

**- CERTIFIED PERSONNEL -**

**Certified Personnel**

**DEFINITION**

Certified personnel are those employees holding positions for which Kentucky teacher certification is required.<sup>1</sup>

**REFERENCES:**

<sup>1</sup>KRS 161.720 (1); KRS 161.020; KRS 161.030

Adopted/Amended: 04/24/1996

Order #: 0579

**- CERTIFIED PERSONNEL -****Hiring****SUPERINTENDENT'S RESPONSIBILITIES**

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

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

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

**EFFECTIVE DATE**

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

**QUALIFICATIONS**

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

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

All teachers of core academic subjects shall be "highly qualified," as defined by state and federal regulation.<sup>3</sup>

**CRIMINAL BACKGROUND CHECK AND TESTING**

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

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

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

## **Hiring**

### **JOB REGISTER**

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

### **VACANCIES POSTED**

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

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

### **REVIEW OF APPLICATIONS**

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

### **RELATIONSHIPS**

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

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

### **CONTRACT**

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

### **JOB DESCRIPTION**

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

### **INTENT**

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

### **REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT**

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

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

**Hiring**

**REFERENCES:**

<sup>1</sup>KRS 160.380

<sup>2</sup>KRS 161.605; 702 KAR 001:150

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

34 CFR 200.55-200.56; KRS 17.160, KRS 17.165

KRS 156.106; KRS 160.345; KRS 160.390; KRS 161.042; KRS 161.611; KRS 161.750

KRS 335B.020, KRS 405.435, 704 KAR 007:130, OAG 73-333, OAG 91-10; OAG 91-149

OAG 91-206; OAG 92-1; OAG 92-59, OAG 92-78, OAG 92-131, OAG 97-6

Records Retention Schedule, Public School District

**RELATED POLICIES:**

01.11; 02.4244; 03.132

Adopted/Amended: 07/25/2011

Order #: 2011.288

**- CERTIFIED PERSONNEL -****Medical Examination****NEWLY EMPLOYED PERSONNEL**

All newly employed certified personnel, including substitute teachers, shall present documentation in the form of a medical examination performed by a designated licensed physician, physician assistant (PA), or Advanced Practice Registered Nurse or by a licensed medical practitioner of the employee's choice. Through appropriate personnel documents, such as handbooks and/or job applications, employees shall be notified as to who will pay for medical examinations required for initial employment. Medical examinations performed within a ninety (90)-day period prior to initial employment will be accepted.

**REPORT**

The medical examination shall be reported on the form required by Kentucky Administrative Regulation. A copy of the form and a statement indicating the employee's medical status must be filed with the Superintendent prior to assuming assigned duties.

**TUBERCULOSIS SCREENING/TESTING**

Each medical examination shall include a risk assessment for tuberculosis as required by Kentucky Administrative Regulation. Individuals identified by that assessment as being high risk for TB shall be required to undergo a tuberculin skin test as required by 702 KAR 001:160. A person who tests positive for TB shall be required to comply with the directives of the local board of health and the Kentucky Department for Public Health, Cabinet for Health and Family Services, for further evaluation and treatment of the tuberculosis infection.<sup>1&2</sup>

**PRESENT PERSONNEL**

When, in the opinion of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties because of health problems or when the employee poses a health threat to students or other employees, the Superintendent may require the employee to provide evidence of fitness in the form of an examination and report by a physician of the Superintendent's choosing.

The Board shall bear the cost of this examination.<sup>1</sup>

**SCHOOL TO REPORT**

Local school authorities shall report immediately all known or suspected cases of communicable disease to the local health department. Diseases to be reported shall not include those considered confidential, such as HIV/AIDS, as set forth in Kentucky Administrative Regulation.<sup>2</sup>

**MEDICAL CONFIDENTIALITY**

Signed consent of the employee designating personnel to be informed shall be required before the Superintendent advises personnel of the employee's medical condition.

The Superintendent shall determine which employees are to have access to medical information. This determination shall be made on a need-to-know basis.

**Medical Examination**

**REFERENCES:**

<sup>2</sup>702 KAR 001:160, 902 KAR 002:020; KRS 214.625  
OAG 65-560  
Genetic Information Nondiscrimination Act of 2008

**RELATED POLICIES:**

<sup>1</sup>03.1234, 03.14, 03.24

Adopted/Amended: 07/28/2008  
Order #: 0128259

**- CERTIFIED PERSONNEL -****Certification and Records****CERTIFICATION**

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

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

It shall be the responsibility of the employee to see that the required certification is on file in the Superintendent's Office and is kept current at all times.

**NOTICE TO PARENTS OF TEACHER'S QUALIFICATIONS/CERTIFICATION**

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

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

**CERTIFICATION FOR TEACHING ELECTIVE COURSES**

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

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

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

**REFERENCES:**

KRS 160.350; KRS 161.020; KRS 161.048  
KRS 161.730; KRS 161.740; KRS 161.750  
KRS 161.760; KRS 161.780; KRS 161.790  
KRS 161.800; KRS 161.810  
016 KAR 001:030; 34 CFR 200.61  
P. L. 107-110 (No Child Left Behind Act of 2001)

**RELATED POLICIES:**

02.4241; 03.11; 03.5

Adopted/Amended: 07/25/2011

Order #: 2011.288

**- CERTIFIED PERSONNEL -****Equal Employment Opportunity****NONDISCRIMINATION**

The Superintendent shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, color, religion, sex, genetic information, national or ethnic origin, political affiliation, age or disabling condition.<sup>1</sup>

**INDIVIDUALS WITH DISABILITIES**

No qualified person with a disability, as defined by law, shall, on the basis of the disability, be subject to discrimination in employment.<sup>2</sup>

District employment practices shall be in accordance with the Board-approved procedures addressing requirements of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

No human immunodeficiency virus (HIV) related test shall be required as a condition of hiring, promotion, or continued employment, unless the absence of HIV infection is a bona fide occupational qualification for the job in question as defined in KRS 207.135.

**REASONABLE ACCOMMODATION**

Employees who have a long-term or permanent disability may request the District supervisor to provide reasonable accommodations necessary for them to perform the essential duties of the position. If assistive technology is deemed necessary for an employee, every effort will be made to obtain that technology in a timely fashion.

Reasonable accommodation shall be provided as required by law.

**ADVISING EMPLOYEES**

The Superintendent shall inform all school employees of the provisions of this policy.<sup>1</sup>

**REFERENCES:**

<sup>1</sup>KRS 161.164

<sup>2</sup>29 U.S.C.A. 794

KRS 207.135

34 C.F.R. 104.3 - 104.14

42 U.S.C. 200e, Civil Rights Act of 1964, Title VII, KRS Chapter 344

42 C.F.R. 2000e-2; 42 C.F.R. 2000(k)

Americans with Disabilities Act of 1990

Kentucky Education Technology System (KETS)

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

Genetic Information Nondiscrimination Act of 2008

**RELATED POLICIES:**

03.133, 05.11

Adopted/Amended: 07/26/2010

Order #: 2010-166



**-CERTIFIED PERSONNEL-**

**Contract**

**CONTRACT**

All certified employees (Superintendent excepted) shall receive either a limited or a continuing contract.<sup>1</sup>

Contracts for certified personnel shall not exceed two hundred sixty-one (261) days per fiscal year.<sup>2</sup>

**VOCATIONAL**

Vocational agriculture teachers shall be allotted sufficient days of extended employment to provide for twelve (12) months instructional salary per year.<sup>3</sup>

**REFERENCES:**

<sup>1</sup>KRS 161.730

<sup>2</sup>KRS 161.220

<sup>3</sup>KRS 157.360

016 KAR 004:040

**RELATED POLICY:**

03.121

Adopted/Amended: 10/15/1998

Order #: 012547

**- CERTIFIED PERSONNEL -**

**Transfer of Tenure**

All teachers employed who have attained continuing contract status from another Kentucky district shall serve a one (1)-year probation period before being considered for continuing contract status in the school District.

**REFERENCE:**

KRS 161.740 (1) (c)

Adopted/Amended: 04/24/1996

Order #: 0579

**-CERTIFIED PERSONNEL-**

**Compensation and Benefits**

**ESTABLISHMENT**

The Board shall annually establish salary schedules and employee benefits for all certified personnel.

**COBRA**

At the time of initial employment an employee shall be given the first COBRA notification. Second notification and continuation of benefits shall be contingent upon the employee's notifying the district of a qualifying event.<sup>1</sup>

**REFERENCES:**

- <sup>1</sup>Consolidated Omnibus Budget Reconciliation Act
- 26 CFR Part 1
- KRS 157.320 (12)
- KRS 160.290 (1)
- KRS 160.340 (2e)
- KRS 160.390 (2)
- 702 KAR 003:070

Adopted/Amended: 04/24/1996

Order #: 0579

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

All salaries for certified personnel shall be based on a single-salary schedule providing, at minimum, for the number of working days required by law.

**EXTENDED EMPLOYMENT**

Compensation for employment contracted beyond the minimum number of working days required by law shall be prorated.

Extended employment positions shall be established in a position job description, funded in the District budget, and specified in an addendum to the employee's contract.

**EXTRA SERVICES, SUPPLEMENTS AND SUPERVISION**

The Board shall annually establish a schedule of compensation for extra services, hazardous duty supplements and supervision. As provided under law, teachers who attain certification from the National Board for Professional Teaching Standards shall be given an annual salary supplement of \$2000 for the life of the certificate.

**RANK AND EXPERIENCE**

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

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

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

**EXCEPTION**

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

**PAYROLL DISTRIBUTION**

Checks will be issued according to a schedule approved annually by the Board.

At the close of the school year, employees who have completed all responsibilities and duties may request to be paid their remaining salary prior to the end of the fiscal year.

**QUALIFICATIONS**

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

**NOTICE OF SALARY**

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

**Salaries****LIST OF SALARIES**

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

**PAYROLL DEDUCTIONS**

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

**REFERENCES:**

KRS 157.075; KRS 157.320; KRS 157.350; KRS 157.360  
KRS 157.390; KRS 157.395; KRS 157.397; KRS 157.420  
KRS 160.290, KRS 160.291  
KRS 161.1211, KRS 161.134, KRS 161.168; KRS 161.760  
KRS 424.220; 016 KAR 001:040; OAG 97-25  
702 KAR 003:060, 702 KAR 003:070, 702 KAR 003:100, 702 KAR 003:310  
29 C.F.R. Section 541.303, 29 C.F.R. Section 541.602, 29 C.F.R Section 541.710

**RELATED POLICIES:**

03.114; 03.1211; 03.4

Adopted/Amended: 07/28/2008  
Order #: 0128259

**-CERTIFIED PERSONNEL-****Salary Deductions**

No optional payroll deduction, authorized by the Board, shall be deducted from an individual employee's salary without a signed request from that employee affirmatively requesting the optional deduction. Such request must be filed on an annual basis on forms to be developed by the Superintendent. The Superintendent shall develop the manner and time for filing such requests.

**REFERENCES:**KRS 161.158KRS 160.291702 KAR 001:035OAG 72-802

Adopted/Amended: 04/24/1996

Order #: 0579

**- CERTIFIED PERSONNEL -****Reduction in Salary and Responsibility**

Salaries for teachers shall not be less than the preceding year unless such reduction is part of a uniform plan affecting all teachers in the entire District or unless there is a reduction of responsibilities.

Reduction of responsibility for teachers may be accompanied by a corresponding reduction in salary. Written notice that states the specific reason(s) for the reduction shall be furnished teachers no later than ninety (90) days before the first student attendance day of the school year or May 15, whichever occurs earlier.

**REFERENCE:**

KRS 161.760

Adopted/Amended: 07/28/2008

Order #: 0128259

**- CERTIFIED PERSONNEL -**

**Cafeteria Plan**

Certified personnel shall be eligible to participate in a cafeteria plan of benefits.

The Superintendent shall develop and make available to employees a list of benefits and procedures consistent with the regulations as listed in 26 C.F.R, Part I, 1.125.1. This listing, or any amendments thereto, shall be subject to review and final approval by the Board.

**REFERENCE:**

26 C.F.R., Part I, 1.125.1

Adopted/Amended: 04/24/1996

Order #: 0579



**-CERTIFIED PERSONNEL -****Holidays**

All certified employees shall be paid for four (4) holidays, which shall be designated in the official school calendar. These are part of the school year required by state law.<sup>1</sup>

All certified 12-month personnel who work 225 days or more shall be eligible for four (4) additional paid holidays designated by the Superintendent.

**REFERENCES:**

<sup>1</sup>KRS 158.070

KRS 160.291

KRS 161.220

KRS 161.540

KRS 2.110

KRS 2.190

Adopted/Amended: 05/24/2010

Order #: 2010-142

**- CERTIFIED PERSONNEL -****Leaves and Absences****APPROVAL**

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

**NOTIFICATION**

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

**LEAVE FOLLOWING ASSAULT**

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

**PLACEMENT UPON RETURN**

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

**FMLA**

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

**REFERENCES:**

KRS 161.155; KRS 161.770; OAG 01-9  
Family and Medical Leave Act of 1993

**RELATED POLICIES:**

03.1232, 03.12322, 03.1233, 03.1234, 03.1235, 03.124

Adopted/Amended: 07/25/2011  
Order #: 2011.288

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

Full-time certified employees shall be entitled to one (1) day of personal leave with pay each school year.

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

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

**APPROVAL**

The Superintendent or designee must approve the leave date, but no reasons shall be required for the leave.

**LIMITATION**

No more than one (1) certified employee per building may take personal leave on a given day. Those employees making earliest application shall be given preference.

**AFFIDAVIT**

Employees taking personal leave must file a personal affidavit stating that the leave was personal in nature.

**ACCUMULATION**

On June 30, all personal leave days not taken during the current school year shall be transferred and credited to the employee's accumulated sick leave account.

**REFERENCE:**

KRS 161.154

**RELATED POLICY:**

03.1232

Adopted/Amended: 04/24/1996

Order #: 0579

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

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

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

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

**ACCUMULATION**

Sick leave days not taken during the school year in which they were granted shall accumulate without limitation to the credit of the certified employee to whom they were granted.

**DEFINITION**

Sickness shall mean personal illness, including illness or temporary disabilities arising from pregnancy.

**FAMILY ILLNESS/MOURNING**

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

**TRANSFER OF SICK LEAVE**

Teachers coming to the District from another Kentucky school district or from the Kentucky Department of Education shall transfer accumulated sick leave to the District.

**SICK LEAVE DONATION PROGRAM**

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

Certified employees are eligible to receive donated days if they meet the criteria established in statute.

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

**AFFIDAVIT**

Upon return to work a certified employee claiming sick leave must file a personal affidavit or a certificate of a physician stating that the employee was ill or that the employee was absent for the purpose of attending to a member of the immediate family who was ill.<sup>1</sup>

PERSONNEL

03.1232  
(CONTINUED)

**Sick Leave**

**REFERENCES:**

<sup>1</sup>KRS 161.155, Sec.2

KRS 161.152

OAG 79-148, OAG 93-39

Family & Medical Leave Act of 1993

**RELATED POLICIES:**

03.124

03.12322

03.1233

Adopted/Amended: 08/12/2002  
Order #: 012572

**- 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.

**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.

**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

Adopted/Amended: 07/23/2012  
Order #: 2012.433



**- CERTIFIED PERSONNEL -****Maternity Leave****PAID SICK LEAVE**

Childbirth and recovery therefrom, which prevent the employee from performing assigned duties, shall entitle the employee to sick leave benefits as provided in Board Policy 03.1232.

An illness of the newborn shall entitle the employee to sick leave benefits as provided in Board Policy 03.1232.

An employee may use up to thirty (30) days of sick leave immediately following the birth or adoption of a child or children. Additional sick leave days may be used when the need is verified by a physician's statement.

**UNPAID MATERNITY LEAVE (KRS 161.770)**

On written request, the parent of a newborn or the employee who adopts a child or children shall be granted unpaid leave of absence not to exceed the remainder of the school year in which the birth or placement occurred. Thereafter, leave may be extended in increments of no more than one (1) year.

Employees on maternity leave shall notify the Superintendent in writing of their intent to return to the school system on or before the date prescribed in Policy 03.123. Employees who fail to notify the Superintendent of their return by the date prescribed in Policy 03.123 cannot be guaranteed employment for the following school year.

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

**FMLA**

In compliance with the Family and Medical Leave Act of 1993, eligible employees are entitled to up to twelve (12) workweeks of unpaid leave to care for the employee's child after birth or placement of a child with the employee for adoption or foster care. Leave to care for an employee's healthy newborn baby or minor child who is adopted or accepted for foster care must be taken within twelve (12) months of the birth or placement of the child.

**REFERENCES:**

KRS 161.155; KRS 161.770  
OAG 80-151; OAG 84-43; OAG 86-66  
Family and Medical Leave Act of 1993

**RELATED POLICIES:**

03.123; 03.1232; 03.12322

Adopted/Amended: 07/26/2010  
Order #: 2010-166

**- CERTIFIED PERSONNEL -****Extended Disability Leave**

This policy shall be applied in a manner consistent with policy 03.113 and the Americans with Disabilities Act (ADA), when those provisions are applicable.

**UNPAID LEAVE**

Unpaid disability leave shall be granted by the Board, upon written request, for the remainder of the school year. Thereafter, leave may be extended by the Board in increments of no more than one (1) year.

**FMLA**

In compliance with the Family and Medical Leave Act of 1993, medical leave shall be granted in accordance with Board Policy 03.12322.

**NOTIFICATION OF RETURN**

Employees on extended disability leave shall notify the Superintendent in writing of their intent to return to the school system on or before the date prescribed in Policy 03.123. Employees who fail to notify the Superintendent of their return by the date prescribed in Policy 03.123 cannot be guaranteed employment for the following school year.

**VERIFICATION**

The Superintendent may require the employee to secure a licensed physician's verification of disability.

**PLACEMENT UPON RETURN**

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

**INVOLUNTARY DISABILITY LEAVE**

When, in the opinion of the Board, there is evidence that a teacher or the Superintendent is no longer able to perform satisfactorily the assigned duties, the Board may require the employee to provide evidence of ability to perform the essential functions of the position in the form of an examination and report by a physician of the Board's choosing. The Board shall bear the cost of this examination.

The Board may suspend the employee temporarily pending the physician's examination and may grant an involuntary leave of absence and renewals thereof following the physician's examination.

The employee shall have the right to a hearing on such involuntary leave and its renewal or extension in accordance with the provisions for hearing and appeal in KRS 161.790.<sup>1</sup>

**Extended Disability Leave**

**RETIREMENT DISABILITY**

Retirement disability shall be handled in accordance with KRS 161.662.<sup>2</sup>

**REFERENCES:**

<sup>1</sup>KRS 161.790; OAG 65-560, KRS 161.770

<sup>2</sup>KRS 161.662, OAG 80-151

OAG 84-43

Consolidated Omnibus Budget Reconciliation Act

Family & Medical Leave Act of 1993

Americans with Disabilities Act of 1990

**RELATED POLICIES:**

03.111

03.113

03.123

03.12322

03.173

Adopted/Amended: 08/22/1996

Order #: 0694

**- CERTIFIED PERSONNEL -****Educational/Professional Leave****EDUCATIONAL/PROFESSIONAL PURPOSE**

Upon written request of a teacher or the Superintendent, the Board may grant leave (without pay) not to exceed two (2) consecutive years for educational or professional purposes. Leave may be granted for full-time attendance at universities or other training or professional activities approved by the Board when those activities are related to the employee's job or to other jobs an employee might hold in the school system. Leave will not be granted for part-time educational activities.

**LIMITATIONS**

No more than two percent (2%) of the certified employees may be on educational/professional leave at one time. When requests exceed two percent (2%), those submitting the earliest requests will be given first consideration.

**TIME OF APPLICATION**

Written application for educational/professional leave must be made at least sixty (60) days before the leave is to begin.

**NOTIFICATION OF RETURN**

Employees on educational/professional leave shall notify the Superintendent in writing of their intent to return to the school system on or before the date prescribed in Policy 03.123. Employees who fail to notify the Superintendent of their return by the date prescribed in Policy 03.123 cannot be guaranteed employment for the following school year.

**PLACEMENT UPON RETURN**

Employees taking an educational/professional leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position or the same school cannot be guaranteed.

**REFERENCES:**

KRS 161.770

OAG 79-106

OAG 84-43

OAG 91-134

Adopted/Amended: 08/22/1996

Order #: 0694

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

Full-time certified employees shall be entitled to two (2) days of emergency leave with pay each school year.

Persons employed for less than a full year contract shall receive a prorata part of the authorized emergency leave days calculated to the nearest 1/2 day. The prorata days will be calculated by dividing the total number of actual days worked by the number of total contract days for that position. For example: An employee contracted for 160 days of a normal 187-day contract due to being hired after the beginning of the year would receive 8 and 1/2 (8 1/2) sick days (160 days/187 days x 10 days = 8.5 days, rounded to the nearest half-day).

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

Emergency leave shall be granted for the following reasons:

**BEREAVEMENT**

Death of a relative or personal friend.

**DISASTERS**

Personal disasters of the magnitude of tornadoes, fires, floods, etc. This applies only in cases not covered by sick leave.

**COURT/LEGAL**

Appearances as a witness or to produce documents when the employee's presence is required by subpoena. This is not to include appearances in actions in which the employee is a party and the subpoena is obtained by or on behalf of the employee. This also does not include jury duty. (See policy 03.1237.)

**OTHER**

Such other reasons of an emergency or extraordinary nature as approved by the Superintendent or designee.

**REQUEST FOR LEAVE**

Emergency leave must be requested through the Superintendent or designee who will determine if the leave requested meets the Board's criteria.

**AFFIDAVIT**

Persons taking emergency leave must file a personal affidavit upon their return to work stating the specific reasons for their absence.

**ACCUMULATION**

On June 30, emergency leave days not taken during the current school year shall be transferred and credited to the employee's accumulated sick leave account.

PERSONNEL

03.1236  
(CONTINUED)

**Emergency Leave**

**REFERENCES:**

KRS 161.152; OAG 76-427; OAG 72-348; OAG 74-770; KRS 161.155

**RELATED POLICIES:**

03.1232; 03.1237

Adopted/Amended: 07/23/2007  
Order #: 0128054

**- CERTIFIED PERSONNEL -**

**Jury Leave**

**SALARY**

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

**NOTICE**

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

**REFERENCES:**

KRS 161.153

OAG 78-696

Adopted/Amended: 04/24/1996

Order #: 0579

**- CERTIFIED PERSONNEL -****Military/Disaster Services Leave**

Military leave will be granted to certified personnel under the provisions and conditions specified in law.

Employees who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or the reserve corps of the United States Public Health Service shall be entitled to military leave, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled. In any one (1) federal fiscal year, employees, while on military leave, shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued. Determination of the period of military leave to be granted shall be made according to statutory requirements.

The employee is responsible for notifying his/her immediate supervisor as soon as s/he is notified of an impending military-related absence.<sup>1</sup>

The Board may grant disaster services leave to requesting eligible employees. An "eligible employee" means one who is a certified disaster services volunteer of the American Red Cross. Disaster services leave shall be with pay and shall not exceed thirty (30) work days in any twelve (12)-month period.<sup>2</sup>

**REFERENCES:**

<sup>1</sup>KRS 61.373, KRS 61.375, KRS 61.377, KRS 61.394, KRS 61.396

<sup>2</sup>KRS 61.395

KRS 161.168

KRS 161.740 (3)

702 KAR 003:070

OAG 76-316

OAG 74-258

OAG 82-305

Adopted/Amended: 08/14/2006

Order #: 0127884



**- CERTIFIED PERSONNEL -****Insurance****INSURANCE**

The Board shall provide unemployment insurance<sup>1</sup>, workers' compensation<sup>2</sup> and liability insurance for all certified personnel. In addition, the State provides group health and life insurance to employees who are eligible as determined by Kentucky Administrative Regulation.<sup>3</sup>

**WORKERS' COMPENSATION**

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

**REFERENCES:**

<sup>1</sup>KRS 341.050

<sup>2</sup>KRS 342.630

<sup>3</sup>702 KAR 001:035

OAG 83-151

Consolidated Omnibus Budget Reconciliation Act

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

**RELATED POLICIES:**

03.1211, 03.123, 03.12322, 03.1241, 03.14

Adopted/Amended: 07/25/2011

Order #: 2011.288

**- CERTIFIED PERSONNEL -****Workers' Compensation Payments****COORDINATION WITH SICK LEAVE**

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

**EMPLOYEE ELECTION**

In order to maintain full salary, employees may voluntarily elect to use sick leave to which they are entitled. To coordinate benefits in connection with the employee's election to use sick leave<sup>1</sup>, the employee shall pay to the District a sum equal to workers' compensation income benefits received for the same period that the employee uses sick leave. The employee may make such payment by endorsing the workers' compensation benefits check to the District or by paying the District by personal check or cash. The employee's sick leave balance shall then be reinstated to the extent of such payment.

**REFERENCES:**

<sup>1</sup>KRS 161.155, KRS 342.730

**RELATED POLICIES:**

03.1232

03.12322

Adopted/Amended: 07/25/2011

Order #: 2011.288

**- CERTIFIED PERSONNEL -****Expense Reimbursement**

Provided the Superintendent/designee has given prior approval to incur the expense, the Board shall reimburse school personnel for school-related travel when such travel is a required part of the duties of the employee or for school-related activities approved by the Superintendent and, when appropriate the School Council. Travel expenses of school-based personnel in SBDM schools shall be paid from Council funds. In the case of expenses reimbursed from internal accounts, the Principal shall be the authority for approving reimbursement. The Board will reimburse only actual expenses. Allowable expenses are:

**MILEAGE**

Actual mileage between official work stations within the school system and actual mileage for trips outside the school system which have been approved by the Superintendent and the Council in SBDM schools will be reimbursed at forty-eight cents(.48) per mile when the employee uses his/her own vehicle.

**GASOLINE**

Actual cost of gasoline and oil purchased and placed in a Board-owned vehicle by an employee while engaged in school-related travel. Purchase must be substantiated by a receipt showing total gallons and total charges.

**TOLLS AND FEES**

All tolls and parking fees incurred in school-related travel. Parking fees must be substantiated by a ticket or receipt. (Tolls are not to be charged for District vehicles being operated in state in an official capacity.)

**CAR RENTAL**

Car rental charges when approved by the Superintendent and the Council in SBDM schools. Charges must be substantiated by a receipt.

**COMMON CARRIERS**

All charges or fares for necessary travel on common carriers (plane, bus, train, subway, taxi, ferry, etc.). Sight-seeing and pleasure tours are not reimbursable.

**OUT-OF-STATE TRAVEL**

Reimbursement for out-of-state travel by privately owned vehicles shall be made on the basis of airplane coach fare or mileage rate, whichever is the lesser amount.

**FOOD**

Actual monies spent for food while on out-of-District trips, when an overnight stay is required. All meal charges must be substantiated by an itemized receipt. Maximum allowable food expenditure per day shall be \$40 unless an exception is approved by the Board.

**Expense Reimbursement****LODGING**

Hotel or motel charges (not including food or other charges) incurred in school-related travel. Charges must be substantiated by an itemized receipt.

**EMERGENCY REPAIRS TO VEHICLES**

Reimbursement will be made for emergency repairs or road service to Board-owned vehicles if incapacitated while out of District. Drivers may not obligate the Board for major repairs without the permission of the Director of Transportation or Superintendent.

**REIMBURSEMENT FORM**

No requests for travel reimbursement will be considered unless filed on the proper purchase order form and accompanied by the properly itemized receipts.

**REFERENCES:**

KRS 160.290; KRS 160.410; KRS 175.525

OAG 80-395

*United States v. Correll*, 389 U.S. 299 (1967)

Accounting Procedures for Kentucky School Activity Funds

Adopted/Amended: 05/07/2012

Order #: IV.B.1

**- CERTIFIED PERSONNEL -****Tuition Assistance Policy**

The Board may reimburse employees' tuition payments when the tuition is used to develop skills or upgrade performance. All full-time, regular board employees who have completed a minimum of six (6) months of service with Gallatin County Schools are eligible to participate in the program.

Educational assistance may be provided for courses offered by approved institutions of learning such as accredited colleges, universities, and secretarial and trade schools. Courses must be, in the Board's opinion, directly or reasonably related to job requirements or job performance with Gallatin County Schools.

Courses must not interfere with the employee's job responsibilities.

Reimbursement covers actual costs of tuition and registration fees for approved courses, textbooks and other required course materials, based on the following schedule:

<b>Grade Received</b>	<b>Amount of Reimbursement</b>
A	100%
B	75
P (Pass/Fail Courses)	75
C	50
Lower than C	0

Employees eligible for reimbursement from any other source (e.g., a government-sponsored program or a scholarship) may seek assistance under our educational assistance program, but are reimbursed only for the difference between the amount received from the other funding source and the actual course cost, up to the maximum reimbursement allowable under this policy based on the grade received.

Employees seeking assistance must submit a tuition reimbursement form to the appropriate supervisor prior to the commencement of the course(s), receive written approval from the Superintendent in advance, be actively employed by the Board at the time of course completion and receive a qualifying grade. Tuition reimbursement forms are available at the Central Office.

The Superintendent shall have the discretion to grant or deny requests with the recommendation of the employee's supervisor.

On completion of the courses, the employee shall submit to the Superintendent an official transcript from the school, reflecting grade received, and a bursar's receipt or other official proof of payment acceptable to the Board. Reimbursement is limited to a maximum of \$4000 per calendar year.

Tuition reimbursement shall not include the costs of supplies, papers, equipment, travel, meals or rooming expense. The Board offers tuition assistance only on a semester basis and makes no representation or promise of assistance beyond any semester that tuition reimbursement is granted.

**Tuition Assistance Policy**

Employees who have been granted tuition reimbursement shall continue employment with the Board for a minimum of one (1) calendar year from the date of reimbursement. Unless otherwise authorized by the Superintendent, when an employee voluntarily leaves employment before completion of the one year period, the employee immediately shall reimburse the Board for the amount of tuition reimbursement received during that period.

Employees shall refund the Board any monies paid to employee for reimbursement of his/her textbook and/or fees (i.e., selling a textbook back to the bookstore).

Adopted/Amended: 12/10/2007  
Order #: 0128129

**- CERTIFIED PERSONNEL -****Assignment**

The assignment of all certified personnel shall be made by the Superintendent.<sup>1</sup> 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.<sup>1</sup>

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:**

<sup>1</sup>KRS 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

Adopted/Amended: 07/23/2012

Order #: 2012.433

**- CERTIFIED PERSONNEL -****Transfer**

Transfers of certified personnel shall be made by the Superintendent who, at the first meeting following the transfer, 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.

Transfer or reassignment of certified personnel will be made no later than thirty (30) days before the first student attendance day of the school year except to fill vacancies created by illness, death, or resignations; to reduce or increase personnel because of a shift in school population; to make personnel adjustments after consolidation or merger; or to assign personnel according to their major or minor fields of training.<sup>1</sup>

**TRANSFER OF EMPLOYEES CHARGED WITH A FELONY**

Notwithstanding any other policy provision, the Superintendent may transfer an employee charged with a felony offense as permitted under KRS 160.380.

**REFERENCES:**

<sup>1</sup>KRS 161.760; OAG 78-266

KRS 160.380; OAG 76-360

OAG 91-149

OAG 92-1

OAG 91-115

OAG 92-135

OAG 92-78

**RELATED POLICY:**

02.4244

Adopted/Amended: 08/14/2006

Order #: 0127884



**- CERTIFIED PERSONNEL -****Promotion**

The promotion of certified 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 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 not promote a personal relative or the relative of a Board member who continues employment in the District under provisions of KRS 160.380.

The promotion of personnel shall be based on qualifications, success in past assignments, and potential for success in the new position.

**REFERENCES:**

KRS 160.380

OAG 76-360

OAG 91-149

OAG 92-1

**RELATED POLICY:**

02.4244

Adopted/Amended: 04/24/1996

Order #: 0579

**- CERTIFIED PERSONNEL -****Demotion**

In accordance with statutory provisions, the demotion of certified 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 Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

**REFERENCES:**KRS 161.760KRS 161.765KRS 161.164OAG 76-360OAG 91-149OAG 92-1OAG 92-135

Adopted/Amended: 04/24/1996

Order #: 0579

**- CERTIFIED PERSONNEL -****Supervision****IMMEDIATE SUPERVISOR**

Supervision shall be provided for all certified employees. Employees shall be informed as to whom their immediate supervisor is and to whom they will be responsible.

**JOB DESCRIPTION**

Each employee shall be provided a job description, which shall delineate all essential functions and the general duties and responsibilities of the position held by the employee. Job descriptions shall not be considered all-inclusive descriptions of the job but shall indicate the general parameters of the duties and responsibilities of the position. The immediate supervisor may, as needed, assign other reasonable duties to the employee.

**REFERENCE:**

KRS 160.290(1)

**RELATED POLICY:**

03.133

Adopted/Amended: 04/24/1996

Order #: 0579

**- 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.

**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.

The Board may authorize the use of school property where a demonstrable benefit to the school or community as a whole is provided.

**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**

Employees who have occasion to drive any Board-owned vehicle and/or 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.

**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.

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.

**Use of School Property**

**REFERENCES:**

702 KAR 005:080; OAG 70-346

KRS 160.190 (1)

KRS 160.290

KRS 162.050

KRS 189.292; KRS 189.294

KRS 281A.205

Adopted/Amended: 07/23/2012

Order #: 2012.433

**- CERTIFIED PERSONNEL -****Gifts**

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

**REFERENCES:**

KRS 160.580

Accounting Procedures for Kentucky School Activity Funds

Adopted/Amended: 07/23/2012

Order #: 2012.433

**- CERTIFIED PERSONNEL -****Solicitations**

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

Lists of students' or teachers' names shall not be made available to any person or group for political, commercial, or other purposes unless authorized by the Board.

**SOLICITATION BY EMPLOYEES**

District employees shall not use the advantage of their position for personal gain through soliciting students on school property or during duty hours. Transactions involving a private commercial undertaking for the employee's personal gain, conducted on school premises or during school hours, shall be prohibited.

**REFERENCE:**

KRS 160.725

**RELATED POLICY:**

09.33

Adopted/Amended: 09/30/1999

Order #: 012930

**- CERTIFIED PERSONNEL -****Political Activities**

No District employee shall promote, organize, or engage in political activities while performing his/her duties or during the work day. Promoting or engaging in political activities shall include, but not be limited to, the following:

1. Encouraging students to adopt or support a particular political position, party, or candidate; or
2. Using school property or materials to advance the support of a particular political position, party, or candidate.

"Political positions" shall not be defined to include communications approved by the Superintendent to be distributed to parents or the community concerning District needs or proposed actions by the Board. Examples of such communications may include, but not be limited to, those addressing designation of attendance zones/areas and District facility and financial needs.

**SCHOOL BOARD ELECTIONS**

The Superintendent shall inform all District employees of the provisions of KRS 161.164.

**REFERENCES:**

KRS 161.164; KRS 161.990  
OAG 72-700; OAG 63-572  
OAG 92-145

**RELATED POLICY:**

03.113

Adopted/Amended: 09/24/2001

Order #: 012312



**- CERTIFIED PERSONNEL -****Disrupting the Educational Process**

Any employee who participates in or encourages activities that disrupt the educational process, whether on school property or at school-sponsored events and activities, may be subject to disciplinary action, including termination of contract.

For purposes of this section, behavior which disrupts the educational process shall include, but not be limited to:

1. Conduct that threatens the health, safety, or welfare of others;
2. Conduct that may damage public or private property, including the property of students or staff;
3. Illegal activity;
4. Conduct that interferes with a student's access to educational opportunities or programs, including ability to attend, participate in, and benefit from instructional and extracurricular activities; or
5. Conduct that disrupts delivery of instructional services or interferes with the orderly administration of the school and school-related activities or District operations.

**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 03.162, which addresses harassment/discrimination allegations.

**REFERENCES:**

KRS 160.290

KRS 161.790

**RELATED POLICIES:**

03.113, 03.162, 03.17, 09.422, 10.21

Adopted/Amended: 09/24/2001

Order #: 012312

**- CERTIFIED PERSONNEL -****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.

**SUSPENSION/TERMINATION/NON-RENEWAL**

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

**Drug-Free/Alcohol-Free Schools****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 and/or alcohol 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 a workplace violation of criminal drug statutes shall, within five (5) working days, provide notification of the conviction to the Superintendent.

**POST-DISCIPLINE DRUG TESTING**

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

**PREVENTION PROGRAM**

The Superintendent shall establish a comprehensive and 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.

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

**REFERENCES:**

KRS 160.290; KRS 160.380; KRS 161.120; KRS 161.175

KRS 161.790; KRS 217.900; KRS 218A.1430

016 KAR 001:030; 701 KAR 005:130; 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

Adopted/Amended: 07/23/2012

Order #: 2012.433

**- CERTIFIED PERSONNEL -**

**Use of Tobacco**

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

Adult employees may smoke in outside areas designated and supervised by the Superintendent or Principal.

In other buildings, the Superintendent or designee shall designate smoking areas. Smoking is limited to the area(s) so designated.

**REFERENCES:**

KRS 438.050

OAG 81-295

OAG 91-137

KRS 160,290

KRS 160.340

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

**RELATED POLICY:**

09.4232

Adopted/Amended: 07/25/2005

Order #: 0127639

**- 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.

**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.<sup>1</sup>

**REFERENCES:**

<sup>1</sup>Americans With Disabilities Act (ADA)  
P. L. 101-336  
Rehabilitation Act of 1973; P. L. 93-112 Sec. 504  
KRS 158.645; KRS 158.6451  
016 KAR 001:020 (Code of Ethics); OAG 91-10; OAG 92-1

**RELATED POLICY:**

03.113

Adopted/Amended: 07/23/2012  
Order #: 2012.433

**- CERTIFIED PERSONNEL -****Outside Employment or Activities****OUTSIDE EMPLOYMENT**

Certified employees shall not accept outside employment or activities which will prevent them from fulfilling regularly assigned school duties and obligations.

Employees shall not perform any duties related to an outside job during their regular working hours.

**EXCEPTION**

While performing service or undergoing training, employees who are members of the National Guard, any reserve component of the U.S. armed forces, or reserve corps of the U.S. Public Health Service shall be entitled to leave of absence from their respective duties.<sup>1</sup>

**REFERENCES:**

<sup>1</sup>KRS 61.394, KRS 61.396  
KRS 160.290  
KRS 160.291 (4)

**RELATED POLICIES:**

03.122  
03.1238

Adopted/Amended: 04/24/1996

Order #: 0579

**- CERTIFIED PERSONNEL -**

**Hours of Duty**

**REGULAR HOURS**

Certified employees shall be prompt in attendance and shall remain on duty as specified by school policy or their immediate supervisor.

No certified employee shall leave his/her job assignment during duty hours without the express approval of his/her immediate supervisor.

**ADDITIONAL HOURS**

Certified employees may be required to perform additional duties as directed by school policy or assigned by their immediate supervisor.

**SIGN-IN**

Certified employees shall personally check in and check out each day.

**REFERENCES:**

KRS 160.290 (2)

KRS 158.060

OAG 77-718

OAG 65-179

OAG 55-37, 675

**RELATED POLICY:**

03.121

Adopted/Amended: 12/10/2007

Order #: 0128129



**- CERTIFIED PERSONNEL -****Staff Meetings**

Unless they are on leave or have been excused by the Principal/designee, staff members shall attend meetings called by the Principal or other authorized administrator.

**SCHEDULE OF REGULAR STAFF MEETINGS**

The Principal and administrative staff shall develop and present to the council for its review and comment a proposed schedule of routine staff meetings that will take place after the end of the regular instructional school day. The schedule shall include the projected dates and anticipated time frames for the meetings.

The final meeting schedule shall then be shared with staff members by the Principal/designee in a timely manner.

Changes may be made to the approved schedule and additional staff meetings may be called on short notice to address urgent school problems. Every reasonable effort shall be made to give appropriate advance notice in such cases.

**REFERENCE:**

KRS 160.345

**RELATED POLICIES:**

02.4241

03.1332

Adopted/Amended: 07/28/2008

Order #: 0128259

**- 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;

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

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

The 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.

**Health and Safety****ASBESTOS MANAGEMENT**

The District shall conduct school inspection and re-inspection activities as required by state and federal law<sup>1</sup> 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:**

- <sup>1</sup>401 KAR 058:010, 40 C.F.R. Part 763
- Kentucky Department for Public Health
- Centers for Disease Control and Prevention
- Kentucky Labor Cabinet, 803 KAR 002:308, 803 KAR 002:404, 803 KAR 002:500
- OSHA 29 CFR 1910
- 132 PPE Hazard Assessment
- 147 Lockout/Tagout
- 1200 Hazard Communication
- 1030 Bloodborne Pathogens

Adopted/Amended: 07/23/2012  
Order #: 2012.433

**- CERTIFIED PERSONNEL -****Personnel Records****MASTER PERSONNEL FILE**

One (1) master personnel file, documenting employment history and including information maintained in electronic format, shall be maintained for each employee. This file shall be maintained in the Central Office and shall be under the custody of the Superintendent or the Superintendent's designee. This file may be inspected by the employee.<sup>1</sup> The Superintendent shall develop procedures to ensure the security of the files.<sup>2</sup>

**SCHOOL-LEVEL PERSONNEL FILE**

The Principal/supervisor may maintain a personnel folder for each person under his/her supervision. These folders may contain:

1. Items used as reference and not forwarded to the master personnel file in the Central Office,
2. The employee's annual evaluation and other school-related correspondence to and from the employee, and
3. Other informational items that may or may not be maintained in the Central Office master personnel file.

**PUBLIC INSPECTION**

Those portions of personnel records containing material of a personal nature, the disclosure of which would constitute an invasion of privacy, are not open for public inspection.<sup>3</sup>

**MEDICAL INFORMATION**

Medical information shall be maintained separately from an employee's personnel file.

District acquisition and disclosure of applicant and employee genetic information shall comply with applicable legal requirements.<sup>4</sup>

**REFERENCES:**

<sup>1</sup>KRS 61.884

<sup>2</sup>KRS 61.876

<sup>3</sup>KRS 61.878

<sup>4</sup>Genetic Information Nondiscrimination Act of 2008  
KRS 161.151; KRS 61.870, KRS 61.872, KRS 61.874  
704 KAR 003:345

OAG 77-394, OAG 85-109, OAG 86-15, OAG 89-90, OAG 91-161, OAG 91-176  
Kentucky Education Technology System (KETS)  
Records Retention Schedule, Public School District  
Americans with Disabilities Act of 1990 (P.L. 101-336), 42 U.S.C. 12112

**RELATED POLICIES:**

03.111, 10.11

Adopted/Amended: 07/26/2010

Order #: 2010-166

**- CERTIFIED PERSONNEL -****Grievances****PROCEDURES**

The Superintendent shall develop specific grievance procedures to include, but not be limited to, the opportunity for grievances to be addressed and resolved at each level of the chain of command from the point of origin, time limitations for the filing and the appeal of a grievance, and procedures for the orderly review and appeal of each individual grievance.

Grievances are individual in nature and must be brought by the individual grievant.

The Board shall take action only on those grievances that fall within the authority of the Board.

**GENERAL GRIEVANCES**

The Board will hear grievances only after unsuccessful resolution by the employee's supervisors.

**PERSONNEL ISSUES**

The Board will not hear any grievance concerning personnel actions taken by the Superintendent/designee, unless the grievance is based on an alleged violation of constitutional, statutory, regulatory, or policy provisions.

Before accepting a grievance appeal, the Board shall seek the advice of the Board Attorney as to whether the appeal falls within the requirements of this policy. Any personnel grievance not falling within those requirements shall be appealed only to the level of the Superintendent.

The Board shall not hear grievances concerning simple disagreement or dissatisfaction with a personnel action.

**EXCEPTION**

Harassment/Discrimination allegations shall be governed by Policy 03.162.

**REFERENCE:**

OAG 78-204

**RELATED POLICY:**

03.162

Adopted/Amended: 08/12/2002

Order #: 012572

**- 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.<sup>1</sup>

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 ten (10) 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.

**Harassment/Discrimination****GUIDELINES (CONTINUED)**

2. A process to identify and implement, within ten (10) working days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
3. A process to be developed and implemented to communicate requirements of this policy to all staff, which may include, but not be limited to the following:
  - written notice provided in publications such as handbooks, staff memoranda, and/or pamphlets;
  - postings in the same location as are documents that must be posted according to state/federal law; and/or
  - such other measures as determined by the Superintendent/designee.Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District's complete policy.
4. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination.
5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

**PROHIBITED CONDUCT**

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

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



**Harassment/Discrimination****CONFIDENTIALITY**

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

**APPEAL**

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

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

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

**RETALIATION PROHIBITED**

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

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

**OTHER CLAIMS**

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

**REFERENCES:**

<sup>1</sup>KRS 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

Adopted/Amended: 07/23/2012

Order #: 2012.433

**- CERTIFIED PERSONNEL -****Termination/Nonrenewal/Separation by Employee**

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

**CODE OF ETHICS**

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

**TERMINATION**

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

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

**ALTERNATIVES TO TERMINATION**

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

**NONRENEWAL**

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

**SEPARATION BY EMPLOYEE**

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

**REPORTING**

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

**REFERENCES:**

<sup>1</sup>KRS 161.790  
KRS 161.120; KRS 161.750; KRS 161.780  
016 KAR 001:020 (Code of Ethics)  
Consolidated Omnibus Budget Reconciliation Act  
701 KAR 005:090  
OAG 83-362; OAG 92-135

**RELATED POLICY:**

03.172

Adopted/Amended: 07/25/2011  
Order #: 2011.288

**- CERTIFIED PERSONNEL -****Reduction in Force**

When, by reasons noted in KRS 161.800,<sup>1</sup> it becomes necessary to reduce the number of certified personnel, the Superintendent shall do so in compliance with the statute. The Superintendent, at the first meeting following the reduction in force, 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.

**REFERENCES:**

<sup>1</sup>KRS 161.800  
OAG 82-135  
OAG 80-150

**RELATED POLICY:**

03.1212

Adopted/Amended: 04/24/1996

Order #: 0579

**-CERTIFIED PERSONNEL-****Sanctions**

As an alternative to the termination of a teacher's contract and in accordance with KRS 161.790, the Superintendent, upon notifying the Board and providing written notification to the teacher of the charge, may impose sanctions including but not limited to suspension without pay, or public or private reprimand.

**REFERENCES:**

KRS 160.380

KRS 161.760

KRS 161.790

701 KAR 005:090

**RELATED POLICIES:**

03.1311

03.17

03.173

03.174

Adopted/Amended: 04/24/1996

Order #: 0579

**- CERTIFIED PERSONNEL -****Conflict of Interests****PECUNIARY INTEREST PROHIBITED**

No administrator or other employee of the District with decision-making authority over the financial position of the school District shall have any pecuniary interest, either directly or indirectly, in an amount exceeding twenty-five dollars (\$25.00) per year, at the time of or after appointment, in supplying any goods, services, property or merchandise for which school funds are expended. Nor shall any such person receive directly or indirectly any gift, reward, or promise of reward for goods, services, property, or merchandise of any kind for which school funds are expended.<sup>1</sup>

No administrator or other employee shall solicit for personal financial remuneration from students, parents and other staff during the school day or during school events.

Unless prior arrangements are made with the Board, any device, publication or any other item to be copyrighted developed during the employee's paid time shall be District property.

Employees shall not profit monetarily through use of confidential information gained in the course of or by reason of their position of employment with the District.

**EXCEPTION**

This policy shall not prohibit the Board from approving non-contracted personal services for the benefit of the District.

**REFERENCES:**

<sup>1</sup>KRS 156.480  
KRS 45A.455  
OAG 77-228  
OAG 71-474

Adopted/Amended: 04/24/1996  
Order #: 0579

**-CERTIFIED PERSONNEL -****Suspension****PENDING TERMINATION ACTION**

The Superintendent may suspend a certified employee without pay pending final action to terminate the contract if the character of the charges warrants such action. If a tribunal hearing is requested and the decision of the tribunal is against termination of the contract, the suspended teacher shall be paid full salary for the period of such suspension, except that the Board may appeal the tribunal's decision to the circuit court.

**SANCTIONS**

The Superintendent may suspend a teacher without pay as a disciplinary measure in accordance with KRS 161.790.

**BOARD NOTIFICATION**

The Superintendent, at the first meeting following the suspension without pay, 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.

**TEMPORARY SUSPENSION WITH PAY PENDING INVESTIGATION**

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

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

**REFERENCES:**

KRS 160.390; KRS 161.790  
701 KAR 005:090  
OAG 92-135, OAG 96-3  
938 S.W.2d 880 (Ky. 1996)

**RELATED POLICIES:**

03.1234; 03.172; 03.174

Adopted/Amended: 08/14/2006

Order #: 0127884

**- CERTIFIED PERSONNEL -****Reinstatement****FOLLOWING TERMINATION HEARING**

When a certified employee has been suspended, pending action to terminate the contract, and the tribunal, if requested, decides against termination after a hearing, the employee shall be reinstated in compliance with KRS 161.790, except that the Board may appeal the tribunal's decision to the circuit court.

**SANCTIONS**

A teacher who has been suspended for disciplinary measures may be reinstated by the tribunal in accordance with KRS 161.790.

**REFERENCES:**

KRS 161.790  
938 S.W.2d 880 (Ky. 1996)

**RELATED POLICIES:**

03.172  
03.173

Adopted/Amended: 09/11/1997

Order #: 01089

**-CERTIFIED PERSONNEL-****Retirement****DEFINITION**

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

**NOTICE**

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

**RESPONSIBILITY**

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

**UNUSED SICK DAYS**

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

Employees retiring from the District may be compensated for unused sick days only once, even if they are subsequently rehired.

**ESCROW ACCOUNT**

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

**REFERENCES:**

<sup>1</sup>KRS 161.155  
KRS 157.420; KRS 161.220  
KRS 161.540; KRS 161.545  
KRS 161.560; KRS 161.600  
OAG 81-1, OAG 83-191, OAG 97-28  
29 U.S.C. 631

Adopted/Amended: 07/25/2011  
Order #: 2011.288



**- CERTIFIED PERSONNEL -****Evaluation****DEVELOPMENT OF SYSTEM**

The Superintendent shall recommend for approval of the Board and the Kentucky Department of Education an evaluation system, developed by an evaluation committee, for all certified employees below the level of District Superintendent, which is in compliance with applicable statute and regulation.<sup>1</sup>

**PURPOSES**

The purposes of the evaluation system shall be to: improve instruction, provide a measure of performance accountability to citizens, foster professional growth, and support individual personnel decisions.

**NOTIFICATION**

The evaluation criteria and evaluation process to be used shall be explained to and discussed with certified school personnel no later than the end of the first month of reporting for employment for each school year.

**REVIEW**

All employees shall be afforded an opportunity for a review of their evaluations. All written evaluations shall be discussed with the evaluatee, and he/she shall have the opportunity to attach a written statement to the evaluation instrument. Both the evaluator and evaluatee shall sign and date the evaluation instrument.

All evaluations shall be maintained in the employee's personnel file.<sup>2</sup>

**APPEAL PANEL**

The District shall establish a panel to hear appeals from summative evaluations as required by law.<sup>1</sup>

**ELECTION**

Two (2) members of the panel shall be elected by and from the certified employees of the District. Two (2) alternates shall also be elected by and from the certified employees, to serve in the event an elected member cannot serve. The Board shall appoint one (1) certified employee and one (1) alternate certified employee to the panel.

**TERMS**

All terms of panel members and alternates shall be for one (1) year and run from July 1 to June 30. Members may be reappointed or reelected.

**CHAIRPERSON**

The chairperson of the panel shall be the certified employee appointed by the Board.

**APPEAL TO PANEL**

Any certified employee who believes that he or she was not fairly evaluated on the summative evaluation may appeal to the panel within five (5) working days of the receipt of the summative evaluation. The certified employee may review any evaluation material related to him/her. Both the evaluator and the evaluatee shall be given the opportunity to review documents to be given to the hearing committee reasonably in advance of the hearing and may have representation of their choosing.

**Evaluation****APPEAL FORM**

The appeal shall be signed and in writing on a form prescribed by the District evaluation committee. The form shall state that evaluation records may be presented to and reviewed by the panel.

**CONFLICTS OF INTERESTS**

No panel member shall serve on any appeal panel considering an appeal for which s/he was the evaluator.

Whenever a panel member or a panel member's immediate family appeals to the panel, the member shall not serve for that appeal. Immediate family shall include father, mother, brother, sister, husband, wife, son, daughter, uncle, aunt, nephew, niece, grandparent, and corresponding in-laws.

A panel member shall not hear an appeal filed by his/her immediate supervisor.

**BURDEN OF PROOF**

The certified employee appealing to the panel has the burden of proof. The evaluator may respond to any statements made by the employee and may present written records which support the summative evaluation.

**HEARING**

The panel shall hold necessary hearings. The evaluation committee shall develop necessary procedures for conducting the hearings.

**PANEL DECISION**

The panel shall deliver its decision to the District Superintendent, who shall take whatever action is appropriate or necessary as permitted by law. The panel's written decision shall be issued within fifteen (15) working days from the date an appeal is filed. No extension of that deadline beyond April 25th shall be granted without written approval of the Superintendent.

**SUPERINTENDENT**

The Superintendent shall receive the panel's decision and shall take such action as permitted by law as s/he deems appropriate or necessary.

**REVISIONS**

The Superintendent shall submit proposed revisions to the evaluation plan to the Board for its review to ensure compliance with applicable statute and regulation. Upon adoption, all revisions to the plan shall be submitted to the Kentucky Department of Education for approval.

**REFERENCES:**

<sup>1</sup>KRS 156.557, 704 KAR 003:345

OAG 92-135, Thompson v. Board of Educ., Ky., 838 S.W.2d 390 (1992)

**RELATED POLICIES:**

<sup>2</sup>03.15, 03.16, 02.14

Adopted/Amended: 08/14/2006

Order #: 0127884

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

The Board shall provide an efficient, systematic and high-quality professional development (PD) program. At the direction of the Superintendent or designee and in conjunction with each school, the PD coordinator shall facilitate the development and implementation of this program for all certified employees. Programs may also include classified staff and parent members of school councils and committees.

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

**DISTRICT-WIDE PLAN**

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

**SCHOOL RESPONSIBILITIES**

Each school shall plan high quality professional development experiences with the PD coordinator and, when appropriate, with other schools to maximize training opportunities. In addition, each school's PD plan shall be submitted to the Board for review and comment.

**DOCUMENTATION**

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

Documentation of completed professional development experiences, including a written evaluation, shall be required. Unless an employee is granted leave under an appropriate Board policy, failure to complete and document the required hours of professional development during the academic year shall result in a reduction in salary and may be reflected in the employee's evaluation.

**REFERENCES:**

704 KAR 003:035, 704 KAR 003:325

KRS 156.095, KRS 156.553, KRS 158.070, KRS 160.345

**RELATED POLICY:**

03.1911

Adopted/Amended: 07/25/2005

Order #: 0127639

**- CERTIFIED PERSONNEL -****Instructional Leaders' Training**

Instructional leaders, as defined by the Educational Professional Standards Board (EPSB), shall participate in a continuing intensive training program designed especially for instructional leaders.

**REQUIRED HOURS**

Each school year an instructional leader shall complete no less than twenty-one (21) participant hours in an intensive training program approved by the Kentucky Board of Education. As required by Kentucky Administrative Regulation, the District shall report the name of any instructional leader who fails to complete the required twenty-one (21) hours of training.<sup>1</sup>

**PROBATION**

Failure to participate in the required training shall result in a one-year probation. Those instructional leaders who fail to complete the training hours for the prior year and the current year during the probationary period shall have their administrative certificates revoked by the Education Professional Standards Board.<sup>2</sup>

**REFERENCES:**

<sup>1</sup>KRS 156.101

<sup>2</sup>704 KAR 003:325

704 KAR 003:035

Adopted/Amended: 08/14/2006

Order #: 0127884

**- CERTIFIED PERSONNEL -**

**Professional Organizations**

Membership in professional organizations is an individual professional matter, and the choice should be made independently by the individual employee.

Adopted/Amended: 04/24/1996

Order #: 0579