPLY TOWARD GRADUATION.

FINANCIAL IMPLICATIONS: POTENTIAL COSTS RELATED TO TRANSITION COURSES/ INTERVENTION APPROACHES.

# CURRICULUM AND INSTRUCTION M08.113

Graduation Requirements

Students must complete a minimum of twenty-seven (27) credits in order to graduate from high school beginning with the class of 2014.

Students that do not meet the college readiness benchmarks for English and language arts and/or mathematics shall take a transitional course or intervention before exiting high school.

In addition to Carnegie units, students may earn credit toward high school graduation through the District’s standards-based, performance-based credit system that complies with requirements of Kentucky Administrative Regulation. Procedures for the developing and amending the system shall address the following:

1. Conditions under which high school credit will be granted under the system that allow students to demonstrate proficiency and earn credit for learning acquired outside the normal classroom setting, outside of school, or in prior learning;

Performance-based credit may be earned while the student is still “in school,” but the instructional setting will look different from a traditional “seat time” environment.

1. Performance descriptors and their linkages to State content standards and academic expectations;

At the high school level, performance descriptors and evaluation procedures shall be established to determine if the content and performance standards have been met.

1. Assessments and the extent to which state-mandated assessments will be used;
2. An objective grading and reporting process; and
3. Criteria to promote and support school and community learning experiences, such as internships and cooperative learning, in support of a student’s individual learning plan. Such experiences shall be supervised by qualified instructors and aligned with State and District content and performance standards.
4. Students taking performance-based courses for credit toward graduation must be enrolled in the Henderson County Academy or in the Credit Recovery Program at Henderson County High School or make application to the Principal/designee of Henderson County High School.

In keeping with statutory requirements, the District shall:

1. Accept for credit toward graduation any course a student successfully completes through the Kentucky Virtual High School and incorporate the grade the student receives in a Kentucky Virtual High School course in calculating that student's grade point average without distinction between the grade received in the Kentucky Virtual High School course and courses taught within the school district for which the student receives a grade; and

# CURRICULUM AND INSTRUCTION M08.113

#  (Continued)

Graduation Requirements

1. Accept for credit toward graduation and completion of high school course requirements an advanced placement, a high school equivalent, or a Kentucky Virtual High School course taken by a student in grades 5, 6, 7, or 8 if that student attains performance levels expected of high school students in that district as determined by achieving a score of "3" or higher on a College Board Advanced Placement examination or a grade of "B" or better in a high school equivalent or a Kentucky Virtual High School course.2

Diploma Programs

All high school graduates of the District shall meet the requirements as written in one of three (3) career paths and the requirements of 704 KAR 3:305.

Other Provisions

Students shall complete an individual graduation/learning plan that incorporates emphasis on career development.

The high school student handbook shall include complete details concerning specific graduation requirements.

The Board may award a diploma to a student posthumously indicating graduation with the class with which the student was expected to graduate.

High school diplomas shall be awarded to students with disabilities in compliance with Kentucky Administrative Regulation.

Participation in Graduation

No pupil shall be permitted to participate in graduation exercises until all specified graduation requirements have been fulfilled, as determined by the Principal and staff.

Diplomas for Veterans

In keeping with statute and regulation, the Board shall award an authentic high school diploma to an honorably discharged veteran who did not complete high school prior to being inducted into the United States Armed Forces during World War II, the Korean conflict, or the Vietnam War.1

References:

1KRS 40.010

2KRS 158.622

 KRS 156.160; KRS 158.140, KRS 158.860; KRS 158.645; KRS 158.6451

 13 KAR 2:020; 702 KAR 7:125; 703 KAR 4:060; 704 KAR 3:303

 704 KAR 3:305; 704 KAR 3:340; 704 KAR 7:140; OAG 78‑348; OAG 82‑386

 Kentucky Core Academic Standards

Related Policies:

08.1131, 08.1132, 08.136, 08.14, 08.22

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

LEGAL: IN HOUSE BILL 192, THE 2011 GENERAL ASSEMBLY CREATED KRS CHAPTER 158.6450 TO REQUIRE DISTRICTS TO PROVIDE VOTER REGISTRATION AND PARTICIPATION INFORMATION TO TWELFTH GRADE STUDENTS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# CURRICULUM AND INSTRUCTION A08.1354

Voter Registration and Participation

Each high school shall provide twelfth (12th) grade students information on how to:

1. Register to vote;
2. Vote in an election using a ballot; and
3. Vote using an absentee ballot.

This information may be provided through classroom activities, written materials, electronic communication, Internet resources, participation in mock elections, and other methods identified by the Principal after consulting with teachers.

References:

KRS 116.045

KRS 158.6450

RECOMMENDED: PER NEW STATE REGULATION 703 KAR 5:200, TO AVOID HAVING TO SUBMIT A REPORT TO THE COMMISSIONER OF EDUCATION ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DISTRICT MUST ADOPT A POLICY ESTABLISHING THAT GRADES EARNED ON REQUIRED HIGH SCHOOL END-OF-COURSE EXAMS WILL COUNT AS 20% OF THE FINAL GRADE. THE BOARD MAY SET A DIFFERENT PERCENTAGE THAN SUGGESTED IN THIS DRAFT OR NO PERCENTAGE, PROVIDED THE DISTRICT ADHERES TO THE ANNUAL REPORTING REQUIREMENT.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# CURRICULUM AND INSTRUCTION EZ08.221

Grading

Achievement

Teachers shall maintain detailed, systematic records of the achievement of each student.

Elementary Progress Report

Each elementary teacher shall provide parents with a comprehensive report of their child’s progress toward meeting grade level standards. The report shall be based on observations/anecdotal notes, working portfolio of student’s performances and work samples, and student reflections.

Mid-term progress reports shall be sent to parents midway through each grading period.

Primary Progress Report shall be issued four (4) times each school year. The grading scale for the primary progress report shall include:

4 = Exceeding Standards

3 = Meeting Standards

2 = Making Progress Toward Standards

1 = Lacking Adequate Progress Toward Standards

Intermediate Progress Report shall be issued four (4) times each school year. Letter grades will be based upon work samples and performance collected throughout the grading period.

**Uniform Grading Scale:** A = 92 – 100

B = 82 – 91

C = 70 – 81

D = 60 – 69

F = 0 – 59

Middle School and High School Progress Report

Grading/Reporting standards shall be issued four (4) times each year. These evaluations shall provide a record of academic progress as well as conduct. Reports of unsatisfactory progress shall be sent to parents midway through the grading period.

A student’s grade shall not be lowered as a disciplinary action.

Letter or numerical grades for academic work shall be based on at least ten (10) graded and recorded assignments for each grading period and shall be assigned according to the following standards:

A = 92 – 100

B = 82 – 91

C = 70 – 81

D = 60 – 69

F = 0 – 59

# CURRICULUM AND INSTRUCTION EZ08.221

#  (Continued)

Grading

End-of-Course Exams

Grades earned on end-of-course exams required for high school courses designated by Kentucky Administration Regulation shall count as twenty percent (20%) of a student’s final grade in a course.

References:

KRS 158.140; KRS 158.645; KRS 158.6451; KRS 158.860; KRS 160.345; KRS 161.200

703 KAR 4:040

703 KAR 5:200

Related Policies:

02.441, 08.113, 08.22, 08.222, 08.5

LEGAL: 702 KAR 7:125, WHICH HAS BEEN REVISED, NO LONGER REQUIRES DISTRICTS TO SEND COPIES OF WRITTEN NONRESIDENT PUPIL CONTRACTS TO KDE BUT NOW REQUIRES THAT NONRESIDENT CONTRACT INFORMATION BE KEPT AT BOTH THE ATTENDING AND THE RESIDENT SCHOOLS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS A09.12

Admissions and Attendance

Residence Defined

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

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

Homeless Children and Youth

The District shall provide educational and related services to homeless children and youth in a manner that does not segregate or stigmatize students on the basis of their homeless status.

The District 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;
2. Continue attending their school of origin 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, limited English proficient).

The District shall designate an appropriate staff person to serve as liaison to homeless children and youth. The District liaison must provide public notice of the educational rights of homeless children in places where they receive services.2

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.

Nonresidents

Nonresident pupils may be admitted to the District's schools in accordance with Board policy and upon approval of the Superintendent.3

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

Transfer of ADA

Nonresident pupils may be admitted to the District 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

# STUDENTS A09.12

#  (Continued)

Admissions and Attendance

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 District based on the following guidelines:

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

These requirements do not apply to immigrant students residing in the District 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
2. 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 District and seeks to enroll, the District 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 District shall offer the student, parent/guardian, or other persons having legal custody or control of the student a hearing before the Board.

# STUDENTS A09.12

#  (Continued)

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

 704 KAR 7:090; OAG 91-171

 Public Law 104-208; P. L. 107-110 (No Child Left Behind Act of 2001)

 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:

09.11, 09.123, 09.124, 09.125, 09.211

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

RECOMMENDED: THE KENTUCKY DEPARTMENT OF EDUCATION HAS ADVISED THAT BOARD POLICY MAY PERMIT SCHOOL DAYS TO BE SHORTENED FOR STUDENTS WITH A 504 PLAN THAT SUPPORTS THE NEED.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS BY09.1221

Part‑Time Students

The Board will consider a shortened school day only for students authorized to attend part-time in accordance with this policy, preschool and kindergarten students, and for students with an individual education plan or 504 plan that supports a shortened day.

Part-time Status

Unless otherwise approved by the Principal, students may attend only those classes necessary to complete graduation requirements.

A part-time student shall abide by all behavioral and attendance regulations.

Reference:

KRS 339.210

KRS 339.220

KRS 339.230

KRS 339.360

702 KAR 7:125

Section 504 of Rehabilitation Act of 1973, Americans with Disabilities Act of 1990

Related Policies:

08.131

08.31

09.13

LEGAL: CHANGES TO THE RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT REQUIRE ADDITIONAL MONITORING AND REPORTING OF SCHOOL WELLNESS POLICIES.

FINANCIAL IMPLICATIONS: STAFF TIME NEEDED TO COMPILE DATA AND REPORTING.

# STUDENTS CR09.2

Student Welfare and Wellness

The health and safety of pupils shall be a priority consideration in all Board decisions.

The Board is committed to providing school environments that promote and protect student health, well-being, and ability to learn by supporting healthy eating and physical activity. To this end, the Board supports school efforts to implement the following:

* All students will have opportunities, support, and encouragement to be physically active on a regular basis as provided by school/council policy.
* Foods and beverages sold or served at school will meet the nutrition recommendations of the *U.S. Dietary Guidelines for Americans*.
* Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.
* To the maximum extent practicable, schools will participate in available federal school meal programs.
* Schools will provide and promote nutrition education and physical education to foster lifelong habits of healthy eating and physical activity and will establish linkages between health education, school meal programs, and related community services.

A process shall be implemented to engage students, parents, physical and/or health education teachers, school food service professionals, school health professionals, school board members, schooladministrators, and other interested community members in developing, implementing, monitoring, and reviewing this policy.

Nutrition Education and Promotion

Each school will provide nutrition education and engage in nutrition promotion that:

* is offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
* promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
* emphasizes caloric balance between food intake and energy expenditure (physical activity/exercise);
* links with school meal programs, other school foods, and nutrition-related community services;
* includes training for teachers and other staff.

# STUDENTS CR09.2

#  (Continued)

Student Welfare and Wellness

Monitoring

The Superintendent/designee will monitor compliance with this and related policies. At the school level, the Principal/designee will monitor compliance with those policies in his/her school and will report on the school's compliance as directed by the Superintendent/designee.

Progress Report

The District shall periodically measure and update the public on the content and progress of implementation of its school wellness efforts. The report shall include:

1. Extent to which the District is in compliance with this policy;
2. A comparison of how the District measures up to model wellness policies provided by recognized state and national authorities; and
3. A description of the measurable progress made towards reaching goals of the District wellness policy and addressing any gaps identified in the wellness report for the previous year.

Reference:

P. L. 111-296

RECOMMENDED: THE SEPARATE REFERENCE TO THE 2010-2011 SCHOOL YEAR FOR THE REQUIRED DENTAL EXAMINATION IS NO LONGER NEEDED.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS Z09.211

Health Care Examinations

All pupils shall undergo preventative health care, dental, and vision examinations as required by Kentucky Administrative Regulation, which shall be reported on the state forms required by state regulation.1

Immunizations

A valid immunization certificate form required by 704 KAR 4:020 shall be on file upon a student’s entry into school.1, 2 & 3

Forms relating to exemptions from immunization requirements shall be available at each school.

Immunization certificates shall be kept current.1

A TB Skin test shall not be required by the District except upon notification from the local Health Department.

References:

1KRS 156.160; 704 KAR 4:020

2KRS 214.036; KRS 214.034

3KRS 158.035

902 KAR 2:060; 902 KAR 2:090

 OAG 82‑131

 Health Services Reference Guide, Kentucky Department of Education

Related Policies:

 09.121

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

LEGAL: THE 2011 GENERAL ASSEMBLY AMENDED KRS 161.185 TO CLARIFY THAT A CERTIFIED OR CLASSIFIED STAFF MEMBER WHO IS AT LEAST TWENTY-ONE (21) YEARS OF AGE MUST ACCOMPANY STUDENTS ON ALL SCHOOL-SPONSORED OR SCHOOL-ENDORSED TRIPS. IN ADDITION, THE NEW STATUTORY LANGUAGE SPECIFIES THAT THE BOARD MAY APPROVE THE JOB CLASSIFICATIONS OF STAFF MEMBERS WHO MAY ACCOMPANY STUDENTS ON TRIPS. HOUSE BILL 427 WAS DECLARED AN EMERGENCY AND IS NOW IN EFFECT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS M09.221

Supervision of Students

Students will be under the supervision of a qualified adult.

Strict Account

Each teacher and administrator shall hold pupils to a strict account for their conduct on school premises, on the way to and from school, and on school‑sponsored trips and activities.1

A certified or classified staff member must accompany students on all school-sponsored or school-endorsed trips. Persons designated to accompany students shall be at least twenty-one (21) years old. The Superintendent/designee may present for Board approval a list of job classifications of staff members who may be authorized to accompany students on school-sponsored or school-endorsed trips.2

A nonfaculty coach or a nonfaculty assistant may accompany students on athletic trips as provided in statute.1

Students shall not be excused to leave the school grounds for lunch.

Access to School Property During the School Day

Unless they are authorized visitors, only those students who are enrolled in the District and on property for an official school purpose, such as receiving instruction or participating in a school sponsored extra-curricular activity, shall be permitted on the property during the school day. If a student who is officially absent or on home/hospital instruction wishes to come onto property during the school day, the student shall first go to the Principal/designee, seek permission to be on the property, and check in. Permission may be granted for the student to be on school property if the purpose relates to educational needs of the student that cannot be accomplished outside of school hours, and the student remains on the property only for the time needed to accomplish that purpose. This requirement is necessary to address supervision and safety concerns of students who come on property during the school day.

Student Registrants

The Principal is authorized to set supervision requirements and limitations, as appropriate, that apply to students enrolled in the school who are registrants as defined in KRS 17.500. If the Principal has set limitations, restrictions or requirements, they shall be put into writing and a copy provided to the student/guardian.

Errands

No employee shall send a student on an errand off school property without the prior approval of the Principal.

# STUDENTS M09.221

# (Continued)

Supervision of Students

After Hours

Only those students who are involved in school activities and under the direct supervision of a faculty member or other approved school personnel shall be permitted in school buildings after school hours.

References:

1KRS 161.180

2KRS 161.185

KRS 17.545

702 KAR 5:030

Related Policies:

09.36

10.5

LEGAL: THE 2011 GENERAL ASSEMBLY AMENDED KRS 161.185 TO CLARIFY THAT A CERTIFIED OR CLASSIFIED STAFF MEMBER WHO IS AT LEAST TWENTY-ONE (21) YEARS OF AGE MUST ACCOMPANY STUDENTS ON ALL SCHOOL-SPONSORED OR SCHOOL-ENDORSED TRIPS. IN ADDITION, WHEN OUT-OF-STATE TRIPS ARE TO BE TAKEN, PLANS MUST BE MADE FOR STUDENTS REQUIRING MEDICATION. TO ASSURE CONSISTENCY, THE DISTRICT SHOULD REVIEW ANY CURRENT TRIP MEDICATION ADMINISTRATION LANGUAGE IN 09.2241 POLICY/PROCEDURE WHEN CONSIDERING THIS PROPOSAL

FINANCIAL IMPLICATIONS: NONE

# STUDENTS AT09.36

School‑Related Student Trips

The Board encourages school‑related trips that are of an educational nature and do not disrupt the regular transportation of students to and from school. Such trips are to be an extension of the regular classroom work and an integral part of the educational program. This also applies to trips made by groups representing the school.

Principal to Approve

The school Principal shall have the authority to approve school‑related trips which fall into the following categories:

1. All regularly scheduled athletic events;
2. All athletic trips which are part of a tournament or play‑off in which the school is a participant; and
3. All school‑related trips made within a 250 mile radius of the school.

Prior Approval

All school‑related trips within the above guidelines shall have the prior approval of the Principal and the Director of Transportation. Overnight trips shall also have the prior approval of the Superintendent. No academic trips may be taken after Memorial Day each year.

Prior Approval For Other Trips

Any trips not falling within the guidelines above shall require recommendation by the Superintendent and prior approval by the Board.

Board Regularly Informed

The Board shall be regularly informed of any trip falling within these guidelines.

Requests for Vehicles

Requests for use of Board‑owned vehicles shall be channeled through the Principal to the Superintendent or the Superintendent's designee at least three (3) days prior to the trip.

Drivers/Vehicles

All District-owned vehicles shall be driven by an adult duly qualified and licensed to operate the vehicle. Drivers of school vehicles and operation of District-owned passenger vehicles transporting students shall be in compliance with requirements specified in applicable statutes and administrative regulations.1

Driving Record

Under procedures developed by the Superintendent, any person who drives a Board‑owned vehicle and/or who transports students shall provide the Board with a copy of his/her driving record from the Kentucky Department of Transportation.

# STUDENTS AT09.36

#  (Continued)

School‑Related Student Trips

Vehicles

# Only Board insured vehicles and appropriately certificated common carriers shall be used for transporting students.3 All vehicles must be picked up at and returned to the bus garage.

Supervision

A certified or classified staff member must accompany students on all school-sponsored or school-endorsed trips. For athletic trips, a nonfaculty coach or a nonfaculty assistant may accompany students as provided in statute. Persons designated to accompany students shall be at least twenty-one (21) years old.2

Passengers

Participants, their teachers, coaches, directors or leaders, and those serving as chaperones or supervisors may be transported by Board‑owned vehicles. Spectators, rooters, parents and others not associated with the activity shall not be transported by Board‑owned vehicles. For the transportation of secondary students outside the school district, buses will maintain a maximum of two-thirds (2/3) capacity.

Medication

Administration of medication to students during field trips shall comply with applicable law, regulation and medication administration training developed by the Kentucky Department of Education.

When students will be travelling outside the state, the Superintendent’s designee shall do the following:

1. Determine applicable legal requirements concerning delegation of student medication responsibilities in states through which students will be travelling; and
2. Assign staff to accompany students on the field trip to address student medication needs.

Parents' Approval

Parents are to be informed of the nature of the trip, the approximate departure and return times, means of transportation, and any other relevant information. Parents must give written approval for students to participate in school‑sponsored trips.

Fees

School vehicles are for the transportation of pupils to and from school but may be used for official school‑related trips and limited 4‑H activities.

School groups shall be responsible for paying bus drivers at rates determined by the Superintendent or the Superintendent's designee and approved by the Board.

Non‑school-related groups using Board vehicles for transportation shall be required to pay a mileage rate and the cost of the driver according to rates approved by the Board.

# STUDENTS AT09.36

#  (Continued)

School‑Related Student Trips

References:

1KRS 156.153

2KRS 161.185

3702 KAR 5:060

 702 KAR 3:220, 702 KAR 5:030, 702 KAR 5:080, 702 KAR 5:130

 KRS 158.110, KRS 160.340, KRS 189.125, KRS 189.540

Related Policies:

03.1321, 03.213, 06.15

06.35, 06.5, 09.15

09.221

09.2241

RECOMMENDED: THESE CHANGES ARE RECOMMENDED BECAUSE THE U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS (OCR) HAS NOTIFIED SCHOOLS THAT TOLERATING OR NOT ADEQUATELY ADDRESSING BULLYING MAY ALSO VIOLATE CIVIL RIGHTS LAWS. THE NOTIFICATION STATED SCHOOLS MUST HOLD STAFF ACCOUNTABLE TO ADDRESS SUCH INCIDENTS.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS A09.422

Bullying/Hazing

In order to effectively participate in the democratic process as adults, students must learn to respect the rights of others and to interact with them in a civil manner. Therefore, students are required to speak and behave in a civil manner toward students, staff and visitors to the schools.

Actions Not Tolerated

The use of lewd, profane or vulgar language is prohibited. In addition, students shall not engage in behaviors such as hazing, bullying, menacing, taunting, intimidating, verbal or physical abuse of others, or other threatening behavior.1 This policy extends to any/all student language or behavior including, but not limited to, the use of electronic or online methods. Such behavior is disruptive of the educational process and interferes with the ability of other students to take advantage of the educational opportunities offered.

These provisions shall not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions where the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.

Students who violate this policy shall be subject to appropriate disciplinary action.

Reports

As provided in the District Code of Acceptable Behavior and Discipline, students that believe they are victims of bullying/hazing shall be provided with a process to enable them to report such incidents to District personnel for appropriate action.

Employees are expected to take reasonable and prudent action in situations involving student welfare and safety, including following District policy requirements for intervening and reporting to the Principal or to their immediate supervisor those situations that threaten, harass, or endanger the safety of students, other staff members, or visitors to the school or District. Such instances shall include, but are not limited to, bullying or hazing of students and harassment/discrimination of staff, students or visitors by any party.

Students who believe they have been a victim of bullying or who have observed other students being bullied shall, as soon as reasonably practicable, report it.

The District Code shall specify to whom reports of alleged instances of bullying or hazing shall be made. In serious instances of peer-to-peer bullying/hazing/harassment, employees must report to the alleged victim’s Principal, as directed by Board policy 09.42811. The Principal/designee shall investigate and address alleged incidents of such misbehavior.

In applicable cases, employees must report bullying and hazing to appropriate law enforcement authorities and complete documentation as required by the District’s harassment/discrimination policies covering federally protected areas.

# STUDENTS A09.422

#  (Continued)

Bullying/Hazing

Other Claims

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.426 and/or 09.42811. Harassment/discrimination allegations shall be governed by Policy 09.42811.

References:

1KRS 158.150; KRS 158.148; KRS 158.156

 KRS 160.290

 Bethel School District No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549

 (1986)

 Tinker v. Des Moines Independent School District, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)

Related Policies:

03.162; 03.262; 09.13; 09.421; 09.425; 09.426; 09.4281; 09.42811; 09.438

09.2211 (re reports required by law)

RECOMMENDED: CHANGES ARE RECOMMENDED BECAUSE THE U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS (OCR) HAS NOTIFIED SCHOOLS THAT TOLERATING OR NOT ADEQUATELY ADDRESSING BULLYING MAY ALSO VIOLATE CIVIL RIGHTS LAWS CONCERNING HARASSMENT/DISCRIMINATION BASED ON FEDERALLY PROTECTED AREAS. IN ADDITION, CHANGES ARE RECOMMENDED TO REFLECT REPORTING REQUIREMENTS UNDER KRS 158.156. AS NOTED IN THE GUIDELINES SECTION, ALLEGATIONS OF HARASSMENT /DISCRIMINATION MAY BE SUBMITTED VERBALLY OR IN WRITING.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS AN09.42811

Harassment/Discrimination

Definition

Harassment/Discrimination is unlawful behavior based on race, color, national origin, age, religion, sex or disability that is sufficiently severe, pervasive, or objectively offensive that it adversely affects a student's education or creates a hostile or abusive educational environment.

The provisions of this policy shall not be interpreted as applying to speech otherwise protected under the state or federal constitutions where the speech does not otherwise materially or substantially disrupt the educational process, as defined by policy 09.426, or where it does not violate provisions of policy 09.422.

Prohibition

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

Disciplinary Action

Students who engage in harassment/discrimination of an employee or another student on the basis of any of the areas mentioned above shall be subject to disciplinary action, including but not limited to suspension and expulsion.

Guidelines

Students who believe they or any other student, employee, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report. Without a report being made to the Principal, Superintendent or Title IX/Equity Coordinator, the District shall not be deemed to have received a complaint of harassment/ discrimination.

Employees who believe prohibited behavior is occurring or has occurred shall notify the victim’s Principal, who shall immediately forward the information to the Superintendent.

# STUDENTS AN09.42811

#  (Continued)

Harassment/Discrimination

Guidelines (continued)

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) school days of receipt of the original complaint. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency.

The Superintendent/designee may take interim measures to protect complainants during the investigation.

1. A process to identify and implement, within ten (10) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
2. A process to be developed and implemented to communicate requirements of this policy to all students, which may include, but not be limited to, the following:
* written notice provided in publications such as handbooks, codes, and/or pamphlets; and/or
* such other measures as determined by the Superintendent/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District’s complete policy/procedures and obtain assistance in reporting and responding to alleged incidents. Students, parents or guardians, as appropriate, will be directed to sign an acknowledgement form verifying receipt of information concerning this policy as part of the Board-approved code of acceptable behavior and discipline.

1. Age-appropriate training during the first month of school to include an explanation of prohibited behavior and the necessity for prompt reporting of alleged harassment/discrimination; and
2. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation, including, but not limited to, interpreters for hearing impaired and visually impaired students and assistance in reading and filling out necessary papers.

When sexual harassment is alleged, the District's Title IX Coordinator, as designated in the student handbook/code, shall be notified.

Notifications

Within twenty-four (24) hours of receiving a serious allegation of harassment/discrimination, District personnel shall attempt to notify parents of both student victims and students who have been accused of harassment/discrimination.

In circumstances also involving suspected child abuse, additional notification shall be required by law. (See Policy 09.227.)

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.1

# STUDENTS AN09.42811

#  (Continued)

Harassment/Discrimination

Prohibited Conduct

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Instances involving sexual violence;
4. Causing a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity or that an educational decision will be based on whether or not the student submits to unwelcome sexual conduct;
5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
6. Seeking to involve students with disabilities in antisocial, dangerous or criminal activity where the students, because of disability, are unable to comprehend fully or consent to the activity; and
7. Destroying or damaging an individual's property based on any of the protected categories.

Confidentiality

District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of both victims and persons accused of violations.

Appeal

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent.

If a supervisor is an alleged party in the harassment/discrimination complaint, a written complaint shall be submitted to a higher level of authority.

Failure by employees to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy, or to take corrective action shall be cause for disciplinary action.

Retaliation Prohibited

No one shall retaliate against an employee or student because s/he submits a grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

Upon the resolution of allegations, the Superintendent shall take steps to protect employees and students against retaliation.

# STUDENTS AN09.42811

#  (Continued)

Harassment/Discrimination

False Complaints

Deliberately false or malicious complaints of harassment/discrimination may result in disciplinary action taken against the complainant.

Other Claims

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 09.426.

References:

1KRS 158.156

42 USC 2000e, Civil Rights Act of 1964, Title VII

Racial Incidents and Harassment Against Students at Educational Institutions;

 Investigative Guidance (U.S. Department of Education)

U. S. Supreme Court - Franklin vs. Gwinnett County

29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC)

 Regulations Implementing Title VII

20 U.S.C. 1681, Education Amendments of 1972, Title IX

34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights

 Regulations Implementing Title IX

Gebser v. Lago Vista Independent School Dist., 118 S. Ct. 1989 (1998)

Davis v. Monroe County Bd. of Educ., 119 S. Ct. 1661 (1999)

Related Policies:

03.162, 03.262, 09.13, 09.2211, 09.227, 09.422, 09.426, 09.438

LEGAL: NEW AMERICANS WITH DISABILITIES ACT (ADA) REGULATIONS REQUIRE GOVERNMENT ENTITIES TO PROVIDE EXPANDED ACCESS TO GOVERNMENT PROPERTY AND SERVICES TO INDIVIDUALS WITH DISABILITIES.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# COMMUNITY RELATIONS G10.5

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. To ensure that school personnel are aware of visitors' presence, all visitors must report immediately to the Principal's office and obtain permission to visit upon entering the school and identify themselves as well as declare their purposes for visiting.

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:
2. A sex crime; or
3. A criminal offense against a victim who is a minor; or
4. Any person required to register under KRS 17.510; or
5. Any sexually violent predator; or
6. 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.

# COMMUNITY RELATIONS G10.5

#  (Continued)

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 Superintendent.

Conduct

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

Use of Tobacco Prohibited

The use of any tobacco product is prohibited in any building owned or operated by the Board.

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

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

# COMMUNITY RELATIONS G10.5

#  (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