

Recommended Policy Changes

Attached you will find the recommended policy changes for the district. These will be presented to the board for approval at the June board meeting. If additional changes are made prior to the June meeting, the changes will be printed in red.

We have followed the KSBA format in that new wording or additional sections are underlined to indicate it's an addition. Wording to be deleted is either shown with brackets around it [example] or as a strikeover [~~strikeover~~]. In this way you can see how the current policy reads and what effect the changes will have.

LEGAL: THE 2012 GENERAL ASSEMBLY ADDED NEW SECTIONS OF KRS 156 AND KRS 160 TO ALLOW DESIGNATED DISTRICTS AND SCHOOLS OF INNOVATION TO BE GRANTED EXEMPTIONS AND WAIVERS FROM SPECIFIED KENTUCKY REVISED STATUTES, KENTUCKY ADMINISTRATIVE REGULATIONS, AND, FOR A SCHOOL OF INNOVATION, CERTAIN BOARD POLICIES.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.11

General Powers and Duties of the Board

ESTABLISHMENT OF SCHOOLS

The Board has general control and management of the public schools in its district. The Board may establish schools and provide for courses and other services it deems necessary for the promotion of education and the general health and welfare of pupils, consistent with the administrative regulations of the Kentucky Board of Education.¹

REQUEST FOR WAIVER AND EXEMPTIONS

The Board may authorize the Superintendent to request, on behalf of the District, a waiver of state regulations and/or reporting requirements established by a Kentucky Revised Statute requiring paperwork to be submitted to the Kentucky Board of Education or the Department of Education as permitted by statute.

When approved as a district of innovation by the Kentucky Board of Education, the District may be granted waivers and exemptions from selected Kentucky Administrative Regulations, Kentucky Revised Statutes, and, for a school of innovation, certain Board policies. A school may decide whether it voluntarily chooses to be designated as a school of innovation and, thus, be included in the District's application and plan. However, the Board may require a school identified as persistently low-achieving under KRS 160.346 to participate in the District's plan of innovation.¹¹

SCHOOL FUNDS AND PROPERTY

The Board has control and management of all school funds and public school property and may use its funds and property to promote public education.¹

ADMINISTRATION

The Board shall exercise generally all powers prescribed by law in the administration of the public school system, appoint the Superintendent of Schools, create and abolish positions, establish job classifications, and fix the compensation of employees.¹

MANAGEMENT

The Board may set goals for the District and shall make and adopt, and may amend or repeal policies for its meetings and proceedings for the management of the schools and school property of the district, for the transaction of its business and for the qualifications and duties of employees and the conduct of pupils.

SUBPOENA

The Board may, in any investigation or proceeding before it, concerning a matter that may be a proper subject of inquiry by it, summon witnesses by subpoena, enforce their attendance, and require that they testify under properly administered oath.²

General Powers and Duties of the Board**INSURANCE**

The Board may set aside funds to provide for liability and indemnity insurance against the negligence of the drivers or operators of school buses, other motor vehicles, and mobile equipment owned or operated by the Board.³ The Board may expend funds necessary for liability insurance premiums and for the defense of any civil action brought against an individual Board member in an official or individual capacity, or both, on account of an act made in the scope and course of the performance of legal duties as a Board member.⁴ The Board shall make available liability insurance coverage for the protection of all members of school councils from liability arising in the course of pursuing their duties as members of the councils.⁹

As long as they pay the full cost of premiums required, Board members may choose to participate in any group medical or dental insurance provided by the District for employees.¹⁰

FREE SUPPLIES

The Board may furnish necessary school supplies free of charge to indigent children in its school district, or to such other children as it deems advisable, under such rules and regulations as it may adopt.

The Superintendent shall recommend and the Board shall approve a process to waive fees for students who qualify for free and reduced-priced lunches. All students who qualify shall be informed in writing of the fee waiver provisions. Mandatory waiver of fees for qualifying students shall be accomplished in compliance with applicable statutory and regulatory requirements.⁵

REPORTS

The Board shall, on forms prepared by the Commissioner of Education and approved by the Kentucky Board of Education, prepare and submit to the Kentucky Board of Education reports on all phases of its school service. It may prepare and publish for the information of the public a report on the progress of its schools.⁶

LEVY OF TAX RATES

As part of the budgetary process, the Board shall levy tax rates in compliance with statutory and regulatory requirements.⁷

POWER TO BORROW FUNDS

The Board may borrow money on the credit of the Board and issue negotiable notes in anticipation of revenues from school taxes and state revenue for the fiscal year in which the money is borrowed and may pledge the anticipated revenues for the payment of principal and interest on the loan.⁸

CONTRACT WITH CONSULTANTS

The Board may contract for consulting services to provide specialized advice or assistance to the school system concerning educational, management, or administrative matters.⁴

Consultants who serve the District shall exercise no authority over District employees, but will act only as advisor in accordance with their contract.

General Powers and Duties of the Board**APPLICATIONS FOR GRANTS**

Schools, employees, and school-related groups who are applying for grants on behalf of the District or District schools shall send a copy of the completed application to the Superintendent/designee, who shall present the application to the Board with a recommendation for approval or disapproval. Such applications shall not be submitted until the Board gives its approval.

REFERENCES:

¹KRS 160.290; ²KRS 160.300

³KRS 160.310; ⁴KRS 160.160

⁵KRS 160.330; ⁶KRS 160.340

⁷KRS 160.470; ⁸KRS 160.540

⁹KRS 160.345; ¹⁰KRS 160.280

¹¹New section of KRS 156.____; New section of KRS 160.____; KRS 160.346

KRS 116.200; KRS 156.072; KRS 156.160

KRS 161.158; KRS 162.010; KRS 416.560

OAG 91-10; OAG 91-122; OAG 95-10; 702 KAR 3:220

RELATED POLICIES:

01.41; 01.5; 01.7; 03.124; 03.224

LEGAL: THE 2012 GENERAL ASSEMBLY ADDED A NEW SECTION TO KRS 156 TO PERMIT A DESIGNATED SCHOOL OF INNOVATION TO BE GRANTED EXEMPTIONS AND WAIVERS FROM SPECIFIED BOARD POLICIES.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.5

School Board Policies

TOPICS

The Board shall file in the Board's office its policies including, but not limited to, the following matters:

1. Transportation of pupils;
2. Discipline and conduct of pupils;
3. Limitations or restrictions on use of school facilities;
4. Conduct of meetings of the Board; including policies on the calling of executive sessions;
5. Personnel policies that apply to certified employees including duties, fringe benefits, salary schedules, non-classroom duties, professional development, teacher-student ratio, hiring, assignment, transfer, dismissal, suspension, reinstatement, promotion and demotion;
6. Employment and evaluation of the Superintendent of schools;
7. Identification and statement of District goals and objectives and establishment of criteria to determine District progress;
8. Evaluation of certified employees;
9. Selection of textbooks and instructional materials;
10. Expenditure and accounting for school funds, including all special funds; and
11. Policies dealing with school-based decision making.¹

INTENTION

It is intended that these policies shall cover matters within the authority and discretion of the Board and not matters otherwise required by law or regulation.¹

UPDATING

Such policies shall be kept up-to-date by filing annual amendments thereto by August 15 and shall be public records.¹

DISSEMINATION OF POLICY

The Superintendent shall develop and implement a system whereby each employee or students shall have access to Board policies

All Board policies shall be posted on the District website or at ksba.org making them accessible to all District personnel and to the public at large.

MAINTENANCE OF POLICY MANUALS

The official policy manual shall be housed in the Central Office, and kept current through a system developed and implemented by the Superintendent.

School Board Policies

POLICIES ARE BINDING

All policies of the Board are binding on employees of the District, schools, students, and on the Board itself.² Employees and students who fail to comply with Board policies may be subject to disciplinary action.

Exception: Policy exemptions may apply to a participating school of innovation as specified in the District's application for district of innovation status as approved by the Kentucky Board of Education.³

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Exception: In the areas specified by KRS 160.345, councils may adopt school policies that differ from Board policy.

REFERENCES:

¹KRS 160.340

²KRS 160.290

³New section of KRS 156.

New section of KRS 160.

KRS 160.345

RELATED POLICIES:

01.0

01.11

01.6

01.61

LEGAL: THE 2012 GENERAL ASSEMBLY ADDED A NEW SECTION TO KRS 160 TO PERMIT SCHOOLS TO REQUEST TO BE INCLUDED IN THE DISTRICT'S APPLICATION TO BE DESIGNATED AS A DISTRICT OF INNOVATION.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.413

Exemption

Any school performing above its threshold level requirement as determined by the Kentucky Department of Education under KRS 158.6455 may apply to the Kentucky Board of Education for exemption from SBDM. Any school that requests such exemption shall inform the Superintendent and the Board.

When and if a school desires to be exempted from SBDM, the school shall develop a policy for exemption from SBDM in compliance with KRS 160.345(5). After being granted an exemption, a school may re-enter SBDM by following the process specified below, but must re-enter SBDM if it subsequently fails to meet threshold requirements at the end of any testing cycle.

An exemption, once granted by the Kentucky Board of Education, shall continue unless the school fails to meet threshold requirements or votes to return to SBDM.

VOTE TO RETURN

A vote to enter into SBDM shall be held no more than once every sixty (60) calendar days. Faculty members of a school who wish to re-enter School Based Decision Making (SBDM) shall present a written petition to the Principal, signed by a minimum of twenty-five (25%) percent of the faculty members, indicating their desire for a vote on the matter.

The Principal shall chair the meeting at which the vote is taken. Voting shall be by secret ballot. Ballots shall offer faculty members the opportunity to vote for or against re-entering SBDM. The Principal and at least two (2) teachers chosen by the faculty shall count the ballots and announce the results at the conclusion of the meeting.

If two-thirds (2/3) of the faculty vote to re-enter SBDM, the school will do so. The Principal shall forward results of the vote to the Superintendent and the Board. Organization of elections to select teacher and parent representatives for the school council shall be conducted in accordance with Board Policy 02.421.

SCHOOLS OF INNOVATION

In a designated school of innovation participating in a district of innovation application and plan, the council may request a waiver from KRS 160.345 or specific provisions within that statute by conducting a vote as set out in KRS Chapter 160._____.

REFERENCES:

KRS 158.6455, KRS 160.345
New section of KRS 156.
New section of KRS 160.
OAG 94-51

RELATED POLICIES:

02.421
02.4241

LEGAL: THE 2012 GENERAL ASSEMBLY ADDED NEW SECTIONS TO KRS 156 AND KRS 160 TO PERMIT SCHOOLS OF INNOVATION PARTICIPATING IN A DISTRICT OF INNOVATION APPLICATION AND PLAN TO BE GRANTED WAIVERS AND EXEMPTIONS BY THE STATE BOARD FROM ALL OR PART OF KRS 160.345.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.4241

School Council Policies (SBDM)

ADOPTION OF POLICY

The school council shall adopt a policy to be implemented by the Principal in each of the following areas of responsibility:

1. Determination of curriculum including needs assessment and curriculum development; Such policies shall determine the writing program for the school, including use of writing portfolios consistent with KRS 158.6453, to be submitted to the Kentucky Department of Education for review and comment.
2. Assignment of all instructional and noninstructional staff time;
3. Assignment of students to classes and programs within the school;
 - Placement of students from the household of an active duty service member or civilian military employee transferring into the District before or during the school year shall be based initially on enrollment in courses offered at the sending school and/or educational assessments conducted at that school. Course placement includes, but is not limited to, Honors, International Baccalaureate, Advance Placement, vocational, technical, and career pathways courses. Initial placement does not preclude the District/school from performing subsequent evaluations to ensure appropriate placement and continued enrollment of students in the course(s).
 - Each secondary school-based decision making council shall establish a policy on the recruitment and assignment of students to advanced placement (AP), International Baccalaureate (IB), dual enrollment, and dual credit courses that recognizes that all students have the right to participate in a rigorous and academically challenging curriculum.
4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar and transportation requirements established by the Board;
5. Determination of the use of school space during the school day;
6. Planning and resolution of issues regarding instructional practices;
7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and Principal;

As reflected in the District Code of Acceptable Behavior and Discipline, loss of physical activity periods shall not be used as a disciplinary consequence.
8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision;

The school shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities to the extent they are otherwise qualified, regardless of application deadlines.

School Council Policies (SBDM)**ADOPTION OF POLICY (CONTINUED)**

9. Procedures, consistent with local Board policy, for determining alignment with state standards, technology utilization, and program appraisal;
10. Commitment to a parent involvement process that provides for:
 - a. Establishing an open, parent-friendly environment;
 - b. Increasing parental participation; and
 - c. Improving two-way communication between school and home, including what their child will be expected to learn.
11. Procedures to assist the council with consultation in the selection of personnel by the Principal, including but not limited to meetings, timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation.
12. Schools with K-5 organization, or any configuration thereof, shall develop and implement, in compliance with requirements of federal and state law and board policy, a wellness policy that includes moderate to vigorous physical activity each day, encourages healthy choices among students, and incorporates an assessment tool to determine each child's level of physical activity on an annual basis. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. (In the absence of a council, the Principal of the school shall develop and implement the required wellness policy.)

The Superintendent/designee shall provide assistance in identifying strategies and options to promote daily moderate to vigorous physical activity for students, which may include those that increase strength and flexibility, speed heart rate and breathing and stress activities such as stretching, walking, running, jumping rope, dancing, and competitive endeavors that involve all students.

As an alternative to adopting separate policies, school councils may adopt Board policy or standards established by the Board as council policy in the above areas, or they may delegate responsibility for developing a policy to the Principal.

COMPLIANCE WITH BOARD POLICY

In the development and application of school policies as permitted by statute, schools operating under SBDM shall comply with those policies that fall within the authority of the Board, including but not limited to those prohibiting discrimination based on age, race, sex, color, religion, national origin, political affiliation, or disability.

SCHOOLS OF INNOVATION

In a designated school of innovation participating in a district of innovation application and plan, the council may request a waiver from KRS 160.345 or specific provisions within that statute by conducting a vote as set out in KRS Chapter 160._____.

The school council shall be responsible for conducting a vote to determine if the school shall be an applicant as a school of innovation in the District's application for district of innovation status and to approve the school's plan of innovation before it is submitted to the District. The vote shall be taken by secret ballot among eligible employees as defined in KRS 160._____. At least seventy percent (70%) of those casting votes in the affirmative shall be required before the school requests to be included in the District's plan and to approve the school's plan of innovation.

ADMINISTRATION

02.4241
(CONTINUED)

School Council Policies (SBDM)

REFERENCES:

KRS 156.072; KRS 156.160; KRS 156.730; KRS 156.735
KRS 158.197; KRS 158.645; KRS 158.6451; KRS 158.6453
KRS 160.345; KRS 160.348
| New section of KRS 156._____; New section of KRS 160._____
OAG 93-55; OAG 94-29; 702 KAR 7:140; 704 KAR 3:510
Board of Educ. of Boone County v. Bushee, Ky., 889 S.W. 2d 809 (1994)
U. S. Dept. of Agriculture's *Dietary Guidelines for Americans*

RELATED POLICIES:

| 01.11; 02.422; 02.4231; 08.1
09.126 (re requirements/exceptions for students from military families)

LEGAL: THE 2012 GENERAL ASSEMBLY AMENDED KRS 160.380 TO PERMIT HIRING OF A SUPERINTENDENT'S SPOUSE IN CERTAIN INSTANCES. A SPOUSE WHO HAS AT LEAST EIGHT (8), RATHER THAN THE PREVIOUSLY REQUIRED TWENTY (20), YEARS OF SERVICE IN SCHOOL SYSTEMS MAY BE EMPLOYED IN THE DISTRICT.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.4244

School Hiring

COUNCIL AUTHORITY

After receiving notification of the financial allocation for the school from the Board, the council shall determine, within the funds allocated, the number of persons to be employed in the school in each job classification. The council shall not have the authority to recommend transfers or dismissals.

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

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

02.4244
(CONTINUED)

School Hiring

OTHER VACANCIES (CONTINUED)

If the applicant is the spouse of the Superintendent and meets the requirements of KRS 160.380, s/he shall only be employed upon the recommendation of the Principal and the approval of a majority vote of the school council.

REFERENCES:

KRS 160.345
KRS 160.380
OAG 91-149; OAG 92-78; OAG 92-131
OAG 95-10; OAG 96-38

RELATED POLICIES:

02.4241; 03.11; 03.21

- CERTIFIED PERSONNEL -**Salaries****SINGLE-SALARY BASIS**

All salaries for certified personnel shall be based on a single-salary schedule providing for minimum number of working days as required by law. The hourly rate for teachers will be calculated by dividing the daily rate by seven (7) hours.

Teachers transferring into the District may bring up to twenty-eight (28) years of teaching experience credit for salary purposes.

Certified personnel may receive up to two (2) years experience credit for active military service. The six-month training requirement for National Guard and Reserve service will not qualify an employee for the experience credit. A teacher who is employed by a Board for at least one hundred forty (140) days of a school year and who performs teaching duties for the equivalent of at least seventy (70) full school days during that school year, regardless of the schedule on which those duties were performed, shall be credited with one (1) year of experience. A teacher who is employed by a Board for at least one hundred forty (140) days during each of two (2) school years and who performs teaching duties for the equivalent of at least seventy (70) full school days during those years shall be credited with one (1) year of experience. No more than one (1) year of experience shall be credited for the performance of teaching duties during a single school year.

DETERMINATION OF RANK AND EXPERIENCE

The rank and experience of certified personnel shall be determined at time of hire. The Board shall direct the Superintendent to validate all experience of professional personnel employed in the District.

Changes in rank and experience shall be determined by September 15 of each year.

To assist with the budgeting process, candidates for National Board certification shall notify the Superintendent/designee in writing prior to September 15 that certification is pending in order for the employee to receive any rank-related increase retroactive to the beginning of the school year.

CONTRACTED EMPLOYMENT

Compensation for employment contracted, shall be prorated on the base pay for 187 days.

Contracted employment positions shall be established in the position job description, funded in the District budget, and specified in the Board policy.

EXTENDED EMPLOYMENT

The Principal or supervisor shall submit an annual plan of extended employment to Human Resources for all personnel who work less than two hundred forty (240) days, but more than the minimum number of working days required by law. This plan should denote the dates when extended days will be worked.

All Family Resource/Youth Service Center Coordinators will submit an annual work plan to their Principal and Central Office supervisor.

Salaries**EXTENDED EMPLOYMENT (CONTINUED)**

Extended employment days may be worked only in whole- or half-day increments. Extended employment days cannot be worked on a Saturday or Sunday. A rare exception may be granted if approval is made in advance by the employee's immediate supervisor and Human Resources. To qualify for this exception, the Saturday or Sunday work must not be related to the employee's primary job duties.

Employees whose positions include 1-45 extended days must work the days and submit documentation to Human Resources by June 23 unless an exception is designated on the extended employment work plan that is approved by the Principal/Supervisor.

All employees who are requesting to be paid all salary owed prior to the end of the fiscal year, as provided for in KRS 160.291, must work all extended days and submit documentation to Human Resources by June 23.

Sick and/or personal leave cannot be used for an extended day unless the day is designated on the extended employment work plan that is submitted to Human Resources.

EXTRA SERVICES*strike*

~~The Board shall annually establish a schedule of compensation for extra services.~~ Payments for those services shall be made on the same date and at the same time as are regular salaries. A one (1) percent increase will be applied to administrative and extra-service increments annually. Extra-service increments can be split only once with prior approval of Human Resources. Any payment made to an employee must be processed through regular payroll procedures. As provided under law, teachers who attain certification from the National Board for Professional Teaching Standards shall be given an annual salary increment for the life of the certificate.

EXCEPTION

The Superintendent's salary may be established without regard to the above-mentioned schedules.

A compensation error/adjustment that needs to be corrected will be adjusted within the fiscal year that the discovery of such is made. Errors identified in previous fiscal years may be corrected if the employee had submitted the necessary paperwork within three (3) months of start date.

PAYROLL DISTRIBUTION

Payments will be issued monthly (twelve [12] times annually) through Direct Deposit. New employees may be issued thirteen (13) payments the first year of employment. Payments will be issued on the 28th day of each month, unless the 28th falls on a Saturday, Sunday, or holiday in which case payment will be made on the preceding ~~Friday~~ **day**.

The Board shall make all deferred salary payments on or before June 30 of the current fiscal year, and these deferred payments shall then be directly deposited at the regular pay periods in June, July and August, except that at the close of the school year, employees who have completed all responsibilities and duties may request to be paid their remaining salary prior to the end of the fiscal year.

Salaries**QUALIFICATIONS**

Employees shall be responsible for providing the Superintendent with all required certificates, other credentials, health examinations, and verifications of experience prior to beginning work.

NOTICE OF SALARY

Not later than forty-five (45) days before the first student attendance day of the succeeding school year or June 15, whichever occurs earlier, the Superintendent shall notify all certified personnel of the best estimate of the salary for the coming year.

LIST OF SALARIES

The Board shall maintain for public scrutiny a factual list of individual salaries of its employees for the fiscal year just closed.

PAYROLL DEDUCTIONS

The Board shall approve all payroll deductions as specified by KRS 161.158 and Board policy 03.1211.

REFERENCES:

KRS 157.075; KRS 157.320; KRS 157.350; KRS 157.360
KRS 157.390; KRS 157.391; KRS 157.395; KRS 157.420
KRS 160.290, KRS 160.291
KRS 161.1211, KRS 161.134, KRS 161.168; KRS 161.760
KRS 424.220; 016 KAR 001:040; OAG 97-25
702 KAR 003:060, 702 KAR 003:070, 702 KAR 003:100, 702 KAR 003:310
29 C.F.R. Section 541.303, 29 C.F.R. Section 541.602, 29 C.F.R Section 541.710

RELATED POLICIES:

03.114; 03.1211; 03.4

Adopted/Amended: 06/17/2010
Order #: 10097

- CERTIFIED PERSONNEL -**Personal Leave****NUMBER OF DAYS**

Full-time certified employees shall be entitled to three (3) days of personal leave with pay each school year. Personal leave may be taken only in whole- or half-day increments.

Persons employed for less than a full-year contract (187 days) shall receive a prorata part of the authorized personal leave days calculated to the nearest 1/2 day.

Persons employed on a full-year contract but scheduled for less than a full workday shall receive the authorized personal leave days equivalent to their normal working day, provided the employee works enough hours in the position to be considered at least one-half time.

APPROVAL

The Superintendent or designee (employee's immediate supervisor) must approve the leave date and should be given a written notice of one (1) week (and not later than one (1) day), but no reasons shall be required for the leave.

Approval shall be contingent upon the availability of qualified substitute employees. Those employees making earliest application shall be given preference.

Employees on paid leave shall not be compensated for any duties, regular or extra service, during the paid leave period.

LIMITED NUMBER

No more than five percent (5%) of a school's certified employees may take personal leave on a given day. If requests exceed five percent (5%) on the school level, those making earliest application will be given preference.

When the certified staff of a school is less than twenty (5% equaling one employee), one (1) person will be allowed personal leave on any one day.

PROHIBITION

Personal leave shall not be taken on the day before a holiday or calendar break, or on the first day following a holiday or calendar break, or taken during the first or last week of the school year without the written approval of the Superintendent.

OPTIONS

1. Personal leave days not taken during the school year shall not accumulate as personal leave days. On ~~June 30~~ ^{July 1} of each year, unused personal leave ^{from the previous year} will automatically be converted to sick leave unless a written request to do otherwise is received from the employee.
2. At the end of each fiscal year, the employee may exercise the option to be compensated at the rate of seventy-five dollars (\$75.00) for each unused personal leave day. Excluded from the seventy-five-dollar (\$75.00)-option are all Central Office staff, administrators, and counselors.
3. Unused personal leave will not be paid upon layoff, resignation, or termination. The exception will be made for an employee who completes the regular school year and chooses one of the two options above.

Personal Leave

AFFIDAVIT

Employees taking personal leave must file a personal affidavit on their return to work stating that the leave was personal in nature.

REFERENCES:

KRS 161.154; OAG 77-115

RELATED POLICY:

03.1232

Adopted/Amended: 06/09/2009
Order #: 9955

- CERTIFIED PERSONNEL -**Sick Leave****NUMBER OF DAYS**

Full-time certified employees shall be entitled to ten (10) days of sick leave with pay each school year regardless of the date of hire.

Persons employed for less than a full year contract shall receive a prorata part of the authorized sick leave days calculated to the nearest one-half (1/2) day.

Full-time certified staff employed for a contract year greater than the minimum number of working days required by law shall be entitled to one (1) day of sick leave with pay per month.

Sick leave may be taken in whole-day or half-day increments.

Employees on paid leave shall not be compensated for any duties, regular or extra service, during the paid leave period. *Employees on an approved leave of absence cannot return to work prior to the ending date for the leave unless prior approval has been granted through the Human Resources Office.*

Persons employed on a full-year contract but scheduled for less than a full work day shall receive the authorized sick leave days equivalent to their normal working day.

ACCUMULATION

Sick leave days not taken during the school year in which they were granted shall accumulate without limitation to the credit of the certified employee to whom they were granted. One (1) year prior to retirement, an employee shall be entitled to an incentive bonus for not using accrued sick days.

DEFINITION

Sickness shall mean personal illness, including illness or temporary disabilities arising from pregnancy, or exposure to contagious diseases.

FAMILY ILLNESS/MOURNING

Sick leave can also be taken for illness or for the purpose of mourning a member of the employee's immediate family. Immediate family shall mean the employee's spouse, children (including stepchildren and foster children), grandchildren, daughters-in-law and sons-in-law, brothers and sisters, parents, spouse's parents, grandparents, and spouse's grandparents without reference to the location or residence of said relative and any other blood relative who resides in the employee's home.

TRANSFER OF SICK LEAVE

Teachers coming to the District without a break in service from another Kentucky school district or from the Kentucky Department of Education shall transfer accumulated sick leave to the District.

SICK LEAVE DONATION PROGRAM

Under procedures developed by the Superintendent, certified employees who have accrued more than fifteen (15) days of sick leave may request to transfer sick leave days to another employee who is authorized to receive the donation. The number of days donated shall not reduce the employee's sick leave balance to less than fifteen (15) days. Employees who are on a leave of absence are not eligible to donate sick leave days.

An employee recipient shall not receive more than one (1) contractual year's number of donated days.

Sick Leave**SICK LEAVE DONATION PROGRAM (CONTINUED)**

Any sick leave not used shall be returned on a proportionate/prorated basis to employees who donated days.

The donation of sick days is totally voluntary. No employee shall be coerced, intimidated, or financially induced into donating days.

All names of people who donate days shall be considered confidential and shall not be shared with recipients or other people.

UNUSED SICK LEAVE

Unused sick leave will not be paid upon layoff, resignation, or termination of employment.

SICK LEAVE INCENTIVE BONUS

During the school year prior to the year of retirement, an employee shall be entitled to the following one-time incentive bonus for accumulated sick days. If this incentive is to be taken, it must be taken in the school year prior to the retirement, because this bonus amount cannot be counted as part of the retirement benefits for purpose of salary.

The accumulated sick days shall be determined on the last day of the school year prior to the retirement.

300 days and over	-	pay \$1,250 bonus
250 days but less than 300	-	pay \$1,000 bonus
200 days but less than 250	-	pay \$ 750 bonus
150 days but less than 200	-	pay \$ 500 bonus
100 days but less than 150	-	pay \$ 250 bonus

REINSTATEMENT

Unused accumulated sick leave will be reinstated to an employee who has been terminated and has been subsequently re-employed if the break in service does not exceed forty-five (45) working days.

PERSONAL DAY TRANSFER

Certified employees shall have the option of transferring unused personal leave days to their accumulated sick leave at the end of each school year.

AFFIDAVIT

Upon return to work, a certified employee claiming sick leave must file a personal affidavit or a certificate of a physician stating that the employee was ill or that the employee was absent for the purpose of attending to a member of the immediate family who was ill.¹ For ten (10) or more consecutive days, an employee shall present a physician's statement.

Sick Leave

REFERENCES:

¹KRS 161.155, Sec. 2, KRS 161.152, OAG 93-39
Family & Medical Leave Act of 1993

RELATED POLICIES:

03.1231, 03.12322, 03.1233, 03.124, 03.175 (Retirement Compensation)

Adopted/Amended: 06/17/2010

Order #: 10097

LEGAL: UNDER THE FAMILY AND MEDICAL LEAVE ACT, A QUALIFYING EXIGENCY ONLY RELATES TO INSTANCES OF ACTIVE DUTY OR CALL TO ACTIVE DUTY OF A COVERED FAMILY MEMBER (SPOUSE, SON, DAUGHTER OR PARENT), AND "NEXT OF KIN" IS NOT INCLUDED. THE DELETION MARKED WILL CORRECT THIS PROVISION.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.12322

- CERTIFIED PERSONNEL -

Family and Medical Leave

REASONS

In compliance with the Family and Medical Leave Act of 1993 and under procedures developed by the Superintendent, leave shall be granted to eligible employees for the following reasons:

1. For the birth and care of an employee's newborn child , or for placement of a child with the employee for adoption or foster care;
2. To care for the employee's spouse, child, or parent who has a serious health condition, as defined by federal law;
3. For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the employee's job;
4. To address a qualifying exigency (need) defined by federal regulation arising out of the active duty or call to active duty of a covered family member (spouse, son, daughter, or ~~parent or next of kin~~) who serves in a reserve component or as an active or retired member of the regular Armed Forces or Reserve in support of a contingency operation; and
5. To care for a covered family member (spouse, son, daughter, parent or next of kin) who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces that has rendered or may render the family member medically unfit to perform duties of his/her office, grade, rank or rating.

NOTICES AND DEADLINES

- a. Employees who may be eligible for or who request leave for any of the above reasons shall be provided an FMLA notice of eligibility and rights and responsibilities. Requests for family and medical leave should be made in writing but verbal requests may be made to the immediate supervisor or other designated administrator who shall then document the request. The District may require that a request for leave be supported by a certification for health care or military-related situations as permitted by federal law, but such requirements must be set out in the required notice.

Deadline for Notice to be Provided: Absent extenuating circumstances, within five (5) business days of District receipt of a request or the District being made aware of a potentially qualifying reason.

- b. The District shall designate an employee's leave, paid or unpaid, as FMLA-qualifying and shall provide a designation notice indicating whether the request is approved or if additional information is needed. Leave may be delayed if the employee does not provide proper notice (30 days advance notice for a foreseeable leave; otherwise, notice as soon as the need becomes known).

Deadline for Notice to be Provided: Absent extenuating circumstances, within five (5) business days of learning that an FMLA reason supports the leave.

Family and Medical Leave**ELIGIBILITY**

Employees are eligible for up to twelve (12) workweeks of family and medical leave each school year, if they have been employed by the District for twelve (12) months, have worked at least 1,250 hours during the twelve (12) months preceding the start of the leave, and otherwise qualify for family and medical leave. When family and medical leave is taken to care for a service member's recovery from a serious illness or injury sustained in the line of duty, an eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve-month period. This provision also applies to covered service members/veterans that have been on active duty within the past five (5) years.

Full-time teachers are presumed to have worked at least 1,250 hours during a school year. In determining whether returning veterans meet the minimum 1,250 hour standard, hours actually worked for the District during the twelve-month period are to be combined with hours they would have worked for the District had they not been called for military service.

In situations involving both the Americans with Disabilities Act (ADA) and FMLA, the District shall apply the law affording the employee the greater benefit.

RESTRICTIONS

When an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with the twelve (12) workweek entitlement.

Paid leave used by the employee as required under this policy shall count, as applicable, against the twelve (12) or twenty-six (26) FMLA workweek entitlement.

Entitlement to family and medical leave for the birth and care of a newborn child or placement of a child shall expire twelve (12) months after the date of such birth or placement.

When both husband and wife are employed by the District, the combined amount of family and medical leave for reasons other than personal illness or illness of a child shall be limited to twelve (12) workweeks. In cases of personal illness or illness of a child, each spouse is entitled to twelve (12) workweeks of family and medical leave.

EXCEPTION: The limit on the combined amount of family and medical leave shall be twenty-six (26) workweeks when both an eligible husband and wife are employed by the District and are eligible for leave that involves a covered Armed Forces service member.

Unused family and medical leave shall not accumulate from year to year.

INTERMITTENT LEAVE/REDUCED HOURS

Family and medical leave may be taken intermittently (when medically necessary) or on a reduced-hours basis.

CONTINUATION OF BENEFITS

While on family and medical leave, employees shall be entitled to all employment benefits accrued prior to the date on which the leave commenced. Health insurance for an employee on family and medical leave shall continue to be provided by the state on the same basis had the employee not taken leave. Other employment benefits and seniority shall not accrue during unpaid family and medical leave.

PERSONNEL

03.12322
(CONTINUED)

Family and Medical Leave

RETURN TO WORK

Upon return to work, the employee shall be entitled to his/her same position or an equivalent position with equivalent pay with corresponding benefits and other terms and conditions of employment.

NOTICE

The District shall notify employees of family and medical leave provisions by posting appropriate notices in conspicuous places in the Central Office and each worksite and distributing notices as required by law.

REFERENCES:

Family and Medical Leave Act of 1993, 29 U.S.C. 2601-2654
Title I of the FMLA, as amended by the National Defense Authorization Act
Code of Federal Regulations, Title 29, Part 825

RELATED POLICIES:

03.123, 03.1232, 03.1233, 03.1234, 03.1238, 03.124

-CERTIFIED PERSONNEL-

Jury Leave

SALARY

Any employee who serves on a jury in a duly constituted local, state, or federal court shall be granted leave with full compensation, less any compensation received as jury pay (except expense monies), for the period of actual jury service.

NOTICE

Persons who will be absent from work to serve on juries must give advance notice to their immediate supervisors.

Employees are excused only for the actual time served. Employees excused from jury duty in Hardin County prior to the end of the school day ~~shall~~ must return to work. Those employees serving jury duty outside of Hardin Count and excused from jury service prior to the end of the school day may receive an exception to the policy if approved by an administrator in the HR Department.

REFERENCES:

KRS 161.153
OAG 78-696

Adopted/Amended: 03/15/2007
Order #: 9612

LEGAL: THE GENERAL ASSEMBLY HAS AMENDED KRS 160.380 TO PROHIBIT SUPERINTENDENTS FROM ASSIGNING EMPLOYEES TO AN ALTERNATIVE EDUCATION PROGRAM AS PART OF A DISCIPLINARY ACTION OR AS PART OF A CORRECTIVE ACTION PLAN.
FINANCIAL IMPLICATIONS: NONE

PERSONNEL

03.131

- CERTIFIED PERSONNEL -

Assignment

The assignment of all certified personnel shall be made by the Superintendent.¹ The Superintendent shall make all appointments, promotions, and transfers of certified personnel for positions authorized by the Board and, 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.

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

The Superintendent shall not assign the relative of a school Principal to the school where the Principal is assigned unless the relative is not the spouse and was employed in that school during the 1989-90 school year. No spouse of a Principal shall be assigned to the school where the Principal is assigned unless the spouse was assigned in that school during the 1989-90 school year and there is no other position in the District for which the spouse is certified or unless the spouse was employed in the 1989-90 school year and the District has no more than one (1) elementary school, one (1) middle school, and one (1) high school. A Principal's spouse employed in the Principal's school shall be evaluated by another school administrator.¹

Effective July 1, 2008, no employee shall be directly supervised by a relative as defined in KRS 160.380 (father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law).

The Superintendent shall not assign a certified employee to an alternative education program as defined in KRS 160.380 as part of any disciplinary action pursuant to KRS 161.790 or as part of a corrective action plan established pursuant to the District's evaluation plan.

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REFERENCES:

¹KRS 160.380; OAG 76-360
KRS 156.095; KRS 158.060
KRS 160.345; KRS 160.390
KRS 161.760; KRS 161.790
OAG 11-001; OAG 78-266
OAG 91-28; OAG 91-149
OAG 92-1; OAG 92-135

RELATED POLICY:

02.4244

RECOMMENDED: AS ADDRESSED BY INTERNAL REVENUE SERVICE NOTICE 2011-72, THE IRS NO LONGER CONSIDERS "DE MINIMUS " PERSONAL USE OF A DISTRICT-PROVIDED PHONE FOR NON-COMPENSATORY BUSINESS AS TAXABLE INCOME.
THIS CHANGE IS NOT REQUIRED BY LAW.
FINANCIAL IMPLICATIONS: REDUCED STAFF TIME SPENT TRACKING USE AND REIMBURSEMENT

PERSONNEL

03.1321

- CERTIFIED PERSONNEL -

Use of School Property

RESPONSIBILITY

All personnel shall be responsible for the school equipment, supplies, books, furniture, and apparatus under their care and use. Any damaged, lost, stolen, or vandalized property shall be reported to the employee's immediate supervisor.

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OUTSIDE WORK

An employee shall not use any District facility, electronic communication system, equipment or materials in performing outside work unless otherwise approved by the Superintendent or Board. These items (including security codes and electronic records, such as E-mail) are property of the District and shall be used solely for job-related purposes.

ELECTRONIC COMMUNICATIONS

Employees shall not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. Employees cannot expect confidentiality or privacy as to information entered or stored in their E-mail accounts. Authorized District personnel may monitor the use of electronic equipment from time to time.

RESPONSIBILITY

All personnel shall be responsible for the school equipment, supplies, books, furniture, and apparatus under their care and use. Any damaged, lost, stolen, or vandalized property shall be reported to the employee's immediate supervisor.

USE OF BOARD-OWNED VEHICLES

With authorization of the Superintendent, the use of board-owned/leased vehicles shall be governed by the following guidelines:

- Vehicles shall be used only in the performance of assigned duties and job requirements;
- Vehicles shall not be used for commercial purposes; and
- Unless otherwise authorized by the Superintendent, vehicles shall not carry passengers other than Board employees.

Employees assigned full-time use of board-owned vehicles shall be on call twenty-four (24) hours a day to perform services required by their job responsibilities. Except for commuting to and from work or an occasional minimal detour for personal reasons, employees shall not use board-owned/leased vehicles for personal use.

Use shall be authorized in compliance with state and federal guidelines including IRS requirements for reporting taxable income.

Use of School Property**USE OF BOARD-OWNED VEHICLES (CONTINUED)**

The Superintendent and/or the Director for Transportation shall be responsible for securing annual driving records from the Kentucky Department of Transportation for any employee who has occasion to drive any vehicle for transporting students. This annual records check shall be a condition of employment. Any traffic citation received during the year shall be reported to the Superintendent prior to driving a Board-owned vehicle or transporting students.

TOBACCO PRODUCTS

The use of any tobacco product is prohibited in any board-owned vehicle, school buses and any building owned or operated by the Board.

OTHER SUBSTANCES

No Board-owned vehicle shall be driven by anyone under the influence of an intoxicant or any substance which may impair the safe operation of the vehicle. Any employee found under the influence of alcohol or any illegal drugs while on duty or with remaining driving responsibilities that same day shall be suspended pending a termination hearing.¹

USE OF ASSIGNED TELECOMMUNICATION DEVICES

The Board authorizes the purchase and employee use of telecommunication devices, as deemed appropriate by the Superintendent or his/her designee. All District cell phones paid with District funds shall be approved and/or assigned by the Director of Finance for use by District personnel. These devices shall include, but are not limited to, pagers and digital or cell phones. ~~A uniform and controlled system shall be established for monitoring use and appropriate reimbursement to the District, based on itemized billing statements for each device.~~

Telecommunication devices may be assigned or made available on a temporary or on-going basis when it is determined that:

1. Assignment of a device to an employee is a prudent use of District resources.
2. The employee's job responsibilities require the ability to communicate frequently and access to a District or public telephone is not readily available.
3. The employee's job involves situations where immediate communication is necessary to ensure the security of District property or safety of students, staff or others while on District property or engaged in District-sponsored activities.
4. ~~Personal use shall be authorized in compliance with state and federal guidelines including IRS requirements (1.132-5) for reporting taxable income.~~

District-owned and approved telecommunication devices shall be used primarily for authorized District business purposes. However, occasional personal use of such equipment is permitted.

REFERENCES:

¹702 KAR 5:080
KRS 160.290; KRS 189.292; KRS 189.294; KRS 281A.205

RELATED POLICIES:

03.21; 03.27; 06.221

NOTE: THE BOARD HAS THE OPTION TO KEEP THESE SECTIONS IF IT DECIDES EMPLOYEES ARE TO CONTINUE REIMBURSEMENT FOR PERSONAL USE.

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LEGAL: THE GENERAL ASSEMBLY HAS ADDED A NEW SECTION TO KRS 218A TO PROHIBIT THE USE OR DISTRIBUTION OF SYNTHETIC DRUGS. THE NEW LANGUAGE IS INTENDED TO APPLY TO SYNTHETIC SUBSTANCES USED FOR AN INTOXICATING PURPOSE WHETHER OR NOT "SCHEDULED" AS ILLEGAL UNDER FEDERAL OR STATE LAW. THIS LAW PASSED WITH AN EMERGENCY CLAUSE AND, THUS, ALREADY IS IN EFFECT.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.13251

- CERTIFIED PERSONNEL -

Drug-Free/Alcohol-Free Schools

The regulations of the Drug-Free Workplace Act apply to U.S. Department of Education grantees as well as to other federal agencies. For the most part, these regulations apply to school districts which are "prime grantees" for monies such as Impact Aid (Public Law 874). Hardin County is one of these districts.

In order to fulfill federal regulations, all employees are hereby notified that it is a violation of Policy 03.13251 of this school District for any employee to unlawfully manufacture, distribute, dispense, be under the influence of, possess, use, sell or transfer any of the following on or in the workplace or in the performance of duties;

1. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and
2. Substances that "look like" a controlled substance. In instances involving look-alike substances, there must be evidence of the employee's intent to pass off the item as a controlled substance.

Additionally, P.L. 101-266 prohibits the unlawful possession, use, or distribution of alcohol by employees and prohibits employees from being under the influence of alcohol while on duty. Drinking or being under the influence of alcoholic beverages while on duty is cause for discharge.

DEFINITIONS

Alcohol or Alcoholic Beverage shall mean any liquid that has an alcoholic content in excess of .5% by volume.

Controlled substance shall mean any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to KRS 218A.020.

Prescribed Drug shall mean any substance prescribed for the individual consuming it by a licensed medical practitioner.

Positive Drug Screening Test shall mean positive identification of a drug or metabolite which has been confirmed with sophisticated scientific laboratory tests.

Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, ~~and~~ prohibited volatile substances as defined in KRS 217.900 or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

Drug-Free/Alcohol-Free Schools**AUTHORIZED DRUGS**

Employees who personally use or who are designated to administer to a student a drug authorized by and administered in accordance with a prescription from a health professional shall not be considered in violation of this policy.

WORKPLACE DEFINED

Workplace is defined as the site for the performance of work done for the District. That includes any place where work on a school District program, project, or activity is performed, including, but not limited to, a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event, or function such as a field trip or athletic event where students are under the jurisdiction of the school District.

ALCOHOL

Any employee whose off-duty or on-duty use of alcohol results in an act or acts which effect job performance, including but not limited to, on duty accidents, poor work, or excessive absenteeism or tardiness and the offense does not warrant termination will be expected to seek referral to a chemical dependency treatment or counseling program. If the employee refuses or fails rehabilitation, he/she shall be subject to discipline up to and including termination.

PRESCRIPTION DRUGS

Prescription drugs shall be used only in the manner, combination and quantity prescribed.

Any employee whose suspected misuse of prescription drugs results in an act or acts which have a detrimental effect on job performance, including but not limited to, excessive absenteeism, tardiness, accidents, or poor work and the offense does not warrant termination, may be referred for a drug/alcohol screening examination, and/or back to their private physician. If necessary, they may be referred to a chemical dependency treatment or counseling program. Appropriate disciplinary action may also be administered. If the employee refuses or fails rehabilitation, he/she will be terminated.

SUSPENSION/TERMINATION/NONRENEWAL

Any employee who violates the terms of this policy may be suspended, nonrenewed, or terminated. In addition, violations may result in notification of appropriate legal officials.

ALTERNATIVES

As an alternative, the Superintendent may choose that an employee who violates the terms of the District's drug-free/alcohol-free workplace policies shall satisfactorily participate in a Board-approved drug/alcohol abuse assistance or rehabilitation program. If the employee fails to satisfactorily participate in such a program, the employee may be suspended, nonrenewed, or terminated.

Drug-Free/Alcohol-Free Schools**ALTERNATIVES (CONTINUED)**

Any employee who has developed an addiction to, dependence upon, or problem with alcohol or drugs is encouraged to voluntarily seek assistance. No reprisal will be taken against any employee who chooses to correct a drug or alcohol problem through the self-referral method. However, self-referral to a treatment program may not be used as a protection from a subsequent supervisory referral for a drug or alcohol test based on reasonable suspicion that an employee is impaired or incapable of performing job duties.

An employee who violates the terms of the school District's drug-free/alcohol-free workplace policies or provisions of P.L. 101-266 may be nonrenewed or his/her employment may be suspended or terminated at the discretion of the Superintendent. The Superintendent, at the first meeting following any action, shall notify the Board of same. As an alternative the Superintendent may choose that an employee who violates the terms of the drug-free/alcohol-free policies satisfactorily participate, at employee expense, in a state-licensed drug/alcohol abuse assistance or rehabilitation program. If the employee fails to satisfactorily participate in such a program, the employee may be nonrenewed or his/her employment may be suspended or terminated.

Employees are further notified that it is a condition of continued employment with this District that all employees will comply with the above policies of the school District and will notify their supervisor of a conviction of any criminal drug statute for a violation occurring in the workplace no later than five (5) days after such conviction.

REPORTING

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.

REASONABLE SUSPICION DRUG/ALCOHOL TESTING OF CURRENT EMPLOYEES

Drug and alcohol testing will be conducted when an individual charged with enforcing this policy has reasonable suspicion to believe that an employee has violated it. Reasonable suspicion shall be based on specific behavioral observations.

Reasonable suspicion means information sufficient to justify a belief by a supervisor that this policy is being or has been violated. Circumstances which constitute reasonable suspicion may include, but are not limited to:

- a. direct observation of use or possession of drugs or alcohol;
- b. presence of the physical symptoms of drug or alcohol use (including but not limited to glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
- c. a severe and prolonged reduction in productivity that is likely attributable to drug or alcohol use;

Drug-Free/Alcohol-Free Schools**REASONABLE SUSPICION DRUG/ALCOHOL TESTING OF CURRENT EMPLOYEES (CONTINUED)**

- d. a work-related accident;
- e. reliable information provided by a credible source or independently corroborated;
- f. a pattern of abnormal or erratic behavior; or
- g. frequent absenteeism or tardiness.

Whenever a drug/alcohol screening referral is being considered by the supervisor, the supervisor shall complete a report which summarizes the circumstances which constitute reasonable suspicion, and immediately request that another supervisor/administrator, if reasonably available, come to the site to confirm the basis for the referral.

POST-DISCIPLINE DRUG TESTING

Following determination by an administrative or judicial proceeding that s/he engaged in misconduct involving the illegal use of controlled substances, a teacher who has been reprimanded or disciplined for misconduct involving illegal use of controlled substances shall submit to random or periodic drug testing in accordance with applicable Kentucky Administrative Regulation for a period not to exceed twelve (12) months from the date of such reprimand or disciplinary action.

PREVENTION PROGRAM

The Superintendent shall establish a comprehensive and ongoing drug-free/alcohol-free prevention program for all employees which shall include notice of the following:

1. The dangers of drug/alcohol/substance abuse in the schools;
2. The District's policies and related procedures on drug-free/alcohol-free schools;
3. The requirement for mandatory compliance with the District's established standards of conduct, including those that prohibit use of alcohol, drugs and other controlled and prohibited substances;
4. Information about available drug/alcohol counseling programs and available rehabilitation/employee assistance programs; and
5. Penalties that may be imposed upon employees for violations of this policy.

REFERENCES:

| KRS 160.290; KRS 160.380; KRS 161.120; KRS 161.175; New Section of 218A
701 KAR 5:130
KRS 161.790; KRS 217.900
16 KAR 1:030; 34 CFR Part 85
P. L. 101-226 (Improving America's Schools Act of 1994 (Title IV): Safe and Drug-Free
Schools and Communities)
20 USCA, Section 3171

RELATED POLICIES:

03.1325; 08.1345; 09.2241

Local

PERSONNEL

03.1327

- CERTIFIED PERSONNEL -

Use of Tobacco

USE OF TOBACCO PROHIBITED

The use of any tobacco product is prohibited in any board-owned vehicle ~~and any~~ or building and/or grounds (to include seating areas of all outdoor arenas/stadiums) owned or operated by the Board. The use of any tobacco product is prohibited in the presence of students during school hours or in the presence of students while performing services for the District. ~~Smoking is prohibited in the seating areas of all outdoor arenas/stadiums.~~ The use of tobacco products on board owned property is permitted only in privately owned vehicles.

~~Adult employees may smoke in outside areas designated by the Principal. These designated areas shall be at least fifteen (15) feet from the outside entrance or to open windows of any enclosed area in which smoking is prohibited.~~

REFERENCES:

KRS 438.050

OAG 81-295

OAG 91-137

KRS 160.290

KRS 160.340

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

RELATED POLICY:

09.4232

Adopted/Amended: 06/21/2007

Order #: 9653

RECOMMENDED: KSBA RECOMMENDS THIS CHANGE TO PUT EMPLOYEES ON NOTICE THAT THEY ARE REQUIRED TO COOPERATE WITH DISTRICT INVESTIGATIONS.
THIS CHANGE IS NOT REQUIRED BY LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.133

- CERTIFIED PERSONNEL -

Duties

All employees are expected to use sound judgment in the performance of their duties and to take reasonable measures to protect the health, safety, and well-being of others, as well as District property.

INVESTIGATIONS

All employees shall cooperate fully with all investigations conducted by the District as authorized by policy or law. Failure to comply may be considered insubordination.

ACCOMMODATION

Reasonable accommodation shall be provided each qualifying employee with a disability to comply with the requirements of law and regulation.¹

REFERENCES:

¹Americans With Disabilities Act (ADA)
P. L. 101-336
Rehabilitation Act of 1973
P. L. 93-112 Sec. 504
KRS 158.645
KRS 158.6451
16 KAR 1:020 (Code of Ethics)
OAG 91-10
OAG 92-1

RELATED POLICIES:

03.113
03.213

LEGAL: FEDERAL REGULATION 40 C.F.R. SEC 763.93 REQUIRES THAT EACH SCHOOL HAVE AN ASBESTOS MANAGEMENT PLAN, AND THAT THE PLAN MUST BE UPDATED REGULARLY.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.14

- CERTIFIED PERSONNEL -

Health and Safety

SAFETY

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

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

HAZARD COMMUNICATION PLAN

The Superintendent/designee and/or designee shall develop a District Hazard Communication Plan. The plan shall include:

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

BLOODBORNE PATHOGEN CONTROL

The Superintendent/designee shall develop an Exposure Control Plan to eliminate or minimize district occupational exposure to bloodborne pathogens. A copy of the Exposure Control Plan can be found in the District's administrative regulation manual. The Superintendent or designee shall review and update the Exposure Control Plan at least once each year and when needed to reflect new or modified tasks and procedures that affect occupational exposure or new or revised employee positions with occupational exposure. The review and update shall also address:

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

CLEANUP PROCEDURES

The Superintendent shall develop procedures to ensure adequate and proper cleanup details and measures to aid in the prevention of infection and communicability of contagious diseases.

Health and Safety**LOCKOUT/TAGOUT**

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

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

PERSONAL PROTECTIVE EQUIPMENT (PPE)

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

1. Assignment of a District employee responsible for assessing the workplace for hazards;
2. Selection of appropriate PPE to safeguard employees from hazards that cannot be eliminated;
3. A training program to be conducted to educate employees about the need for PPE and when it must be worn;
4. Training of employees on the use and care of PPE, how to recognize deterioration and failure and the need for replacement; and
5. Requiring employees to wear designated PPE, as deemed necessary by the hazard assessment.

ASBESTOS MANAGEMENT

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

PERSONNEL

03.14
(CONTINUED)

Health and Safety

COMPENSATION

Employees may be compensated for work-related injuries under Workers' Compensation insurance provided by the Board.

REFERENCES:

¹401 KAR 58:010, 40 C.F.R. Part 763
Kentucky Department for Public Health
Centers for Disease Control and Prevention
Kentucky Labor Cabinet, 803 KAR 2:308, 803 KAR 2:404, 803 KAR 2:500
OSHA 29 CFR 1910
132 PPE Hazard Assessment
1200 Hazard Communication
District Exposure Control Plan

RELATED POLICY:

03.124

RECOMMENDED: KSBA RECOMMENDS THIS CHANGE TO CLARIFY THAT THE TIMELINE RESPONSE CLOCK BEGINS TO RUN ON THE DATE ON WHICH THE DISTRICT IS NOTIFIED OF AN HARASSMENT/DISCRIMINATION COMPLAINT, IN WRITING OR OTHERWISE. ALSO, ADDITIONAL TIME IS RECOMMENDED TO LAUNCH CORRECTIVE/PREVENTATIVE ACTIONS.
THIS CHANGE IS NOT REQUIRED BY LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.162

Harassment/Discrimination

DEFINITION

Harassment/Discrimination of employees is unlawful behavior based on the race, color, national origin, age, religion, sex 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.

PROHIBITIONS

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 ACTIONS

Persons engaging in discrimination or harassment of a student or employee in the Hardin County School System 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. 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:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) working days of submission of the original written complaint, regardless of the manner in which the complaint is communicated to a District administrator. 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.

Harassment/Discrimination**GUIDELINES (CONTINUED)**

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

2. A process to identify and implement, within ~~three~~-five (53) 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.
3. 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.

4. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination; and
5. 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;
6. 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
7. Destroying or damaging an individual's property based on any of the protected categories.

Harassment/Discrimination**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.

NONRETALIATION

No one shall retaliate against any person because s/he has submitted a grievance, assisted or participated 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

RELATED POLICIES:

03.113, 03.1325, 03.16, 09.2211, 09.422, 09.42811

- CERTIFIED PERSONNEL -**Professional Development****PROGRAM TO BE PROVIDED**

The Board shall provide an efficient, systematic and high-quality professional development (PD) program. At the direction of the Superintendent or designee and in conjunction with each school, the PD coordinator shall facilitate the development and implementation of this program for all certified employees. Programs may also include classified staff and parent members of school councils and committees. ~~Twenty-four (24) hours of professional development must be obtained between the first day of school and May 15 of the academic year.~~

The PD program for the District and each school shall be incorporated into the school/District improvement plan. Prior to the implementation of the program, the school PD plan shall be made public, and the District PD plan shall be posted to the District web site.

DISTRICT-WIDE PLAN

The program shall be based on a Board-approved PD plan for the District, which is designed (1) to help achieve student capacities established by KRS 158.645 and goals established by KRS 158.6451; (2) to support the District's mission, goals, and assessed needs; and (3) to increase teachers' understanding of curriculum content and methods of instruction appropriate for each content area based on individual school plans. The PD plan shall reflect individual needs of schools and be aligned with the school/District improvement plan and teacher growth plans.

SCHOOL RESPONSIBILITIES

Each school shall plan high-quality professional development experiences with the PD coordinator and, when appropriate, with other schools to maximize training opportunities.

DOCUMENTATION

The school/District PD plan shall include the method for evaluating each professional development experience for its impact on student learning and for improving professional development initiatives.

Documentation of completed professional development experiences, including a written evaluation, shall be required. Individuals are to sign the required documents relating to PD and file them in a timely fashion with their Principal, supervisor, or the professional development director, as appropriate. This includes the timely signing of payrolls that reflect the professional development days.

Failure to complete and document the required hours of professional development ~~during~~ ^{by May 15 of} the academic year shall result in a reduction in salary and may be reflected in the employee's evaluation.

Professional development credit shall not be granted on a regular school day with the exception of hours attended after regular school hours.

When the District declares a District-wide PD day, it is mandatory for all certified employees. No other PD activities/hours may be substituted. No personal leave or annual leave may be used on that day (emergency situations must be approved by the Superintendent).

REFERENCES:

704 KAR 003:035, 704 KAR 003:325

KRS 156.095, KRS 156.553, KRS 158.070, KRS 160.345

Adopted/Amended: 06/17/2010

Order #: 10097

LEGAL: THIS NOTATION IS RECOMMENDED BECAUSE KENTUCKY HAS BEEN GRANTED A WAIVER THROUGH THE 2013-2014 SCHOOL YEAR FOR SEVERAL PROVISIONS PREVIOUSLY REQUIRED AS PART OF THE NO CHILD LEFT BEHIND ACT. ALSO, THE 2012 GENERAL ASSEMBLY AMENDED KRS 160.380 TO PERMIT HIRING OF A SUPERINTENDENT'S SPOUSE IN CERTAIN INSTANCES. A SUPERINTENDENT'S SPOUSE WHO HAS AT LEAST EIGHT (8), RATHER THAN THE PREVIOUSLY REQUIRED TWENTY (20), YEARS OF SERVICE IN SCHOOL SYSTEMS MAY BE EMPLOYED IN THE DISTRICT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.21

- 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.

When a classified vacancy occurs, the position shall be posted for ten (10) days. When a classified vacancy needs to be filled in less than ten (10) days to prevent disruption of instruction, the hiring authority may request an exception through 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.

In filling positions, the District shall consider only those applicants who have not been terminated or nonrenewed for cause or removed from a position for cause as an employee of the District.

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. Employees shall hold the qualifications for the position as established by the Commissioner of Education.³

Employees must provide this documentation within 30 days of their hire date.

Because the Kentucky request to the U. S. Dept. of Education for flexibility was granted, the following paraprofessional educational requirement is waived through the 2013-2014 school year.

All 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

Hiring**CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)**

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 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 a felony sex crime or as a violent offender 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.

JOB REGISTER

The Superintendent or the Superintendent's designee shall maintain in the Central Office through PATS, 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.

JOB VACANCY POSTING

When a vacancy occurs in an approved position, the Principal or supervisor will notify Human Resources to open the position for posting through PATS. Letters of resignation should be forwarded to Human Resources before a position is opened for posting.

VACANCIES POSTED

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted through PATS 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 shall be retained for three (3) years and shall remain active for one (1) year.

EMPLOYMENT DECISIONS

Employees shall not comment on employment decisions except to name the successful candidate. The Principal shall also notify all candidates who were interviewed but not selected for a position.

RECOMMENDATION TO HIRE

The Principal shall recommend the applicant through PATS to Human Resources. No employee shall report to work until the hiring process is completed in Human Resources.

Hiring**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 160.380.¹

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CONTRACT

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

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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 OF EMPLOYMENT

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.

REFERENCES:

¹KRS 160.380

²702 KAR 5:080

³KRS 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, 03.5, 06.221

- CLASSIFIED PERSONNEL -**Salaries****HOURLY OR SALARY BASIS**

All regular and substitute classified personnel shall be paid on an hourly or salary basis as established by the Board.

WORK DAY/WORK WEEK

The length of the work day shall be established for each position by the Board. The work week for hourly (non-exempt) employees shall not exceed forty (40) hours per week, unless overtime is authorized as provided by this policy.

DETERMINATION OF EXPERIENCE

The experience of classified personnel shall be determined at time of hire. Upon initial employment, the Superintendent may grant up to five (5) years for pay purposes when a person's specific work experience is determined to be of such importance as to make them the best-qualified candidate for the position. Classified personnel may receive up to two (2) years experience credit for active military service. The six-month training requirement for National Guard and Reserve service will not qualify an employee for the experience credit.

TRANSFER OF EXPERIENCE CREDIT

When a certified employee transfers to a classified position or when a former certified employee returns to work as a classified employee, the employee shall receive up to five (5) years of experience credit for salary purposes on the classified salary schedule with verification of the prior experience.

QUALIFICATIONS

Employees shall be responsible for providing the Superintendent with all required certificates, other credentials, health examinations, and verifications of experience prior to beginning work.

LIST OF SALARIES

The Board shall maintain for public scrutiny a factual list of individual salaries of its employees for the fiscal year just closed and shall furnish that list by mail to a newspaper qualified under KRS 424.220 to publish advertisements for the District.

PAYROLL DISTRIBUTION

Payments will be issued monthly (twelve [12] times annually) through Direct Deposit only. New employees may be issued thirteen (13) payments the first year of employment. Payments will be issued on the 28th of each month unless the 28th falls on a Saturday, Sunday, or holiday; in which case the payment will be made on the preceding ~~Friday~~ ~~day~~ ~~business~~ ~~day~~.

The Board shall make all deferred salary payments on or before June 30 of the current fiscal year, and these deferred payments shall then be directly deposited at the regular pay periods in June, July and August, except that at the close of the school year, employees who have completed all responsibilities and duties may request to be paid their remaining salary prior to the end of the fiscal year.

Salaries**PAYROLL DEDUCTION**

The Board shall approve all payroll deductions as specified by KRS 161.158 and Board Policy 03.2211.

NUMBER OF HOURS

No employee may work for more than forty (40) hours per week unless it has been cleared by the employee's supervisor(s) and the Finance/Personnel Offices. If an employee works in more than one area (e.g., instructional assistant and bus driver), the total amount of work time cannot exceed forty (40) hours per week unless approved by the Finance/Personnel Offices.

TIME RECORDS

All classified employees working in a non-exempt position must maintain accurate time records. Those time records may be in written form or by time clock. When reporting to work, the employee must not sign in or clock in until they begin the duties of the position. When leaving work at the end of a work day, the employee must sign out or clock out. All times entered must reflect the accurate time to the minute. Approximate times are not acceptable.

OVERTIME

Overtime work shall be approved in advance by the Superintendent or designee.

Employees required to work in excess of forty (40) hours per week will be paid at the rate of 1½ times the regular rate for all hours beyond 40 as provided by the Fair Labor Standards Act for overtime work. Employees required to work in excess of forty (40) hours per week on days when schools and offices are closed as designated in Board policy 03.222 shall be paid at the rate of 1½ times the regular rate for all hours beyond 40 as provided by the Fair Labor Standards Act for overtime work. Twelve-month classified employees required to work on holidays as designated in Board policy 03.222 shall be paid double time.

Employees who are required to work in excess of their regularly scheduled number of hours short of overtime (40 hours per week) shall be compensated for the extra hours at their scheduled straight-time hourly rate.

EXTRA SERVICE

Classified personnel may receive extra-service pay for duties connected with handling and accounting for funds at activities scheduled outside the regular school day, provided the rate of pay does not exceed the hourly rate approved by the Board for their regular assignments. Any payment made to an employee must be processed through the payroll process.

EXTENDED EMPLOYMENT

The Principal/Supervisor shall work with the employee to establish an extended employment work plan. The plan shall be filed annually with Human Resources.

Employees whose positions include 1– 45 extended days must work the days and submit documentation to Human Resources by June 23 unless an exception is designated on the extended employment work plan that is approved by the Principal/Supervisor.

Salaries**EXTENDED EMPLOYMENT (CONTINUED)**

All employees who are requesting to be paid all salary owed prior to the end of the fiscal year, as provided in KRS 160.291, must work all extended days and submit documentation to Human Resources by June 23.

Sick and/or personal leave cannot be used for an extended day unless the day is designated on the extended employment work plan that is submitted to Human Resources.

Extended employment days may be worked only in whole- or half-day increments. Extended employment days cannot be worked on a Saturday or Sunday. A rare exception may be granted if approval is made in advance by the employee's Immediate Supervisor and Human Resources.

CLASSIFIED SUBSTITUTES

Classified substitutes will be paid at Step A of the level of the position for which they are substituting.

WORK EXPERIENCE CREDIT

A full-time employee will receive credit for one (1) year of experience each year s/he works one hundred forty (140) days or more between July 1 and June 30.

RETIRED RE-EMPLOYMENT

Employees who retire and return to work in the District shall be paid at "step A" of the level of the position for which they are hired.

REFERENCES:

KRS 78.615; KRS 160.291; KRS 161.011; KRS 337.285; KRS 424.220
803 KAR 001:060, 803 KAR 001:070

Fair Labor Standards Act

Garcia v. San Antonio Metropolitan Transit Authority, 105 S. Ct. 1005 (1985)

RELATED POLICY:

03.2211

Adopted/Amended: 06/17/2010
Order #: 10097

- CLASSIFIED PERSONNEL -**Personal Leave****NUMBER OF DAYS**

Full-time classified employees shall be entitled to three (3) days of personal leave with pay each school year. Personal leave may be taken only in whole- or half-day increments.

Persons employed for less than a full-year contract shall receive a prorata part of the authorized personal leave days calculated to the nearest 1/2 day.

Persons employed on a full-year contract but scheduled for less than a full workday shall receive the authorized personal leave days equivalent to their normal working day, provided the employee works enough hours in the position to be considered at least one-half time.

APPROVAL

The Superintendent or designee (employee's immediate supervisor) must approve the leave date and should be given a written notice of one (1) week (and not less than one (1) day), but no reasons shall be required for the leave. The administration reserves the right to deny personal leave on a particular date if such leave would affect the normal operations of the school.

Employees on paid leave shall not be compensated for any duties, regular or extra services, during the paid leave period.

LIMITED NUMBER

No more than five percent (5%) of a school's classified employees may take personal leave on a given day. If requests exceed five percent (5%), those making earliest application will be given preference.

PROHIBITION

Personal leave shall not be taken on the day before a holiday or calendar break, or on the first day following a holiday or calendar break, or taken during the first or last week of the school year without the written approval of the Superintendent.

OPTIONS

1. Personal leave days not taken during the school year shall not accumulate as personal leave days. On ~~June 30~~^{July 1} of each year, unused personal leave will automatically be converted to sick leave unless a written request to do otherwise is received from the employee. from the previous year
2. At the end of each fiscal year, the employee may exercise the option to be compensated at the rate of thirty dollars (\$30.00) or the daily rate, whichever is less. Excluded from the thirty-dollar (\$30.00)-option are all twelve (12)-month employees and administrators.
3. Unused personal leave will not be paid upon layoff, resignation, or termination. The exception will be made for an employee who completes the regular school year and chooses one of the two options above.

Personal Leave

AFFIDAVIT

Employees taking personal leave must file a personal affidavit on their return to work stating that the leave was personal in nature.

REFERENCE:

OAG 77-115

RELATED POLICY:

03.2232

Adopted/Amended: 06/09/2009

Order #: 9955

- CLASSIFIED PERSONNEL -**Sick Leave****NUMBER OF DAYS**

All full-time classified personnel shall be entitled to ten (10) days of sick leave with pay per year.

Full-time classified staff employed on an eleven (11) or twelve (12) month basis shall be entitled to eleven (11) or twelve (12) days, respectively, each year.

Sick leave may be taken in whole-day or half-day increments.

Persons employed for less than a full-year contract will receive a prorata part of the authorized sick leave days calculated to the nearest one-half ($\frac{1}{2}$) day.

Persons employed on a full-year contract but scheduled for less than a full workday shall receive the authorized sick leave days equivalent to their normal working day, provided the employee works enough hours in the position to be considered at least one-half time.

Employees on paid leave shall not be compensated for any duties, regular or extra service, during the paid leave period. *Employees on an approved leave of absence cannot return to work prior to the ending date for the leave unless prior approval has been granted through the Human Resources office*

ACCUMULATION

Unused sick leave will accumulate with no limitation.

DEFINITION

“Sickness” shall mean personal illness, including illness or temporary disabilities arising from pregnancy or exposure to contagious diseases.

FAMILY ILLNESS/MOURNING

Sick leave can also be taken for illness in the immediate family or for the purpose of mourning a member of the employee's immediate family. “Immediate family” shall mean employee's spouse, children (including stepchildren and foster children), grandchildren, daughters-in-law and sons-in-law, brothers and sisters, parents, spouse's parents, grandparents, and spouse's grandparents without reference to the location or residence of said relative and any other blood relative who resides in the employee's home.

SICK LEAVE DONATION PROGRAM

Under procedures developed by the Superintendent, classified employees who have accrued more than fifteen (15) days of sick leave may request to transfer sick leave days to another classified employee who is authorized to receive the donation. The number of days donated shall not reduce the employee's sick leave balance to less than fifteen (15) days. Employees who are on a leave of absence are not eligible to donate sick leave days.

An employee recipient shall not receive more than one (1) contractual year's number of donated days.

Any sick leave not used shall be returned on a proportionate/prorated basis to employees who donated days.

Sick Leave**SICK LEAVE DONATION PROGRAM (CONTINUED)**

The donation of sick days is totally voluntary. No employee shall be coerced, intimidated, or financially induced into donating days.

All names of people who donate days shall be considered confidential and shall not be shared with recipients or other people.

TRANSFER OF SICK LEAVE

Classified employees coming to the District without a break in service from another Kentucky school district or from the Kentucky Department of Education shall transfer accumulated sick leave to the District.

UNUSED SICK LEAVE

Unused sick leave will not be paid upon layoff, resignation, or termination of employment.

SICK LEAVE INCENTIVE BONUS

During the school year prior to the year of retirement, an employee shall be entitled to the following one (1)-time incentive bonus for accumulated sick days. If this incentive is to be taken, it must be taken in the school year prior to the year of retirement, because this bonus amount cannot be counted as part of the retirement benefits for purpose of salary.

The accumulated sick days will be determined on the last day of the school year prior to the retirement.

- 300 days and over - pay \$ 750 bonus
- 250 days but less than 300 - pay \$ 600 bonus
- 200 days but less than 250 - pay \$ 450 bonus
- 150 days but less than 200 - pay \$ 300 bonus
- 100 days but less than 150 - pay \$ 150 bonus

REINSTATEMENT

Unused accumulated sick leave will be reinstated to an employee who has been terminated and has been subsequently re-employed, if the break in service does not exceed forty-five (45) working days.

PERSONAL DAY TRANSFER

Classified employees shall have the option of transferring unused personal leave days to their accumulated sick leave at the end of each school year.

AFFIDAVIT

Upon return to work, a classified employee claiming sick leave must file a personal affidavit or a certificate of a physician stating that the employee was ill or that the employee was absent for the purpose of attending a member of the immediate family who was ill. For ten (10) or more consecutive days, an employee shall present a physician's statement.

Sick Leave

REFERENCES:

KRS 161.155

OAG 79-148

OAG 93-39

Family & Medical Leave Act of 1993

RELATED POLICIES:

03.2231, 03.2232, 03.22322, 03.2233

03.273 (Retirement Compensation)

Adopted/Amended: 06/17/2010

Order #: 10097

LEGAL: UNDER THE FAMILY AND MEDICAL LEAVE ACT, A QUALIFYING EXIGENCY ONLY RELATES TO INSTANCES OF ACTIVE DUTY OR CALL TO ACTIVE DUTY OF A COVERED FAMILY MEMBER (SPOUSE, SON, DAUGHTER OR PARENT), AND "NEXT OF KIN" IS NOT INCLUDED. THE DELETION MARKED WILL CORRECT THIS PROVISION.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.22322

- CLASSIFIED PERSONNEL -

Family and Medical Leave

REASONS

In compliance with the Family and Medical Leave Act of 1993 and under procedures developed by the Superintendent, leave shall be granted to eligible employees for the following reasons:

1. For the birth and care of an employee's newborn child or for placement of a child with the employee for adoption or foster care;
2. To care for the employee's spouse, child or parent who has a serious health condition, as defined by federal law;
3. For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the employee's job;
4. To address a qualifying exigency (need) defined by federal regulation arising out of the active duty or call to active duty of a covered family member (spouse, son, daughter, ~~or parent or next of kin~~) who serves in a reserve component or as an active or retired member of the Regular Armed Forces or Reserve in support of a contingency operation; and
5. To care for a covered family member (spouse, son, daughter, parent or next of kin) who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces that has rendered or may render the family member medically unfit to perform duties of his/her office, grade, rank or rating.

NOTICES AND DEADLINES

- a. Employees who may be eligible for or who request leave for any of the above reasons shall be provided an FMLA notice of eligibility and rights and responsibilities. Requests for family and medical leave entitlement should be made in writing but verbal requests may be made to the immediate supervisor or other designated administrator who shall then document the request. The District may require that a request for leave be supported by a certification for health care or military-related situations as permitted by federal law, but such requirements must be set out in the required notice.

Deadline for Notice to be Provided: Absent extenuating circumstances, within five (5) business days of District receipt of a request or the District being made aware of a potentially qualifying reason.

- b. The District shall designate an employee's leave, paid or unpaid, as FMLA-qualifying and shall provide a designation notice indicating whether the request is approved or if additional information is needed. Leave may be delayed if the employee does not provide proper notice (30 days advance notice for a foreseeable leave; otherwise, notice as soon as the need becomes known).

Deadline for Notice to be Provided: Absent extenuating circumstances, within five (5) business days of learning that an FMLA reason supports the leave.

Family and Medical Leave**ELIGIBILITY**

Employees are eligible for up to twelve (12) workweeks of family and medical leave each school year, if they have been employed by the District for twelve (12) months, have worked at least 1,250 hours during the twelve (12) months preceding the start of the leave, and otherwise qualify for family and medical leave. When family and medical leave is taken to care for a service member's recovery from a serious illness or injury sustained in the line of duty, an eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve-month period. This provision also applies to covered service members/veterans that have been on active duty within the past five (5) years.

In determining whether returning veterans meet the minimum 1,250 hour standard, hours actually worked for the District during the twelve-month period are to be combined with hours they would have worked for the District had they not been called for military service.

In situations involving both the Americans with Disabilities Act (ADA) and FMLA, the District shall apply the law affording the employee the greater benefit.

RESTRICTIONS

When an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with the twelve (12) workweek entitlement.

Paid leave used by the employee as required under this policy shall count, as applicable, against the twelve (12) or twenty-six (26) FMLA workweek entitlement.

Entitlement to family and medical leave for the birth and care of a newborn child or placement of a child shall expire twelve (12) months after the date of such birth or placement.

When both husband and wife are employed by the District, the combined amount of family and medical leave for reasons other than personal illness or illness of a child shall be limited to twelve (12) workweeks. In cases of personal illness or illness of a child, each spouse is entitled to twelve (12) workweeks of family and medical leave.

EXCEPTION: The limit on the combined amount of family and medical leave shall be twenty-six (26) workweeks when both an eligible husband and wife are employed by the District and are eligible for leave that involves a covered Armed Forces service member.

Unused family and medical leave shall not accumulate from year to year.

INTERMITTENT LEAVE/REDUCED HOURS

Family and medical leave may be taken intermittently (when medically necessary) or on a reduced-hours basis.

CONTINUATION OF BENEFITS

While on family and medical leave, employees shall be entitled to all employment benefits accrued prior to the date on which the leave commenced. Health insurance for an employee on family and medical leave shall continue to be provided by the state on the same basis had the employee not taken leave. Other employment benefits and seniority shall not accrue during unpaid family and medical leave.

PERSONNEL

03.22322
(CONTINUED)

Family and Medical Leave

RETURN TO WORK

Upon return to work, the employee shall be entitled to his/her same position (or an equivalent position with equivalent pay) with corresponding benefits and other terms and conditions of employment.

NOTICE

The District shall notify employees of family and medical leave provisions by posting appropriate notices in conspicuous places in the Central Office and each worksite and distributing notices as required by law.

REFERENCES:

Family and Medical Leave Act of 1993, 29 U.S.C. 2601-2654
Title I of the FMLA, as amended by the National Defense Authorization Act
Code of Federal Regulations, Title 29, Part 825

RELATED POLICIES:

03.223; 03.2232; 03.2233; 03.2234; 03.2238; 03.224

-CERTIFIED PERSONNEL-

Jury Leave

SALARY

Any employee who serves on a jury in a duly constituted local, state, or federal court shall be granted leave with full compensation, less any compensation received as jury pay (except expense monies), for the period of actual jury service.

NOTICE

Persons who will be absent from work to serve on juries must give advance notice to their immediate supervisors.

Employees are excused only for the actual time served. Employees excused from jury duty in Hardin County prior to the end of the school day ~~shall~~ **must** return to work. Those employees serving jury duty outside of Hardin Count and excused from jury service prior to the end of the school day may receive an exception to the policy if approved by an administrator in the HR Department.

REFERENCES:

KRS 161.153
OAG 78-696

Adopted/Amended: 03/15/2007
Order #: 9612

LEGAL: THE GENERAL ASSEMBLY HAS AMENDED KRS 160.380 TO PROHIBIT SUPERINTENDENTS FROM ASSIGNING EMPLOYEES TO AN ALTERNATIVE EDUCATION PROGRAM AS PART OF A DISCIPLINARY ACTION OR AS PART OF A CORRECTIVE ACTION PLAN.
FINANCIAL IMPLICATIONS: NONE

PERSONNEL

03.231

- CLASSIFIED PERSONNEL -

Assignment

The assignment of classified personnel 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. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

The Superintendent shall assign personnel only in positions for which they are qualified.

The Superintendent shall not assign the relative of a school Principal to the school where the Principal is assigned unless the relative is not the spouse and was employed in that school during the 1989-90 school year. No spouse of a Principal shall be assigned to the school where the Principal is assigned unless the spouse was employed in the 1989-1990 school year and the District has no more than one (1) elementary school, one (1) middle school, and one (1) high school. A Principal's spouse employed in the Principal's school shall be evaluated by another school administrator.¹

Effective July 1, 2008, no employee shall be directly supervised by a relative as defined in KRS 160.380 (father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law).

The Superintendent shall not assign a classified employee to an alternative education program as defined in KRS 160.380 as part of any disciplinary action pursuant to KRS 161.011 or as part of a corrective action plan established pursuant to the District's evaluation plan.

REFERENCES:

¹KRS 160.380
KRS 160.390
KRS 161.011
OAG 91-28
OAG 92-1
OAG 92-135

RECOMMENDED: AS ADDRESSED BY INTERNAL REVENUE SERVICE NOTICE 2011-72, THE IRS NO LONGER CONSIDERS "DE MINIMUS " PERSONAL USE OF A DISTRICT-PROVIDED PHONE FOR NON-COMPENSATORY BUSINESS AS TAXABLE INCOME.
THIS CHANGE IS NOT REQUIRED BY LAW.
FINANCIAL IMPLICATIONS: REDUCED STAFF TIME SPENT TRACKING USE AND REIMBURSEMENT

PERSONNEL

03.2321

- CLASSIFIED PERSONNEL -

Use of School Property

RESPONSIBILITY

All personnel shall be responsible for the school equipment, supplies, books, furniture, and apparatus under their care and use. Any damaged, lost, stolen, or vandalized property shall be reported to the employee's immediate supervisor.

OUTSIDE WORK

An employee shall not use any District facility, electronic communication system, equipment or materials in performing outside work unless otherwise approved by the Superintendent or Board. These items (including security codes and electronic records, such as E-mail) are property of the District and shall be used solely for job-related purposes.

ELECTRONIC COMMUNICATIONS

Employees shall not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. Employees cannot expect confidentiality or privacy as to information entered or stored in their E-mail accounts. Authorized District personnel may monitor the use of electronic equipment from time to time.

USE OF BOARD-OWNED VEHICLES

With authorization of the Superintendent, the use of board-owned/leased vehicles shall be governed by the following guidelines:

- Vehicles shall be used only in the performance of assigned duties and job requirements;
- Vehicles shall not be used for commercial purposes; and
- Unless otherwise authorized by the Superintendent, vehicles shall not carry passengers other than Board employees.

Employees assigned full-time use of board-owned vehicles shall be on call twenty-four (24) hours a day to perform services required by their job responsibilities. Except for commuting to and from work or an occasional minimal detour for personal reasons, employees shall not use board-owned/leased vehicles for personal use.

Use shall be authorized in compliance with state and federal guidelines including IRS requirements for reporting taxable income.

The Superintendent and/or the Director for Transportation shall be responsible for securing annual driving records from the Kentucky Department of Transportation for any employee who has occasion to drive any vehicle for transporting students. This annual records check shall be a condition of employment. Any traffic citation received during the year shall be reported to the Superintendent prior to driving a Board-owned vehicle or transporting students.

TOBACCO PRODUCTS

The use of any tobacco product is prohibited in any board-owned vehicle, school buses and any building owned or operated by the Board.

Use of School Property**OTHER SUBSTANCES**

No Board-owned vehicle shall be driven by anyone under the influence of an intoxicant or any substance which may impair the safe operation of the vehicle. Any employee found under the influence of alcohol or any illegal drugs while on duty or with remaining driving responsibilities that same day shall be suspended pending a termination hearing.

OTHER PERSONNEL

Employees, other than bus drivers, who have occasion to drive a Board-owned vehicle for transporting students, shall annually provide the Superintendent with a copy of their driving records from the Kentucky Department of Transportation. Any traffic citation received during the year shall be reported to the Superintendent prior to driving a Board-owned vehicle or transporting students.

USE OF ASSIGNED TELECOMMUNICATION DEVICES

The Board authorizes the purchase and employee use of telecommunication devices, as deemed appropriate by the Superintendent or his/her designee. All District cell phones paid with District funds shall be approved and/or assigned by the Director of Finance for use by District personnel. These devices shall include, but are not limited to, pagers and digital or cell phones. ~~A uniform and controlled system shall be established for monitoring use and appropriate reimbursement to the District, based on itemized billing statements for each device.~~

Telecommunication devices may be assigned or made available on a temporary or on-going basis when it is determined that:

1. Assignment of a device to an employee is a prudent use of District resources.
2. The employee's job responsibilities require the ability to communicate frequently and access to a District or public telephone is not readily available.
3. The employee's job involves situations where immediate communication is necessary to ensure the security of District property or safety of students, staff or others while on District property or engaged in District-sponsored activities.
4. ~~Personal use shall be authorized in compliance with state and federal guidelines including IRS requirements (1,132-5) for reporting taxable income.~~

District-owned and approved telecommunication devices shall be used primarily for authorized District business purposes. However, occasional personal use of such equipment is permitted.

REFERENCE:

KRS 160.290; KRS 189.292; KRS 189.294
KRS 281A.205; 702 KAR 5:080

RELATED POLICIES:

03.21; 06.221

NOTE: THE →
BOARD HAS
THE OPTION
TO KEEP
THESE
SECTIONS IF
IT DECIDES
EMPLOYEES
ARE TO
CONTINUE
REIMBURSE
MENT FOR
PERSONAL
USE.

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LEGAL: THE GENERAL ASSEMBLY HAS ADDED A NEW SECTION TO KRS 218A TO PROHIBIT THE USE OR DISTRIBUTION OF SYNTHETIC DRUGS. THE NEW LANGUAGE IS INTENDED TO APPLY TO SYNTHETIC SUBSTANCES USED FOR AN INTOXICATING PURPOSE WHETHER OR NOT "SCHEDULED" AS ILLEGAL UNDER FEDERAL OR STATE LAW. THIS LAW PASSED WITH AN EMERGENCY CLAUSE AND, THUS, ALREADY IS IN EFFECT.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.23251

- CLASSIFIED PERSONNEL -

Drug-Free/Alcohol-Free Schools

The regulations of the Drug-Free Workplace Act apply to U.S. Department of Education grantees as well as to other federal agencies. For the most part, these regulations apply to school districts which are "prime grantees" for monies such as Impact Aid (Public Law 874). Hardin County is one of these districts.

In order to fulfill federal regulations, all employees are hereby notified that it is a violation of Policy 03.23251 of this school District for any employee to unlawfully manufacture, distribute, dispense, be under the influence of, possess use, sell or transfer any of the following in the workplace or in the performance of duties;

1. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and
2. Substances that "look like" a controlled substance. In instances involving look-alike substances, there must be evidence of the employee's intent to pass off the item as a controlled substance.

Additionally, P.L. 101-266 prohibits the unlawful possession, use, or distribution of alcohol by employees and prohibits employees from being under the influence of alcohol while on duty. Drinking or being under the influence of alcoholic beverages while on duty is cause for discharge.

DEFINITIONS

Alcohol or Alcoholic Beverage shall mean any liquid that has an alcoholic content in excess of .5% by volume.

Controlled substance shall mean any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to KRS 218A.020.

Prescribed Drug shall mean any substance prescribed for the individual consuming it by a licensed medical practitioner.

Positive Drug Screening Test shall mean positive identification of a drug or metabolite which has been confirmed with sophisticated scientific laboratory tests.

Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

1. All prescription drugs obtained without authorization, and

Drug-Free/Alcohol-Free Schools**DEFINITIONS (CONTINUED)**

2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, ~~and~~ prohibited volatile substances as defined in KRS 217.900 or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

AUTHORIZED DRUGS

Employees who personally use or who are designated to administer to a student a drug authorized by and administered in accordance with a prescription from a health professional shall not be considered in violation of this policy.

WORKPLACE DEFINED

Workplace is defined as the site for the performance of work done for the District. That includes any place where work on a school District program, project, or activity is performed, including, but not limited to, a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event, or function such as a field trip or athletic event where students are under the jurisdiction of the school District.

ALCOHOL

Any employee whose off-duty or on-duty use of alcohol results in an act or acts which effect job performance, including but not limited to, on duty accidents, poor work, or excessive absenteeism or tardiness and the offense does not warrant termination will be expected to seek referral to a chemical dependency treatment or counseling program. If the employee refuses or fails rehabilitation, he/she shall be subject to discipline up to and including termination.

PRESCRIPTION DRUGS

Prescription drugs shall be used only in the manner, combination and quantity prescribed.

Any employee whose suspected misuse of prescription drugs results in an act or acts which have a detrimental effect on job performance, including but not limited to, excessive absenteeism, tardiness, accidents, or poor work and the offense does not warrant termination, may be referred for a drug/alcohol screening examination, and/or back to their private physician. If necessary, they may be referred to a chemical dependency treatment or counseling program. Appropriate disciplinary action may also be administered. If the employee refuses or fails rehabilitation, he/she will be terminated.

SUSPENSION/TERMINATION/NONRENEWAL

Any employee who violates the terms of this policy may be suspended, nonrenewed, or terminated. In addition, violations may result in notification of appropriate legal officials.

Drug-Free/Alcohol-Free Schools**ALTERNATIVES**

As an alternative, the Superintendent may choose that an employee who violates the terms of the District's drug-free/alcohol-free workplace policies shall satisfactorily participate in a Board-approved drug/alcohol abuse assistance or rehabilitation program. If the employee fails to satisfactorily participate in such a program, the employee may be suspended, nonrenewed, or terminated.

Any employee who has developed an addiction to, dependence upon, or problem with alcohol or drugs is encouraged to voluntarily seek assistance. No reprisal will be taken against any employee who chooses to correct a drug or alcohol problem through the self-referral method. However, self-referral to a treatment program may not be used as a protection from a subsequent supervisory referral for a drug or alcohol test based on reasonable suspicion that an employee is impaired or incapable of performing job duties.

An employee who violates the terms of the school District's drug-free/alcohol-free workplace policies or provisions of P.L. 101-266, may be nonrenewed or his/her employment may be suspended or terminated at the discretion of the Superintendent. The Superintendent, at the first meeting following any action, shall notify the Board of same. As an alternative the Superintendent may choose that an employee who violates the terms of the drug-free/alcohol-free policies satisfactorily participate, at employee expense, in a state-licensed drug/alcohol abuse assistance or rehabilitation program. If the employee fails to satisfactorily participate in such a program, the employee may be nonrenewed or his/her employment may be suspended or terminated.

Employees are further notified that it is a condition of continued employment with this District that all employees will comply with the above policies of the school District and will notify their supervisor of a conviction of any criminal drug statute for a violation occurring in the workplace no later than five (5) days after such conviction.

REPORTING

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.

REASONABLE SUSPICION DRUG/ALCOHOL TESTING OF CURRENT EMPLOYEES

Drug and alcohol testing will be conducted when an individual charged with enforcing this policy has reasonable suspicion to believe that an employee has violated it. Reasonable suspicion shall be based on specific behavioral observations.

Reasonable suspicion means information sufficient to justify a belief by a supervisor that this policy is being or has been violated. Circumstances which constitute reasonable suspicion may include, but are not limited to:

- a. direct observation of use or possession of drugs or alcohol;

Drug-Free/Alcohol-Free Schools

REASONABLE SUSPICION DRUG/ALCOHOL TESTING OF CURRENT EMPLOYEES (CONTINUED)

- b. presence of the physical symptoms of drug or alcohol use (including but not limited to glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
- c. a severe and prolonged reduction in productivity that is likely attributable to drug or alcohol use;
- d. a work-related accident;
- e. reliable information provided by a credible source or independently corroborated;
- f. a pattern of abnormal or erratic behavior; or
- g. frequent absenteeism or tardiness.

Whenever a drug/alcohol screening referral is being considered by the supervisor, the supervisor shall complete a report which summarizes the circumstances which constitute reasonable suspicion, and immediately request that another supervisor/administrator, if reasonably available, come to the site to confirm the basis for the referral.

PREVENTION PROGRAM

The Superintendent shall establish a comprehensive and ongoing drug-free/alcohol-free prevention program for all employees which shall include notice of the following:

1. The dangers of drug/alcohol/substance abuse in the schools;
2. The District's policies and related procedures on drug-free/alcohol-free schools;
3. The requirement for mandatory compliance with the District's established standards of conduct, including those that prohibit use of alcohol, drugs and other controlled and prohibited substances;
4. Information about available drug/alcohol counseling programs and available rehabilitation/employee assistance programs; and
5. Penalties that may be imposed upon employees for violations of this policy.

REFERENCES:

KRS 160.290; KRS 161.120; KRS 161.790; KRS 217.900; New Section of 218A
34 CFR Part 85
P. L. 101-226 (Improving America's Schools Act of 1994 (Title IV): Safe and Drug-Free
Schools and Communities)
20 USCA, Section 3171

RELATED POLICIES:

03.1325; 08.1345; 09.2241

PERSONNEL

03.2327

- CLASSIFIED PERSONNEL -**Use of Tobacco****USE OF TOBACCO PROHIBITED**

The use of any tobacco product is prohibited in any board-owned vehicle ~~or~~ and any building and/or grounds (to include seating areas of all outdoor arenas/stadiums) owned or operated by the Board. The use of any tobacco product is prohibited in the presence of students during school hours or in the presence of students while performing services for the District. ~~Smoking is prohibited in the seating areas of all outdoor arenas/stadiums.~~ The use of tobacco products on board owned property is permitted only in privately owned vehicles.

~~Adult employees may smoke in outside areas designated by the Principal. These designated areas shall be at least fifteen (15) feet from the outside entrance or to open windows of any enclosed area in which smoking is prohibited.~~

REFERENCES:KRS 438.050OAG 81-295OAG 91-137KRS 160.290KRS 160.340

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

RELATED POLICY:

09.4232

Adopted/Amended: 06/21/2007

Order #: 9653

RECOMMENDED: KSBA RECOMMENDS THIS CHANGE TO PUT EMPLOYEES ON NOTICE THAT THEY ARE REQUIRED TO COOPERATE WITH DISTRICT INVESTIGATIONS.
THIS CHANGE IS NOT REQUIRED BY LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.233

- CLASSIFIED PERSONNEL -

Duties

All employees are expected to use sound judgment in the performance of their duties and take reasonable measures to protect the health, safety, and well-being of others, as well as District property.

INVESTIGATIONS

All employees shall cooperate fully with all investigations conducted by the District as authorized by policy or law. Failure to comply may be considered insubordination.

ACCOMMODATION

Reasonable accommodation shall be provided each qualifying employee with a disability to comply with the requirements of law and regulation.¹

REFERENCES:

¹ Americans With Disabilities Act (ADA); Rehabilitation Act of 1973
P. L. 93-112 Sec. 504; P. L. 101-336
KRS 158.645
KRS 158.6451
OAG 91-10

RELATED POLICIES:

03.212
03.213

LEGAL: FEDERAL REGULATION 40 C.F.R. SEC 763.93 REQUIRES THAT EACH SCHOOL HAVE AN ASBESTOS MANAGEMENT PLAN, AND THAT THE PLAN MUST BE UPDATED REGULARLY.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.24

- CLASSIFIED PERSONNEL -

Health and Safety

SAFETY

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

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

HAZARD COMMUNICATION

The Superintendent and/or designee shall develop a District Hazard Communication Plan. The plan shall include:

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

BLOODBORNE PATHOGEN CONTROL

The Superintendent and/or designee shall develop an Exposure Control Plan to eliminate or minimize District occupational exposure to bloodborne pathogens. A copy of the Exposure Control Plan can be found in the District's administrative regulation manual. The Superintendent or designee shall review and update the Exposure control Plan at least once each year and when needed to reflect new or modified tasks and procedures that affect occupational exposure or new or revised employee positions with occupational exposure. The review and update shall also address:

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

Health and Safety**CLEANUP PROCEDURES**

The Superintendent shall develop procedures to ensure adequate and proper cleanup details and measures to aid in the prevention of infection and communicability of contagious diseases.

LOCKOUT/TAGOUT

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

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

PERSONAL PROTECTIVE EQUIPMENT (PPE)

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

1. Assignment of a District employee responsible for assessing the workplace for hazards;
2. Selection of appropriate PPE to safeguard employees from hazards that cannot be eliminated;
3. A training program to be conducted to educate employees about the need for PPE and when it must be worn;
4. Training of employees on the use and care of PPE, how to recognize deterioration and failure and the need for replacement; and
5. Requiring employees to wear designated PPE, as deemed necessary by the hazard assessment.

Health and Safety**ASBESTOS MANAGEMENT**

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

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COMPENSATION

Employees may be compensated for work-related injuries under Workers' Compensation insurance provided by the Board.

REFERENCES:

¹401 KAR 58:010, 40 C.F.R. Part 763
Kentucky Department for Public Health
Centers for Disease Control and Prevention
Kentucky Labor Cabinet, 803 KAR 2:308, 803 KAR 2:404, 803 KAR 2:500
OSHA 29 CFR 1910
132 PPE Hazard Assessment
147 Lockout/Tagout
1200 Hazard Communication
1030 Bloodborne Pathogens

RELATED POLICY:

03.14

RECOMMENDED: KSBA RECOMMENDS THIS CHANGE TO CLARIFY THAT THE TIMELINE RESPONSE CLOCK BEGINS TO RUN ON THE DATE ON WHICH THE DISTRICT IS NOTIFIED OF AN HARASSMENT/DISCRIMINATION COMPLAINT, IN WRITING OR OTHERWISE. ALSO, ADDITIONAL TIME IS RECOMMENDED TO LAUNCH CORRECTIVE/PREVENTATIVE ACTIONS.
THIS CHANGE IS NOT REQUIRED BY LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.262

- 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.

PROHIBITIONS

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

Persons engaging in discrimination or harassment of a student or employee in the Hardin County School System 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:

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, regardless of the manner in which the complaint is communicated to a District administrator. 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.

Harassment/Discrimination**GUIDELINES (CONTINUED)**

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

2. A process to identify and implement, within ~~three-five~~ (35) 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.
3. 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.

4. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination; and
5. 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;
6. 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
7. Destroying or damaging an individual's property based on any of the protected categories.

Harassment/Discrimination**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.

NONRETALIATION

No one shall retaliate against any person because s/he has submitted a grievance, assisted or participated 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

LEGAL THIS NOTATION IS RECOMMENDED BECAUSE KENTUCKY HAS BEEN GRANTED A WAIVER THROUGH THE 2013-2014 SCHOOL YEAR FOR SEVERAL PROVISIONS PREVIOUSLY REQUIRED AS PART OF THE NO CHILD LEFT BEHIND ACT.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.5

Teachers' Assistants/Paraprofessionals

SUPERINTENDENT MAY EMPLOY

The Superintendent may employ teachers' assistants/paraprofessionals for supplementary instructional and non-instructional duties in the education program in positions authorized by the Board.¹

DEFINITION

As used in this policy and in relation to required training and qualifications for instructional personnel, "teacher's assistant" and "paraprofessional" are interchangeable terms, which mean an adult school employee who works under the direction of the professional administrative and teaching staff in performing, within the limitations of training and competency, certain instructional and non-instructional functions in the school program.²

Because the Kentucky request to the U. S. Dept. of Education for flexibility was granted, the following paraprofessional educational requirement is waived through the 2013-2014 school year.

EDUCATIONAL REQUIREMENTS

All paraprofessionals shall satisfy educational requirements specified by federal law.²

SUPERVISION

Teachers' assistants shall be under the direct supervision of certified personnel.^{1&2}

EVALUATION

Work performance is evaluated by the immediate supervisor on a continuous daily basis using criteria established in Board Policy 03.28.

REFERENCES:

¹KRS 161.044; OAG 76-555; OAG 86-43

²P. L. 107-110 (No Child Left Behind Act of 2001); KRS 161.010

34 CFR 200.58-200.59

Kentucky High School Athletic Association (KHSAA)

KRS 17.160; KRS 17.165

KRS 156.095; KRS 160.380; KRS 161.180 (2)

OAG 73-206

RELATED POLICIES:

03.21 (Hiring)

03.232 (Job Description)

03.28 (Evaluation)

03.6 (Volunteers)

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 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

All volunteers in athletic programs must be twenty-one (21) years of age and supervised by a Level I or Level 2 coach as defined in the Kentucky High School Athletic Association regulations.

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.

Principals, working with the volunteer coordinator in each school, will ensure that all volunteers in all areas (curricular, extra-curricular and athletic) complete the orientation and the background check.

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. The District shall arrange to pay any cost required for the records check, but may use donations from any source, including volunteers, for this purpose.

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.

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.

WORK-BASED SITE SUPERVISORS

Work-based learning site supervisors are considered volunteers. Pursuant to KRS 160.380 and KRS 161.148, prior to being assigned to supervise a student for more than one (1) day in a work-based learning experience, the site supervisor shall have undergone a state criminal background check either as required by their employer at time of employment or within the past twelve (12) months, whichever is the more recent.

Volunteers

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.

REFERENCES:

¹KRS 161.148
KRS 160.380
KRS 161.044

RELATED POLICIES:

03.5
08.113; 08.1131

Adopted/Amended: 06/16/2011
Order #: 10208

LEGAL: CHANGES ARE RECOMMENDED TO PROMOTE DISTRICT COMPLIANCE WITH FEDERAL REQUIREMENTS FOR SCHOOL NUTRITION PROCUREMENT OF PERISHABLE ITEMS AND APPLICATION OF RESIDENT BIDDER PREFERENCES. FEDERAL LAW GENERALLY PERMITS APPLICATION OF GEOGRAPHICAL PREFERENCES ONLY FOR PROCUREMENT OF UNPROCESSED, LOCALLY GROWN AND RAISED AGRICULTURAL PRODUCTS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

FISCAL MANAGEMENT

04.32

Bidding

AUTHORITY

Bidding procedures shall conform to the Model Procurement Code, KRS 45A.345 - KRS 45A.460.¹ All contracts or purchases shall be awarded by competitive sealed bidding or competitive negotiation, both of which may include the use of a reverse auction, except as otherwise provided by law.²

All purchases of Kentucky Education Technology System (KETS) components shall adhere to KETS architectural standards and procedures or have KETS office approval.

The District may purchase supplies and/or equipment outside an established price contract of the federal government (GSA), the State Division of Purchases, a cooperative agency bid approved by the Board, or a District bid if:

1. The supplies and/or equipment meet the specifications of contracts awarded by the Division of Purchases, a federal agency (GSA), a cooperative agency, or a District bid;
2. The supplies and/or equipment are available for purchase at a lower price;
3. The purchase does not exceed \$2,500; and
4. The District's finance or purchasing officer has certified compliance with the first and second requirements.

Prior to purchase of education technology components defined in the master technology plan, the Department of Education must certify that the items to be purchased meet or exceed the specifications of components of the original equipment of manufacturers currently holding Kentucky price contracts.⁴

PREFERENCE FOR RESIDENT BIDDERS

For all contracts funded in whole or in part by the District, the Board shall apply the reciprocal preference for resident bidders required by law. Geographical preferences relating to school nutrition service purchases may be utilized only as permitted by applicable federal law.³

EXEMPTIONS

Federal regulatory requirements do not provide a bidding exception for purchase of perishables using school nutrition service funds. Such purchases must follow applicable federal regulations.⁷

PRICE REDUCTIONS

Price reductions may be accepted on supplies and/or equipment being offered by the vendor when a price agreement has been made. All supplies and/or equipment must meet all terms and conditions specified in the price agreement. Price reduction is offered to all participants in the price agreement. Price reductions may be accepted even if the reduced price requires the purchase of a specified quantity of units different from the original price agreement.

Bidding**SMALL PURCHASES**

District small purchase procedures may be used for any contract in which the aggregate amount does not exceed \$20,000.00.⁵

BACKGROUND CHECK FOR CONTRACTORS

The Superintendent shall require that a contractor submit, at no expense to the District, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation in keeping with KRS 160.380. This provision shall become part of the contractual obligation of the contractor and shall be reflected in the bid specifications, or, if the contract is not subject to bid requirements, in the negotiations with the contractor.

“Contractor” shall refer to any adult who is permitted access to school grounds pursuant to a current or prospective contractual agreement with the school, school board, school district, or school-affiliated entity, at times when students are present. The term “contractor” includes an employee of a contractor.⁶

REFERENCES:

¹KRS 45A.343

²KRS 45A.070; KRS 160.290; KRS 45A.380

³KRS 160.303; 200 KAR 5:400; KRS 45A.494

⁴KRS 156.076

⁵KRS 45A.385

⁶KRS 160.380

⁷7 CFR 210.21 and 7 CFR 3016.36

KRS 45A.345; KRS 45A.360; KRS 45A.365; KRS 45A.370

KRS 45A.420; KRS 45A.445; KRS 45A.455; KRS 45A.460; KRS 45A.620

OAG 79-501, OAG 82-170, OAG 82-407

Kentucky Educational Technology Systems (KETS)

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RELATED POLICIES:

05.6, 06.4, 07.13

RECOMMENDED: THE KENTUCKY DEPARTMENT OF EDUCATION (KDE) HAS UPDATED THE CAPITAL ASSET GUIDE TO REFLECT NEW THRESHOLD AMOUNTS FOR FIXED ASSETS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

FISCAL MANAGEMENT

04.7

Inventories

EQUIPMENT AND FURNITURE

The school Principal/designee shall maintain a complete and up-to-date list of all equipment and furniture and shall provide that information upon request. The Superintendent/designee shall develop procedures and forms for the annual inventory and be responsible for maintaining the inventory. Any item with a purchase cost of \$15,000 or more shall be recorded in MUNIS as Fixed Assets.

TECHNOLOGY

A complete, up-to-date inventory of all technology hardware and software shall be maintained by the Director of Technology/designee. Information shall be provided upon request. Any item with a purchase cost of \$15,000 or more, regardless of source of funding, and all workstations and laptops shall be recorded in MUNIS as Fixed Assets.

FIXED ASSETS

The Treasurer of the Board will maintain an accurate and timely accounting of all fixed assets owned by the District. This accounting shall include a description, cost or value, identifying data, life, accumulated depreciation, and undepreciated value of each asset.

Fixed assets include:

- a. Land
- b. Buildings/Improvements
- c. Buses and Other Vehicles
- d. Technology Equipment
- e. All Capital Leased Items
- f. Food Service Equipment
- g. Other Furniture, Fixtures, and Equipment

Excepting technology equipment, fixed assets have an expected life of one (1) year or more and an acquisition cost of \$15,000 or more. Technology fixed assets have an expected life of one (1) year or more and an acquisition cost of \$15,000 or more, plus all computer workstations, laptops and servers.

Building improvements that significantly extend the useful life of such structure will be capitalized.

CAPITAL ASSETS

The District shall refer to the KDE Capital Asset Guide for guidance in establishing capitalization threshold amounts.

FISCAL MANAGEMENT

04.7
(CONTINUED)

Inventories

REFERENCES:

780 KAR 7:060

KRS 160.290

Kentucky Education Technology System

Accounting Procedures for Kentucky School Activity Funds

KDE Capital Asset Guide

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RELATED POLICIES:

04.8; 05.21

RECOMMENDED: THE 2012 GENERAL ASSEMBLY ENACTED A NEW SECTION OF KRS CHAPTER 162 RECOGNIZING THE BOARD'S AUTHORITY TO PERMIT COMMUNITY USE OF SCHOOL PROPERTY DURING NON-SCHOOL HOURS, WHILE MAINTAINING THE SAME IMMUNITIES FOR CLAIMS AS WOULD OTHERWISE APPLY TO USE OCCURRING DURING SCHOOL HOURS OR SCHOOL-RELATED ACTIVITIES.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

SCHOOL FACILITIES

05.3

Community Use of School Facilities

WHO MAY USE

The Board may grant the use of school facilities to responsible and organized groups for purposes that provide demonstrable benefit to the schools or to the community as a whole.

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

AVAILABILITY

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

On recommendation of the Superintendent, the Board may grant a group or organization the use of facilities for an extended period.

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 officially represent 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.

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.

RENTAL FEES

The use of facilities by nonschool groups for profit-making activities must be approved by the Principal. A rental fee based on the nature of the activity and on minimum rates shall be assessed or a portion of the net profits shall be negotiated by the Principal. When the kitchen is used, a school nutrition employee must be present and paid his/her hourly wage.

SCHOOL FACILITIES

05.3
(CONTINUED)

Community Use of School Facilities

RENTAL FEES (CONTINUED)

Local nonschool groups may use facilities on approval of the Principal and ~~shall~~ ^{may} be charged a rental fee.

Civic organizations or other community agencies that support or work for and contribute financially to the community may use facilities without a rental fee.

School personnel must be present. A custodial fee of the employee's hourly wage shall be charged.

All groups shall bear the cost of necessary custodial services.

EXCEPTION

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

REFERENCES:

¹ A New Section of KRS Chapter 162

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 POLICY:

10.3

Local

Bus Drivers' Use of Tobacco and Other Substances

CRIMINAL RECORDS CHECK

Prior to the employee's initial employment or upon return from any break in service (excluding summers and any designated calendar breaks), the Superintendent or designee shall perform a criminal records and driving history check on all school bus drivers.¹ No person shall be employed as a school bus driver who has been convicted of driving any motor vehicle under the influence of alcohol or any illegal drug within the last five (5) years.

TOBACCO PRODUCTS

The use of any tobacco product is prohibited in any board-owned vehicle ~~and any or~~ building and/or grounds (to include seating areas of all outdoor arenas/stadiums) owned or operated by the Board. The use of any tobacco product is prohibited in the presence of students during school hours or in the presence of students while performing services for the District. ~~Smoking is prohibited in the seating areas of all outdoor arenas/stadiums.~~ The use of tobacco products on board owned property is permitted only in privately owned vehicles.

~~Adult employees may smoke in outside areas designated by the Principal. These designated areas shall be at least fifteen (15) feet from the outside entrance or to open windows of any enclosed area in which smoking is prohibited.~~

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 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:
 - a) While on duty;
 - b) Eight (8) hours before driving;
 - c) Eight (8) hours following an accident; or
 - d) 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

Bus Drivers' Use of Tobacco and Other Substances**TESTING**

All covered applicants and employees shall be subject to pre-employment alcohol and controlled substances testing and to 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 suspended from driving duty and 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 shall 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 Regulation.

Applicants who refuse drug and alcohol testing shall be eliminated immediately from employment consideration. Current employees who refuse to comply with testing requirements will be immediately suspended from driving duty and 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.

suspicion, random, and post-accident testing, cost shall be paid for by the District.

Bus Drivers' Use of Tobacco and Other Substances**TESTING COSTS**

Pre-employment drug and alcohol testing costs shall be paid for by the District. All current employee drug and alcohol testing, including reasonable

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 employer 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

²[702 KAR 005:080](#)

[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

Adopted/Amended: 06/16/2011

Order #: 10208

LEGAL: THIS CHANGE IS NEEDED BECAUSE THE LATEST CHANGES TO THE AMERICANS WITH DISABILITIES ACT (ADA) HAVE MODIFIED SECTION 504 REQUIREMENTS RELATIVE TO RESPONDING TO SPECIAL DIETARY NEEDS.
FINANCIAL IMPLICATIONS: NONE

DRAFT (07/14/11)

SCHOOL NUTRITION

07.1

School Nutrition Services

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

BREAKFAST AND LUNCH

All schools will serve a complete breakfast, hot or cold as defined by federal regulations. The noon meal shall be a complete lunch, hot or cold, as defined by federal regulations; and servings shall be of such size as to provide at least one-third (1/3) to one-half (1/2) of the daily nutritional requirements.

SPECIAL DIETARY NEEDS

~~If a student's medical condition requires that individualized food alternatives be provided to a child such as a milk substitute because of milk allergy or individual food scheduling such as a snack for a diabetic, it is the parent's responsibility to provide to the Principal/designee a request signed by a recognized medical authority supporting the need for the individual change. Upon receipt of this request, the Principal/designee shall confer with District administrators to summarize the child's needs and assist in developing a plan of action for the student.~~

Students whose dietary needs qualify them for an adaptation under law shall be provided accommodations in keeping with local procedures.

CHILD NUTRITION DIRECTOR

The District (or child nutrition area to which the District belongs) shall appoint/select a Child Nutrition Director to oversee and manage the child nutrition department.

ANNUAL REPORT/PUBLIC FORUM

Immediately following the release of the 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.

Food/School Nutrition Services**PREPAYMENT OPTION**

Children who participate in the breakfast and /or lunch program can make a prepayment on their account at any time. Money can be deposited into an individuals account at their home school or through the on-line MealPayPlus system.

MEAL CHARGES

Any person who participates in the breakfast and/or lunch program may charge meals up to six (6) days. After that time, all charges must be paid before additional charges can be made. Students shall not be permitted to charge a la carte items.

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Faculty and staff may not charge meals up to 3 times. After that time, all charges must be paid before additional charges can be made. If charges are not paid in within thirty (30) school days from the time the last charge is made, charge privileges will be revoked. No a la carte items may be charged.

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

REFERENCES:

KRS 156.160; KRS 156.502

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

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

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LEGAL: THESE CHANGES ARE RECOMMENDED TO PROMOTE DISTRICT COMPLIANCE WITH STATE AND FEDERAL REQUIREMENTS FOR SCHOOL NUTRITION PROCUREMENT.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

SCHOOL NUTRITION

07.13

Bidding of School Nutrition Procurement Nutrition Program Supplies

OPEN BIDDING

In all applicable cases, food, food products, supplies, and equipment ~~purchased with used by the school nutrition funds program shall be procured purchased by open bidding,~~ in accordance with the process and procedures established in Policy 04.32 of this manual and all appropriate in a manner that provides full and open competition consistent with the standards in applicable federal regulations.¹

REFERENCES:

~~7 CFR 3016.36~~

~~7 CFR 210.21~~

KRS 160.290

KRS 424.260

~~KRS 45A.345~~ KRS 45A.460

702 KAR 6:010

RELATED POLICY:

04.32

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LEGAL: THE 2012 GENERAL ASSEMBLY AMENDED KRS 158.140 TO REQUIRE THAT STUDENTS WITH DISABILITIES WHO HAVE COMPLETED A MODIFIED CURRICULUM AND AN INDIVIDUAL COURSE OF STUDY SHALL RECEIVE AN ALTERNATIVE HIGH SCHOOL DIPLOMA. OTHER CHANGES REFLECT THAT KVHS COURSES WILL NOT BE OFFERED AFTER THE 2011-2012 SCHOOL YEAR.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.113

Graduation Requirements

Each student shall complete an individual learning plan that incorporates emphasis on career development, to include Academic Expectations 2.36, 2.37, and 2.38, and shall have a total of at least twenty-two (22) credits for high school graduation. Those credits shall include the following minimum requirements:

Language arts – four (4) credits (including English I, II, III, and IV);

Social studies – three (3) credits (to incorporate U. S. History, Economics, Government, World Geography, and World Civilization)

Mathematics –four (4) credits (including Algebra I, Algebra II, Geometry, and one [1] elective as provided in the Kentucky Core Academic Standards, 704 KAR 3:303)

Science – three (3) credits (including life science, physical science, and earth and space science as provided in Kentucky Core Academic Standards, 704 KAR 3:303)

Health – one-half (½) credit

Physical education – one-half (½) credit

History and appreciation of visual and performing arts (or another arts course that incorporates this content) – one (1) credit

Electives – six (6) credits

All required courses shall include content contained in the Kentucky Core Academic Standards, and electives shall address academic and career interest standards-based learning experiences, including four (4) credits in an academic or career interest based on the student's individual learning plan.

Students must take one (1) mathematics course each year of high school. Required courses include: Algebra I, Geometry and Algebra II. An integrated, applied, interdisciplinary, technical or occupational course that prepares a student for a career path based on the student's individual learning plan (ILP) may be substituted for a traditional Algebra I, II or Geometry course. This decision is made on an individual student basis. These courses must meet the content standards in the Kentucky Core Academic Standards.

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.

ADDITIONAL REQUIREMENTS

All students will be enrolled for eight (8) semesters or twelve (12) trimesters of high school unless the high school Principal, in consultation with the high school counselor, student, and legal guardian/parent, recommends an exception.

Provided all requirements for graduation are met and the Principal determines it is in the best interest of the student, the Principal may recommend an exception for a particular student(s) to the Board.

Graduation Requirements**ADDITIONAL REQUIREMENTS (CONTINUED)**

The consultation shall include a review of the student's high school course of study, grades, test scores, discipline records, extracurricular activities, and individual graduation plan for the purpose of determining the extent to which the student would benefit from an exception. The decision of the Principal to recommend an exception to the Board shall be on the basis of the student's readiness and need for accelerated coursework that is not available in the high school's curriculum or other extenuating circumstances.

Fractional credit may be granted for one-credit courses.

Students who have completed the requirements for graduation at each high school are eligible for a diploma from that school.

COMMENCEMENT

Graduation exercises and the issuing of diplomas shall occur only once each year at the end of the school term and shall involve only those students who have completed the requirements.

Honor Student recognition will be determined by school councils.

HIGH SCHOOL CREDIT EARNED IN MIDDLE SCHOOL

It is expected that most students will earn these credits during their high school years. However, local school districts may offer these courses to middle level students if the following criteria are met:

1. The content and the rigor of the course is the same as established in the ~~Program of Studies~~ Kentucky Core Academic Standards;
2. The students demonstrate mastery of the middle level content as specified in the ~~Program of Studies~~ Kentucky Core Academic Standards;
3. The District has criteria in place to make reasonable determination that the middle level student is capable of success in the high school course; and,
4. The middle level course is taught by teachers with either secondary or middle level certification with appropriate content specialization.

In keeping with statutory requirements, the District shall accept for credit toward graduation and completion of high school course requirements an advanced placement or a high school equivalent course taken by a student in grades 5, 6, 7, or 8 if that student attains performance levels expected of high school students in the 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.²

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~~
2. ~~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~~

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Graduation Requirements**HIGH SCHOOL CREDIT EARNED IN MIDDLE SCHOOL (CONTINUED)**

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

Individual site-based councils, with Board approval, may determine additional graduation requirements.

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.

2. 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.

3. Assessments and the extent to which state-mandated assessments will be used;
4. An objective grading and reporting process; and
5. 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.

COMMONWEALTH DIPLOMA

A Commonwealth Diploma shall be issued to each student who successfully completes and meets the requirements of the Commonwealth Diploma Program, as specified in 704 KAR 3:340.

OTHER PROVISIONS

The Board may authorize different diploma programs. In order to graduate, seniors must have successfully completed requirements of the state assessment and accountability program. Individual site-based councils, with Board approval, may establish additional graduation requirements related to state-mandated standards-based assessment.

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

STUDENTS WITH DISABILITIES

High school diplomas shall be awarded to students with disabilities in compliance with Kentucky Administrative Regulation applicable legal requirements.³

STUDENTS

08.113
(CONTINUED)

Graduation Requirements

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

³KRS 156.160; 20 U.S.C. sec. 1414

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, 08.14, 08.2211

09.126 (re requirements for students from military families)

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LEGAL: AFTER THE 2012 SPRING SEMESTER, KVHS WILL NO LONGER OFFER ONLINE COURSES. INSTEAD, KDE WILL PROVIDE A COMPREHENSIVE LIST OF DIGITAL LEARNING PROVIDERS FROM WHICH LOCAL DISTRICTS MAY CHOOSE, INCLUDING BAVEL, JEFFERSON COUNTY E-SCHOOL, AND KET. HOWEVER, IT IS ULTIMATELY UP TO THE DISTRICT TO DETERMINE WHICH ONLINE COURSES IT WILL RECOGNIZE FOR CREDIT TOWARD GRADUATION. ALSO, WITH THE ADVENT OF ONLINE LEARNING OPTIONS, WE RECOMMEND OMITTING REFERENCES TO CORRESPONDENCE COURSES.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.1131

Correspondence/Distance Learning Courses

Students who have not received credit in any course offered by a state-accredited high school may enroll in any accredited online correspondence program from agencies and institutions recognized by the Board and receive credit for graduation upon successfully completing said course.

~~Pupils may earn no more than three (3) credits through correspondence. Further, no more than two (2) correspondence courses may be taken while enrolled in any regular school year.~~

~~Only courses offered by agencies and institutions recognized by the Board will be accepted. The express approval of the Principal or the Principal's designee shall be obtained before the course is taken, and an official record of the final grade must be received by the school before a diploma may be issued to the student.~~

MAXIMUM NUMBER OF UNITS TO BE EARNED BY ONLINE CORRESPONDENCE COURSES

1. High school students may be permitted to earn, upon the recommendation and approval of the Principal/designee, online correspondence-credit(s). All online correspondence work and final exams must be completed by May 1.
2. Any person who has reached twenty-one (21) years of age and has not completed school may earn, by online correspondence courses, a maximum of one-fourth ($\frac{1}{4}$) of the number of units required for graduation at the time of entrance to high school. To be eligible to receive credit through online correspondence courses, a person will be required to make application to the Superintendent of the district in which credit is to be received. Upon recommendation and approval of the Principal/designee in the school in which the person will be enrolled, application may be made to take an online correspondence course.
3. Any person who has been out of school for a minimum of ten (10) years, from the close of school term during the last year of attendance, may earn by online correspondence courses a maximum of one-half ($\frac{1}{2}$) of the number of units required for graduation at the time of entrance to high school. To be eligible to receive such credit through online correspondence courses, the person will be required to make application to the Superintendent of the district in which the credit will be received. The person may make application to take an online correspondence course upon the recommendation and approval of the Principal of the school for the balance of courses needed.
4. High school students may be permitted to earn Kentucky Virtual High School-credit(s) upon the recommendation and approval of the Principal/designee. All work and final exams must be completed by the timeline established through the Kentucky Virtual High School. Online courses may be subject to review by the Superintendent/designee for conformance with Kentucky Core Academic Standards and District graduation requirements.

Correspondence/Distance Learning Courses

MAXIMUM NUMBER OF UNITS TO BE EARNED BY ONLINE COURSES (CONTINUED)

The District shall recognize only those online courses that meet the international standards for online teachers, courses, and programs that have been adopted by the Kentucky Department of Education.

REFERENCE:

KRS 158.622

RELATED POLICIES:

08.113, 08.2323, 09.1221, 09.3, 09.435

LEGAL: THIS NOTATION IS RECOMMENDED BECAUSE KENTUCKY HAS BEEN GRANTED A WAIVER THROUGH THE 2013-2014 SCHOOL YEAR FOR SEVERAL PROVISIONS PREVIOUSLY REQUIRED AS PART OF THE NO CHILD LEFT BEHIND ACT.
FINANCIAL IMPLICATIONS: FEWER RESOURCES NEEDED TO COMPLY WITH SUPPLEMENTAL EDUCATIONAL SERVICES REQUIRED BY NCLB

CURRICULUM AND INSTRUCTION

08.133

Extended School/Supplemental Educational Services

PLAN FOR DIAGNOSING

The Superintendent/designee shall develop a plan for diagnosing and addressing student academic deficiencies by providing extended school services (ESS) and supplemental educational services (SES) as required by federal or state law.¹

EXTENDED SCHOOL SERVICES

The Board shall provide extended school services consistent with students' intervention or individual learning plans, requirements of 704 KAR 3:390, and local plans and procedures.

The District may provide extended school services during the regular school day when a waiver for alternative service delivery has been obtained. Extended school services offered during the summer shall be available to all eligible students residing in the District regardless of whether they attend District schools.

Because the Kentucky request to the U. S. Dept. of Education for flexibility was granted, the following section is waived through the 2013-2014 school year.

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SUPPLEMENTAL EDUCATIONAL SERVICES

The District shall post on the District/school web site(s) information about available supplemental educational services in keeping with federal regulatory requirements.

REFERENCES:

- ¹P. L. 107-110 (No Child Left Behind Act of 2001)
- 34 CFR 200.45 – 200.48
- KRS 158.070
- 704 KAR 3:390

Local

Assessment

ASSESSMENT PROGRAM

The Board shall comply with and participate in the state-wide assessment program developed and implemented by the State Board for Elementary and Secondary Education in accordance with applicable statutes and regulations.

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CONTINUOUS ASSESSMENT PROGRAM

The Superintendent shall recommend and the Board shall adopt and implement a continuous assessment program in accordance with applicable statutes and regulations.

All group assessment shall be conducted in accordance with the assessment calendar for the District. The Principal or the Principal's designee shall file a written request with the Director of Assessment when additional tests (those beyond the minimum assessment program) are planned.

No individual test shall be given without written permission of the parent.

WRITING PORTFOLIOS

Purpose: To facilitate best practice writing instruction a policy of continuous writing development in primary through grade 12 is established.

Selection: Each student will place his/her best work into a working portfolio folder. At least once annually, the student will select pieces to be included in the portfolio.

Assessment Policy Development at Local Level:

- Each SBDM Council shall adopt policies that determine the writing program for its school and submit it to the Board of Education as outlined in SB 1.
- Each school policy for the writing program shall address the use of the portfolio for determining a student's performance in:
 - Communication;
 - Grading procedures and feedback to students regarding their writing and communication skills;
 - The responsibility for review of the portfolios and feedback to students; and
 - Other policies to improve the quality of an individual student's writing and communications skills.

Annual Assessment Reviews:

- An program review/audit shall be conducted annually by the Superintendent or designee for the following programs:
 - Writing Portfolios
 - Arts and Humanities
 - Practical living skills and career studies

REFERENCES:

KRS 158.645; KRS 158.6451; KRS 158.6453; KRS 158.6459
KRS 158.650; KRS 158.860; KRS 161.795
016 KAR 001:020; 703 KAR 004:040
703 KAR 005:010; 703 KAR 005:060; 703 KAR 005:160

RELATED POLICIES:

02.441, 08.1213, 08.131, 08.221, 09.2, 09.21

Adopted/Amended: 07/16/2009

Order #: 7-E-2

LEGAL: BOARDS RECEIVING E-RATE FUNDING FOR INTERNET ACCESS ARE REQUIRED TO UPDATE THEIR INTERNET POLICY CONCERNING DISABLING OF PROTECTION MEASURES. ADDITIONAL CHANGES ARE SUGGESTED TO MEET OTHER REQUIREMENTS OF FEDERAL LAW (CHILDREN'S INTERNET PROTECTION ACT).
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.2323

Access to Electronic Media

(Acceptable Use Policy)

The Board supports reasonable access to various information formats for students, employees and the community and believes it is incumbent upon users to utilize this privilege in an appropriate and responsible manner, as required by this policy and related procedures, which apply to all parties who use District technology.

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SAFETY PROCEDURES AND GUIDELINES

The Superintendent shall develop and implement appropriate procedures to provide guidance for access to global electronic media. Guidelines shall address teacher supervision of student computer use, ethical use of electronic media, including but not limited to, the Internet, e-mail, and other District technological resources, and issues of privacy versus administrative review of electronic files and communications. In addition, guidelines shall prohibit utilization of networks for prohibited or illegal activities, the intentional spreading of embedded messages, or the use of other programs with the potential of damaging or destroying programs or data.

Students shall be provided instruction about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms and cyberbullying awareness and response.

Internet safety measures, which shall apply to all District-owned devices with Internet access or personal devices that are permitted to access the District's network, shall be implemented that effectively address the following:

- Controlling access by minors to inappropriate matter on the Internet and World Wide Web;
- Safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
- Preventing unauthorized access, including "hacking" and other unlawful activities by minors online;
- Unauthorized disclosure, use and dissemination of personal information regarding minors; and
- Restricting minors' access to materials harmful to them.

A technology protection measure may be disabled by the Board's designee during use by an adult to enable access for bona fide research or other lawful purpose.

The District shall provide reasonable public notice of, and at least one (1) public hearing or meeting to address and communicate, its initial Internet safety measures.

Specific expectations for appropriate Internet use shall be reflected in the District's code of acceptable behavior and discipline including appropriate orientation for staff and students.

Access to Electronic Media

(Acceptable Use Policy)

PERMISSION/AGREEMENT FORM

A written parental permission/agreement form shall be required prior to the student being granted independent access to the Internet and/or e-mail involving District technological resources.

The required permission/agreement form, which shall specify acceptable uses, rules of online behavior, access privileges, and penalties for policy/procedural violations must be signed by the parent or legal custodian of minor students (those under 18 years of age) and also by the student. This document shall be kept on file as a legal, binding document. In order to modify or rescind the agreement, the student's parent/custodian (or the student who is at least 18 years old) must provide the school and Superintendent with a written request.

EMPLOYEE USE

Employees shall not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. (Authorization is not required each time the electronic media is accessed in performance of one's duties.) Each employee is responsible for the security of his/her own password.

Employees are encouraged to use electronic mail and other District technology resources to promote student learning and communication with the home and education-related entities. If those resources are used, they shall be used for purposes directly related to work-related activities.

Technology-based materials, activities and communication tools shall be appropriate for and within the range of the knowledge, understanding, age and maturity of students with whom they are used.

District employees and activity sponsors may set up blogs and other social networking accounts using District resources and following District guidelines to promote communications with students, parents, and the community concerning school-related activities and for the purpose of supplementing classroom instruction.

Networking, communication, ~~Live@edu~~ and other options offering instructional benefits may be used for the purpose of supplementing classroom instruction and to promote communications with students and parents concerning school-related activities.

In order for District employees and activity sponsors to utilize a social networking site for instructional, administrative or other work-related communication purposes, they shall comply with the following:

1. They shall request prior permission from the Superintendent/designee.
2. If permission is granted, staff members will set up the site following any District guidelines developed by the Superintendent's designee.
3. Guidelines may specify whether access to the site must be given to school/District technology staff.

Access to Electronic Media

(Acceptable Use Policy)

EMPLOYEE USE (CONTINUED)

4. If written parental consent is not otherwise granted through AUP forms provided by the District, staff shall notify parents of the site and obtain written permission for students to become "friends" prior to the students being granted access. This permission shall be kept on file at the school as determined by the Principal.
5. Once the site has been created, the sponsoring staff member is responsible for the following:
 - a. Monitoring and managing the site to promote safe and acceptable use; and
 - b. Observing confidentiality restrictions concerning release of student information under state and federal law.

Staff members are discouraged from creating personal social networking sites to which they invite students to be friends. Employees taking such action do so at their own risk.

All employees shall be subject to disciplinary action if their conduct relating to use of technology or online resources violates this policy or other applicable policy, statutory or regulatory provisions governing employee conduct. The Professional Code of Ethics for Kentucky School Certified Personnel requires certified staff to protect the health, safety, and emotional well-being of students and confidentiality of student information. Conduct in violation of this Code, including, but not limited to, such conduct relating to the use of technology or online resources, must be reported to Education Professional Standards Board (EPSB) as required by law and may form the basis for disciplinary action up to and including termination.

COMMUNITY USE

On recommendation of the Superintendent/designee, the Board shall determine when and which computer equipment, software, and information access systems will be available to the community.

Upon request to the Principal/designee, community members may have access to the Internet and other electronic information sources and programs available through the District's technology system, provided they attend any required training and abide by the rules of usage established by the Superintendent/designee.

DISREGARD OF RULES

Individuals who refuse to sign required acceptable use documents or who violate District rules governing the use of District technology may be subject to loss or restriction of the privilege of using the equipment, software, information access systems, or other computing and telecommunications technologies.

Employees and students shall be subject to disciplinary action, up to and including termination (employees) and expulsion (students) for violating this policy and acceptable use rules and regulations established by the school or District.

MAINTENANCE

A maintenance program shall be developed by the Technology Director. The maintenance program shall include provisions which will minimize "down-time" on network file servers.

Access to Electronic Media

(Acceptable Use Policy)

RESPONSIBILITY FOR DAMAGES

Individuals shall reimburse the Board for repair or replacement of District property lost, stolen, damaged, or vandalized while under their care. Students or staff members who deface a District web site or otherwise make unauthorized changes to a web site shall be subject to disciplinary action, up to and including expulsion and termination, as appropriate.

RESPONDING TO CONCERNS

School officials shall apply the same criterion of educational suitability used to review other educational resources when questions arise concerning access to specific databases or other electronic media.

NETWORK SYSTEM SECURITY

A written computer Network Security Plan shall be on file in the Superintendent's Office and the schools' offices. This plan will be referred to in all matters pertaining to Hardin County Schools' network security.

AUDIT OF USE

Users with network access shall not utilize District resources to establish electronic mail accounts through third-party providers or any other nonstandard electronic mail system.

The Superintendent/designee shall establish a process to determine whether the District's education technology is being used for purposes prohibited by law or for accessing sexually explicit materials. The process shall include, but not be limited to:

1. Utilizing technology that meets requirements of Kentucky Administrative Regulations and that blocks or filters Internet access for both minors and adults to certain visual depictions that are obscene, child pornography, or, with respect to computers with Internet access by minors, harmful to minors;
2. Maintaining and securing a usage log; and
3. Monitoring online activities of minors.

RETENTION OF RECORDS FOR E-RATE PARTICIPANTS

Following initial adoption, this policy and documentation of implementation shall be retained for at least five (5) years after the last day of service in a particular funding year.

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REFERENCES:

KRS 156.675; 47 U.S.C. § 254; 701 KAR 5:120

16 KAR 1:020 (Code of Ethics)

Public Law 110-385, Broadband Data Improvement Act/Protecting Children in the 21st Century Act; 47 U.S.C. 254/Children's Internet Protection Act; 45 C.F.R. 54.520

Kentucky Education Technology System (KETS)

RELATED POLICIES:

03.1325/03.2325; 03.17/03.27; 8.1353, 08.2322

09.14, 09.421, 09.422, 09.425, 09.426

LEGAL: 703 KAR 5:230 HAS BEEN REVISED TO REFLECT ADDITIONAL AREAS SUBJECT TO PROGRAM REVIEWS THAT ARE SCHEDULED TO GO INTO EFFECT WITH THE 2015-2016 SCHOOL YEAR (WORLD LANGUAGE AND KINDERGARTEN-3RD GRADE PROGRAM).
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.5

Program Evaluation

IMPLEMENTATION OF PLAN

The Superintendent shall develop and implement a plan for the evaluation of educational programs focused primarily on measurable student achievement data. This plan shall include both objective and subjective measures of student outcomes in relation to District educational objectives developed and approved by the Board.

~~Effective with the 2011-2012 academic year and b~~Based on the timeline, criteria and procedures developed by the Kentucky Department of Education, the District's program evaluation plan shall include audits and reviews in the areas of writing, arts and humanities, practical living skills and career studies designated by regulation.¹

CALENDAR FOR REVIEW OF EXISTING PROGRAMS

At the time it sets its annual calendar of regular meeting dates, the Board shall establish a process to review District programs addressing the following aspects:

1. Programs to be evaluated
2. A master schedule indicating when each program will be reviewed
3. Meeting(s) during the current school year at which a program will be discussed
4. Data to be presented and the format
5. Key questions that will be asked
6. Stakeholders to be invited
7. Information to be shared with the community and its format

The Board shall utilize findings to evaluate program impact on student achievement and to make decisions concerning program status, including continuation, budget and staffing issues.

REVIEW OF NEW PROGRAMS

Prior to implementation, the Board shall review proposals to offer new school and District programs not addressed by the Kentucky's Core Academic Standards. The Board shall require proposals to provide data supporting the need for the program, an explanation of how the program is expected to improve student achievement, and a schedule for updating the Board on student progress resulting from the new program.

REFERENCES:

¹703 KAR 5:230
KRS 158.645; KRS 158.6451; KRS 158.6453; KRS 158.650

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RELATED POLICIES:

01.111; 01.42
02.44; 02.441; 02.442
04.1; 08.222

LEGAL: THIS NOTATION IS RECOMMENDED BECAUSE KENTUCKY HAS BEEN GRANTED A WAIVER THROUGH THE 2013-2014 SCHOOL YEAR FOR CERTAIN PROVISIONS PREVIOUSLY REQUIRED AS PART OF THE NO CHILD LEFT BEHIND ACT.

FINANCIAL IMPLICATIONS: FEWER RESOURCES NEEDED TO COMPLY WITH ON-GOING NOTIFICATION AND RESPONSE FUNCTIONS RELATED TO REQUESTS FOR TRANSFER

STUDENTS

09.11

School Attendance Areas

ASSIGNED DISTRICT

All pupils shall be assigned by geographic attendance districts. Specific areas served by each attendance district will be marked on a map in the central administration office. The Board may revise attendance districts from time to time to attain maximum utilization of school facilities.¹ Once an area has been redistricted, a student affected by the redistricting may apply for an exception outside the month of December or entry level grade, according to this policy.

CLASS ENROLLMENT MAXIMUMS

Should classes in a particular school exceed the allowable size limit specified by law or regulation, the administration is permitted to move students from their respective attendance area to balance student/teacher assignments.

REQUESTS FOR TRANSFER

Parents may request that their child(ren) attend a school outside the assigned attendance area.

In compliance with and as set forth by federal requirements, the District shall allow students to transfer to another District school if:

1. Another school option exists;
2. The assigned school is identified for school improvement under federal guidelines (priority for transfer will be given to the lowest achieving children from low-income families);^{*}
3. The assigned school is designated by the state as being "persistently dangerous"; or
4. The student becomes a victim of a violent criminal offense, as determined by state law, while attending school.²

<p>[*]Because the Kentucky request to the U. S. Dept. of Education for flexibility was granted, this reason is waived through the 2013-2014 school year.</p>

IF FAMILIES MOVE

If a family moves from one attendance district to another within the school system, the pupil may be permitted to finish the school year in the school in which s/he was last enrolled based on the following criteria: (1) Principal approval, (2) adequate space, and (3) no cost to the Board nor service provided by the Board. The pupil will enroll the following year in the school in the attendance district of his/her legal residence unless accepted as an out-of-district by the Principal under provision 1.A of procedure 09.11 AP.1. If a student moves during the testing window for CATS, the student shall remain at that school until the end of the year provided the parent transports.

STUDENTS

09.11
(CONTINUED)

School Attendance Areas

REFERENCES:

¹KRS 159.070; OAG 80-394

²P. L. 107-110 (No Child Left Behind Act of 2001)

34 CFR 200.44

RELATED POLICIES:

03.127, 03.226

LEGAL: THE 2012 GENERAL ASSEMBLY AMENDED KRS 158.030 TO CHANGE THE SCHOOL ENTRY AGE DEADLINE FOR FIVE- AND SIX-YEAR OLD STUDENTS FROM OCTOBER 1 TO AUGUST 1 EFFECTIVE WITH THE 2017-2018 SCHOOL YEAR. IN ADDITION, EFFECTIVE WITH THE 2012-2013 SCHOOL YEAR, DISTRICT POLICY MUST PROVIDE FOR AN EVALUATION PROCESS FOR PARENTS/GUARDIANS WISHING TO PETITION THE BOARD TO ALLOW THEIR CHILD TO ENTER SCHOOL EARLY. THE DISTRICT WILL NOT RECEIVE STATE FUNDING FOR STUDENTS PERMITTED TO ENTER EARLY.

FINANCIAL IMPLICATIONS: COSTS ASSOCIATED WITH A READINESS SCREENING PROCESS AND LACK OF STATE FUNDING FOR STUDENTS ENTERING EARLY.

STUDENTS

09.121

Entrance Age

PRESCHOOL

In accordance with appropriate state and federal legal requirements, any child who has been identified as disabled or as exceptional, and who is three (3) or four (4) years of age, or who may become five (5) years of age after October 1 of the current year, shall be eligible for a free and appropriate preschool education and related services.¹

Children at risk of educational failure who are four (4) by October 1 may enter preschool. All other four (4)-year- old children shall be served to the extent placements are available.²

PRIMARY SCHOOL

A child who becomes five (5) by October 1 may enter primary school and may advance through the primary program without regard to age in accordance with KRS 158.030. A child who becomes six (6) by October 1 shall attend public school unless s/he qualifies for an exemption as provided by law.³

The District shall establish guidelines to determine a student's level of academic and social skills when that student is being considered for advancement through the primary program. A student who is at least five (5) years of age, but less than six (6) years of age on or before October 1, may be enrolled in the second level of the primary program in keeping with the process set out in Kentucky Administrative Regulation.⁵

Beginning with the 2017-2018 school year, the following provisions shall apply:

- A child who becomes five (5) by August 1 may enter primary school and may advance through the primary program without regard to age in accordance with KRS 158.031. A child who becomes six (6) by August 1 shall attend public school unless s/he qualifies for an exemption as provided by law.
- A child who is six (6) years of age, or who may become six (6) years of age by August 1, shall attend public school or qualify for an exemption as provided by KRS 159.030.²

PETITION PROCESS

Effective with the 2012-2013 school year, parents/guardians may petition the Board to allow their child to enter school earlier than permitted under statutory age requirements. On receipt of a petition, the District shall conduct an evaluation process to help determine a student's readiness to engage in and benefit from early entry to school. The process shall be established in accordance with the following:

1. The District shall establish guidelines to determine a student's readiness for entry, including the date by which petitions must be submitted to the Central Office.

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Entrance Age**PETITION PROCESS (CONTINUED)**

1. 2. Developmentally appropriate measures, which may include state-approved screening instruments, shall be used to determine a student's level of developmental, academic and social readiness.
3. Based on staff recommendations, the Superintendent shall recommend to the Board whether to grant the request.
4. Considerations may include availability of space and funding.

PROOF OF AGE

Upon enrollment for the first time in any elementary or secondary school, a student or student's parent shall provide either a certified copy of the student's birth certificate or other reliable proof of the student's identity and age and an affidavit of the inability to produce a copy of the birth certificate.⁴

REFERENCES:

- ¹KRS 157.3175
²KRS 158.030
³KRS 158.030; KRS 159.030
⁴KRS 158.032; KRS 158.035; KRS 214.034
⁵KRS 158.031; 702 KAR 1:160; 702 KAR 7:125
OAG 85-55; OAG 82-408
KRS 158.140

RELATED POLICIES:

- 08.22
09.126 (re requirements/exceptions for students from military families)

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LEGAL: BASED ON A FALL, 2011, REVISION TO THE STATE ATTENDANCE MANUAL AND THE CONTINUING EMPHASIS ON COLLEGE AND CAREER EMPHASIS, KDE HAS ADVISED THAT STUDENTS UNDER 21 WHO HAVE EARNED A GED ARE TO BE PERMITTED TO ENROLL AND WORK TOWARD COMPLETION OF A REGULAR HIGH SCHOOL DIPLOMA.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.1223

Persons Over Compulsory Attendance Age

REQUIREMENTS

1. All fifth-year senior students (any student who has completed four [4] years in high school but who has not met graduation requirements) may attend Hardin County High School in order to complete graduation requirements. Successful completion will result in the student's obtaining a Hardin County High School diploma; and
2. Any student between the ages of 16 and 21 who is two (2) or more academic years behind in meeting graduation requirements may attend Hardin County High School. Any student successfully completing this program will be granted a high school diploma from Hardin County High School.

Before classwork begins in Hardin County High School, the student shall confer with his/her guidance counselor to review previous school records to determine a course of study which is alternative to classroom instruction. The student and the parent, if the student is not emancipated, shall sign an affidavit that states a conference has taken place and she/he understands the conditions of the agreement.

Transportation to and from Hardin County High School will be the responsibility of the parent and/or student.

PROHIBITIONS

Persons over twenty-one (21) years of age shall not be admitted to or served by the District's elementary or secondary schools.

Students under age twenty-one (21) who ~~already have received a high school diploma graduated from an accredited or four (4) year high school or a GED~~ shall be considered to have completed high school and shall not be permitted to enroll in the District. Students who have earned a GED shall be permitted to enroll to work toward completion of graduation requirements.

STUDENTS WITH DISABILITIES

When students with disabilities are involved, the procedures mandated by federal and state law shall be followed.¹

REFERENCES:

¹P. L. 105-17
KRS 158.100
KRS 158.140
KRS 159.010
KRS 159.030
704 KAR 3:305

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LEGAL: THESE CHANGES ARE BASED ON (1) REVISED FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) REGULATIONS CONCERNING DISCLOSURE OF RECORDS AND DIRECTORY INFORMATION THAT WENT INTO EFFECT JANUARY 3, 2012, AND (2) CHANGES RECOMMENDED BY KSBA LEGAL STAFF IN RESPONSE TO INCREASED FEDERAL EMPHASIS ON FERPA ENFORCEMENT. FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.14

Student Records

Data and information about students shall be gathered to provide a sound basis for educational decisions and to enable preparation of necessary reports.

PROCEDURE TO BE ESTABLISHED

The Superintendent shall establish procedures to promote effective notification of parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) and to ensure District compliance with applicable state and federal student record requirements.

DISCLOSURE OF RECORDS

Student records shall be made available for inspection and review to the parent(s) of a student or to an eligible student on request. Eligible students are those eighteen (18) years of age or older or those duly enrolled in a post-secondary school program. In general, FERPA rights pass to the eligible student upon either of those events. Parents may be provided access to the educational records of an eligible student 18 years old or older if the student is dependent under federal tax laws.¹

Upon written request, parents or eligible students may be provided copies of their educational records, including those maintained in electronic format, when necessary to reasonably permit inspection. Such copies shall be provided in a manner that protects the confidentiality of other students. A reasonable fee may be charged for copies.

District personnel must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the District discloses personally identifiable information from education records.

In addition, considering the totality of the circumstances, the District may disclose information from education records to appropriate parties, including parents of eligible students, whose knowledge of the information is necessary to protect the health or safety of a student or another individual, if there is an actual, impending, or imminent articulable and significant threat to the health or safety of a student or other individual. In such instances, the basis for a decision that a health or safety emergency existed shall be recorded in the student's education records.

Authorized District personnel also may disclose personally identifiable information to the following:

- Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer;
- School officials (such as teachers, instructional aides, administrators) and other service providers (such as contractors, consultants, and volunteers used by the District to perform institutional services and functions) having a legitimate educational interest in the information.

District and school officials/staff may only access student record information in which they have a legitimate educational interest.

Student Records**DISCLOSURE TO REPRESENTATIVES FOR FEDERAL OR STATE PROGRAM PURPOSES**

Personally identifiable student information may be released to those other than employees who are designated by the Superintendent in connection with audit, evaluation, enforcement, or compliance activities regarding Federal or State programs. Such designation must be executed in writing with the authorized representative and specify information as required by 34 CFR Part 99.35.

DUTY TO REPORT

If it is determined that the District cannot comply with any part of FERPA or its implementing regulations due to a conflict with state or local law, the District must notify the Family Policy Compliance Office (FPCO) within forty-five (45) days of the determination and provide the text and citation of the conflicting law.

DIRECTORY INFORMATION

The Superintendent/designee is authorized to release Board-approved student directory information. Approved "directory information" shall be: name, address, phone number, date and place of birth, student's school email address, major field of study, participation in officially recognized activities and sports, photograph/picture, grade level, weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, and most recent educational institution attended. Any eligible student or parent/guardian who does not wish to have directory information released shall notify the Superintendent/designee in writing within thirty (30) calendar days after receiving notification of FERPA rights.

The District allows for disclosure of directory information only to specific parties for specific purposes. Such limitations are specified in the student directory information notification.

Unless the parent/guardian or secondary school student requests in writing that the District not release such information, the student's name, address, and telephone number (if listed) shall be released to Armed Forces recruiters upon their request.

SURVEYS OF PROTECTED INFORMATION

The District shall provide direct notice to parents/guardian to obtain prior written consent for their minor child(ren) to participate in any protected information survey, analysis, or evaluation, if the survey is funded in whole or in part by a program of the U.S. Department of Education.

Parents/eligible students also shall be notified of and given opportunity to opt out of participation in the following activities:

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Parents/eligible students may inspect, upon written request and prior to administration or use, materials or instruments used for the collection, disclosure, or use of protected information.

PPRA requirements do not apply to evaluations administered to students in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA).

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Student Records**AGENCIES THAT MAY HAVE ACCESS**

No individual or agency may have access to the record without the written consent of the parent or eligible student except as authorized by law.

STUDENTS WITH DISABILITIES

The District's special education policy and procedures manual shall include information concerning records of students with disabilities.

JUVENILE COURT RECORDS

Records or information received on youthful or violent offenders shall not be disclosed except as permitted by law. When such information is received, the Superintendent shall notify the Principal of the school in which the child is enrolled. The Principal shall then release the information as permitted by law. Only the Superintendent and school administrative, transportation, and counseling personnel or teachers or other school employees with whom the student may come in contact shall be privy to this information, which shall be kept in a locked file when not in use and opened only with permission of the administrator.

Notification in writing of the nature of offenses committed by the student and any probation requirements shall not become a part of the child's student record.²

RECORDS OF MISSING CHILDREN

Upon notification by the Commissioner of Education of a child's disappearance, the District in which the child is currently or was previously enrolled shall flag the record of such child in a manner that whenever a copy of or information regarding the child's record is requested, the District shall be alerted to the fact that the record is that of a missing child. Instead of forwarding the records of a child who has been reported missing to the agency, institution, or individual making the request, the District shall notify the Justice Cabinet.

COURT ORDER/SUBPOENA

Prior to complying with a lawfully issued court order or subpoena requiring disclosure of personally identifiable student information, school authorities shall make a documented effort to notify the parent or eligible student. However, in compliance with FERPA, when a lawfully issued court order or subpoena requires disclosure be made without notification of the student or parent, the District shall comply with that requirement. If the District receives such an order, the matter may be referred to local counsel for advice.

REFERENCES:

¹Section 152 of the Internal Revenue Code of 1986

²KRS 158.153; KRS 610.320; KRS 610.340; KRS 610.345

KRS 7.110; KRS 15A.067; KRS 158.032; KRS 159.160; KRS 159.250; KRS 160.990

KRS 161.200; KRS 161.210; 702 KAR 1:140, 702 KAR 3:220

20 U.S.C. 1232g, 34 C.F.R. 99.1 - 99.67

20 U.S.C. 1232h (Protection of Pupil Rights Amendment); 34 C.F.R. 98

OAG 80-33; OAG 85-130; OAG 85-140; OAG 86-2; OAG 93-35

Kentucky Family Educational Rights and Privacy Act (KRS 160.700; KRS 160.705

KRS 160.710; KRS 160.715; KRS 160.720; KRS 160.725; KRS 160.730)

Individuals with Disabilities Education Improvement Act of 2004

Kentucky Education Technology System (KETS)

P. L.107-110, Sections 1061 and 9528 (No Child Left Behind Act of 2001)

STUDENTS

09.14
(CONTINUED)

Student Records

RELATED POLICIES:

09.111; 09.12311; 09.43

LEGAL: 702 KAR 1:160 IS IN THE PROCESS OF BEING REVISED TO REPLACE 704 KAR 4:020. THE REVISED REGULATION WILL INCORPORATE REQUIREMENTS FOR STUDENT PREVENTATIVE HEALTH CARE EXAMINATIONS, WHICH NO LONGER WILL INCLUDE SCOLIOSIS SCREENING. SHOULD THIS REG CHANGE NOT GO THROUGH, YOUR FINAL COPIES WILL NOT REFLECT THESE CHANGES.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.21

Health Requirements and Services

HEALTH AND SAFETY

The Superintendent shall develop procedures to ensure District compliance with all health and safety governance requirements.

The protocols and guidelines for health procedures performed by health professionals and school personnel shall be accessible to school personnel.¹ Policies and related procedures for these policies in the 09.2 section of this Manual, as referenced in the Health Services Reference Guide, are incorporated herein.

HEALTH SUPERVISION REQUIRED

All pupils shall undergo preventative health care examinations as required by Kentucky Administrative Regulation.²

The Board shall adopt a program for continuous health supervision for all pupils, including screening tests related to growth and development, vision, and hearing, ~~and scoliosis~~.

Parents are hereby notified that the required health screenings related to growth and development, vision, hearing, speech/language, ~~scoliosis~~, and height/weight monitoring pursuant to ~~704 KAR 4:020~~ 702 KAR 1:160/Comprehensive School Health Program may be done without further notice.

REFERRAL

Referral and appropriate follow-up of an abnormality noted by screening or teacher observation shall be recorded on school health records.

EMERGENCY CARE

Schools shall have emergency care procedures.

HEALTH RECORD

Each school shall initiate a cumulative health record for each pupil entering school. Such record shall be maintained throughout the pupil's attendance on forms prescribed by the Kentucky Administrative Regulation or maintained electronically in the student information system.

REDUCTION OF LEARNING BARRIERS

Physical and mental health barriers to learning will be reduced through a systematic effort of identifying and screening for such barriers, and through the referral of students for medical, educational, social, mental health, and family support services. This effort also includes prevention, evaluation, and intervention through school programs and local service providers. Services to students will be coordinated with existing community, regional, and state resources. A needs assessment process will be utilized in planning and evaluating the successful reduction of learning barriers.

STUDENTS

09.21
(CONTINUED)

Health Requirements and Services

REFERENCES:

¹KRS 156.501

²~~704 KAR 4:020~~^{702 KAR 1:160}

KRS 158.297; KRS 159.150; *Health Services Reference Guide*

RELATED POLICIES:

08.1213, 08.131, 08.222, 09.2 (entire section), 09.211, 09.224

LEGAL THE 2012 GENERAL ASSEMBLY AMENDED KRS 160.445 TO ESTABLISH NEW TRAINING REQUIREMENTS FOR SCHOOL PERSONNEL CONCERNING IDENTIFYING AND ADDRESSING POSSIBLE CONCUSSIONS SUSTAINED BY STUDENT ATHLETES.
FINANCIAL IMPLICATION: COSTS FOR ADDITIONAL TRAINING

STUDENTS

09.311

Safety (Athletics)

The Superintendent shall develop procedures to insure that the safety of the student shall be the first consideration in all athletic practices and events.

SUPERVISION

All athletic practices and events shall be under the direct supervision of a qualified employee of the Board.

TRAINING

All persons employed by the District as a coach for any ~~high-school~~ interscholastic athletic activity or sport shall meet statutory training requirements. Training shall include how to recognize the symptoms of a concussion and how to seek proper medical treatment for a person suspected of having a concussion.

In addition, at least one (1) person who has completed the required course shall be present at every ~~high-inter~~scholastic school athletic practice and competition.¹ At every athletic contest between two (2) Hardin County schools, the Principal of each school or the Principal's designee shall be present. When specifically assigned, the coach/sponsor may serve as the Principal's designee.

Prior to assuming their duties, nonfaculty coaches/coaching assistants shall successfully complete training provided by the District, which shall include, but not limited to, the following:

1. Information on the physical and emotional development of students of the age with whom the nonfaculty coach and nonfaculty assistant will be working;
2. The District's and school's discipline policies;
3. Procedures for dealing with discipline problems; and
4. Safety and first aid training.

Follow-up training shall be provided annually.³

VOLUNTEERS

Volunteers working in the athletic programs must be supervised by a Level 1 or Level 2 coach as defined in the Kentucky High School Athletic Association regulations. Activities that volunteers may perform should be limited to those that will ensure the safety of all students. Coaches and Principals will be responsible for supervising volunteer duties to ensure student safety.

EMERGENCY ACTION PLAN

In keeping with rules established by Kentucky Board of Education (KBE) or the Kentucky High School Athletic Association (KHSAA), each school participating in interscholastic athletics shall develop and implement a venue-specific, written emergency action plan and submit annual written verification of the plan to the designated agency. The school plan shall be reviewed, distributed, posted, and rehearsed annually as provided in statute.¹

Safety (Athletics)**CONCUSSIONS**

When an interscholastic coach, school athletic personnel, or contest official suspect that a student athlete has sustained a concussion during an athletic practice or competition, the student shall be removed from play and evaluated by a licensed health care provider, as specified in statute, who shall determine if a concussion has occurred. The student may return to play if it is determined that no concussion has occurred.

A student athlete deemed to be concussed shall not be permitted to participate in any athletic practice or competition occurring on the day of the injury or, unless a physician provides written clearance, participate in any practice or athletic competition held on a subsequent day.

MEDICAL EXAMINATION

Each student seeking eligibility to participate in any high-school athletic activity or sport must pass an annual medical examination performed and signed by a medical practitioner as required by law.²

The required physical examination and parental authorization shall include acknowledgement of receipt of information on the nature and risk of concussion and head injury, including the continuance of playing after concussion or head injury.¹

REFERENCES:

¹KRS 160.445

²KRS 156.070

³KRS 161.185

School-Related Student Trips

COMPETITIVE AND ATHLETIC EVENTS

The Principal shall have the authority to approve the use of school buses for transportation to competitive events.

CRITERIA FOR APPROVAL OF FIELD TRIPS

Approval for field trips shall be contingent upon the following requirements being met:

- 1) Curricular Trips-those student trips directly related to the classroom curriculum;
 - a. Field trip must be educationally justifiable (not recreational in nature);
 - b. All students desiring to participate are permitted to do so; and
 - c. No student shall be denied the opportunity to participate because of finances.
- 2) Athletics/Extracurricular
 - a. For high schools, all athletic-related contests or extracurricular competitions must have the prior approval of the Principal at each school.
 - b. For middle and elementary schools, all athletic-related contests or extracurricular competition must have the prior approval of the Principal.
 - c. These field trip requests must meet the guidelines established by the Kentucky High School Athletic Association (KHSAA).
 - d. No school instructional time may be lost without prior approval from the Superintendent.

GUIDELINES

Consideration for approving all overnight/in and out-of-state trips will use the following guidelines:

- 1) Trips should be scheduled to cause minimal disruption to the regular school day. Whenever possible, trips should occur when school is not in session.
- 2) Consideration in scheduling must have as a first priority the safety of students. For example, extended trips north should occur whenever possible, at a time when ice and snow is not a factor.
- 3) Prior to the trip, plans must be in place to ensure that missed classroom instruction will be made up.
- 4) Approval for subsequent trips will be based on educational value factors and/or problems encountered on previous trips.
- 5) All trips requiring Superintendent approval must be submitted in writing thirty (30) days prior to the trip. All trips using a commercial carrier (requiring Board approval) must be submitted in writing sixty (60) days prior to the trip. No reservations or deposits will be made prior to Board/Superintendent approval. Use of certified common carrier services shall be authorized by the Board on a case by case basis and the reasons to justify such use shall be cited in Board minutes.
- 6) The following written information must be attached to the request:
 - a. A short narrative describing the trip and reasons for the trip;
 - b. The educational objectives for the trip;
 - c. An itinerary listing of the schedule noting visitation sites and motels/hotels; and,
 - d. A list of all students, chaperones, parents and teachers going on the trip.

School-Related Student Trips**GUIDELINES (CONTINUED)**

7) School nutrition, medication, and transportation policies must be followed.

When time constraints make it impossible to adhere to timelines, e.g., advancing in competitions, the Superintendent may approve the trip following the above guidelines.

MEALS

Any group of students participating in school-related activities away from school during normal meal times shall have meals provided by the school's school nutrition department. Exceptions can be made if ALL meals for ALL students are purchased by the school, parent group, or are in another manner donated to the students.

FEES

Groups shall pay bus drivers at rates determined by the Superintendent or the Superintendent's designee and approved by the Board. Mileage rates for field trips shall be determined by the Superintendent or the Superintendent's designee, and groups shall reimburse the Board at that rate.

If funding is not available, students may be charged an amount to cover travel expenses.

INTERSCHOLASTIC/ATHLETIC COMPETITIONS (REIMBURSEMENT GUIDELINES)

To encourage and facilitate student excellence in inter-school competition, some entry fees, meals, lodging, and necessary/actual expenses for transportation will be paid for students who have qualified to represent the school in higher level competition if the following criteria are met:

1. The activity is not itself revenue producing.
2. The student is representing the school at higher level competition, such as national or state competitions, that are not the initial level of competition.
3. Other sources of financial support will be utilized first whenever possible.
4. The event and support request is approved thirty (30) days in advance by the Principal and Superintendent.
5. All claims for reimbursement will be submitted on proper forms and substantiated by receipts. (The District can not reimburse booster clubs or students/parents directly and can not reimburse the school for expenditures paid by booster clubs or students/parents.)

DRIVERS/VEHICLES

Buses and all other District-owned vehicles shall be driven by an adult employee duly qualified and licensed to operate the vehicle. The Transportation Coordinator shall select drivers. Any other driver must be approved by the Director of Transportation.

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.

School-Related Student Trips**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 There must be at least one (1) adult chaperone for every fifteen (15) students on the trip for students in grades six through twelve (6-12) and one (1) adult chaperone for every ten (10) students in grades pre-kindergarten through six (PreK-6). On overnight trips, there must be a least one (1) adult chaperone for every ten (10) students.

Principals are responsible to ensure proper supervision on all athletic trips. Head coaches and assistant coaches are expected to travel with, and supervise, remain with (i.e.: stay in same hotel), and be responsible for the actions of all student athletes at all times and are expected to ride with students unless prior Principal approval. Only during emergency situations, with prior principal approval, may a coach ride separate from the team. All other coaches will remain with the team.

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.

REFERENCES:

¹KRS 156.153

²KRS 161.185

³702 KAR 005:060

702 KAR 003:220, 702 KAR 005:030, 702 KAR 005:080, 702 KAR 005:130

KRS 158.110, KRS 160.340, KRS 189.125, KRS 189.540

RELATED POLICIES:

03.1321; 03.2321; 04.31211

09.15; 09.221; 09.2241

Adopted/Amended: 06/16/2011

Order #: 10208

RECOMMENDED: WITH CONTINUING CONCERNS ABOUT THE EFFECTS OF BULLYING, KSBA SUGGESTS ADDING A DEFINITION TO THIS POLICY. PROCEDURE SERVICE SUBSCRIBERS ALSO WILL RECEIVE AN OPTIONAL BULLYING REPORTING FORM. THIS CHANGE IS NOT REQUIRED BY LAW. FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.422

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.

BULLYING DEFINED

Bullying refers to any intentional act by a student or groups of students directed against another student to ridicule, humiliate, or intimidate the other student while on school grounds, or at a school sponsored activity, which acts are repeated against the same student over time.

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.

Bullying/Hazing**REPORTS (CONTINUED)**

In applicable certain cases, employees must do the following:

1. Report bullying and hazing to appropriate law enforcement authorities and complete documentation as required by policy 09.2211; and
2. Investigate and complete documentation as required by the District's harassment/discrimination policies policy 09.42811 covering federally protected areas.

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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)

LEGAL: THE GENERAL ASSEMBLY HAS ADDED A NEW SECTION TO KRS 218A TO PROHIBIT THE USE OR DISTRIBUTION OF SYNTHETIC DRUGS. THE NEW LANGUAGE IS INTENDED TO APPLY TO SYNTHETIC SUBSTANCES USED FOR AN INTOXICATING PURPOSE WHETHER OR NOT "SCHEDULED" AS ILLEGAL UNDER FEDERAL OR STATE LAW. THIS LAW PASSED WITH AN EMERGENCY CLAUSE AND, THUS, ALREADY IS IN EFFECT.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.423

Use of Alcohol, Drugs, and Other Prohibited Substances

DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES

No pupil shall purchase, possess, attempt to possess, use, be under the influence of, sell, or transfer any of the following on or about school property, at any location of a school-sponsored activity, or en route to or from school or a school-sponsored activity:

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and
3. Substances that "look like" a controlled substance. In instances involving look-alike substances, there must be evidence of the student's intent to pass off the item as a controlled substance.

In addition, students shall not possess prescription drugs for the purpose of sale or distribution.

DEFINITIONS

Controlled substance means any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by regulation under KRS 218A.010.

Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, ~~and~~ prohibited volatile substances as defined in KRS 217.900 or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

AUTHORIZED MEDICATION

Use of a drug authorized by and administered in accordance with a prescription from a physician or dentist shall not be considered in violation of this policy.

PENALTY

Violation of this policy shall constitute reason for disciplinary action including suspension or expulsion from school and suspension or dismissal from athletic teams and/or other school-sponsored activities.

Use of Alcohol, Drugs, and Other Prohibited Substances**REPORTING**

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school-sponsored or -sanctioned event. In addition, when they have reasonable belief that a violation has taken place, Principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves student possession of a controlled substance on school property in violation of the law.

PREVENTION PROGRAM

The Superintendent shall establish a comprehensive and ongoing drug-free/alcohol-free prevention program for all students that shall include notice to students and parents of the following:

1. The dangers of drug/alcohol/substance abuse in the schools;
2. The District's policies and related procedures on drug-free/alcohol-free schools;
3. The requirement for mandatory compliance with the District's established standards of conduct, including those that prohibit use of alcohol, drugs, and other controlled and prohibited substances;
4. Information about available drug/alcohol counseling programs and available rehabilitation/student assistance programs; and
5. Penalties that may be imposed upon students for violations of this policy.

REFERENCES:

OAG 82-633; OAG 93-32

KRS 158.150; KRS 158.154; KRS 158.155

KRS 160.290; KRS 161.180; KRS 218A.020; KRS 217.900; New Section of 218A

Clark County Board of Education vs. Jones, KY. App., 625 S. W. 2d 586 (1981).

Board of Ed. of Tecumseh Public School District, Independent School Dist. No. 92 of Pottawatomie Cty. v. Earls, ___ U.S. ___, 242 F.3d 1264 (2002).

Improving America's Schools Act of 1994 (IASA), Title IV: Safe and Drug-Free Schools and Communities

RELATED POLICY:

09.2241

RECOMMENDED: THE ADDED NOTIFICATION LANGUAGE IS SUGGESTED TO ASSURE THAT POTENTIAL TARGETS OF A SERIOUS THREAT AND PARENTS OF AFFECTED STUDENTS ARE NOTIFIED IN A TIMELY MANNER.
THIS CHANGE IS NOT REQUIRED BY LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.425

Assault and Threats of Violence

For purposes of this policy, a “threat” shall refer to a communication made by any means, including, but not limited to, electronic and/or online methods.

PUPILS

Any pupil who threatens, assaults, batters, or physically or verbally abuses another pupil shall be subject to appropriate disciplinary action, including suspension or expulsion.¹

SCHOOL PERSONNEL

Any pupil who threatens, assaults, batters, or physically or verbally abuses a teacher or other school personnel shall be subject to appropriate disciplinary action¹ up to and including expulsion from school and/or legal action.

REMOVAL OF STUDENTS

School administrators, teachers, or other school personnel may immediately remove or cause to be removed threatening or violent students from a classroom setting or from the District's transportation system pending any further disciplinary action that may occur. Threatening or violent behavior shall include, but not be limited to:

1. Verbal or written statements or gestures by students indicating intent to harm themselves, others, or property.
2. Physical attack by students so as to intentionally inflict harm to themselves, others, or property.

Removal of students from a bus shall be made in compliance with 702 KAR 5:080.

Each school shall designate the site(s) to which employees may remove students from a classroom setting and the employee(s) who will supervise the student at the site.

When teachers or other personnel remove a student, they shall complete and submit a form to document the removal and the causes as soon as practicable. The Principal/designee shall review the removal as soon as possible to determine if further disciplinary action is warranted or if the student is to be returned to the classroom.

REPORT TO LAW ENFORCEMENT AGENCY

When they have reasonable belief that a violation has taken place, Principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves assault resulting in serious physical injury, a sexual offense, kidnapping, or each instance of assault involving the use of a weapon.

Assault and Threats of Violence**NOTIFICATIONS**

As soon as the Superintendent/designee confirms that a serious threat has been confirmed, designated personnel shall attempt to notify staff members and/or students who have been threatened and parents of students who are the subject of a threat. Such notification shall observe and comply with confidentiality requirements of applicable law including, but not limited to, state and federal Family Educational Rights and Privacy Act (FERPA) laws.

Any District employee assigned to work directly with, or who comes in contact with, a student with a documented history of weapons violation and/or physical abuse of a school employee or of carrying a concealed weapon on school property or at a school function, shall be notified in writing of the student's history by the Principal or designee, guidance counselor, or other school official who has knowledge of the student's behavior prior to the assignment or contact.

REFERENCES:

¹KRS 158.150
KRS 158.154; KRS 160.290
KRS 161.155; KRS 161.190; KRS 161.195
KRS 508.025; KRS 508.075; KRS 508.078; 702 KAR 5:080

RELATED POLICIES:

03.123, 03.223, 06.34
09.14; 09.2211; 09.422

Telecommunications Devices**POSSESSION AND USE (CONTINUED)**

Actions taken for failure to abide by the Telecommunications Policy are as follows in schools without SBDM Councils:

1. First Offense: student shall be warned, phone confiscated and noted in the discipline section of 1C, and the student may obtain the phone at the end of the day.
2. Second Offense: student shall receive a second warning, phone confiscated, and the parent may obtain the phone after the parent has signed off on acceptable use.
3. Third Offense: student shall be placed in detention, AM or Saturday School, phone confiscated, and the parent may obtain the phone at the end of nine (9) weeks or trimester period.
4. Fourth Offense: student shall be placed in Saturday School, phone confiscated, the parent may obtain the phone at the end of the semester or trimester, and student shall be denied privileges of having a phone on campus.
5. Fifth Offense: student shall be suspended for one (1) day, phone confiscated and the parent may obtain the phone at the end of the school year.
6. Continued violations may result in due process or pre-expulsion procedures for non-compliance of a District Policy.

HARASSMENT (KRS 525.070)

Use of an electronic device to send harassing messages is considered cyber-bullying and is a violation of Kentucky State Law.

NOTICE OF POLICY

Notice of this policy and penalties for violating it shall be published annually in the District's Code of Acceptable Behavior and Discipline.

REFERENCE:

¹KRS 158.165

RELATED POLICIES:

08.2323; 09.426; 09.436
09.438; 09.439; 09.440

Adopted/Amended: 06/16/2011
Order #: 10208

RECOMMENDED: KSBA RECOMMENDS THIS CHANGE TO CLARIFY THAT THE TIMELINE RESPONSE CLOCK BEGINS TO RUN ON THE DATE ON WHICH THE DISTRICT IS NOTIFIED OF AN HARASSMENT/DISCRIMINATION COMPLAINT, IN WRITING OR OTHERWISE. ALSO, ADDITIONAL TIME IS RECOMMENDED TO LAUNCH CORRECTIVE/PREVENTATIVE ACTIONS.
THIS CHANGE IS NOT REQUIRED BY LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.42811

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.

PROHIBITIONS

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.

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, regardless of the manner in which the complaint is communicated to a District administrator. 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.

Harassment/Discrimination**GUIDELINES (CONTINUED)**

2. The Superintendent/designee may take interim measures to protect complainants during the investigation.
3. A process to identify and implement, within ~~three (3)~~ five (5) 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. 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.

4. 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
5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

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

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;

Harassment/Discrimination

PROHIBITED CONDUCT

2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors; and
3. Instances involving sexual violence.

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, procedures shall also provide 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.

NONRETALIATION

No one shall retaliate against any student or any other person because s/he has submitted a grievance, assisted or participated in an investigation, proceeding, or hearing regarding discrimination or harassment 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.

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.

STUDENTS

09.42811
(CONTINUED)

Harassment/Discrimination

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: THIS CHANGE IS PROPOSED TO CLARIFY THAT AN ABUSE/NEGLECT INVESTIGATION BELONGS TO THE INVESTIGATING BODY (LAW ENFORCEMENT OR CABINET FOR FAMILY AND CHILDREN). THUS IT WILL NOT BE THE DISTRICT'S CALL AS TO WHETHER TO CONTACT PARENTS WHEN IT IS ALLEGED THAT PARENTS HAVE ABUSED OR NEGLECTED THEIR CHILD.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.4361

Police Officers in the School

School officials shall cooperate with law enforcement agencies in cases involving students (i.e., serving of subpoenas, juvenile petitions or warrants, or taking students into custody). As soon as possible, officials shall endeavor to notify the parents of students who are arrested.¹

When students are arrested at school, the Principal/designee shall make a written record of the identity of the officer making the arrest, the nature of the offense charged, the name of the issuing authority of any arrest warrant, and the place of custody.

CRIMES OFF SCHOOL PROPERTY

In the interest of the student's welfare, the following requirements shall be followed when police officers ask to question or remove from the school a student whom they suspect of committing a crime off school property:

1. Parents/guardians shall be notified by school officials or legal authority(ies) as soon as possible.
2. If the parent(s) come to the school or consent to permit the officer(s) to interview the student, a private place for the interview shall be provided.
3. If the parent(s) cannot come to the school and do not consent to the interview, the police should be advised to either bring a warrant/court order or juvenile petition or interview the student off the school grounds.
4. Parental/guardian notification/permission shall not be required in the following:
 - a. If the student is an alleged victim of abuse by the parents/ guardians, and
 - b. If notification would endanger the student or hinder the investigation.

If either of the above situations occurs, the person(s) representing the legal authority shall sign and date a form stating that parents/guardians should not be notified. In cases of suspected child abuse, school officials shall follow directions provided by the investigating officer or Cabinet for Families and Children representative as to whether to contact a parent.²

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CRIMES ON SCHOOL PROPERTY

Except in cases of emergencies involving threats to health and safety, as determined by the Superintendent, when the District calls law enforcement officials to question students concerning crimes committed on school property, the Principal shall make an effort to notify their parent(s).

In cases where the school administration has notified legal authorities to remove a student from school, a warrant/court order or juvenile petition shall not be required. A reasonable attempt will be made to contact the student's parent/guardian.

REFERENCES:

¹OAG 76-129; ²OAG 85-134, OAG 92-138

RELATED POLICY:

09.1231

COMMUNITY RELATIONS

Visitors to the Schools**LOCAL CITIZENS**

The Board encourages parents, professional educators, and others who have 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 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 Superintendent/designee that has been given after full disclosure of the person's status under [KRS 17.510](#) as a registrant or sex offender from another state and all registrant information as required in [KRS 17.500](#).

A registrant is defined as:

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

A registrant must request and receive permission from the Superintendent/designee prior to coming onto school grounds. The Superintendent/designee shall determine whether the requesting registrant is permitted to come onto school grounds. Access may be permitted at the discretion of the Superintendent/designee 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; or
5. Other appropriate reasons.

The Superintendent/designee may impose limitations to access, including but not 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;

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

- 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.

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 or Principal. When arrangements are made by the Principal, notification shall be made to the Superintendent or Director of Public Relations.

CONDUCT

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

TOBACCO PRODUCTS PROHIBITED

The use of any tobacco product is prohibited in any board-owned vehicle ~~and any or~~ building and/or grounds (to include seating areas of all outdoor arenas/stadiums) owned or operated by the Board. The use of any tobacco product is prohibited in the presence of students during school hours or in the presence of students while performing services for the District. ~~Smoking is prohibited in the seating areas of all outdoor arenas/stadiums.~~ The use of tobacco products on board owned property is permitted only in privately owned vehicles.

~~While on school property, visitors may smoke in outside areas designated by the Principal. These designated areas shall be at least fifteen (15) feet from the outside entrance or to open windows of any enclosed area in which smoking is prohibited.~~

~~Areas outside of administrative offices, maintenance and transportation complexes, and auxiliary buildings shall be selected by the Superintendent/designee.~~

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.

REFERENCES:

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

RELATED POLICIES:

05.3; 09.227; 09.3211

Adopted/Amended: 06/16/2011

Order #: 10208