

LEGAL: FEDERAL LAW REQUIRES EACH DISTRICT RECEIVING FEDERAL FUNDS TO ESTABLISH A NOTICE OF NONDISCRIMINATION, WHICH MAY BE ASKED FOR AS PART OF A FEDERAL AUDIT. THE PROPOSED NEW LANGUAGE IS DESIGNED TO MEET REQUIREMENTS FOR SUCH A NOTICE AND DESIGNATIONS OF CONTACTS FOR TITLE IX AND 504/ADA COMPLAINTS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.1

Legal Status of the Board

CORPORATE POWERS

1. The school district is under the management and control of the Board of Education consisting of five (5) members.
2. The Board is a body politic and corporate with perpetual succession.
3. The Board shall be known as the "Board of Education of Henderson County, Kentucky."
4. The Board may sue and be sued; make contracts; expend funds necessary for liability insurance premiums and for the defense of any civil action brought against an individual Board member in an official or individual capacity, or both, on account of an act made in the scope and course of the performance of legal duties as a Board member; purchase, receive, hold, and sell property; issue its bonds to build and construct improvements; and do all things necessary to accomplish the purposes for which it is created.¹

NOTICE OF NONDISCRIMINATION

As required by federal law, the District does not discriminate on the basis of race, color, national origin, sex, genetic information, disability, or age in its programs and activities and provides equal access to its facilities to the Boy Scouts and other designated youth groups.

Notice of the name, work address and telephone number of the Title IX Coordinator and the Section 504 Coordinator for the District shall be provided to employees, applicants for employment, students, parents/guardians, and other beneficiaries such as participants in activities offered to the public.

REFERENCES:

¹KRS 160.160

KRS 160.370

Americans with Disabilities Act

Section 504 of the Rehabilitation Act of 1973

Title VI of the Civil Rights Act of 1964

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

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

Genetic Information Nondiscrimination Act of 2008

20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)

RELATED POLICIES:

03.113, 03.212, 09.13

03.162, 03.262, 09.42811

05.3, 09.3211

LEGAL: CHANGES NOTED ARE SUGGESTED TO REFLECT REQUIREMENTS OF RECENTLY REVISED 703 KAR 5:225. THESE CHANGES HAVE BEEN REVIEWED BY THE KDE OFFICE OF NEXT GENERATION SCHOOLS AND DISTRICTS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT 7/2/13

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.111

District Planning

PLANNING COMMITTEE

A District planning committee, representative of the community and the school district, shall be appointed by the Superintendent and approved by the Board to develop, monitor, and annually update a District Improvement Plan (DIP) as stated herein. The committee shall include teachers, Principals, council members, Central Office administrators, Board member(s), classified staff, parents, community representatives, and high school students.

The Superintendent shall develop, and present to the Board for review, procedures for appointment and training of the planning committee. The Superintendent shall make the procedures known to the community and school personnel.

Selection of committee members shall reflect reasonable minority representation and encourage active minority participation.¹

PLANNING CYCLE

The District's planning cycle shall run from December 1 - November ~~30~~31.

PLAN REQUIREMENTS

The plan structure shall include the components set out in 703 KAR 5:225.

The plan shall be updated on an annual basis, provide assistance in reducing physical, mental health, and academic barriers to learning, and address student equity.

The Superintendent shall present to the Board for review and approval the form and function of the District planning process, including format and timelines.

Planning activities shall draw on information from a variety of sources that shall include an opportunity for parents and other citizens of the community to have input into the plan. The plan shall include opportunities to collaborate with businesses, colleges, and community organizations in providing services as part of or aligned with the District's extended school services (ESS) program.

As part of the District planning process, the Board shall review District academic performance on the state assessments for various groups of students in compliance with legal requirements. Upon agreement of the council, or the Principal if there is not a council, and the Superintendent, the Board shall establish a biennial target for each school for reducing identified gaps in achievement.²

PUBLIC REVIEW

The plan shall have public review prior to presentation to the Board for final adoption. Opportunity for public and school staff review shall be provided for a period of at least two (2) weeks and shall be advertised in the newspaper of the largest circulation in the District, or as an alternative, post the plan on the District web site and provide for electronic review and feedback.

District Planning**BOARD APPROVAL**

The plan shall be presented to the Board for approval ~~by~~^{at the} December ~~1~~ ^{Board meeting}. If revisions are needed, the District planning committee shall forward proposed revisions to the Superintendent. Revisions must reflect requirements of No Child Left Behind and KRS 158.649. All recommendations for revisions require approval by the Board.

~~The Principal of each school shall sign the assurance certification required as part of the plan application, prior to the Superintendent and Board Chair signing the certification.~~

The Superintendent shall submit required assurances to the Kentucky Department of Education via e-mail no later than July 1 of each year.

IMPLEMENTATION

The District shall maintain a copy of each plan for at least five (5) years and, consistent with the District's planning cycle, post the current plan on the District's web site.

The plan shall serve as a resource for Board decision making.

SCHOOL PLANS

The District plan shall be broad enough to allow each school to develop its own plan, within the goals and objectives of the District.

REFERENCES:

¹KRS 156.500

²KRS 158.649

KRS 160.290; KRS 160.345; [703 KAR 5:225](#); 704 KAR 3:390

RELATED POLICIES:

02.44, 02.442, 09.21

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.61

Records Management

RECORDS OFFICER

The Superintendent shall designate a Records Officer who shall inventory, analyze and schedule disposition of District records, as well as maintain a destruction record, noting the authorization for said destruction and the amount of records to be destroyed. Each year, the Records Officer shall provide a copy of this record to the Board (Superintendent) and to the Director of the Division of Archives and Records.¹

An inventory of all public records kept by the District shall be taken, these records to include those made or received by the District in connection with the transaction of school business. Records shall refer to those documents specified in KRS 171.410 and in the Records Retention Schedule, Public School District.

SUPERINTENDENT'S RESPONSIBILITIES

Pursuant to statutory requirements, the Superintendent shall establish procedures to safeguard against the unlawful destruction, removal or loss of records.² The Superintendent shall notify the Department of Libraries and Archives of any actual, impending or threatened unlawful disposition of records and shall initiate action through the Attorney General for recovery of such records.³

RETENTION AND DISPOSAL OF RECORDS

The District shall follow the Records Retention Schedule, Public School District in its management of school records. If a record in question is not listed in this schedule, a written request for disposal of records must be submitted by the Superintendent to the Division of Archives and Records and the request must be approved in writing by the State Librarian.⁴

For record and archival purposes, the Superintendent shall place on permanent file one (1) copy of each Board policy that is rescinded or amended in any manner.

When there is a question whether a particular record or group of records should be destroyed, the state archives and records commission shall have exclusive authority to make this decision.⁵

LITIGATION

After consultation with the Board Attorney as deemed appropriate, the Superintendent should direct that records relevant to pending or threatened litigation, administrative proceedings, or investigations shall not be destroyed even if the retention period for such records has passed.

RETENTION OF RECORDINGS

School officials shall retain any digital, video, or audio recording according to the following:

- Retain for a minimum period of one (1) week a master copy of any digital, video, or audio recordings of school activities without editing, altering, or destroying any portion of the recordings, although secondary copies of the master copy may be edited; and

Records Management

RETENTION OF RECORDINGS (CONTINUED)

- Retain for a minimum of one (1) month in an appropriate format, a master copy of any digital, video, or audio recordings of activities that include, or allegedly include, injury to students or school employees without editing, altering, or destroying any portion of the recordings.⁶

If an incident is being investigated, retain recordings until investigation and legal activity are completed.

REFERENCES:

¹725 KAR 1:010

²KRS 171.710

³KRS 171.720

⁴725 KAR 1:030; KRS 171.420; KRS 171.570

⁵KRS 171.670; KRS 171.410; KRS 171.660; 725 KAR 1:020

⁶KRS 160.705

702 KAR 1:025; 725 KAR 1:025

Records Retention Schedule, Public School District

RELATED POLICIES:

01.5; 04.81

RECOMMENDED: THE KENTUCKY STATE AUDITOR RECOMMENDS THAT BOARD POLICY ADDRESS BOARD MEMBER EXPENSES AND THAT THOSE WHICH ARE NOT IN COMPLIANCE WITH POLICY SHALL NOT BE REIMBURSED BY THE BOARD.
THIS CHANGE IS NOT REQUIRED BY LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.821

Board Member Expense Reimbursement

PER DIEM

Board members shall receive a per diem of seventy-five dollars (\$75) per regular or special Board meeting or training session attended as required by law, not to exceed \$3,000 per calendar year per member.

IN-DISTRICT EXPENSES

Members shall be reimbursed for actual and necessary expenses incurred within the District while attending to Board business, not to exceed \$3,000 per calendar year per member.

Actual mileage shall be reimbursed at the same rate as that for employees of the District.

Meals incurred inside the District shall not be reimbursed, except for banquets that members attend representing the District.

DEDUCTIONS

At the request of a Board member, deductions from per diem and expense reimbursement may be made for, but not be limited to, membership dues that provide a reasonable business benefit, health insurance purchases, scholarship funds, and contributions to a political action committee.

OUT-OF-DISTRICT TRAVEL

Members of the Board shall be reimbursed for actual and necessary expenditures incurred outside the District. Board members shall obtain Board approval prior to incurring out-of-district expenses. Reimbursement shall be at the same rates and allowable time frames as that for employees of the District and be documented by receipts. Advancements for anticipated expenses shall not be made.

Expenses for personal entertainment shall not be reimbursed.

Expenses not in compliance with this policy shall not be reimbursed or paid by the Board.

SPOUSE'S TRAVEL

All travel expenses of spouses shall be paid by the Board member at the time the expense is incurred. There shall be no reimbursement of such expenditures.

REFERENCES:

KRS 160.280; KRS 161.158
OAG 76-329; OAG 80-395; OAG 85-53; OAG 92-136

RELATED POLICIES:

01.4; 03.125; 03.225

LEGAL: THE 2013 GENERAL ASSEMBLY ENACTED A NEW SECTION OF KRS CHAPTER 158 TO REQUIRE EACH COUNCIL TO ADOPT A SCHOOL EMERGENCY PLAN.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.4241

School Council Policies (SBDM)

ADOPTION OF POLICY

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

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

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

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

9. Adoption of a school emergency plan and implementation of safety practices required by KRS 158. ____;

9.10. Procedures, consistent with local Board policy, for determining alignment with state standards, technology utilization, and program appraisal;

10.11. Commitment to a parent involvement process that provides for:

- a. Establishing an open, parent-friendly environment;
- b. Increasing parental participation;
- c. Improving two-way communication between school and home, including what their child will be expected to learn; and
- d. Developing parental outreach programs.

11.12. Procedures to assist the council with consultation in the selection of personnel by the Principal, including, but not limited to, meetings, timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation.

12.13. Schools with K-5 organization, or any configuration thereof, shall develop and implement, in compliance with requirements of federal and state law and board policy, a wellness policy that includes moderate to vigorous physical activity each day, encourages healthy choices among students, and incorporates an assessment tool to determine each child's level of physical activity on an annual basis. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. (In the absence of a council, the Principal of the school shall develop and implement the required wellness policy.)

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

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

OTHER POLICIES

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

School Council Policies (SBDM)**REVIEW OF POLICIES**

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

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

COMPLIANCE WITH BOARD POLICY

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

WAIVER OF STATE REGULATIONS

School councils who decide to request a waiver of state regulations and/or reporting requirements established by a Kentucky Revised Statute requiring paperwork to be submitted to the Kentucky Board of Education or the Department of Education shall submit the supporting information to the Superintendent as required by law. The Superintendent shall then forward the request to the Kentucky Board of Education.

SCHOOLS OF INNOVATION

In a designated school of innovation participating in a district of innovation application and plan, the council may request a waiver from KRS 160.345 or specific provisions within that statute by conducting a vote as set out in KRS 160.107.

The school council shall be responsible for conducting a vote to determine if the school shall be an applicant as a school of innovation in the District's application for district of innovation status and to approve the school's plan of innovation before it is submitted to the District. The vote shall be taken by secret ballot among eligible employees as defined in KRS 160.107. At least seventy percent (70%) of those casting votes in the affirmative shall be required before the school requests to be included in the District's plan and to approve the school's plan of innovation.

School Council Policies (SBDM)

REFERENCES:

KRS 156.072; KRS 156.160; KRS 156.730; KRS 156.735
KRS 158.197; KRS 158.645; KRS 158.6451; KRS 158.6453
[A New Section of KRS Chapter 158](#)
KRS 160.345; KRS 160.348
KRS 156.108; KRS 160.107; 701 KAR 5:140
OAG 93-55; OAG 94-29; 702 KAR 7:140; 704 KAR 3:510
Board of Educ. of Boone County v. Bushee, Ky., 889 S.W. 2d 809 (1994)
U. S. Dept. of Agriculture's *Dietary Guidelines for Americans*

RELATED POLICIES:

01.11; 02.422; 02.4231; 03.112; 08.1
09.126 (re requirements/exceptions for students from military families)

LEGAL: CHANGES NOTED ARE SUGGESTED TO REFLECT REQUIREMENTS OF RECENTLY REVISED 703 KAR 5:225. THESE CHANGES HAVE BEEN REVIEWED BY THE KDE OFFICE OF NEXT GENERATION SCHOOLS AND DISTRICTS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.442

School Improvement Plan

RESPONSIBILITY

Each school council, or Principal, in a school without a council, shall develop, monitor, and annually update a Comprehensive School Improvement Plan (CSIP).

In an SBDM school, the school council shall organize a planning process, consistent with District's established planning process.

In a school without a council, the Principal shall appoint a School Planning Committee comprised, at a minimum, of four (4) teachers, four (4) parents, and a community representative. The high school(s) shall include a student on the committee. The community representative shall not be a teacher, spouse of a teacher, or a parent of child(ren) attending the District schools.

The primary purposes of the SIP shall be:

- To improve student achievement on state and federal mandated testing/accountability instruments; and
- To eliminate achievement gaps among groups of students.

FORM

Unless the school planning committee requests and is granted a waiver by the Board, the school committee shall use any improvement plan format that has been established and approved by the Board. The CSIP structure shall include, ~~at a minimum,~~ the following components set out in 703 KAR 5:225 and the elements required by KRS 158.649.:

- ~~a mission statement,~~
- ~~short and long term goals and objectives,~~
- ~~a comprehensive needs assessment process, as required by Board policy,~~
- ~~established gap targets,~~
- ~~plan to achieve the objectives,~~
- ~~strategies and activities along with supporting budgetary information, and~~
- ~~a method of and schedule for evaluating the plan that includes implementation and impact checks on completion of CSIP activities and achievement of plan goals and objectives.~~

In addition, the school council, or school planning committee appointed by the Principal if there is no council, shall review annually the school's disaggregated student data and revise the school's comprehensive improvement plan, as required by applicable statute and regulation, to address any achievement gaps between various groups of students.

The plan shall also address reduction of physical and mental health barriers to learning, student equity, District safety and student discipline assessments, and District goals established by the Board.

The school plan shall serve as a resource for school/council decision making and shall be posted to the school's web site.

School Improvement Plan (SBDM)**BOARD REVIEW**

The school's plan for eliminating achievement gaps among various groups of students shall be presented to the Board for its review and comment. The Board may share its comments, in writing, with the council.

In keeping with Board Policy 02.44, each School Council or School Planning Committee shall annually report to the Board regarding the progress toward achieving the goals and desired outcomes and meeting the needs identified in the improvement/plan, including those for student groups for whom data indicate an achievement gap exists.

REFERENCES:

KRS 158.645; KRS 158.6451; KRS 158.649
~~KRS 158.650~~; KRS 160.290; KRS 160.345
703 KAR 5:225

RELATED POLICIES:

01.111; 02.432; 02.44

LEGAL: IF THE DISTRICT OBTAINS MEDICAL INFORMATION FROM EMPLOYEES AS PART OF THEIR REQUEST FOR AN ACCOMMODATION UNDER SECTION 504 OF THE REHABILITATION ACT, THAT INFORMATION MUST BY LAW BE KEPT CONFIDENTIAL.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.113

- 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.¹

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.²

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. Medical information obtained as part of an employee request shall be confidential.³

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.¹

Equal Employment Opportunity

REFERENCES:

¹KRS 161.164

²29 U.S.C.A. 794

³29 U.S.C. section 1630.14

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

RECOMMENDED: THE KENTUCKY STATE AUDITOR RECOMMENDS THAT PRIOR APPROVAL OF THE BOARD BE REQUIRED BEFORE THE NUMBER OF DAYS TO BE WORKED IN A CONTRACT OR AN EXTENDED EMPLOYMENT JOB DESCRIPTION FOR A POSITION GO INTO EFFECT.

THIS CHANGE IS NOT REQUIRED BY LAW.

LEGAL: 702 KAR 3:070 SPECIFIES THAT ONLY THE BOARD HAS LEGAL AUTHORITY TO APPROVE A SALARY INCREMENT FOR EXTRA SERVICES

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.121

- 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.

Although a school may submit a request for an increment for an extended employment position, extra service, or related adjustments, the Board must set increments in pay for positions requiring services beyond those normally expected of other positions if the duties rendered extend beyond the regular school day or require extended days.

EXPERIENCE CREDIT

Teachers transferring to the district from a public or private school which is approved by the public accrediting authority in the state in which the experience was rendered shall be given salary credit for up to twenty (20) years of teaching experience provided the Kentucky Department of Education recognizes service in those schools as being equivalent to service in Kentucky public schools. In order to gain a year of experience on the salary schedule, a teacher shall have taught a minimum of 140 full days during any school year.

EXTENDED EMPLOYMENT

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

Addition of days to be worked beyond the original contract or additional days of extended employment for a position require prior Board approval before the change goes into effect.

EXTRA DUTIES, SERVICES, SUPPLEMENTS AND SUPERVISION

The Board shall annually establish a schedule of compensation for extra services, hazardous duty supplements and supervision. Payments for those services shall be included in the regular payroll checks. 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.

DETERMINATION OF RANK AND EXPERIENCE

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

Changes in rank and experience shall be determined on September 15 of each year. Transcripts of credits and certificates from the Division of Certification shall be on file in the Superintendent's office before the above-designated time.

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.

Salaries**EXCEPTION**

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

PAYDATES

Salaries shall be paid monthly. Payments will be made on the twenty-fifth (25th) of each month. If the twenty-fifth (25th) falls on a Saturday, Sunday or holiday, payments will be made on the last working day preceding the twenty-fifth (25th).

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

DIRECT DEPOSIT

~~Effective July 1, 2010, d~~Direct deposit of payroll payments is mandatory for all employees. Employees will have the option to make deposits into multiple financial institution accounts that accept ACH transactions. Arrangements will be made with the bank where the District's payroll account is established to provide free checking accounts to employees who may not already have a checking account. The distribution of payment advices to employees will be via secure email notification. All employees shall be provided an email account in the District's email services and employees will be given the option to have payment advices sent to an external email account.

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.

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 424.120; KRS 424.220
702 KAR 3:060; 702 KAR 3:070
702 KAR 3:100; 702 KAR 3:310
16 KAR 1:040; OAG 97-25
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

LEGAL: AMENDED FEDERAL FAMILY AND MEDICAL LEAVE REGULATIONS WENT INTO EFFECT IN MARCH CONCERNING MILITARY CAREGIVER LEAVE AND QUALIFYING EXIGENCY REQUESTS. IN ADDITION, THE FAMILY AND MEDICAL LEAVE ACT PROHIBITS AN EMPLOYEE'S DIRECT SUPERVISOR FROM CONTACTING THE EMPLOYEE'S HEALTH CARE PROVIDER FOR INFORMATION CONCERNING A CERTIFICATION IN SUPPORT OF A REQUEST FOR FAMILY AND MEDICAL LEAVE. FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.12322

- CERTIFIED PERSONNEL -

Family and Medical Leave

REASONS

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

1. For the birth and care of an employee's newborn child or for placement of a child with the employee for adoption or foster care;
2. To care for the employee's spouse, child, or parent who has a serious health condition, as defined by federal law;
3. For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the employee's job;
4. To address a qualifying exigency (need) defined by federal regulation arising out of the covered active duty or call to active duty involving deployment to a foreign country of ~~a covered family member the employee's~~ (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 service member (spouse, son, daughter, parent or next of kin) who has incurred or aggravated an serious 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 his/her duties ~~of his/her office, grade, rank or rating~~ or to care for a covered veteran with a serious injury or illness as defined by federal regulations.

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.

NOTE: Only the District's human resources professional, leave administrator, or personnel director may contact an employee's health care provider to clarify or authenticate an FML certification in support of an FML request about which there are questions. The employee's direct supervisor shall not contact the provider.

Family and Medical Leave

NOTICES AND DEADLINES (CONTINUED)

- 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.

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 military caregiver leave is taken based onto care for a service member's recovery from a serious illness or injury sustained in the line of duty of a covered service member, 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 as defined by federal regulation.

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.

Family and Medical Leave**RESTRICTIONS (CONTINUED)**

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/[veteran](#).

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.

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

RECOMMENDED: SEVERAL SUGGESTIONS REFLECT SUGGESTED PRACTICES FROM THE KENTUCKY STATE AUDITOR (FOCUS ON NECESSARY AND ACTUAL EXPENSES, DOCUMENTING FUNDING SOURCE FOR TRIP EXPENSES, PROPER DOCUMENTATION FOR REIMBURSEMENT; AND REVIEW OF SUPERINTENDENT'S TRAVEL EXPENSES IN AN OPEN MEETING PRIOR TO APPROVING REIMBURSEMENT).

THIS CHANGE IS NOT REQUIRED BY LAW

LEGAL: ACCOUNTING PROCEDURES FOR KENTUCKY SCHOOL ACTIVITY FUNDS REQUIRES THAT TRAVEL VOUCHERS BE SUBMITTED WITHIN ONE (1) WEEK OF THE TRAVEL.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT 7/2/13

PERSONNEL

03.125

-CERTIFIED PERSONNEL-

Expense Reimbursement

Provided the Superintendent/designee has given prior approval to incur thenecessary and appropriate expenses, 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. Travel expenses for guests of employees shall not be reimbursed.

The expense reimbursement process shall require documentation of the funding source/category used to pay expenses for all approved trips.

The Board will be responsible only for actual and necessary 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 the rate established by the Board when the employee uses his/her own vehicle. All travel shall be by the most direct route and shall originate from and return to the employee's school or place of employment. The mileage rate will be established by adopting the Kentucky State Department of Education mileage rate.

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.

PARKING CHARGES/TOLLS

All parking charges incurred in school-related travel must be substantiated by a 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.

Expense Reimbursement

COMMON CARRIERS

All charges or fares for necessary travel on common carriers (plane, bus train, subway, taxi, ferry, etc.). Receipts are required for amounts over \$5.00.

Sight-seeing and pleasure tours are not reimbursable. Related baggage and porter fees are also not reimbursable.

OUT-OF STATE TRAVEL

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

FOOD

Actual monies spent for food while on out-of-District, overnight trips. Any meal exceeding \$5.00 must be substantiated by an itemized receipt.

- The receipts for meals shall be detailed listing actual food items.
- Any costs for alcoholic beverages shall not be included in actual monies requested for reimbursement.

Subject to approval by the Superintendent, luncheon fees will be paid for attendance at all-day official meetings as determined by the Department of Education or for school business that takes the employee out of the District for more than six (6) hours.

BANQUET AND/OR REGISTRATION CHARGES

Banquet or registration charges shall be reimbursed in addition to the regular food cost allotment.

LODGING

Actual lodging costs, when deemed to be the most economically feasible, will be reimbursed. A pre-printed lodging receipt is required for documentation. All such expenditures shall be subject to review by the Superintendent.

FAMILY MEMBERS/GUESTS

Any expenditures for family members/guests shall be the responsibility of the employee.

EXCEPTIONS

Exceptions to these expenditure allowances must be approved by the Superintendent.

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 form and accompanied by the proper itemized receipts.

Expense Reimbursement**REIMBURSEMENT FORM (CONTINUED)**

Completed reimbursement forms and required itemized receipts should be submitted to the Board within one (1) week of the travel by the fifth (5th) working day of each month prior to the monthly meeting in order for prompt payment to be made.

Without proper documentation, individuals shall not receive reimbursement, and, if it is determined that reimbursement was made based on incomplete or improper documentation, the individual may be required to reimburse the District.

TRAVEL BUDGET

Each department, school, or individual will be given an annual travel budget allocation. It is the responsibility of the appropriate supervisor to ensure that budgeted amounts are not exceeded. Travel which will exceed the available budget may not be approved without specific approval of the Superintendent or designee.

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

RECOMMENDED: THE KENTUCKY STATE AUDITOR RECOMMENDS THAT BOARD POLICY ADDRESS MISSING PROPERTY OR PROPERTY BEING USED FOR OTHER THAN SCHOOL OR DISTRICT BUSINESS. ALSO, IF YOUR DISTRICT ASSIGNS A DISTRICT-OWNED VEHICLE TO ONE OR MORE EMPLOYEES, PLEASE CONTACT YOUR KSBA CONSULTANT FOR SUGGESTED LANGUAGE TO REQUIRE ADHERENCE TO IRS GUIDELINES FOR THAT TAXABLE BENEFIT.
THIS CHANGE IS NOT REQUIRED BY LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.1321

- CERTIFIED PERSONNEL -

Use of School Property

All personnel shall be responsible for the school equipment, supplies, books, furniture, and apparatus under their care and use. Any damaged, lost, stolen, or vandalized property shall be reported to the employee's immediate supervisor, who shall then report it to the Superintendent/designee once it is confirmed that the item cannot be recovered.

In addition, employees shall not perform personal services for themselves or for others for pay or profit during work time and/or using District property or facilities. District property being used for unauthorized purposes shall be reported to that employee's immediate supervisor.

ELECTRONIC COMMUNICATIONS

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

OUTSIDE WORK

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

DRIVING RECORD

Under procedures developed by the Superintendent, all personnel who have occasion to drive any Board-owned vehicle and/or who transport students shall annually provide the Superintendent with a copy of their driving record from the Kentucky Department of Transportation. Any traffic citation received during the year shall be reported to the Superintendent prior to driving a Board-owned vehicle or transporting students.

BOARD-OWNED/LEASED VEHICLES

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

Use of School Property**BOARD-OWNED/LEASED VEHICLES (CONTINUED)**

The Board may provide automobiles for the following positions:

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

The use of Board-owned/leased vehicles shall be governed by the following guidelines:

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

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

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

USE OF ASSIGNED TELECOMMUNICATION DEVICES

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

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

1. Assignment of a device to an employee is a prudent use of District resources.
2. The employee's job responsibilities require the ability to communicate frequently and access to a District or public telephone is not readily available.
3. The employee's job involves situations where immediate communication is necessary to ensure the security of District property or safety of students, staff or others while on District property or engaged in District-sponsored activities.

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

REFERENCES:

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

- 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 maycould be those committed by persons of the same or the opposite sex.)

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

DISCIPLINARY ACTION

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

GUIDELINES

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

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

The Superintendent shall provide for the following:

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

Harassment/Discrimination**GUIDELINES (CONTINUED)**

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

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

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

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

PROHIBITED CONDUCT

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

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

Harassment/Discrimination**CONFIDENTIALITY**

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

APPEAL

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

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

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

RETALIATION PROHIBITED

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

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

OTHER CLAIMS

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

REFERENCES:

¹KRS 158.156

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

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

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

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

Genetic Information Nondiscrimination Act of 2008

RELATED POLICIES:

03.113, 03.1325, 03.16, 09.2211, 09.422, 09.42811

LEGAL: IF THE DISTRICT OBTAINS MEDICAL INFORMATION FROM EMPLOYEES AS PART OF THEIR REQUEST FOR AN ACCOMMODATION UNDER SECTION 504 OF THE REHABILITATION ACT, THAT INFORMATION MUST BY LAW BE KEPT CONFIDENTIAL.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.212

- CLASSIFIED 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.¹

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.²

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 occupation 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. Medical information obtained as part of an employee request shall be confidential.³

Reasonable accommodation shall be provided as required by law.

ADVISING EMPLOYEES

The Superintendent shall inform all school employees of the provisions of this policy.¹

Equal Employment Opportunity

REFERENCES:

¹KRS 161.164

²29 U.S.C.A. 794

³29 U.S.C. section 1630.14

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

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:

03.233, 05.11

RECOMMENDED: THE KENTUCKY STATE AUDITOR RECOMMENDS THAT POLICY SHOULD ADDRESS HOW EXPERIENCE CREDIT WILL BE GRANTED TO NEW OR TRANSFERRING CLASSIFIED EMPLOYEES.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.221

- CLASSIFIED PERSONNEL -

Salaries

HOURLY OR SALARY BASIS

Substitute classified personnel shall be paid on an hourly or salary basis.

QUALIFICATIONS

All employees shall be responsible for providing the Superintendent with all required certificates, health examinations, and verifications of experience prior to receipt of pay.

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 424.2120 to publish advertisements for the District.

DETERMINATION OF EXPERIENCE

Upon initial employment or transfer of a classified employee, the Superintendent shall determine experience credit to be granted from any previous employment consistent with applicable salary schedules adopted by the Board and, in the absence of the issue being addressed in such schedules, experience credit shall be determined as follows:

1. Previous experience in the District.

Credit for years of experience in one (1) classified position with the District will transfer with the employee when assuming another classified position within the District, if there is no break in employment.

2. Previous experience in an equivalent position in another school district.

Years of experience in an equivalent position may be transferred from another school district.

4.3. Previous private sector experience in a job of a similar nature.

In determining whether previous experience is applicable to a District position, similar experience shall refer to the essential functions, licensing/training requirements, and/or daily job responsibilities of the positions being similar.

EXPERIENCE CREDIT

For purposes of determining placement on the salary schedule, all full-time, twelve month classified employees shall be given one (1) year of service credit for each two hundred (200) days employed. All other classified personnel shall receive one (1) year of service credit for each one hundred forty (140) days employed. Service experience shall be approved by the Superintendent or the Superintendent's designee.

For purposes of retirement, service credit will be determined in accordance with CERS guidelines.

Salaries

WORK DAY/WORK WEEK

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

PAY SCHEDULE

All classified employees receive twelve equal payments and shall be paid on the tenth (10th) day of each month. If the tenth (10th) day of the month occurs on a Saturday, Sunday, or scheduled holiday, payments will be made on the last working day prior to the tenth (10th).

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

In the event a classified employee leaves the school district prior to the end of the contract term, his/her salary shall be computed on a daily basis and the settlement made accordingly.

DIRECT DEPOSIT

~~Effective July 1, 2010, d~~Direct deposit of payroll payments is mandatory for all employees. Employees will have the option to make deposits into multiple financial institution accounts that accept ACH transactions. Arrangements will be made with the bank where the District's payroll account is established to provide free checking accounts to employees who may not already have a checking account. The distribution of payment advices to employees will be via secure email notification. All employees shall be provided an email account in the District's email services and employees will be given the option to have payment advices sent to an external email account.

OVERTIME

Hourly employees required to work in excess of forty (40) hours per week will be paid at the rate of 1 1/2 times the regular rate for all hours beyond 40 as provided by law for overtime work.

Except in an emergency overtime must be approved in advance by the employee's immediate supervisor.

PAYROLL DEDUCTIONS

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

REFERENCES:

KRS 78.615; KRS 160.291; KRS 161.011; KRS 337.285; [KRS 424.120](#); KRS 424.220
803 KAR 1:060, 803 KAR 1:070
Fair Labor Standards Act
[Garcia v. San Antonio Metropolitan Transit Authority](#), 105 S.Ct. 1005 (1985)

RELATED POLICY:

03.2211

LEGAL: AMENDED FEDERAL FAMILY AND MEDICAL LEAVE REGULATIONS WENT INTO EFFECT IN MARCH CONCERNING MILITARY CAREGIVER LEAVE AND QUALIFYING EXIGENCY REQUESTS. IN ADDITION, THE FAMILY AND MEDICAL LEAVE ACT PROHIBITS AN EMPLOYEE'S DIRECT SUPERVISOR FROM CONTACTING THE EMPLOYEE'S HEALTH CARE PROVIDER FOR INFORMATION CONCERNING A CERTIFICATION IN SUPPORT OF A REQUEST FOR FAMILY AND MEDICAL LEAVE. FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.22322

- CLASSIFIED PERSONNEL -

Family and Medical Leave

REASONS

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

1. For the birth and care of an employee's newborn child or for placement of a child with the employee for adoption or foster care;
2. To care for the employee's spouse, child, or parent who has a serious health condition, as defined by federal law;
3. For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the employee's job;
4. To address a qualifying exigency (need) defined by federal regulation arising out of the covered active duty or call to active duty involving deployment to a foreign country of a covered family member the employee's (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 service member (spouse, son, daughter, parent or next of kin) who has incurred or aggravated an serious 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 his/her duties of his/her office, grade, rank or rating or to care for a covered veteran with a serious injury or illness as defined by federal regulations.

NOTICES AND DEADLINES

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

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

NOTE: Only the District's human resources professional, leave administrator, or personnel director may contact an employee's health care provider to clarify or authenticate an FMLA certification in support of an FML request about which there are questions. The employee's direct supervisor shall not contact the provider.

Family and Medical Leave

NOTICES AND DEADLINES (CONTINUED)

- 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.

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 military caregiver leave is taken based onto care for a service member's recovery from a serious illness or injury sustained in the line of duty of a covered service member, 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 as defined by federal regulation.

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

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

RESTRICTIONS

To the extent that an employee is entitled to any paid leave, such leave shall be taken and it shall run concurrently with family and medical leave, except that the employee may request to reserve ten (10) days of sick leave. (This requirement shall not apply to employees taking workers' compensation leave.) However, when an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with the twelve (12) workweek entitlement.

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

Entitlement to family and medical leave for the 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.

Family and Medical Leave**RESTRICTIONS (CONTINUED)**

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/[veteran](#).

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

INTERMITTENT LEAVE/REDUCED HOURS

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

CONTINUATION OF BENEFITS

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

RETURN TO WORK

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

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

NOTICE

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

REFERENCES:

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

RELATED POLICIES:

03.223; 03.2232
03.2233; 03.2234
03.2238; 03.224

RECOMMENDED: SEVERAL SUGGESTIONS REFLECT SUGGESTED PRACTICES FROM THE KENTUCKY STATE AUDITOR (FOCUS ON NECESSARY AND ACTUAL EXPENSES, DOCUMENTING FUNDING SOURCE FOR TRIP EXPENSES, AND PROPER DOCUMENTATION FOR REIMBURSEMENT). THIS CHANGE IS NOT REQUIRED BY LAW
LEGAL: ACCOUNTING PROCEDURES FOR KENTUCKY SCHOOL ACTIVITY FUNDS REQUIRES THAT TRAVEL VOUCHERS BE SUBMITTED WITHIN ONE (1) WEEK OF THE TRAVEL.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.225

- CLASSIFIED PERSONNEL -

Expense Reimbursement

Provided the Superintendent/designee has given prior approval to incur the necessary and appropriate expenses, 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. Travel expenses for guests of employees shall not be reimbursed.

The expense reimbursement process shall require documentation of the funding source/category used to pay expenses for all approved trips.

The Board will be responsible only for actual and necessary 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 the rate established by the Board when the employee uses his/her own vehicle. All travel shall be by the most direct route and shall originate from and return to the employee's school or place of employment. The mileage rate will be established by adopting the Kentucky State Department of Education mileage rate.

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.

PARKING CHARGES/TOLLS

All parking charges incurred in school-related travel must be substantiated by a 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.). Receipts are required for amounts over \$5.00.

Sight-seeing and pleasure tours are not reimbursable. Related baggage and porter fees are also not reimbursable.

Expense Reimbursement

OUT-OF-STATE TRAVEL

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

FOOD

Actual monies spent for food while on out-of-District, over-night trips. Any meal exceeding \$5.00 must be substantiated by an itemized receipt.

- The receipts for meals shall be detailed listing actual food items.
- Any costs for alcoholic beverages shall not be included in actual monies requested for reimbursement.

Subject to approval by the Superintendent, luncheon fees will be paid for attendance at all-day official meetings as determined by the Department of Education or for school business that takes the employee out of the District for more than six (6) hours.

BANQUET AND/OR REGISTRATION CHARGES

Banquet or registration charges shall be reimbursed in addition to the regular food cost allotment.

LODGING

Actual lodging costs, when deemed to be the most economically feasible, will be reimbursed. A pre-printed lodging receipt is required for documentation. All such expenditures shall be subject to review by the Superintendent.

FAMILY MEMBERS GUESTS

Any expenditures for family members guests shall be the responsibility of the employee

EXCEPTIONS

Exceptions to these expenditure allowances must be approved by the Superintendent.

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 form and accompanied by the proper itemized receipts.

Completed reimbursement forms and required itemized receipts should be submitted to the Board within one (1) week of the travel by the fifth (5th) working day of each month prior to the monthly meeting in order for prompt payment to be made.

Without proper documentation, individuals shall not receive reimbursement, and, if it is determined that reimbursement was made based on incomplete or improper documentation, the individual may be required to reimburse the District.

Expense Reimbursement**TRAVEL BUDGET**

Each department, school, or individual will be given an annual travel budget allocation. It is the responsibility of the appropriate supervisor to ensure that budgeted amounts are not exceeded. Travel which will exceed the available budget may not be approved without specific approval of the Superintendent or designee.

REFERENCE:

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

RECOMMENDED: THE KENTUCKY STATE AUDITOR RECOMMENDS THAT BOARD POLICY ADDRESS MISSING PROPERTY OR PROPERTY BEING USED FOR OTHER THAN SCHOOL OR DISTRICT BUSINESS. ALSO, IF YOUR DISTRICT ASSIGNS A DISTRICT-OWNED VEHICLE TO ONE OR MORE EMPLOYEES, PLEASE CONTACT YOUR KSBA CONSULTANT FOR SUGGESTED LANGUAGE TO REQUIRE ADHERENCE TO IRS GUIDELINES FOR THAT TAXABLE BENEFIT. THIS CHANGE IS NOT REQUIRED BY LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.2321

- CLASSIFIED PERSONNEL -

Use of School Property

All personnel shall be responsible for the school equipment, supplies, books, furniture, and apparatus under their care and use. Any damaged, lost, stolen or vandalized property shall be reported to the employee's immediate supervisor, who shall then report it to the Superintendent/designee once it is confirmed that the item cannot be recovered.

In addition, employees shall not perform personal services for themselves or for others for pay or profit during work time and/or using District property or facilities. District property being used for unauthorized purposes shall be reported to that employee's immediate supervisor.

OUTSIDE WORK

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

ELECTRONIC COMMUNICATIONS

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

DRIVING RECORD

Under procedures developed by the Superintendent, all personnel who have occasion to drive a Board-owned vehicle and/or transport students, shall annually provide the Superintendent with a copy of their driving records from the Kentucky Department of Transportation. Any traffic citation received during the year shall be reported to the Superintendent prior to driving a Board-owned vehicle or transporting students.

BOARD-OWNED/LEASED VEHICLES

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

The Board may provide automobiles for the following positions:

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

Use of School Property**BOARD-OWNED/LEASED VEHICLES (CONTINUED)**

The use of Board-owned/leased vehicles shall be governed by the following guidelines:

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

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

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

USE OF ASSIGNED TELECOMMUNICATION DEVICES

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

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

1. Assignment of a device to an employee is a prudent use of District resources.
2. The employee's job responsibilities require the ability to communicate frequently and access to a District or public telephone is not readily available.
3. The employee's job involves situations where immediate communication is necessary to ensure the security of District property or safety of students, staff or others while on District property or engaged in District-sponsored activities.

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

REFERENCES:

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

- CLASSIFIED PERSONNEL -**Harassment/Discrimination****DEFINITION**

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

PROHIBITION

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

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

DISCIPLINARY ACTION

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

GUIDELINES

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

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

The Superintendent shall provide for the following:

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

Harassment/Discrimination**GUIDELINES (CONTINUED)**

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

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

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

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

PROHIBITED CONDUCT

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

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

Harassment/Discrimination**PROHIBITED CONDUCT (CONTINUED)**

7. Destroying or damaging an individual's property based on any of the protected categories.

CONFIDENTIALITY

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

APEAL

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

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

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

RETALIATION PROHIBITED

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

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

OTHER CLAIMS

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

REFERENCES:

- ¹KRS 158.156
- 42 USC 2000e, Civil Rights Act of 1964, Title VII, KRS Chapter 344
- 29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations Implementing Title VII
- 20 U.S.C. 1681, Education Amendments of 1972, Title IX
- 34 C.F.R. 106.1-106.71, U. S. Department of Education Office for Civil Rights Regulations Implementing Title IX
- Genetic Information Nondiscrimination Act of 2008

RELATED POLICIES:

03.212, 03.2325, 03.26, 09.2211, 09.422, 09.42811