

LEGAL: THE 2013 GENERAL ASSEMBLY AMENDED KRS 157.350 TO ALLOW DISTRICTS ENROLLING CHILDREN OF NONRESIDENT EMPLOYEES TO RECEIVE ADA FUNDS. THE REVISED STATUTE ALLOWS THE DISTRICT TO RECEIVE ADA FOR THE EMPLOYEE'S CHILD, WITHOUT THE NECESSITY OF A RECIPROCAL WRITTEN AGREEMENT.
FINANCIAL IMPLICATIONS: THE DISTRICT SHOULD REVIEW RAMIFICATIONS OF THE AMENDED LAW IN REFERENCE TO EXISTING RECIPROCAL AGREEMENTS.

STUDENTS

09.12

Admissions and Attendance

RESIDENCE DEFINED

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

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

HOMELESS CHILDREN AND YOUTH

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

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

1. Have equal access to all educational programs and services, including transportation, that non-homeless children enjoy;
2. Continue attending their school of origin for the duration of homelessness;
3. Attend regular public school with non-homeless students; and
4. Continue to receive all services for which they are eligible (i.e., special education, gifted and talented, limited English proficient).

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

IMMIGRANTS

No student shall be denied enrollment based on his/her immigration status, and documentation of immigration status shall not be required as a condition of enrollment.

NONRESIDENTS PUPILS

Nonresident pupils shall be admitted only by written agreement with the district of the pupil's legal residence. This contract shall provide that the average daily attendance of the pupil(s) is to be counted in the district where the pupil(s) attend(s) school.⁵ Additionally, the contract shall provide that all other state and federal funds generated for the pupil by the district of residence shall be surrendered to the district where the pupil attends school. Written nonresident pupil contract information shall be kept on file at both the attending and resident districts.

Non resident pupils shall only be admitted when they can be assigned to classes where the enrollment is below 85% of the capacity. Students must also have an ADA contract from the district they are leaving. The parent/guardian must provide transportation. These factors having been considered, nonresident pupils may be assigned to the school of their choice. Nonresident students will not be permitted to change schools during the school year without authorization of the Board.

Admissions and Attendance**NONRESIDENT PUPILS (CONTINUED)**

Admittance shall not be granted to nonresident students who are presently expelled. Nonresident students may be required to present a positive recommendation from their previous school district. Once admitted, in addition to exchange of ADA and payment of applicable tuition charges, nonresident students shall be required to meet the following conditions:^{3&4}

1. The student shall comply with the District's attendance policy;
2. The student shall demonstrate appropriate academic progress as determined by his/her teachers and the Principal; and
3. The student shall comply with the District's Student Code of Conduct.

Nonresident students shall be withdrawn from District schools upon discovery of any false or misleading information included in the initial application for admission.

NON-IMMIGRANT FOREIGN STUDENTS

Non-immigrant foreign students qualifying for F-1 immigration status or who obtain an F-1 student visa may be admitted to the District based on the following guidelines:

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

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

EXPELLED/CONVICTED STUDENTS

The parent, guardian, Principal, or other person or agency responsible for the student shall provide to the school prior to admission, a sworn statement or affirmation concerning any of the following that have occurred in or outside Kentucky:

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

Assault shall mean any physical assault, including sexual assault.

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

Admissions and Attendance**EMPLOYEES' CHILDREN RESIDING OUTSIDE THE DISTRICT**

Upon written request of the parent/guardian, students whose parent/guardian resides outside of the District and whose parent/guardian is a full-time employee of the District may be admitted with permission of the Superintendent/designee. Attendance shall be declined if enrollment meets or exceeds the maximum class size. Contingent on the District receiving ADA as provided by law. The tuition for these students shall be waived, ~~provided their district of residence signs a contract to transfer the ADA to the Board.~~ Out-of-state residents are responsible for payment of an amount equal to the SEEK allocation.

EMPLOYEES' CHILDREN RESIDING INSIDE THE DISTRICT

Students living within the District shall not be permitted to enroll in a school outside their geographic attendance zone/area if the class in which they would enroll meets or exceeds the maximum class size. The parent/guardian must provide transportation. If these students are enrolled in a class whose membership increases to exceed the maximum class size within the first two (2) weeks of the school year, they shall be reassigned according to the following options:

- Student to be reassigned immediately to another class/school.
- Student to be reassigned to the school that serves his/her attendance zone.

When other factors are equal, date of enrollment shall determine order of assignment and reassignment.

REQUEST BY RESIDENT FOR CHANGE IN SCHOOL ASSIGNMENT

Students living within the District will not be permitted to enroll in a school outside their geographic attendance zone/area if the class in which they would enroll meets or exceeds 85% of the classroom capacity, based upon enrollment within the first ten (10) attendance days. The parent/guardian must provide transportation.

REFERENCES:

¹KRS 159.010; OAG 78-64

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

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

⁴KRS 157.320

⁵702 KAR 7:125

⁶KRS 158.155; KRS 157.330; KRS 158.150

KRS 157.350

704 KAR 7:090; OAG 91-171

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

20 U.S.C. 2781; 22 CFR §62.25

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

Equal Educational Opportunities Act of 1974 (EEOA)

RELATED POLICIES:

09.123, 09.124, 09.125, 09.211

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

LEGAL: THE 2013 GENERAL ASSEMBLY AMENDED KRS 157.3175 TO ALLOW CHILDREN WHO ARE FOUR (4) BY AUGUST 1, BEGINNING IN 2017, TO ENTER PRESCHOOL IF THEY ARE AT RISK OF EDUCATIONAL FAILURE.
FINANCIAL IMPLICATIONS: COST OF ADDITIONAL RESOURCES IF MORE STUDENTS ARE ELIGIBLE TO ATTEND.

STUDENTS

09.121

Entrance Age

PRESCHOOL

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

Children at risk of educational failure who are four (4) by October 1 may enter preschool. All other four (4) year old children shall be served to the extent placements are available.² Beginning in 2017, children at risk of educational failure who are four (4) by August 1 may enter preschool.

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PRIMARY SCHOOL

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

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

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

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

PETITION PROCESS

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

1. The District shall establish guidelines to determine a student's readiness for entry, including the date by which petitions must be submitted to the Central Office.
2. Developmentally appropriate measures, which may include state-approved screening instruments, shall be used to determine a student's level of developmental, academic and social readiness.

Entrance Age

PETITION PROCESS (CONTINUED)

3. Based on staff recommendations, the Superintendent shall recommend to the Board whether to grant the request.
4. Considerations may include availability of space and funding.

PROOF OF AGE

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

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

REFERENCES:

¹KRS 157.3175

²KRS 158.030

³KRS 157.226; KRS 159.030

⁴KRS 158.032; KRS 158.035; KRS 214.034

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

~~KRS 158.140~~; KRS 158.990; KRS 159.010

~~704 KAR 5:070~~

OAG 82-408; OAG 85-55

RELATED POLICIES:

08.22

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

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RECOMMENDED: THE 2013 GENERAL ASSEMBLY AMENDED KRS 159.010 TO ALLOW DISTRICTS TO SET THE DROPOUT AGE AT 18 EFFECTIVE WITH THE 2015-2016 SCHOOL YEAR. DISTRICTS THAT CHOOSE THIS OPTION SHALL BE REQUIRED TO CERTIFY WITH THE KENTUCKY DEPARTMENT OF EDUCATION THAT THEY HAVE OR WILL HAVE PROGRAMS IN PLACE TO MEET THE NEEDS OF POTENTIAL DROPOUTS.

THIS CHANGE IS NOT REQUIRED BY LAW AT THIS TIME. HOWEVER, ONCE 55% OF ALL SCHOOL BOARDS ADOPT SUCH A POLICY, ALL DISTRICTS MUST COMPLY WITHIN FOUR (4) YEARS.

FINANCIAL IMPLICATIONS: ADDITIONAL PROGRAMS FOR STUDENTS AT RISK OF DROPPING OUT MAY REQUIRE ADDITIONAL STAFFING AND RESOURCES.

STUDENTS

09.122

Attendance Requirements

COMPULSORY ATTENDANCE

All children in the district who have entered kindergarten or who are between the ages of six (6), as of October 1, and sixteen (16), except those specifically exempted by statute, shall enroll and be in regular attendance in the schools to which they are assigned. Beginning with the 2015-2016 school year, students between the ages of six (6) and eighteen (18) shall enroll and be in regular attendance in the schools to which they are assigned and shall be subject to compulsory attendance.¹

Before an unmarried student between the ages of sixteen (16) and eighteen (18) may withdraw from school and terminate education prior to graduation, s/he shall confer with the Principal or designee, and s/he shall secure written permission from her/his parents, guardian, or other person residing in the state and having custody or charge of the student.¹ (See Board Policy 09.111.)

EXEMPTIONS FROM COMPULSORY ATTENDANCE

The Board shall exempt the following from compulsory attendance:

1. A graduate from an accredited or approved 4-year high school,
2. A pupil who is enrolled in a private or parochial school,
3. A pupil who is less than seven (7) years old and in regular attendance in a private kindergarten nursery school,
4. A pupil whose physical or mental condition prevents or renders inadvisable, attendance at school or application to study,
5. A pupil who is enrolled and in regular attendance in private, parochial, or church school programs for exceptional children, or
6. A pupil who is enrolled and in regular attendance in a state supported program for exceptional children.²

PHYSICIAN'S STATEMENT REQUIRED

The Board, before granting an exemption, shall require a signed statement as required by law unless a student's individual education plan (IEP) specifies that placement of the child with a disability at home or in a hospital is the least restrictive environment for providing services.²

EXCEPTIONS TO PRESENCE AT SCHOOL

Students must be physically present in school to be counted in attendance, except under the following conditions:

1. Students shall be counted in attendance when they are receiving home/hospital, institutional,² or court-ordered instruction in another setting.

Attendance Requirements**EXCEPTIONS TO PRESENCE AT SCHOOL (CONTINUED)**

2. Participation of a pupil in 4-H activities that are regularly scheduled and under the supervision of a county extension agent or the designated 4-H club leader shall be considered school attendance.³
3. Students may participate in cocurricular activities and be counted as being in attendance during the instructional school day, provided the Principal/designee has given prior approval to the scheduling of the activities. Approval shall be granted only when cocurricular activities and trips are instructional in nature, directly related to the instructional program, and scheduled to minimize absences from classroom instruction.⁴
4. Students participating in an off-site virtual high school class or block may be counted in attendance in accordance with requirements set out in Kentucky Administration Regulation.⁴
5. Students having an individual education plan (IEP) that requires less than full-time instructional services and who have an approved waiver shall not be required to be present for a full school day.⁴
6. Students who attend classes for moral instruction at the time specified and for the period fixed shall be credited with the time spent as if they had been in actual attendance in school, and the time shall be calculated as part of the actual school work required by law. Students shall not be penalized for any school work missed during the specified moral instruction time.⁵
7. Students participating as part of a school-sponsored interscholastic athletic team, who compete in a regional or state tournament sanctioned by the Kentucky Board of Education or KHSAA, that occurs on a regularly scheduled school day shall be counted and recorded present at school on the date or dates of the competition, for a maximum of two (2) days per student per school year. Students shall be expected to complete any assignments missed on the date or dates of the competition.⁶

REFERENCES:

- ¹KRS 159.010; OAG 85-55
²KRS 159.030
³KRS 159.035
⁴702 KAR 7:125
⁵KRS 158.240
⁶KRS 158.070
KRS 159.180; KRS 159.990
OAG 79-68; OAG 79-539; OAG 87-40; OAG 97-26

RELATED POLICIES:

- 08.131; 08.1312
09.111; 09.123; 09.36

RECOMMENDED: CHANGES REFLECT RELEASE OF RECORDS AS ALLOWED BY THE RECENTLY ENACTED UNINTERRUPTED SCHOLARS ACT (20 U.S.C. 1232G(B)(1)(L) AND (2)(B). CLARIFICATION ALSO IS PROVIDED CONCERNING NOTIFICATION OF PARENTS/STUDENTS ABOUT ISSUANCE OF A COURT ORDER OR SUBPOENA.

THIS CHANGE IS NOT REQUIRED BY LAW.

LEGAL: REQUIREMENTS FOR RELEASE OF STUDENT INFORMATION THAT IS PART OF OUTSOURCED SERVICES OR FUNCTIONS PROHIBIT DISCLOSURE OF THE INFORMATION TO ANY OTHER PARTY WITHOUT PRIOR WRITTEN CONSENT OF THE PARENT/ELIGIBLE STUDENT OR AS OTHERWISE AUTHORIZED BY LAW.

FINANCIAL IMPACT: NONE ANTICIPATED

STUDENTS

09.14

Student Records

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

PROCEDURE TO BE ESTABLISHED

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

DISCLOSURE OF RECORDS

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

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

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

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

Authorized District personnel also may disclose personally identifiable information to the following without written parental consent:

- Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer;

Student Records**DISCLOSURE OF RECORDS (CONTINUED)**

- Authorized representatives of a Kentucky state child welfare agency if such agency presents to the District an official court order placing the student whose records are requested under the care and protection of said agency. The state welfare agency representative receiving such records must be authorized to access the child's case plan.
- School officials (such as teachers, instructional aides, administrators) and other service providers (such as contractors, consultants, and volunteers used by the District to perform institutional services and functions) having a legitimate educational interest in the information.

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

Contractors, consultants, volunteers, and other parties to whom the District has outsourced services or functions may access student records provided they are:

- Under the District's direct control with respect to the use and maintenance of education records; and
- Prohibited from disclosing the information to any other party without the prior written consent of the parent/eligible student, or as otherwise authorized by law.

DISCLOSURE TO REPRESENTATIVES FOR FEDERAL OR STATE PROGRAM PURPOSES

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

DUTY TO REPORT

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

STUDENT DIRECTORY INFORMATION

The Superintendent or the Superintendent's designee is authorized to release Board approved directory information.

Approved "directory information" shall be: student names and addresses, telephone numbers, date and place of birth, student's school email address, major field of study, participation in officially recognized activities and sports, photograph/picture, grade level, weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, and most recent educational institution attended by student.

Any eligible student, parent, or guardian who does not wish to have directory information released shall notify the Superintendent in writing within thirty (30) calendar days after receiving notification of FERPA rights.

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

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Student Records

STUDENT DIRECTORY INFORMATION (CONTINUED)

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

SURVEYS OF PROTECTED INFORMATION

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

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

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

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

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

STUDENTS WITH DISABILITIES

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

JUVENILE COURT RECORDS

Records or information received on youthful or violent offenders shall not be disclosed except as permitted by law. When such information is received, the Superintendent shall notify the Principal of the school in which the child is enrolled. The Principal shall then release the information as permitted by law. Only the Superintendent and school administrative, transportation, and counseling personnel or teachers or other school employees with whom the student may come in contact, shall be privy to this information, which shall be kept in a locked file when not in use and opened only with permission of the administrator. Notification in writing of the nature of offenses committed by the student and any probation requirements shall not become a part of the child's student record.²

RECORDS OF MISSING CHILDREN

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

Student Records**COURT ORDER/SUBPOENA**

Prior to complying with a lawfully issued court order or subpoena requiring disclosure of personally identifiable student information, school authorities shall make a documented effort to notify the parent or eligible student. However, ~~in compliance with FERPA, when a lawfully issued notice to the parent is not required when a court order or subpoena requires~~ directs that disclosure be made without notification of the student or parent, or when the order is issued in the context of a dependency, neglect, or abuse proceeding in which the parent is a party, the District shall comply with that requirement. If the District receives such an order, the matter(s) may be referred to local counsel for advice.

REFERENCES:

¹Section 152 of the Internal Revenue Code of 1986

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

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

KRS 160.990; KRS 161.200; KRS 161.210;

A New Section of KRS Chapter 600

702 KAR 1:140; 702 KAR 3:220

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

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

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

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

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

Individuals with Disabilities Education Improvement Act of 2004

Kentucky Education Technology System (KETS)

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

RELATED POLICIES:

09.111; 09.12311; 09.43

LEGAL: THE RECENTLY REVISED ACCOUNTING PROCEDURES FOR KENTUCKY SCHOOL ACTIVITY FUNDS REQUIRES THAT FEES BE USED FOR THE PURPOSE FOR WHICH THEY WERE COLLECTED.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.15

Student Fees

BOARD APPROVAL REQUIRED.

Fees for rental or purchase of instructional resources may be charged. All student fees and charges shall be adopted by the Board, including any student activity fees or membership dues. Approved fees shall remain in place until modified or removed by Board resolution.

Fees collected for a specific purpose shall be used for that purpose only.

INABILITY TO PAY

No child shall be denied full participation in any educational program due to an inability to pay for, or rent, necessary instructional resources.¹

WAIVER OF FEES

The Superintendent shall recommend and the Board shall approve a process to waive fees for students who qualify for free and reduced price meals. At the beginning of the school year or at the time of enrollment, all students who qualify shall be given clear and prominent written notice of the fee waiver provisions. The written notice of the fee waiver process shall include a form that parents may use to request waiver of fees. Mandatory waiver of fees for qualifying students shall be accomplished in compliance with applicable statutory and regulatory requirements.²

REFERENCES:

¹KRS 158.108; 704 KAR 3:455

²KRS 160.330; 702 KAR 3:220

Accounting Procedures for Kentucky School Activity Funds

RELATED POLICY:

08.232

LEGAL: THIS LANGUAGE IS BEING ADDED TO CLARIFY THAT ALL MIDDLE AND HIGH PRINCIPALS, GUIDANCE COUNSELORS, AND TEACHERS MUST COMPLETE A MINIMUM OF TWO (2) HOURS OF SELF-STUDY REVIEW OF SUICIDE PREVENTION MATERIALS IN ADDITION TO THE TWENTY-FOUR (24) HOURS OF PROFESSIONAL DEVELOPMENT REQUIRED BY KRS 158.070.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.22

Student Health and Safety

PRIORITY

Student health, welfare and safety shall receive priority consideration by the Board.

Rules and regulations on health and safety promulgated by the Kentucky Board of Education under Kentucky statute and by local and state boards of health relating to student safety and sanitary conditions shall be implemented in each school.

HEALTH SERVICES TO BE PROVIDED

In keeping with applicable legal requirements, only licensed medical professionals or school employees who have been appropriately trained and authorized to do so shall provide health services to students.

Employees to whom health service responsibilities have been delegated must be approved in writing by the delegating physician or nurse. The approval form shall state the employee consents to perform the health service when the employee does not have the administration of health services in his/her contract or job description as a job responsibility, possesses sufficient training and skills, and has demonstrated competency to safely and effectively perform the health service. The approval form shall be maintained as required by law. Delegation of health service responsibilities shall be valid only for the current school year.¹

If the delegation involves administration of medication, the District will maintain proof that the employee has completed the required training provided by the Kentucky Department of Education (KDE).

Employees to whom health service responsibilities have been delegated shall notify their immediate supervisor by April 15 of each year if they are not willing to perform the service(s) during the next school year.

SAFETY PROCEDURES

All pupils shall receive annual instruction in school bus safety.

The Superintendent shall develop procedures designed to promote the safety of all students. Said procedures shall specify specific responsibilities for line positions having responsibility for student supervision.

SUICIDE PREVENTION

All middle and high school teachers, principals, and guidance counselors shall annually complete a minimum of two (2) hours of self-study review of suicide prevention materials.³

By September 1 of each school year, administrators shall provide suicide prevention awareness information to students in middle school grades and above, as provided by the Cabinet for Health and Family Services or a commercially developed suicide prevention training program.²

STUDENTS

09.22
(CONTINUED)

Student Health and Safety

REFERENCES:

¹KRS 156.501; KRS 156.502; ~~704 KAR 4:020~~702 KAR 1:160

²KRS 156.095

³KRS 158.070

KRS 156.160

KRS 158.836

702 KAR 5:030

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RELATED POLICY:

09.2241

LEGAL: THE 2013 GENERAL ASSEMBLY AMENDED KRS 158.336 TO ALLOW CHILDREN OR DESIGNATED STAFF TO CARRY EPINEPHRINE AUTO-INJECTORS PROVIDED BY THE STUDENT'S PARENTS IF THE STUDENT HAS A DOCUMENTED LIFE-THREATENING ALLERGY AND AN INDIVIDUAL WRITTEN HEALTH PLAN IS IN PLACE FOR SAID STUDENT (WHICH MAY BE ADDRESSED THROUGH THE SECTION 504 OR IDEA PROCESS).

NOTE: IF A SCHOOL CONSIDERS ELECTING TO KEEP EPINEPHRINE AUTO-INJECTORS IN THE SCHOOL IN A MINIMUM OF TWO LOCATIONS FOR EMERGENCY USE AS "ENCOURAGED" BY THE STATUTORY AMENDMENT, THE DISTRICT MAY SEEK GUIDANCE FROM THE STATE OR LOCAL HEALTH DEPARTMENT OR LOCAL CLINICAL PROVIDER REGARDING HEALTH CARE PROTOCOLS. THE AMENDED LEGISLATION REQUIRES THE STATE HEALTH DEPARTMENT TO DEVELOP PROTOCOLS IN COLLABORATION WITH LOCAL HEALTH DEPARTMENTS OR CLINICAL PROVIDERS, SCHOOLS AND SCHOOL DISTRICTS TO ADDRESS AUTO-INJECTORS KEPT BY SCHOOLS. DISTRICTS MAY WANT TO AWAIT DEVELOPMENT OF THESE PROTOCOLS PRIOR TO DEVELOPMENT OF POLICY/PROCEDURE ADDRESSING MAINTENANCE OF SCHOOL PROVIDED AUTO-INJECTORS.

FINANCIAL IMPLICATIONS: ADDITIONAL TRAINING AND STAFF TIME.

DRAFT (07/16/13)

STUDENTS

09.2241

Student Medication

Internal medicine, including aspirin, shall not be provided by the school for the purpose of administering to pupils. Antiseptic and appropriate other emergency medications shall be maintained in the first-aid kit.

Pupils may take medicine which is brought from home once a completed authorization from the parent/guardian and physician is on file.¹

SELF-ADMINISTRATION

Under procedures developed by the Superintendent, a student may be permitted to carry medication that has been prescribed or ordered by a physician to stay on or with the pupil due to a pressing medical need.

Provided the parent/guardian and physician files a completed authorization form each year as required by law, a student under treatment for asthma shall be permitted to **carry and** self-administer medication.²

In accordance with KRS 158.836, students with a documented life-threatening allergy or designated staff shall be permitted to carry and self-administer an epinephrine auto-injector in all school environments. The auto-injector shall be provided by the student's parent/guardian, and a written individual health care plan shall be in place for the student.³

Students shall not share any prescription or over-the counter medication with another student. Each year, the District shall notify students in writing of this prohibition and that violations shall result in appropriate disciplinary action, including but not limited to suspension or expulsion.

REFERENCES:

- ¹OAG 73-768
- ²KRS 158.834
- ³KRS 158.836
- OAG 77-530
- OAG 83-115

RELATED POLICIES:

09.22, 09.224

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LEGAL: THE OFFICE OF CIVIL RIGHTS DIVISION OF THE UNITED STATES DEPARTMENT OF EDUCATION IS ADVISING SCHOOL DISTRICTS THAT UNDER THE DEPARTMENT'S SECTION 504 REGULATIONS, A SCHOOL DISTRICT IS REQUIRED TO PROVIDE A QUALIFYING STUDENT WITH A DISABILITY AN OPPORTUNITY TO BENEFIT FROM THE SCHOOL DISTRICT'S PROGRAM EQUAL TO THAT OF STUDENTS WITHOUT DISABILITIES. THIS REQUIREMENT EXTENDS TO STUDENT ACCESS TO STUDENT ACTIVITIES, FROM CLUBS TO ATHLETICS.
FINAL IMPLICATIONS: POSSIBLE ADDITIONAL COSTS FOR ACCOMMODATIONS AND PARALLEL ACTIVITIES.

STUDENTS

09.3

Student Activities

TO BE ENCOURAGED

Student activities of an educational nature shall be encouraged and maintained, based upon the needs and interests of pupils.

In schools operating under SBDM, the council shall determine selection of extracurricular activities, as well as academic qualifications, attendance requirements, evaluation procedures, and supervision for these programs.

CONTROL

All school-sponsored student activities shall be under the direction of the Principal and faculty of the school, except that a nonfaculty coach or nonfaculty assistant may accompany students on athletic trips as provided in statute.¹

The Principal may suspend a student's eligibility to participate in extracurricular and cocurricular activities, pending investigation of any allegation that the student has violated either the District behavior standards or the school council's criteria for participation.²

STUDENTS WITH DISABILITIES

Students with disabilities shall have an equal opportunity to participate in nonacademic and extracurricular services and activities, including, but not limited to, extracurricular athletics, intramural athletics, and clubs.

NOTE: The District may require a level of skill or ability of a student in order for that student to participate in a selective or competitive program or activity, so long as the selection or competition criteria are not discriminatory.

REFERENCES:

¹KRS 161.185

²KRS 158.153

OAG 57-40812

KRS 161.180

702 KAR 7:125; 702 KAR 7:140

Section 504 of the Rehabilitation Act of 1973

RELATED POLICIES:

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

09.3211; 09.36; 09.438

09.3211; 09.36; 09.438

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LEGAL: THIS LANGUAGE IS BEING ADDED TO CLARIFY THAT STATE CRIMINAL BACKGROUND CHECKS AS REQUIRED BY STATUTE SHOULD BE RUN ON VOLUNTEER OR NONFACULTY COACHES OR ASSISTANTS DEPENDING ON THEIR STATUS (E.G. CLASSIFIED OR VOLUNTEER). SINCE KRS 161.185 REQUIRES CHECKS ON VOLUNTEER COACHES UNDER KRS 160.380, KSBA LEGAL RECOMMENDS THAT AT A MINIMUM A KENTUCKY STATE POLICE CHECK MUST BE RUN ON SUCH INDIVIDUALS. ALSO, NEWLY REVISED 702 KAR 7:065 REQUIRES DEVELOPMENT OF RULES AND LIMITATIONS REGARDING STUDENT PARTICIPATION IN SPORTS AND SPORT ACTIVITIES AT THE MIDDLE SCHOOL LEVEL. ALSO, KHSAA HAS CHANGED TERMINOLOGY FROM TOURNAMENT RULES TO COMPETITION RULES TO MORE ACCURATELY REFLECT THE CONTENTS OF SUCH.

FINANCIAL IMPLICATIONS: POSSIBLE INCREASE IN FEES

STUDENTS

09.31

Athletics and Sport Activities

All interscholastic and intramural athletic and sport activity competition shall be in compliance with the constitution, bylaws, and tournament-competition rules of the Kentucky High School Athletic Association (KHSAA) and Title IX requirements. As a condition to KHSAA membership, each member school and Superintendent shall annually submit a written certification of compliance with 20 USC Section 1681 (Title IX).

PROGRAM EQUITY

Policy adopted by the school council relating to evaluation of the athletic program shall address program equity for both male and female athletics and sport activities. In non-SBDM schools, the Principal shall establish policy for program evaluation.

To assist councils (or the Principal in non-SBDM schools), the Superintendent/designee shall develop and oversee implementation of procedures to promote compliance with Title IX requirements.

REQUIRED RECORDS CHECKS

All coaches, including volunteer and nonfaculty coaches and assistant coaches, shall submit to a criminal record check as required by KRS 160.380 and KRS 161.185. ¹

MIDDLE SCHOOL RULES AND LIMITATIONS

Unless the Board opts to follow rules established by other conferences or associations, the Board shall establish student participation rules and limitations for school sports or sport activities to reflect the following:

1. A defined age limitation for participating students;
2. A policy regarding the participation of students below grade six (6);
3. A limitation on practice time prior to the season in any sport or sport activity;
4. A limitation on the number of scrimmages and regular contests in each sport or sport activity;
5. A limitation on the length of the competitive season in each sport or sport activity, including any invitational activity following the season.

NOTE: Limitations set relative to items three (3) through five (5) shall not to exceed the allowable limits at the high school level.

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STUDENTS

09.31
(CONTINUED)

Athletics and Sport Activities

REFERENCES:

KRS 160.380; KRS 161.185

KRS 156.070

KRS 160.345; KRS 160.445

702 KAR 7:065

Kentucky High School Athletic Association Handbook

20 USC Section 1681 (Title IX)

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RELATED POLICIES:

02.4241

09.3

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LEGAL: FUND-RAISING REQUIREMENTS HAVE BEEN REVISED IN THE ACCOUNTING PROCEDURES FOR KENTUCKY SCHOOL ACTIVITY FUNDS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED.

STUDENTS

09.33

Fund-Raising Activities

BOARD-APPROVAL REQUIRED

All fund-raising activities, including the proposed use of the funds, must be approved by the Board.¹ Requests must be channeled through the Principal and Superintendent.

Prior approval of the Board is required before fund-raising activities begin for out-of-state or out-of-country trips.

All funds raised for a specific purpose shall be used for that purpose.

SUBSCRIPTION SALES OF PRINTED MATERIALS

The Superintendent shall provide written approval to the county clerk for all subscription sales of printed materials. This approval shall identify the product(s) being sold, the students involved as solicitors, and the duration of sales.²

GAMING ACTIVITIES LICENSE

Schools and individual classes planning to conduct charitable gaming activities, as defined by law and Accounting Procedures for Kentucky School Activity Funds, shall obtain and display the appropriate license.³

PUPIL NOT COMPELLED

No student shall be compelled to participate in or meet any kind of quota in a fund-raising activity.¹ Students choosing not to participate in a fund-raiser shall not be excluded from benefiting from the fund-raiser or otherwise penalized in any way.³

AWARDS

Awards ceremonies and celebrations relating to the completion of the fundraiser may not be held during the regular school day.

CONDUCT OF ACTIVITIES

All school-sponsored groups and any booster group wishing to be recognized by and/or affiliated with the District shall conduct fund-raising activities to benefit the entire group and shall not permit credit to be earned through fund-raising for an individual student in lieu of participation fees or related activity costs.

REFERENCES:

¹KRS 158.290

²KRS 367.515(3)

³KRS 238.505; KRS 238.535; KRS 238.540; Accounting Procedures for Kentucky School Activity Funds

KRS 156.160; KRS 158.854

OAG 78-508; OAG 79-330, OAG 79-556

RELATED POLICY:

04.312

LEGAL: THE CHANGE INDICATED WILL CORRECT THE WORDING TO MAKE IT CONSISTENT WITH THE APPLICABLE LAW. KRS 161.195 DOES NOT INCLUDE WEAPONS VIOLATIONS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.425

Assault and Threats of Violence

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

PUPILS

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

SCHOOL PERSONNEL

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

REMOVAL OF STUDENTS

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

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

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

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

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

REPORT TO LAW ENFORCEMENT AGENCY

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

NOTIFICATIONS

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

STUDENTS

09.425
(CONTINUED)

Assault and Threats of Violence

NOTIFICATIONS (CONTINUED)

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

REFERENCES:

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

RELATED POLICIES:

03.123, 03.223
06.34
09.14; 09.2211; 09.422

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LEGAL: NEW REGULATION 704 KAR 19:002 REQUIRES DISTRICTS TO ADOPT ALTERNATIVE EDUCATION PROGRAM POLICIES AND PROCEDURES. IN ONE (1) SECTION NOTED BELOW, PLEASE CHECK THE OPTION YOUR BOARD WANTS INCLUDED OR ADD ALTERNATE LANGUAGE. THEN PLEASE RETURN A COPY OF THIS DRAFT WITH YOUR UPDATE CHECKLIST.
 FINANCIAL IMPLICATIONS: IN ADDITION TO FUNDING FOR STAFF AND MATERIALS TO PROVIDE AN ENHANCED ALTERNATIVE EDUCATION PROGRAM, THERE MAY BE COSTS RELATED TO STAFF TIME REQUIRED FOR THE INDIVIDUAL LEARNING PLAN ADDENDUM (ILPA) TEAM TO FULFILL NEW RESPONSIBILITIES.

STUDENTS

09.4341

Alternative Education

DEFINITION

Alternative Education Program means a program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience. Alternative education programs do not include career or technical centers or departments.¹

PURPOSE

The purpose of the Board's Alternative Education Program is to provide:

- Learning activities that support innovative pathways and are aligned to college and career outcomes for all students.
- A curriculum that is aligned with the Kentucky Core Academic Standards and the learning goals in each student's Individual Learning Plan (ILP).
- Successful student transition to the regular school assignment, when possible, or to post-secondary status.
- A meaningful alternative to suspension and/or expulsion of a student.

NOTE: Students do not have a right to assignment to alternative programs or services except as specifically provided by law.

As required by Kentucky Administrative Regulation:

- The District's Alternative Education Program shall include training to build capacity of staff and administrators to deliver high-quality services and programming.
- The Board shall review this policy and accompanying procedure(s) annually.²

ELIGIBILITY CRITERIA

Alternative education placements may be utilized for students at:

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- All grade levels
- Middle and high school grade levels
- High school level

Placement may be voluntary or involuntary, and the program may be offered either on-site or off-site.

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Alternative Education

ELIGIBILITY CRITERIA (CONTINUED)

An ILP shall exist for a student in grade six (6) and above as required by regulation prior to placement in a District Alternative Education Program. Criteria for involuntary assignment by District personnel in the Alternative Education Program may include one (1) or more of the following:

- The need for a different educational environment for the student that will reflect an instructional delivery style best provided in an alternative setting.
- The student has contributed to substantial and on-going disruption of the educational process.
- Documentation that there are specific academic and/or behavioral performance areas that require intensive assistance best provided in alternative setting.
- Confirmation that the student has significant and on-going truancy issues that are impeding academic growth.
- Documentation that that the student needs intensive support in the areas of social and personal issues that are impeding academic performance and/or behavioral expectations.
- The student has been assigned for code of conduct or Board policy violations for which assignment to an alternative program is authorized under the code or policy.
- The student has been identified as being at risk of academic failure and/or dropping out of school.
- The student has previously dropped out of school, but has requested to return to school via enrollment in an alternative education setting.
- The student is assigned to an alternative school or program for other reasons as provided in the code of conduct, Board policy, or other program standards adopted by the Board.
- Other reasons related to safety concerns and educational needs of the student referenced in 702 KAR 19:002.

A student's parent/legal guardian or a student who is eighteen (18) years of age or older may request voluntary placement in the Alternative Education Program.

NOTIFICATION

The Principal or other designated administrator shall notify the parents by letter of their child's assignment to the Alternative Education Program. The letter shall include length and reason for assignment, expected behavior of the student, and notification that assignment may be extended or shortened depending upon the attitude and cooperation of the student.

The duration of the alternative assignment shall be as provided in applicable Board policy, code of conduct, or other alternative program standards adopted by the District or as decided by the team and approved by the Superintendent/designee.

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Alternative Education

ILPA TEAM

The Superintendent/designee shall appoint members of a team to develop an Individual Learning Plan Addendum (ILPA) for students in grades six through twelve (6-12) assigned to an alternative school or program. The team may consist of the lead administrator/designee of the student's current school/program, the lead administrator/designee of the alternative school/program, counselors, teachers and other staff as appropriate.

The Superintendent/designee shall chair the team and invite the parents, and as appropriate, the student to participate.

After consideration of input of the team, the counselor or the designated administrator shall prepare or revise the ILPA to address, as appropriate, academic and behavioral needs, criteria for re-entry into the traditional program and review of student progress.

EXCEPTIONS:

- Such decisions for individual students with disabilities under the IDEA shall be made when required through the Admissions and Release Committee process and changes in service delivery required under the IDEA shall be made to the student's IEP.
- Such decisions for students identified under Section 504 shall be made through the team process as required under federal law and corresponding District policies and procedures.

EXTRACURRICULAR PARTICIPATION

Students assigned to alternative schools or programs shall be eligible to access extracurricular activities including, but not limited to sports activities, as allowed under applicable Board policy, code of conduct, SBDM policy, KHSAA rules or other alternative program standards adopted by the District.

CONTINUING SUPPORT

Opportunities shall be provided for students to continue regular school work as appropriate under the supervision of Alternative Education Program staff. Students participating in an alternative program shall continue to be able to access tutoring, intervention, counseling, and other resources and services already available in the District as determined through the development of the ILPA.

TRANSITION

Students may transition to a regular classroom setting in accordance with any criteria for re-entry established by the ILPA Team and in accordance with the following process:

1. The lead Alternative Education Program administrator/designee shall invite the student (age 18 or older) or the parent/legal guardian to meet to discuss the proposed transition. If the parent/legal guardian or adult student do not attend, written notification shall be provided to explain the proposed re-entry.
For IDEA or Section 504 students, the IEP or Section 504 team shall determine placement of students as required by law.
2. Strategies shall be documented to promote successful transition to include specific staff responsibilities and how follow-up monitoring will occur.
3. Should the transition not be successful for the student, reassignment to the Alternative Education Program may be considered, and the ILPA Team may be reconvened accordingly.

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Alternative Education

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COLLABORATION WITH OUTSIDE AGENCIES

The coordinator or lead administrator of the Alternative Education Program shall a establish a process to collaborate with outside agencies involved with involuntary placements, including courts or other social service agencies to address student transitions between programs. Release of protected information about students involved in the program shall be in compliance with the Family Educational Rights and Privacy Act (FERPA).

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NOTE: THIS POLICY DOES NOT APPLY TO A TEMPORARY/SHORT-TERM INTERVENTION.

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HILLVIEW ACADEMY PROGRAM

ASSIGNMENT

For conduct that disrupts the educational process, a student may be assigned to the Hillview Academy. The Principal of the Hillview Academy and the District Placement Team (program director, special education director and assistant superintendent) shall determine assignment to Hillview Academy with final approval by the Superintendent.

NOTIFICATION

After initial recommendation for placement by the school Principal/designee, the Principal of Hillview Academy shall notify the parents/guardians, in writing, of his/her child's assignment to Hillview Academy. (All assignments of students with disabilities to Hillview Academy shall be determined by an Admissions and Release Committee.) Disagreement by the parent/guardian with this placement shall result in the District initiating expulsion proceedings or a referral to a more restrictive environment.

Placement in Hillview Academy may result in removal of the student's privilege of participation in any District extracurricular activities off school grounds unless consent of building Principal.

The duration of assignment to Hillview Academy shall continue until successful completion of the program and/or counseling services as a result of a risk-assessment survey funded by student/guardian. Should the assignment not be successful due to student behavior and/or noncompliance with program procedures by the student and/or parent/guardian, the Hillview Principal may recommend expulsion.

REFERENCES:

KRS 160.380

704 KAR 19:002

704 KAR 7:050

707 KAR 1:320

Student Discipline Guidelines, Kentucky Department of Education
OAG 77-419

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STUDENTS

09.4341
(CONTINUED)

Alternative Education

RELATED POLICIES:

08.131, 08.141
09.123, 09.14, 09.426
09.434

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LEGAL: KSBA LEGAL RECOMMENDS THESE CHANGES TO REFLECT REQUIREMENT OF NEW REGULATION 704 KAR 7:160. PER THE REFERENCE TO GRIEVANCE POLICIES, IF YOUR BOARD HAS NOT ADOPTED A GENERAL GRIEVANCE POLICY 09.4281 OR 10.2, PLEASE CONTACT YOUR KSBA POLICY CONSULTANT FOR SAMPLE LANGUAGE.
 FINANCIAL IMPLICATIONS: TIME AND COST OF TRAINING TO BE PROVIDED TO ALL STAFF AND ADDITIONAL STAFF TIME TO DOCUMENT AND IMPLEMENT REQUIRED PROCEDURES.

STUDENTS

09.2212

Use of Physical Restraint and Seclusion

Use of physical restraint or seclusion by school personnel is subject to 704 KAR 7:160. However, nothing in this policy prohibits the exercise of law enforcement duties by sworn law enforcement officers.

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DEFINITIONS

- Physical Restraint means a personal restriction that immobilizes or reduces the ability of a student to move the student's torso, arms, legs, or head freely.
- Seclusion means the involuntary confinement of a student alone in a room or area from which the student is prevented from leaving, but does not mean classroom timeouts, supervised in-school detentions, or out-of-school suspensions.

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PHYSICAL RESTRAINT

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All School Personnel

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Use of physical restraint by all school personnel is permitted when a student's behavior poses an imminent danger of physical harm to self or others in clearly unavoidable emergency circumstances. In such situations, staff who have not had core team training may physically restrain students, but shall summon core trained school personnel as soon as possible.

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In all situations involving use of physical restraint (including restraint by core trained personnel):

- The student shall be monitored for physical and psychological well being for the duration of the restraint.
- Personnel shall use only the amount of force reasonably believed necessary to protect the student or others from imminent danger of physical harm.

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Core Trained Personnel

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School personnel who have undergone core team training may also use physical restraint after less restrictive behavioral interventions have been ineffective in stopping misbehavior as noted below:

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1. In nonemergency circumstances when a student's behavior poses an imminent danger of physical harm to self or others;

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2. As provided in KRS 503.050 (including when personnel believe physical restraint is necessary to protect themselves against the use or imminent use of unlawful physical force);

3. As provided in KRS 503.070 (including when personnel believe physical restraint is necessary to protect a third person against the use or imminent use of unlawful physical force);

4. To prevent property damage as provided in KRS Chapter 503 (including when personnel believe physical restraint is immediately necessary to prevent intentional or wanton property destruction, theft, or a felony involving the use of force); and

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5. As provided in KRS 503.110 (including when personnel believe physical restraint is necessary to maintain reasonable discipline in a school, class, or other group, and the force used is not designed to cause or known to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain, or extreme mental distress).

Use of Physical Restraint and Seclusion

SECLUSION

Seclusion may be implemented only if: the student's behavior poses an imminent danger of physical harm to self or others; less restrictive interventions have been ineffective in stopping the imminent danger of physical harm; the student is monitored visually for the duration of the seclusion; and staff are appropriately trained to use seclusion.

PARAMETERS

The Board has established this policy and related procedures addressing use of physical restraint and seclusion that are designed to promote the safety of all students, school personnel, and visitors. As required by 704 KAR 7:160, school personnel and parents shall be made aware of how to access this policy and related procedures. Methods of notification may include, but are not limited to, publication in the District's local code of acceptable behavior and discipline and District employee handbooks.

Employees may use, within the scope of their employment, such physical restraint as may be reasonable and necessary to protect themselves, students, or others from physical injury; to obtain possession of a weapon or other dangerous object under the control of a student; or to protect property from serious harm.

If the ARC (Admissions and Release Committee) or Section 504 Team anticipates that a student may need to be restrained on a frequent basis, the District shall consider whether special restraint training is needed for one (1) or more of the employees who regularly work with the student.

TRAINING

Training of personnel on use of physical restraint and seclusion shall be provided as required by 704 KAR 7:160:

- All school personnel shall be trained annually to use an array of positive behavioral supports and interventions and as further required by 704 KAR 7:160.
- A core team of selected school personnel designated to respond to dangerous behavior and to implement physical restraint of students shall receive additional yearly training in the areas required by 704 KAR 7:160. (Exception: Core team members who are school resource officers or other sworn law enforcement officers are not required to undergo this training.)

REQUIRED PROCEDURES

The Superintendent/designee shall develop procedures to be followed during and after each use of physical restraint or seclusion to include the following:

1. Documentation of the event in the student information system;
2. Notice to parents; and
3. A process for the parent or emancipated youth to request a debriefing session.

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