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 A01.11

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 Waivers 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

# POWERS AND DUTIES OF THE BOARD OF EDUCATION A01.11

#  (Continued)

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

Any proposed contracts with consultants shall be submitted to the Board for approval and shall be accompanied by figures showing the estimated cost of the consulting project to the District. Where appropriate, the Board may require bids for consulting services to be sought.

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

# POWERS AND DUTIES OF THE BOARD OF EDUCATION A01.11

# (Continued)

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. Except as provided by law, 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 A01.5

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 meeting 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

Enactment of Policy

Except when indicated by an emergency situation, the Board will not enact or revise policy in the same meeting that it is initially introduced. Additional readings shall not be required if the Board amends the policy proposal under consideration at either the first or second reading.

Dissemination of Policy

The Superintendent shall develop and implement a system whereby each employee or students shall have access to Board policies. In addition, each new Board member shall be provided with a copy of the Board policy manual and/or access to the District’s online manual.

All Board policies shall be reasonably accessible to all District personnel and to the public at large.

# POWERS AND DUTIES OF THE BOARD OF EDUCATION A01.5

#  (Continued)

School Board Policies

Maintenance of Policy Manuals

All copies of the official policy manual shall be numbered, housed in specified locations, and kept current through a system developed and implemented by the Superintendent.

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

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 A02.413

Exemption (SBDM)

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.

Any District-operated school not defined as a “school” by KRS 160.345 (1) (b) is not eligible to operate under School Based Decision Making.

Petition

Faculty members of a school who no longer wish to remain under SBDM shall present a written petition to the Principal signed by a minimum of twenty‑five percent (25%) of the faculty members, indicating their desire for a vote on the matter.

Under guidelines established by its membership, the parent/teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose may also submit a petition to the Principal, calling for a vote on whether to apply for an exemption.

Scheduling

On receiving a petition the Principal shall set the date, time and place of a faculty meeting for the purpose of voting on whether to apply for an exemption. This meeting shall be held not less than five (5) and not more than ten (10) school days from the Principal's receipt of the petition.

Notice

Notice of the meeting shall be provided to all faculty members assigned to the school at least five (5) days in advance of the meeting.

Meetings

The Principal shall chair the meeting at which the vote is taken by the faculty. Voting shall be by secret ballot. Ballots shall offer faculty members the opportunity to vote for or against applying for an exemption. 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.

The parent vote on applying for an exemption shall be conducted by the parent/teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose.

An affirmative vote of the majority of the faculty and a majority of at least twenty-five (25) voting parents of students enrolled in the school shall be required to apply for an exemption from SBDM. The Principal shall forward results of the faculty and parent elections to the Superintendent and the Board.

A vote to apply for an exemption shall be held not more than once every sixty (60) calendar days.

# ADMINISTRATION A02.413

#  (Continued)

Exemption (SBDM)

Vote to Return

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.

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 A02.4241

School Council Policies (SBDM)

Adoption of Policy

The school council shall adopt 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.

1. Assignment of all instructional and noninstructional staff time;
2. 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;

1. Determination of the use of school space during the school day;
2. Planning and resolution of issues regarding instructional practices;
3. 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.

1. 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.

# ADMINISTRATION A02.4241

#  (Continued)

School Council Policies (SBDM)

Adoption of Policy (continued)

1. Procedures, consistent with local Board policy, for determining alignment with state standards, technology utilization, and program appraisal;
2. Commitment to a parent involvement process that provides for:
3. Establishing an open, parent-friendly environment;
4. Increasing parental participation;
5. Improving two-way communication between school and home, including what their child will be expected to learn; and
6. Developing parental outreach programs.
7. 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.
8. 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.

Other Policies

Councils may adopt policies for areas other than those listed above to provide an environment that enhances student achievement and to help the school meet goals established by law and by the Board, provided the policies adopted are consistent with Board policies in those areas.

Review of Policies

Before final adoption of a council policy, it shall be reviewed by the Superintendent who may request that the proposed policy be reviewed by the Board Attorney. Any concerns shall be shared with the council within ten (10) working days of the Superintendent's receipt of the draft policy. If there are concerns, the Superintendent shall provide a copy of the council policy to the Board for review, along with any concerns s/he and the Board Attorney may have noted, such as possible conflicts with state and federal laws or contractual obligations, liability and/or health and safety questions, and budgetary issues.

# ADMINISTRATION A02.4241

#  (Continued)

School Council Policies (SBDM)

The review process is not intended to interfere with a council's authority to adopt and implement legally and operationally permissible policies. Therefore, it is the Board's intent that information resulting from the review process be shared with the council in a timely manner.

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.

Waiver of State Regulations

School councils who decide to request 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 shall submit the supporting information to the Superintendent as required by law. The Superintendent shall then forward the request to the Kentucky Board of Education.

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.

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; 03.112; 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 A02.4244

School Hiring (SBDM)

Principal Selection

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

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

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

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

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

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

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

Other Vacancies

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

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

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.

# ADMINISTRATION A02.4244

#  (Continued)

School Hiring (SBDM)

References:

KRS 160.345

KRS 160.380

OAG 91‑149; OAG 92‑131; OAG 92‑78

OAG 95‑10; OAG 96-38

Related Policies:

02.4241; 03.11; 03.21

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 A03.12322

‑ 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) 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

* 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.

* 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.

# PERSONNEL A03.12322

#  (Continued)

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

To the extent that an employee is entitled to any paid leave, such leave shall be taken and it shall run concurrently with family and medical leave, except that the employee may request to reserve ten (10) days of sick leave. (This requirement shall not apply to employees taking workers’ compensation leave.) However, 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) work week 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.

Depending on the date family and medical leave is to begin, instructional employees as designated by federal regulation may be required to continue on leave until the end of the school term to avoid disruption.

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.

# PERSONNEL A03.12322

#  (Continued)

Family and Medical Leave

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.

Return to Work

As noted by the required notice of eligibility and rights and responsibilities when family and medical leave is taken due to an employee's own serious health condition, the employee shall provide fitness‑for‑duty certification before returning to work. This may include certification by the health care provider that the employee is able to perform essential functions specific to the job, as noted by the District in a list attached to the certification form.

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

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 B03.131

‑ Certified Personnel ‑

Assignment

The Superintendent, after considering the preference of teachers and Principals and the welfare of pupils, shall assign certified personnel where needed and where best fitted for successful performance.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

Teachers who refuse assignments must notify in writing the Superintendent not later than thirty (30) days before the first student attendance day of the school year.

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.

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 BW03.1321

‑ Certified Personnel ‑

Use of School Property

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.

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.

Outside Work

An employee shall not use any District facility, vehicle, 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.

Driving Record

Under procedures developed by the Superintendent, all personnel who have occasion to drive any Board‑owned vehicle and/or who transport students shall annually provide the Superintendent with a copy of their driving record 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.

Board-Owned/leased Vehicles

With prior Board approval, designated employees shall be assigned Board-owned/leased vehicles to use in the performance of job-related duties. The Superintendent shall submit to the Board a list of positions requiring full-time use of Board owned/leased vehicles. Use shall be authorized in compliance with state and federal guidelines including IRS requirements for reporting taxable income.

The Board may provide automobiles for the following positions:

* Superintendent,
* Assistant Superintendent(s) as authorized by the Board,
* Maintenance Supervisor or designee, and
* Transportation Supervisor or designee.

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

# PERSONNEL BW03.1321

#  (Continued)

Use of School Property

Board-Owned/leased Vehicles (continued)

* Unless otherwise authorized by the Superintendent, vehicles shall not carry passengers other than Board employees.

Employees assigned full-time use of Board-owned/leased 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.

An identification decal shall be displayed on the left front door of all Board-owned/leased vehicles.

Use of Assigned Telecommunication Devices

The Board authorizes the purchase and employee use of telecommunication devices, as deemed appropriate by the Superintendent. These devices shall include, but are not limited to, pagers and digital or cell phones.

**NOTE: The 🡺 Board has the option to keep these sections if it decides employees are to continue reimbursement for personal use.**

**🡺**

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.

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

References:

KRS 160.290

KRS 189.292; KRS 189.294

KRS 281A.205

702 KAR 5:080

LEGAL: THE ACCOUNTING PROCEDURES FOR KENTUCKY SCHOOL ACTIVITY FUNDS REQUIRES AN ANNUAL REPORT TO THE BOARD OF DONATIONS MADE TO THE DISTRICT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL F03.1322

‑ Certified Personnel ‑

Gifts

Approval for Gifts to Schools

Any gift presented to a school employee for the use of the school must have the prior approval of the Superintendent or the Superintendent's designee. Any gift so approved and accepted on behalf of the school becomes the property of the Board of Education.1 Gifts and donations made to the District shall be reported annually to the Board.

Gifts to Employees

No employee shall receive, directly or indirectly, any gift, reward, or promise of reward in exchange for influence in recommending or procuring the use of any goods, services, property, or merchandise of any kind for which school funds are expended.2

References:

1KRS 160.580

2KRS 156.480

 Accounting Procedures for Kentucky School Activity Funds

Related Policy:

03.1721

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 BR03.13251

‑ Certified Personnel ‑

Drug‑Free/Alcohol‑Free Schools

Purpose

The Board is committed to a safe working environment, to making adequate provisions for the safety and health of its employees at their place of employment, and to the safety and health of the students we serve as well as the general public. The Board recognizes that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired ob performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills. The Board and its employees share a commitment to create and maintain a drug-free workplace.

The Board is responsible for instruction and well-being of students entrusted to its care. A consistent message needs to be communicated by the Board that the use of illegal drugs, the use of prohibited substance, the abuse of alcohol, and the misuse of prescription drugs are unacceptable.

Provisions of the Federal Anti-Drug Act, 41 U.S.C.A. §702, require federal grant recipients to establish a drug-free workplace. Employees must be provided with a statement notifying them of the prohibitions pertaining to controlled substances, consequences of violations, and compliance with drug-free policy as a condition of employment. Employers must inform employees of drug-free requirements through an awareness program.

Policy Goals And Objectives

1. To establish, promote, and maintain a safe, healthy working and learning environment for employees and students.
2. To promote the reputation of the District and its employees as responsible citizens of public trust and employment.
3. To eliminate substance abuse problems in the workplace.
4. To aid in the reduction of absenteeism, tardiness and apathetic job performance.
5. To provide a clear standard of job performance for District employees.
6. To provide a consistent model of substance-free behavior for students.

In the furtherance of achieving the Board’s goals and objectives as enumerated above, all applicants being considered for employment positions identified by the Board as being safety-sensitive shall be required to submit to a urinalysis test for the detection of the illegal use of drugs, as part of the currently required post-offer, pre-employment physical. Applicants for positions that require testing shall be given a copy of this policy in advance of the post-offer, pre-employment physical.

# PERSONNEL BR03.13251

#  (Continued)

Drug‑Free/Alcohol‑Free Schools

Drugs, Alcohol and Other Prohibited Substances

District employees shall not manufacture, distribute, dispense, be under the influence of, purchase, possess, use, or attempt to purchase or obtain, sell or transfer any of the following in the workplace or in the performance of duties:

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 employee’s intent to pass off the item as a controlled substance.

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

Definitions

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.

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, 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 shall mean the site for the performance of work done for the District including any place where work on a District program, project or activity is performed, including, but not limited to, a school building or other school premises and any school‑owned vehicle or any other school‑approved vehicle used to transport students to and from school or school activities. "Workplace" shall also include school‑sponsored or school‑approved activities, events or functions which are held off school property and in which students are under District jurisdiction including, but not limited to, field trips and athletic events.

Drug/Alcohol Testing Program

The Board has established drug and alcohol testing program for employees. A plan to implement the drug and alcohol testing program shall be developed by District personnel in cooperation with the testing company approved by the Board and shall be provided to all schools and kept on file in the Central Office.

# PERSONNEL BR03.13251

#  (Continued)

Drug‑Free/Alcohol‑Free Schools

Drug/Alcohol Testing Program (continued)

For purposes of the testing program “safety sensitive” shall refer to positions where a single mistake by such employee can create an immediate threat of serious harm to students and fellow employees. Safety-sensitive positions shall include, but not be limited to: Principal, assistant principal, administrators, teacher, traveling teacher, teacher aide, childcare instructor, substitute teacher, school secretary, school custodian, food service worker and others as indicated on the job description for the position.

Pre-Employment Testing

All applicants being considered for employment in positions identified as being safety-sensitive will be required to submit to a urinalysis test for the purpose of detecting illegal use of drugs, as part of the currently required pre-employment physical.

Any applicant with a confirmed positive test result will be denied employment.

Reasonable Suspicion Testing

Employees may be tested for drug or alcohol use when there is reasonable suspicion that an employee is using or has been under the influence of drugs or alcohol.

Random Drug Testing

All employees in safety-sensitive positions shall participate in random drug testing which will be conducted on a neutral selection basis with all employees having an equal chance of being selected.

Bus drivers are tested under a similar but separate policy (06.221) in accordance with federal guidelines.

Post-Accident Testing

All employees who are involved in a work-place accident or who are injured while performing their professional duties in the workplace, shall be subject to post-accident testing for drug or alcohol use.

Bus drivers are tested under a similar but separate policy (06.221) in accordance with federal guidelines.

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, any employee who has been reprimanded or disciplined for misconduct involving illegal use of controlled substances shall submit to random or periodic drug testing for a period, not to exceed twelve (12) months, from the date of such reprimand or disciplinary action.

Substitute Employees

Substitute employees shall be subject to the provisions of this policy, and will be subject to pre-employment, reasonable suspicion and/or post-accident testing when applicable. Substitute employees are not subject to random drug testing.

# PERSONNEL BR03.13251

#  (Continued)

Drug‑Free/Alcohol‑Free Schools

Board Contracted Facility

Drug screening shall be conducted by a Board approved, independent, certified laboratory utilizing recognized techniques and procedures. The contract with such facility shall specify the substances to be tested.

Suspension/Termination/Non-renewal

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

Alternative

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, non‑renewed or terminated.

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.

Notification by Employee

Any employee convicted of any criminal drug law shall notify the Superintendent of such conviction no later than five (5) days after such conviction. Within thirty (30) days after receiving notice of a conviction, the Superintendent shall take appropriate disciplinary action and/or refer the employee to an appropriate substance abuse rehabilitation program.

Failure of the employee to report the conviction within the time prescribed shall lead to disciplinary action up to and including discharge. Convictions of a criminal drug law can result in disciplinary action up to and including discharge. In determining whether and to what extent an employee shall be disciplined or discharged for the conviction of a criminal drug law, the Board shall consider the following factors: the degree to which the nature of the criminal offense reduces the Board’s ability to maintain a safe working environment; the degree to which the nature of the criminal offense unreasonably endangers the safety of other employees and/or students; the degree to which the conviction unreasonably undermines the public confidence in the Board’s operations; the nature of the criminal offense; the nature of the employee’s job with the Board; the existence of any explanatory or mitigating facts or circumstances; whether the employee promptly reports the conviction; and any other facts relevant to the employee, including but not limited to years of service and record of performance with the District.

Employee Acknowledgment

Personnel shall acknowledge having read or having received an explanation of this policy and should understand compliance with this policy is a condition of employment. Personnel shall sign an acknowledgement prior to substance screening permitting the summary result to be transmitted to the Superintendent/designee. Personnel refusing to complete any part of the drug testing procedure shall be deemed insubordinate.

# PERSONNEL BR03.13251

#  (Continued)

Drug‑Free/Alcohol‑Free Schools

Confidentiality

As reflected in the drug and alcohol testing program, the Superintendent/designee shall establish a process to reasonably ensure employee privacy during the taking of samples, security of samples once obtained, and designation of laboratory services that are accurate and reliable. Appropriate measures shall be taken to protect confidentiality throughout the testing process and in the handling of test results. Access to drug testing results shall be restricted on a need-to-know basis to those persons in positions designated by the Superintendent.

Notice To Participants

A written copy of this drug and alcohol testing policy and corresponding procedures is contained in the employee handbook. Employees shall be required to sign a statement indicating that they have read and understand and fully agree to be bound by the terms, conditions, and procedures under this policy.

A written copy of this policy and corresponding procedures can also be obtained from the District Web page. Please follow these steps (Internet Explorer is recommended for viewing the District web page):

Go to: [www.henderson.kyschools.us](http://www.henderson.kyschools.us) and use the Policies and Procedures link under District/Home on the navigation bar.

Changes To Policy

This policy may be amended from time to time to facilitate needed changes in the Board’s Drug Free Workplace Substance Abuse program.

Prevention Program

The Superintendent shall establish a comprehensive and on-going 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)

Related Policies:

03.1325; 08.1345; 09.2241

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 G03.133

 ‑ 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.

Instructional Guidelines

All employees shall be cognizant of the Goals adopted by the Henderson County Board of Education, and shall perform their duties in a manner that is in keeping with those goals. As part of accepting personal accountability as members of a Professional Learning Community, all instructional personnel shall utilize proven strategies to develop and implement lesson plans designed to enhance student learning and close achievement gaps. These plans shall be formulated based on proven models, as designated by the Superintendent/designee.

Job Description

Prior to the authorization of any personnel position in the District budget, the Superintendent, collaborating with other District authorities with personnel assignment responsibilities, shall develop, for Board approval, a job description which establishes all essential functions of the position. The description shall encompass supervision responsibilities, completion of records and reports, and achievement of professional goals identified to enhance student achievement and help the school and/or District meet goals established by statute and/or Board policy. Certified personnel shall also be held responsible for cooperation with students, professional associates, parents, staff, and community groups.

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

# PERSONNEL G03.133

#  (Continued)

Duties

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 Policy:

03.113

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 A03.14

‑ 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 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. The plan shall address:

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

# PERSONNEL A03.14

#  (Continued)

Health and Safety

Bloodborne Pathogen Control (continued)

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

The Superintendent/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.

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 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. Annual training of employees authorized to use lockout/tagout to emphasize program procedures and retraining whenever a periodic review reveals deficiencies in employee performance.

Personal Protective Equipment (PPE)

Each year, the 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.

# PERSONNEL A03.14

#  (Continued)

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.

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

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 A03.162

‑ Certified Personnel ‑

Harassment/Discrimination

Definition

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

Prohibition

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

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

Disciplinary Action

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

Guidelines

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

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

# PERSONNEL A03.162

#  (Continued)

Harassment/Discrimination

Guidelines (continued)

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) working days of receipt of the original complaint, 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.

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

1. A process to identify and implement, within five (5) working days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
2. A process to be developed and implemented to communicate requirements of this policy to all staff, which may include, but not be limited to, the following:
* written notice provided in publications such as handbooks, staff memoranda, and/or pamphlets;
* postings in the same location as are documents that must be posted according to state/federal law; and/or
* such other measures as determined by the Superintendent/designee.

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

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

Prohibited Conduct

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

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Instances involving sexual violence;

# PERSONNEL A03.162

#  (Continued)

Harassment/Discrimination

Prohibited Conduct (continued)

1. 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;
2. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
3. 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
4. Destroying or damaging an individual's property based on any of the protected categories.

Confidentiality

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

Appeal

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

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

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

Retaliation Prohibited

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

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

Other Claims

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

# PERSONNEL A03.162

#  (Continued)

Harassment/Discrimination

References:

1KRS 158.156

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

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

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

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

 Genetic Information Nondiscrimination Act of 2008

Related Policies:

03.113, 03.1325, 03.16, 09.2211, 09.422, 09.42811

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 CP03.21

‑ Classified Personnel ‑

Hiring

Superintendent's Responsibilities

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

Effective Date

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

Qualifications

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

Educational Requirements

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

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

Criminal Background Check and Testing

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

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

# PERSONNEL CP03.21

#  (Continued)

Hiring

Criminal Background Check and Testing (continued)

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

Job Register

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

Vacancies Posted

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

Review of Applications

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

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

Relationships

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

A relative of the Superintendent shall not be employed except as provided by KRS 160.380.1

Contract

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

Emergency Hiring

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

Job Description

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

Intent

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

# PERSONNEL CP03.21

#  (Continued)

Hiring

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:

1 KRS 160.380

2 702 KAR 5:080

3 KRS 161.011

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

 34 CFR 200.58-200.59

 KRS 17.160; KRS 17.165; KRS 156.070

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

 OAG 91‑10; OAG 91‑149; OAG 91‑206

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

 Kentucky Local District Classification Plan; 785 KAR 1:110

 Records Retention Schedule, Public School District

Related Policies:

01.11, 02.4244, 03.232, 03.27, 03.5, 06.221

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 A03.22322

‑ 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) 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

* 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.

* 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.

# PERSONNEL A03.22322

#  (Continued)

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

To the extent that an employee is entitled to any paid leave, such leave shall be taken and it shall run concurrently with family and medical leave, except that the employee may request to reserve ten (10) days of sick leave. (This requirement shall not apply to employees taking workers’ compensation leave.) However, 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 birthand 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.

# PERSONNEL A03.22322

#  (Continued)

Family and Medical Leave

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.

Return to Work

As noted by the required notice of eligibility and rights and responsibilities, when family and medical leave is taken due to an employee's own serious health condition, the employee shall provide fitness‑for‑duty certification before returning to work. This may include certification by the health care provider that the employee is able to perform essential functions specific to the job, as noted by the District in a list attached to the certification form.

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

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 A03.231

‑ 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

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 CC03.2321

‑ Classified Personnel ‑

Use of School Property

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, vehicle, electronic communication system, equipment, or materials in performing outside work. 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.

Driving Record

Under procedures developed by the Superintendent, all personnel who have occasion to drive a Board‑owned vehicle and/or transport 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.

Board-Owned/leased Vehicles

With prior Board approval, designated employees shall be assigned Board-owned/leased vehicles to use in the performance of job-related duties. The Superintendent shall submit to the Board a list of positions requiring full-time use of Board owned/leased vehicles. Use shall be authorized in compliance with state and federal guidelines including IRS requirements for reporting taxable income.

The Board may provide automobiles for the following positions:

* Superintendent,
* Assistant Superintendent(s) as authorized by the Board,
* Maintenance Supervisor or designee, and
* Transportation Supervisor or designee.

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

# PERSONNEL CC03.2321

#  (Continued)

Use of School Property

Board-Owned/leased Vehicles (continued)

* Unless otherwise authorized by the Superintendent, vehicles shall not carry passengers other than Board employees.

Employees assigned full-time use of Board-owned/leased 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.

An identification decal shall be displayed on the left front door of all Board-owned/leased vehicles.

Use of Assigned Telecommunication Devices

The Board authorizes the purchase and employee use of telecommunication devices, as deemed appropriate by the Superintendent. These devices shall include, but are not limited to, pagers and digital or cell phones.

**NOTE: The 🡺 Board has the option to keep these sections if it decides employees are to continue reimbursement for personal use.**

**🡺**

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.

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

References:

KRS 160.290

KRS 189.292; KRS 189.294

KRS 281A.205

702 KAR 5:080

LEGAL: THE ACCOUNTING PROCEDURES FOR KENTUCKY SCHOOL ACTIVITY FUNDS REQUIRES AN ANNUAL REPORT TO THE BOARD OF DONATIONS MADE TO THE DISTRICT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL F03.2322

‑ Classified Personnel ‑

Gifts

Approval for Gifts to Schools

Any gift presented to a school employee for the use of the school must have the prior approval of the Superintendent or the Superintendent's designee. Any gift so approved and accepted on behalf of the school becomes the property of the Board of Education.1 Gifts and donations made to the District shall be reported annually to the Board.

Gifts to Employees

No employee shall receive, directly or indirectly, any gift, reward, or promise of reward in exchange for influence in recommending or procuring the use of any goods, services, property, or merchandise of any kind for which school funds are expended.2

References:

1KRS 160.580

2KRS 156.480

Accounting Procedures for Kentucky School Activity Funds

Related Policy:

 03.2721

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 CC03.23251

‑ Classified Personnel ‑

Drug‑Free/Alcohol‑Free Schools

Purpose

The Board is committed to a safe working environment, to making adequate provisions for the safety and health of its employees at their place of employment, and to the safety and health of the students we serve as well as the general public. The Board recognizes that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired ob performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills. The Board and its employees share a commitment to create and maintain a drug-free workplace.

The Board is responsible for instruction and well-being of students entrusted to its care. A consistent message needs to be communicated by the Board that the use of illegal drugs, the use of prohibited substance, the abuse of alcohol, and the misuse of prescription drugs are unacceptable.

Provisions of the Federal Anti-Drug Act, 41 U.S.C.A. §702, require federal grant recipients to establish a drug-free workplace. Employees must be provided with a statement notifying them of the prohibitions pertaining to controlled substances, consequences of violations, and compliance with drug-free policy as a condition of employment. Employers must inform employees of drug-free requirements through an awareness program.

Policy Goals And Objectives

1. To establish, promote, and maintain a safe, healthy working and learning environment for employees and students.
2. To promote the reputation of the District and its employees as responsible citizens of public trust and employment.
3. To eliminate substance abuse problems in the workplace.
4. To aid in the reduction of absenteeism, tardiness and apathetic job performance.
5. To provide a clear standard of job performance for District employees.
6. To provide a consistent model of substance-free behavior for students.

In the furtherance of achieving the Board’s goals and objectives as enumerated above, all applicants being considered for employment positions identified by the Board as being safety-sensitive shall be required to submit to a urinalysis test for the detection of the illegal use of drugs, as part of the currently required post-offer, pre-employment physical. Applicants for positions that require testing shall be given a copy of this policy in advance of the post-offer, pre-employment physical.

# PERSONNEL CC03.23251

#  (Continued)

Drug‑Free/Alcohol‑Free Schools

Drugs, Alcohol and Other Prohibited Substances

District employees shall not manufacture, distribute, dispense, be under the influence of, purchase, possess, use or attempt to purchase or obtain, sell or transfer any of the following in the workplace or in the performance of duties:

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 employee’s intent to pass off the item as a controlled substance.

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

Definitions

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.

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, 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 shall mean the site for the performance of work done for the District including any place where work on a District program, project or activity is performed, including, but not limited to, a school building or other school premises and any school‑owned vehicle or any other school‑approved vehicle used to transport students to and from school or school activities. "Workplace" shall also include school‑sponsored or school‑approved activities, events or functions which are held off school property and in which students are under District jurisdiction including, but not limited to, field trips and athletic events.

# PERSONNEL CC03.23251

#  (Continued)

Drug‑Free/Alcohol‑Free Schools

Drug/Alcohol Testing Program

The Board has established drug and alcohol testing program for employees. A plan to implement the drug and alcohol testing program shall be developed by District personnel in cooperation with the testing company approved by the Board and shall be provided to all schools and kept on file in the Central Office.

For purposes of the testing program “safety sensitive” shall refer to positions where a single mistake by such employee can create an immediate threat of serious harm to students and fellow employees. Safety-sensitive positions shall include, but not be limited to: Principal, assistant principal, administrators, teacher, traveling teacher, teacher aide, childcare instructor, substitute teacher, school secretary, school custodian, food service worker and others as indicated on the job description for the position.

Pre-Employment Testing

All applicants being considered for employment in positions identified as being safety-sensitive will be required to submit to a urinalysis test for the purpose of detecting illegal use of drugs, as part of the currently required pre-employment physical.

Any applicant with a confirmed positive test result will be denied employment.

Reasonable Suspicion Testing

Employees may be tested for drug or alcohol use when there is reasonable suspicion that an employee is using or has been under the influence of drugs or alcohol.

Random Drug Testing

All employees in safety-sensitive positions shall participate in random drug testing which will be conducted on a neutral selection basis with all employees having an equal chance of being selected.

Bus drivers are tested under a similar but separate policy (06.221) in accordance with federal guidelines.

Post-Accident Testing

All employees who are involved in a work-place accident or who are injured while performing their professional duties in the workplace, shall be subject to post-accident testing for drug or alcohol use.

Bus drivers are tested under a similar but separate policy (06.221) in accordance with federal guidelines.

Substitute Employees

Substitute employees shall be subject to the provisions of this policy, and will be subject to pre-employment, reasonable suspicion and/or post-accident testing when applicable. Substitute employees are not subject to random drug testing.

Board Contracted Facility

Drug screening shall be conducted by a Board approved, independent, certified laboratory utilizing recognized techniques and procedures. The contract with such facility shall specify the substances to be tested.

# PERSONNEL CC03.23251

#  (Continued)

Drug‑Free/Alcohol‑Free Schools

Suspension/Termination/Non‑Renewal

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

Alternative

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, non‑renewed or terminated.

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.

Notification by Employee

Any employee convicted of any criminal drug law shall notify the Superintendent of such conviction no later than five (5) days after such conviction. Within thirty (30) days after receiving notice of a conviction, the Superintendent shall take appropriate disciplinary action and/or refer the employee to an appropriate substance abuse rehabilitation program.

Failure of the employee to report the conviction within the time prescribed shall lead to disciplinary action up to and including discharge. Convictions of a criminal drug law can result in disciplinary action up to and including discharge. In determining whether and to what extent an employee shall be disciplined or discharged for the conviction of a criminal drug law, the Board shall consider the following factors: the degree to which the nature of the criminal offense reduces the Board’s ability to maintain a safe working environment; the degree to which the nature of the criminal offense unreasonably endangers the safety of other employees and/or students; the degree to which the conviction unreasonably undermines the public confidence in the Board’s operations; the nature of the criminal offense; the nature of the employee’s job with the Board; the existence of any explanatory or mitigating facts or circumstances; whether the employee promptly reports the conviction; and any other facts relevant to the employee, including but not limited to years of service and record of performance with the District.

Employee Acknowledgment

Personnel shall acknowledge having read or having received an explanation of this policy and should understand compliance with this policy is a condition of employment. Personnel shall sign an acknowledgement prior to substance screening permitting the summary result to be transmitted to the Superintendent/designee. Personnel refusing to complete any part of the drug testing procedure shall be deemed insubordinate.

# PERSONNEL CC03.23251

#  (Continued)

Drug‑Free/Alcohol‑Free Schools

Confidentiality

As reflected in the drug and alcohol testing program, the Superintendent/designee shall establish a process to reasonably ensure employee privacy during the taking of samples, security of samples once obtained, and designation of laboratory services that are accurate and reliable. Appropriate measures shall be taken to protect confidentiality throughout the testing process and in the handling of test results. Access to drug testing results shall be restricted on a need-to-know basis to those persons in positions designated by the Superintendent.

Notice To Participants

A written copy of this drug and alcohol testing policy and corresponding procedures is contained in the employee handbook. Employees shall be required to sign a statement indicating that they have read and understand and fully agree to be bound by the terms, conditions, and procedures under this policy.

A written copy of this policy and corresponding procedures can also be obtained from the District Web page. Please follow these steps (Internet Explorer is recommended for viewing the District web page):

Go to: [www.henderson.kyschools.us](http://www.henderson.kyschools.us) and use the Policies and Procedures link under District/Home on the navigation bar.

Changes To Policy

This policy may be amended from time to time to facilitate needed changes in the Board’s Drug Free Workplace Substance Abuse program.

Prevention Program

The Superintendent shall establish a comprehensive and on-going 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 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)

Related Policies:

03.2325; 08.1345; 09.2241

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 A03.233

‑ 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.

Job Description

Prior to the authorization of any personnel position in the District budget, the Superintendent, collaborating with other District authorities with personnel assignment responsibilities, shall develop, for Board approval, job descriptions which establish all essential functions of each position. The description shall encompass job responsibilities, completion of records and reports, and achievement of goals identified to enhance student achievement and help the school and/or District meet goals established by statute and/or Board policy.

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); Rehabilitation Act of 1973

 P. L. 93‑12 Sec. 504; P. L. 101‑336

 KRS 158.645; KRS 158.6451

 OAG 91‑10

Related Policy:

03.212

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 A03.24

‑ 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 Plan

The Superintendent/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. The plan shall address:

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

# PERSONNEL A03.24

#  (Continued)

Health and Safety

Bloodborne Pathogen Control (continued)

1. Maintenance of a sharps injury log;
2. Medical follow‑up and counseling for employees after a work‑site exposure;
3. Maintenance of confidential records of each exposure incident; and
4. A schedule for implementing all provisions required by the OSHA standard.

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.

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 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. Annual training of employees authorized to use lockout/tagout to emphasize program procedures and retraining whenever a periodic review reveals deficiencies in employee performance.

Personal Protective Equipment (PPE)

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

# PERSONNEL A03.24

#  (Continued)

Health and Safety

Personal Protective Equipment (PPE) (continued)

1. 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.

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

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 A03.262

‑ Classified Personnel ‑

Harassment/Discrimination

Definition

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

Prohibition

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

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

Disciplinary Action

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

Guidelines

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

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

# PERSONNEL A03.262

#  (Continued)

Harassment/Discrimination

Guidelines (continued)

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) working days of receipt of the original complaint, 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;

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

1. A process to identify and implement, within five (5) working days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
2. A process to be developed and implemented to communicate requirements of this policy to all staff, which may include, but not be limited to the following:
* written notice provided in publications such as handbooks, staff memoranda, and/or pamphlets:
* postings in the same location as are documents that must be posted according to state/federal law; and/or
* such other measures as determined by the Superintendent/designee.

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

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

Prohibited Conduct

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

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors and spreading sexual rumors;
3. Instances involving sexual violence;

# PERSONNEL A03.262

#  (Continued)

Harassment/Discrimination

Prohibited Conduct (continued)

1. 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;
2. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
3. 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
4. Destroying or damaging an individual's property based on any of the protected categories.

Confidentiality

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

Appeal

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

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

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

Retaliation Prohibited

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

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

Other Claims

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

# PERSONNEL A03.262

#  (Continued)

Harassment/Discrimination

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 BI03.5

Paraprofessionals

Superintendent May Employ

The Superintendent may employ 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, the term “paraprofessional” is interchangeable with the term “paraeducator,” which means 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 instructional paraprofessionals shall satisfy educational requirements specified by federal law.2

Paraprofessionals must have one (1) of the following:

* Completed two (2) years (48 hours) of study at an institution of higher education; or
* Obtained as associates degree; or
* Passed the Kentucky Paraeducator Assessment (KPR).

Supervision

Paraprofessionals shall be under the direct supervision of certified teachers.1&2 Each paraprofessional shall have a job description that limits assigned duties to the scope of the individual's competencies.

Evaluation

The Superintendent shall develop and implement procedures for an annual evaluation and professional development of paraprofessionals. Evaluation results shall be a factor in future employment decisions.

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

 OAG 73‑206

# PERSONNEL BI03.5

#  (Continued)

Paraprofessionals

Related Policies:

03.21 (Hiring)

03.232 (Job Description)

03.28 (Evaluation)

03.6

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 E04.32

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.

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 much follow applicable federal regulations.7

Price Reductions

Price reductions may be accepted on supplies and/or equipment being offered by the vendor with whom a price agreement has been made if the supplies and/or equipment meet all terms and conditions specified in the price agreement except for price and if the 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 quantity stated in the original price agreement.

Small Purchases

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

# FISCAL MANAGEMENT E04.32

#  (Continued)

Bidding

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

 OAG 79‑501; OAG 82‑170; OAG 82‑407

 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

 Kentucky Educational Technology Systems (KETS)

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 A04.7

Inventories

Equipment and Assets

The District shall adhere to the property inventory procedures developed by the Kentucky Department of Education. Principals and other supervisors designated by the Superintendent are accountable for inventory, control and maintenance of all assets and equipment in their area of responsibility.

Each school year, results of inventories shall be reconciled, coordinated and reported to the Superintendent and the Board as required by the Finance Officer.

A complete, up-to-date inventory of the following shall be maintained:

1. Fixed assets (real property) with an acquisition value of $5,000 or more that has a useful life of more than one (1) year;
2. ALL computer workstations and laptops, regardless of value; and
3. Any additional items designated by the Superintendent/designee.

The Superintendent shall develop procedures and forms for the annual inventory and be responsible for maintaining the inventory.

Capital Assets

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

Transfer and Disposal

Fixed assets no longer needed or useable shall be returned to a designated central location and transferred or disposed of in compliance with Board policy, District inventory procedures and applicable legal requirements.

Career And Technical Education Program

Inventory management and control for equipment purchased with state funds for use in the career and technical program shall be administered in compliance with applicable legal requirements.1

References:

1780 KAR 7:060

 KRS 160.290

 Kentucky Education Technology System

 Accounting Procedures for Kentucky School Activity Funds

 KDE Capital Asset Guide

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 AN05.3

Community Use of School Facilities

Who May Use

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

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

Availability

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

Application and Contract

The Board shall adopt an official application form and an official rental contract, both of which shall detail the conditions of usage. Persons authorized to represent officially the renting organization must sign the application and contract. Approval of a request to use District facilities does not signify District sponsorship, endorsement or approval of an organization or activity.

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

Liability

The Board shall require a 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.

# SCHOOL FACILITIES AN05.3

#  (Continued)

Community Use of School Facilities

Charges and Fees

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

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

Exception

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

Disregard of Rules

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

Restitution of Damages

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

References:

1A 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 Policies:

05.31

10.3

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

# SUPPORT SERVICES AR07.1

Food/School Nutrition Services

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

Breakfast and Lunch

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

Food Service/School Nutrition Director

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

Annual Report/Public Forum

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

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

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

Discrimination Complaints

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

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

Special Dietary Needs

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

Meal Charges

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

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

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

# SUPPORT SERVICES AR07.1

#  (Continued)

Food/School Nutrition Services

Meal Charges (continued)

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

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

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

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

References:

KRS 156.160; KRS 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

LEGAL: THESE CHANGES ARE RECOMMENDED TO PROMOTE DISTRICT COMPLIANCE WITH STATE AND FEDERAL REQUIREMENTS FOR SCHOOL NUTRITION PROCUREMENT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# SUPPORT SERVICES A07.13

School Nutrition Procurement

Open Bidding

In all applicable cases, food, food products, supplies, and equipment purchased with school food service funds shall be procured in accordance with the process and procedures established in Policy 04.32 in a manner that provides full and open competition consistent with the standards in applicable federal regulations.1

References:

17 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

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

# Draft 5/23/12

# CURRICULUM AND INSTRUCTION AM08.113

Graduation Requirements

Students must complete a minimum of twenty-seven (27) credits in order to graduate from Henderson County High School beginning with the class of 2014. Students must complete a minimum of twenty-four (24) credits in order to graduate from Central Academy beginning with the class of 2013.

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

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

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

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

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

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

Diploma Programs

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

Other Provisions

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

Central Academy students will receive a letter of completion upon receiving twenty-four (24) credits and receive their diploma at graduation services.

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

# CURRICULUM AND INSTRUCTION AM08.113

#  (Continued)

Graduation Requirements

Other Provisions (continued)

Upon the Principal’s request and District approval, a student may be granted permission to receive credit for successful completion of a performance based course at Henderson County High School.

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

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

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

Participation in Graduation

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

Diplomas for Veterans

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

References:

1KRS 40.010

2KRS 158.622

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, 08.1132, 08.136, 08.14, 08.22

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

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

# Draft 5/23/12

# CURRICULUM AND INSTRUCTION DV08.1131

Alternative Credit Options

In addition to regular classroom-based instruction, students may earn credit through the following means.

Alternative Courses

Henderson County High school students may earn initial academic credit to be applied toward graduation requirements by completing any combination of summer classes offered by the school, Odyssey Ware and/or online-courses offered through agencies approved by the Board. Alternative credit may be earned only in the following circumstances:

1. The course is not offered at the high school;
2. Although the course is offered at the high school, the student will not be able to take it due to an unavoidable scheduling conflict that would keep the student from meeting graduation requirements;
3. The course will serve as a supplement to extend homebound instruction;
4. The student has been expelled from the regular school setting, but educational services are to be continued;
5. The Principal, with agreement from the student's teachers and parents/guardians, determines the student requires a differentiated or accelerated learning environment; or
6. Students taking such courses must be enrolled in the District and may take the courses during the regular school day at the school site only with Principal approval. Under ordinary circumstances, the student will take the alternative credit course outside of the school day.
7. Upon the Principal’s request and District approval, a student may be granted the permission to exceed the maximum three (3) credit limit.
8. The student is enrolled at Central Academy.

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.

As determined by school/council policy, students applying for permission to take an alternative course shall complete prerequisites and provide teacher/counselor recommendations to confirm the student posses the maturity level need to function effectively in an alternative learning environment. Online courses may be subject to review by the Superintendent/designee for conformance with Kentucky Core Academic Standards and District graduation requirements. In addition, the express approval of the Principal/designee shall be obtained before a student enrolls in an online course. The school must receive an official record of the final grade before credit toward graduation will be recognized.

# CURRICULUM AND INSTRUCTION DV08.1131

#  (Continued)

Alternative Credit Options

Alternative Courses (continued)

Under ordinary circumstances, students or their parents/guardians shall pay for approved alternate credit courses the student chooses to take. However, the District will pay for the tuition and textbook cost for one (1) online course for full-time students, provided the online course is part of the student’s regular school day coursework and within budgetary parameters, of funds that have been allocated to the school. The Superintendent shall determine, within the budget adopted by the Board, whether additional funding shall be granted, based on supporting data provided by the Principal. The Board shall pay the fee for expelled students who are permitted to take online courses in alternative settings.

Through its policies and/or supervision plan, the school shall be responsible for providing appropriate supervision and monitoring of students taking online courses.

Reference:

KRS 158.622

Related Policies:

08.113

08.2323

09.1221

09.3

09.435

# Draft 5/23/12

# CURRICULUM AND INSTRUCTION AF08.1132

Early Graduation

Students may graduate early when required credits have been earned and when all other requirements have been satisfied.

Criteria

All students attending Henderson County High School must complete eight (8) full semesters of high school to graduate. Any early graduate must have the recommendation of Henderson County High School Principal or Central Academy Principal and the senior guidance counselor AND the approval of the Board.

Any student attending Central Academy will receive a letter of completion upon fulfilling the program’s graduation requirements and may attend graduation ceremonies at Central Academy at the end of the school year.

Related Policies:

08.113

08.136

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 AN08.133

Extended School/Supplemental Educational Services

Plan for Diagnosing

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

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 inter-session program and, when a waiver for alternative service delivery has been obtained, during the regular school day. 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.

Supplemental Educational Services

Eligible students shall be provided supplemental educational services as required by federal law.1

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

Related Policy:

08.222

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

# Draft 6/13/12

# CURRICULUM AND INSTRUCTION DI08.2323

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.

Safety Procedures and Guidelines

The Superintendent shall develop and implement appropriate procedures to provide guidance for access to 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;
* Education of minors about appropriate online behavior including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.
* Preventing unauthorized access, including “hacking’ and other unlawful activities by minors online;
* Unauthorized disclosure, use and dissemination of personal information regarding minors; and
* Restricting minor’s access to materials that are deemed obscene, child pornography, or harmful to minors.

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.

# CURRICULUM AND INSTRUCTION DI08.2323

# (Continued)

Access to Electronic Media

(Acceptable Use Policy)

Permission/Agreement Form

A written parental request shall be required prior to the student being granted independent access to electronic media involving District technological resources.

The required permission/agreement form, which shall specify acceptable uses, rules of on‑line behavior, access privileges, and penalties for policy/procedural violations, must be signed by the parent or legal guardian 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/guardian (or the student who is at least 18 years old) must provide the Superintendent with a written request.

Employee Use

Employees shall use electronic mail, technology resources, and network access only for purposes directly associated with work-related activities.

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.

Networking, communication 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.

District employees and activity sponsors may not set up social networking accounts using District resources or create such accounts associated with a school/District location or organization unless specific authorization is given by the Superintendent/designee.

District employees and activity sponsors may set up authorized blogs 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.

In order for District employees and activity sponsors to utilize a District approved blog or authorized social networking account 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, an authorized site will be established by the Superintendent’s designee and specific permissions will be set for the appropriate school personnel to conduct and monitor blogging activities.

# CURRICULUM AND INSTRUCTION DI08.2323

# (Continued)

Access to Electronic Media

(Acceptable Use Policy)

Employee Use (continued)

1. Once the blog site or authorized social networking account has been created, and permissions set, the sponsoring staff member is responsible for the following:
2. Monitoring and managing the site(s) to promote safe and acceptable use; and
3. 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 shall be subject to loss or restriction of the privilege of using 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.

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.

# CURRICULUM AND INSTRUCTION DI08.2323

# (Continued)

Access to Electronic Media

(Acceptable Use Policy)

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.

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.

References:

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

[16 KAR 1:020](file:///C%3A%5CDocuments%20and%20Settings%5Crobin.newton%5CLocal%20Settings%5Cdocumentmanager.asp%3Frequestarticle%3D%5Ckar%5C016%5C001%5C020.htm%26requesttype%3Dkar) (Code of Ethics)

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

08.1353; 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 G08.5

Program Evaluation

Implementation of Plan

The Superintendent/designee shall develop and implement a District Improvement 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.

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 designated by regulation.1

References:

1703 KAR 5:230

 KRS 158.645; KRS 158.6451; KRS 158.6453; KRS 158.650

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 AO09.11

School Attendance Areas

Assigned Zones

All pupils shall be assigned by geographic attendance zones and will attend the school designated to serve their area of residence. Specific areas served by each attendance zone will be marked on a map in the central administration office. In cases of joint custody, the student will be assigned to the area serving the residence of the parent with whom the child primarily resides. If pursuant to court order the child’s time is split exactly in half between parents, the parents may choose which of the two (2) assigned schools the child will attend. Specific areas served by each attendance zone will be marked on a map in the central administration office. The Board may revise attendance zones from time to time to attain maximum utilization of school facilities.1

Proof of Residence

Upon request, parents/guardians shall submit written documentation verifying the primary residence of the child. For school purposes, a child’s residence is not necessarily the residence of the child’s parent(s), and if the child has assumed a permanent home with some other person standing in loco parentis to the child, then the residence of the child for school purposes is the same as that person.

If Families Move

If a family moves from one attendance zone to another within the school system, the pupil may be permitted to finish the semester in the school in which s/he was last enrolled based on the following criteria:

1. The Principal gives approval;
2. Class size limits are not exceeded;
3. The student maintains a “C” grade (cumulative through the student’s previous semester);
4. The student/parent provides transportation;
5. The student is not a discipline problem; and
6. There is no service provided or cost incurred by the Board.

Approval shall be granted with the understanding the student may be required to enroll at the school serving his/her attendance zone if, during the remainder of the semester, cap size limits are exceeded. The pupil must enroll the following semester in the school in the attendance zone of his/her legal residence.

Requests for Transfer

Requests for transfer to another District school must be based on physical, psychological, or educational reasons. Family hardship may also be considered in changing school assignment.

# STUDENTS AO09.11

#  (Continued)

School Attendance Areas

Requests for Transfer (continued)

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.3

\*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.

References:

1KRS 159.070; OAG 80‑394

2OAG 77-311

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

 34 CFR 200.44

 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.

DRAFT (06/14/12)

# STUDENTS AH09.121

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

# STUDENTS AH09.121

#  (Continued)

Entrance Age

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. 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. Then, based on staff recommendations, the Superintendent shall recommend to the Board whether to grant the request. The request may be granted based upon: 1) available space, 2) criteria met by the student, and 3) the agreement of the parent/guardian to bear the cost, which will be equivalent to the current school year SEEK formula amount.

Criteria for Early Entrance

Criteria for early entrance will include:

1. A score at or above the 95th percentile on the Brigance Kindergarten screener.
2. Scores on standardized intelligence tests, behavior rating scales, and standardized achievement test at or above the 95th percentile.

Proof of Age

Upon enrollment for the first time in any elementary or secondary school, a student or student's parent shall provide:

* A certified copy of the student's birth certificate, or
* Other reliable proof of the student’s identity and age with an affidavit explaining the inability to produce a copy of the birth certificate.4

References:

1KRS 157.3175

2KRS 158.030

3KRS 157.226; KRS 159.030

4KRS 158.032; KRS 158.035; KRS 214.034

5KRS 158.031; 702 KAR 1:160; 702 KAR 7:125

 KRS 158.140; KRS 158.990; KRS 159.010

 OAG 82‑408; OAG 85‑55

Related Policies:

08.22

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

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 AF09.1223

Persons Over Compulsory Attendance Age

Prohibitions

Unless enrolled in the Henderson County Academy, 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 graduated from an accredited or four (4) year high school shall be considered to have completed high school, but may 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

In cases which involve students with disabilities, the procedures mandated by federal and state law for such students 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

RECOMMENDED: THIS CHANGE IS SUGGESTED BY KSBA LEGAL STAFF. ALTHOUGH THE BOARD MAY CHOOSE TO CONTINUE TO APPROVE SPECIAL EDUCATION PROCEDURES, THIS CHANGE IS RECOMMENDED TO MAKE THE LANGUAGE CONSISTENT WITH SIMILAR LANGUAGE IN 08.131. EACH BOARD SHOULD CONSIDER BOTH POLICIES WHEN MAKING THE DECISION TO REVISE.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS A09.13

Equal Educational Opportunities

Discrimination Prohibited

No pupil shall be discriminated against because of age, color, disability1, race, national origin, religion, sex, or veteran status.

Students With Disabilities

The District shall provide a free, appropriate public education to each qualified student with a disability, as defined by law, within its jurisdiction.

The District shall operate its programs in accordance with the procedures addressing requirements of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

Parents of students who have a temporary or permanent disability may request the District supervisor to provide appropriate accommodations necessary for them to participate in instructional and extracurricular activities, as required by law. Students who are at least eighteen (18) years of age may submit their own requests.

Religious Activities

The District shall observe the rights of students to voluntarily engage in religious activities or express religious viewpoints while at school, as established by the United States Constitution and law, provided they do not:

1. Infringe on the rights of the school to:
2. Maintain order and discipline;
3. Prevent disruption of the educational process; and
4. Determine education curriculum;
5. Harass other persons or coerce other persons to participate in the activity; or
6. Otherwise infringe on the rights of other persons.

Student complaints concerning possible violations of their religious rights shall be addressed in keeping with legal requirements. Their complaints shall be directed to the Principal, who shall investigate and take appropriate action within thirty (30) days of receipt of the written notification.

References:

1Bd. of Educ., etc. v. Rowley 102 S .Ct. 3034 (1982)

 District special education policy and procedures manual; District 504 procedures

 KRS 157.200: KRS 157.224; KRS 157.226; KRS 157.230; KRS 157.350; KRS 158.183

 KRS 160.295; Age Discrimination Act of 1975

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

 Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972

 Vietnam Era Veterans Readjustment Assistance Act of 1974

 Kentucky Education Technology System (KETS); 28 C.F.R. Section 35.101 et seq.

Related Policies:

03.113, 03.212, 05.11, 08.131, 09.3211

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 A09.14

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 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.

# STUDENTS A09.14

#  (Continued)

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 their child(ren) 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

# STUDENTS A09.14

#  (Continued)

Student Records

Surveys of Protected Information (continued)

1. 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).

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.

# STUDENTS A09.14

#  (Continued)

Student Records

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)

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 A09.21

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.

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.

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, a copy of which shall be on file in the Central Office.

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 Regulationor maintained electronically in the student information system.

References:

1KRS 156.501

2 702 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 A09.311

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 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 interscholastic athletic practice and competition.1

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

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

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.

# STUDENTS A09.311

#  (Continued)

Safety (Athletics)

Medical Examination

Each student seeking eligibility to participate in any 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

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 A09.422

Bullying/Hazing

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

Actions Not Tolerated

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

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

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

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.

# STUDENTS A09.422

#  (Continued)

Bullying/Hazing

Reports (continued)

In certain cases, employees must do the following:

1. Report bullying and hazing to appropriate law enforcement authorities as required by policy 09.2211; and
2. Investigate and complete documentation as required by policy 09.42811 covering federally protected areas.

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 AE09.423

Use of Alcohol, Drugs and Other Prohibited Substances

Drugs, Alcohol and Other Prohibited Substances

No pupil shall purchase, possess, attempt to possess, deposit, 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, 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. Please refer to Policy 09.2241 for information on prescribed medication for students.

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.

# STUDENTS AE09.423

# (Continued)

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 on-going drug‑free/alcohol‑free prevention program for all students which 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 217.900; KRS 218A.020; 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 A09.425

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 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.

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.

# STUDENTS A09.425

#  (Continued)

Assault and Threats of Violence

Notifications (continued)

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

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 AN09.42811

Harassment/Discrimination

Definition

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

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

Prohibition

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

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

Disciplinary Action

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

Guidelines

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

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

# STUDENTS AN09.42811

#  (Continued)

Harassment/Discrimination

Guidelines (continued)

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) school days of receipt of the original complaint, 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.

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

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

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

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

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

Notifications

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

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

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

# STUDENTS AN09.42811

#  (Continued)

Harassment/Discrimination

Prohibited Conduct

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

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

Confidentiality

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

Appeal

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

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

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

Retaliation Prohibited

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

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

# STUDENTS AN09.42811

#  (Continued)

Harassment/Discrimination

False Complaints

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

Other Claims

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

References:

1KRS 158.156

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

Racial Incidents and Harassment Against Students at Educational Institutions;

 Investigative Guidance (U.S. Department of Education)

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

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

 Regulations Implementing Title VII

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

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

 Regulations Implementing Title IX

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

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

Related Policies:

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

# Draft 5/23/12

# STUDENTS BL09.4341

Alternative Education

Assignment

For conduct that disrupts the educational process, the Principal may refer a student to Central Academy through the District DPP office.

Notification

The Principal or the Principal's designee shall notify the parents of their child's pending assignment to the alternative education program. The final decision will be communicated from the DPP office.

The notification shall include length and reason for assignment, expected behavior of the student, and notification that assignment may be extended or shortened depending upon the attitude and cooperation of the student.

Supervision

The student shall be isolated from the regular school schedule and counseling services shall be provided when needed to address school‑related problems.

References:

704 KAR 7:050

Student Discipline Guidelines, Kentucky Department of Education.

OAG 77‑419

Related Policies:

08.13

09.123

09.426

09.434

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 F09.4361

Police Officers in the Schools

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 a student from the school whom they suspect of committing a crime off school property:

1. Parents/guardians shall be notified by school officials as soon as possible.
2. If the parent/guardian is present or consents 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 arrange to interview the student off the school grounds.
4. If the student is an alleged victim of abuse or neglect by a parent, 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

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).

Law enforcement officials may be summoned by the Principal to conduct an investigation of alleged criminal conduct on the school premises or during a school-supported activity, to maintain the educational environment, and to maintain or restore order and prevent injury of persons or property.

During investigation procedures of students by police, the Principal or the Principal’s designee shall be present.

References:

1OAG 76-129

2OAG 85‑134, OAG 92‑138