

- CERTIFIED PERSONNEL -**Use of Tobacco**

Employee use of tobacco products and electronic cigarettes is prohibited in any building or on any property owned or operated by the Board and in Board owned vehicles.

~~Employees may use tobacco products on school grounds or central office grounds only in outside areas so designated by the Superintendent or the principal, subject to the limits set by law.~~ When on duty away from school property, including field trips, employees are prohibited from using tobacco products and electronic cigarettes in the presence of students.

~~Beginning in the 2013-2014 school year, the District shall become tobacco free and the use of tobacco products in or on any property owned or operated by the Board shall be prohibited. When on duty away from school property, employees shall be prohibited from using tobacco products in the presence of students.~~

To accomplish this goal, the District shall:

1. Engage representatives of employee groups, students, parents and the community in implementing and monitoring this policy;
2. Identify smoking cessation programs;
3. Educate students, employees and visitors about this policy and available smoking cessation programs;
4. Explore partnerships with community organizations to promote this policy;
5. Develop a communications plan for this policy;
6. Develop a process for feedback and complaints regarding this policy.

The Superintendent/designee shall develop procedures for the implementation and enforcement of this policy with input and recommendations from the representatives listed above.

REFERENCES:

[KRS 438.050](#)

[KRS 160.290](#)

[KRS 160.340](#)

[OAG 81-295](#)

[OAG 91-137](#)

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

RELATED POLICY:

09.4232

Adopted/Amended: 11/26/2012

Order #: 2012-353

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[KRS 438.050](#)

[KRS 160.290](#)

[KRS 160.340](#)

[OAG 81-295](#)

[OAG 91-137](#)

[702 KAR 005:080](#)

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

RELATED POLICY:

09.4232

Adopted/Amended: 11/26/2012

Order #: 2012-353

Community Use of School Facilities

WHO MAY USE

The Board encourages the use of school buildings by school-related groups, Parent-Teacher-Student Associations, or other parent groups whose purpose is to serve or benefit the school program. Regular rental fees shall not be charged to school-related groups. Such groups shall reimburse the school district for any additional personnel costs.

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

School facilities shall not be used for personal or commercial activities, except as noted in the provision below.

Availability

Non-profit organizations, governmental agencies and individuals may use school buildings or facilities for lawful public assemblies. For-profit organizations may use school buildings or facilities for the purpose of providing before or after school enrichment and other educational programs for the benefit of students in attendance at the school. Use of facilities shall not interfere with school functions and operations. Groups shall obtain necessary approvals and pay appropriate fees and costs prior to the usage.

The Superintendent shall establish procedures for the use of school facilities. Such procedures shall include the provision that the use of tobacco products and electronic cigarettes in board-owned buildings or on any property owned or operated by the Board is prohibited. ~~Beginning in the 2013-2014 school year, the District shall become tobacco free and the use of tobacco products in or on any property owned or operated by the Board shall be prohibited.~~

CHARGES

A schedule of charges shall be developed to cover the cost of the purchase or use of District equipment, supplies, and human services required to respond to legitimate requests by individuals or organizations. Charges shall be reviewed and adjusted annually or more often if necessary in order to provide for adequate reimbursement for supplies and services.

Pursuant to this policy, the Superintendent shall establish and implement a facility use procedure for the use of school buildings by school-related groups and other organizations or individuals. Such procedures shall include a schedule of rental fees and charges.

Revenues from any real estate holdings acquired in anticipation of future school needs or from the rental of property which may be temporarily unused for public school purposes shall accrue to the appropriate fund under the Board's management and control.

APPLICATION

The District shall utilize an official application form which shall detail the conditions of usage. Persons authorized to represent officially the renting individual/organization must sign the

Community Use of School Facilities

application. Approval of a request to use District facilities does not signify District sponsorship, endorsement or approval of an organization or activity.

LIABILITY

The Board shall require the renting organization to assume all liability for injury to individuals by reason of the lease of Board property and that the organization indemnify and save harmless the Board from any loss or damage thereby.

INSURANCE

The individual or group shall provide a certificate of liability insurance for a minimum of \$1 million per occurrence and \$2 million aggregate naming the Board as an additional insured under the policy for the activity.

REFERENCES:

- ¹ KRS 162.055
- KRS 160.290; KRS 160.293
- KRS 160.340; KRS 162.050
- OAG 80-78; OAG 60-389
- P.L. 107-110 (No Child Left Behind Act of 2001)
- 20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)

RELATED POLICY:

10.3

Adopted/Amended: 06/10/2013
Order #: 2013-095

Bus Drivers' Use of Tobacco and Other Substances**TOBACCO PRODUCTS**

Employee use of tobacco products and electronic cigarettes is prohibited ~~at all times in any building in or on any property~~ owned or operated by the Board and in Board-owned vehicles. While on the bus, bus drivers shall not use tobacco products or electronic cigarettes and shall not permit students to use tobacco products or electronic cigarettes. ~~Beginning in the 2013-2014 school year, the District shall become tobacco free and the use of tobacco products in or on any property owned or operated by the Board shall be prohibited.~~ When on duty away from school premises, including field trips, bus drivers shall be are prohibited from using tobacco products and electronic cigarettes in the presence of students.

DEFINITIONS

The following definitions apply for purposes of drug and alcohol testing required by federal and state law:

"Drugs" refers to controlled substances as prohibited by the Omnibus Act, including but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

"Alcohol" refers to the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including but not limited to, methyl and isopropyl. Alcohol use includes the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

USE PROHIBITED

All employees subject to commercial driver's license (CDL) requirements shall be prohibited from:

1. The use of any drugs, that may affect the employee's ability to safely drive a school bus or perform other job responsibilities;
2. The use of alcohol:
 - a. While on duty;
 - b. Four (4) hours before driving;
 - c. Eight (8) hours following an accident; or
 - d. Consumption resulting in prohibited levels of alcohol in the system.

Required Reports

- Drivers taking medication either by prescription or without prescription shall report to the immediate supervisor and shall not drive if that medication may affect the driver's ability to safely drive a school bus or perform other driver responsibilities.²
- Drivers shall immediately report to the Superintendent or designee any traffic violation specified in Kentucky Administration Regulation.²

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

All covered applicants and employees shall be subject to pre-employment testing (controlled substances only), and reasonable suspicion, random and post-accident testing for drugs and alcohol. Return-to-duty and follow-up testing shall also be required.

All offers of employment with the District shall be made contingent upon testing results. An applicant who tests positive shall not be employed.

Current employees who test positive shall be subject to immediate disciplinary action up to and including dismissal in accordance with Board policy and administrative procedures. A school bus driver, substitute driver, school bus mechanic or anyone performing safety-sensitive pupil transportation duties who tests 0.02 percent or higher on the confirmation alcohol test immediately before, during, or immediately following the performance of these duties shall be relieved of these duties immediately. (Drivers found under the influence of alcohol or any illegal drugs while on duty or with remaining driving responsibilities that same day shall be dismissed from employment in accordance with Kentucky Administrative Regulation and Board policy and shall not be eligible for reemployment for five [5] years.)

Employees who test positive shall also be notified of referral services. Additionally, employees shall be subject to CDL prohibitions and penalties under the Omnibus Act and applicable Federal Motor Carrier Safety Regulations.

Applicants who refuse drug testing shall be eliminated immediately from employment consideration. Current employees who refuse to comply with testing requirements will be regarded as insubordinate and shall be subject to disciplinary action, up to and including dismissal.

Refusal to submit to an alcohol or controlled substance test means that the individual demonstrated noncompliance, including but not limited to the following actions:

- Failed to appear for any test within a reasonable period of time as determined by the employer and consistent with applicable Department of Transportation agency regulation;
- Failed to remain at the testing site until the testing process was completed;
- Failed to provide a sample specimen for any required test;
- Failed to provide a sample in an amount sufficient for testing without an adequate medical reason for the failure;
- Failed to undergo a medical examination as directed by the Medical Review Officer as part of the verification process for the previous listed reason;
- Failed or declined to submit to a second test that the employer or collector has directed the driver to take;
- Failed to cooperate with any of the testing process; and/or
- Adulterated or substituted a test result as reported by the Medical Review Officer.

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

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

MATERIALS TO BE PROVIDED

The Superintendent/designee shall distribute educational materials to explain state and federal legal requirements for alcohol and controlled substance testing of CDL drivers and the District's policies and procedures to implement such testing. Materials shall meet content requirements of state and federal regulations and shall be distributed to each driver prior to the start of alcohol and controlled substances testing each year and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle. If the District recognizes an organization to represent bus drivers, the District shall provide written notice to representatives of the organization of the availability of this information.¹

REFERENCES:

¹49 C.F.R. Part 382

²702 KAR 5:080

KRS 438.050

Omnibus Employee Testing Act of 1991, Public Law 102-143, Title V

RELATED POLICIES:

03.11; 03.13251; 03.1327; 03.17

03.21; 03.23251; 03.2327; 03.27

Adopted/Amended: 11/26/2012

Order #: 2012-353

Use of Tobacco

Student use or possession of tobacco products in any form and electronic cigarettes is prohibited at all times in or on any property owned or operated by the Board, including Board-owned vehicles, and on school sponsored trips. In addition, student use or possession of tobacco products and electronic cigarettes in any form shall not be permitted is prohibited in outdoor facilities owned or operated by the Board during all activities, including sporting events.

Students who violate these prohibitions while under the supervision of the school shall be subject to penalties set forth in the local code of acceptable behavior and discipline.

REFERENCES:

[KRS 438.350](#)

[KRS 438.050](#)

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

[OAG 81-295](#)

[KRS 160.290](#)

[KRS 160.340](#)

[KRS 161.180](#)

[OAG 91-137](#)

Adopted/Amended: 01/01/1900

Order #:

Visitors to the Schools

VISITORS

Persons who have legitimate educational interests pertaining to the District's public school program are welcome to visit the schools. However, the Board expects the school day to be free from unnecessary and trivial interruptions. Visitors to schools shall adhere to procedures established by the Superintendent. All visitors must report immediately to the Principal's office upon entering the school and must identify themselves and declare their purpose for visiting. Visitors shall not enter classrooms without the prior consent of the Principal.

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

SEX OFFENDER REGISTRANTS

No registrant, as defined in [KRS 17.500](#), nor any person residing outside of Kentucky who would be required to register under [KRS 17.510](#) if the person resided in Kentucky, shall be on the clearly defined grounds of a District school, except with the advance written permission of the Principal or the Board that has been given after full disclosure of the person's status under [KRS 17.510](#) as a registrant or sex offender from another state and all registrant information as required in [KRS 17.500](#).

A registrant is defined as:

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

A registrant must request and receive prior written permission from the Principal to come onto school grounds. The Principal shall determine whether the requesting registrant is permitted to come onto school grounds for the following reasons:

1. To pick up or drop off their child each day.
2. To pick up the child who is injured or ill.
3. To confer with school staff concerning academic, disciplinary or placement issues involving the student, including matters required by federal or state law.
4. To attend a school activity, including athletic practices and competition, in which the student is a participant.
5. To vote when the school has been designated as a polling place.
6. Other reason as described by the registrant.

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

Depending on the facts of the particular request, the Principal's response options may include, but are not be limited to the following:

- Requiring the registrant to provide additional information needed;
- Specifying check-in and check-out requirements;
- Requiring the registrant to be directly supervised by an individual designated by the Principal while on school grounds;
- Restricting the registrant to a designated location on school grounds;
- Limiting the time the registrant will be permitted to be on school grounds; and
- Denying the request to come onto school grounds.

The Principal shall notify the Superintendent/designee of each request from a registrant and the response made to the registrant. If questions arise about a request, the Principal shall consult with the Superintendent/designee concerning requests from registrants, and the Superintendent/designee may seek further advice from the General Counsel.

ACCOMMODATION

Visitors with disabilities shall be accommodated as required by law. Individuals requesting accommodation shall contact the District ADA/504 Coordinator for assistance and guidance. Accommodations may include, but are not limited to, the following considerations:

- Effective communication
- Event ticket sales accommodation
- Companion seating at events
- Use of power driven mobility devices
- Use of service animals

The District shall notify the public of any requirements and/or deadline for requesting such accommodation.

USE OF TOBACCO PROHIBITED

The use of tobacco products and electronic cigarettes is prohibited in or on any property owned or operated by the Board.

REFERENCES:

[OAG 91-13](#)

[KRS 17.545; KRS 17.500; KRS 17.510](#)

[KRS 160.380; KRS 211.394, KRS 211.395; KRS 600.020](#)

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

Section 504 of the Rehabilitation Act of 1973

RELATED POLICIES:

05.3; 09.227, 09.3211

Adopted/Amended: 07/08/13

Order #: 2013-124