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EXPLANATION: EFFECTIVE JANUARY 1, 2015, HB 5 DEFINES "PERSONAL INFORMATION" AND SETS NOTIFICATION REQUIREMENTS TO ADDRESS A SECURITY BREACH.
FINANCIAL IMPLICATIONS: POSSIBLE INCREASED COST OF NOTIFICATION OF INDIVIDUALS IF A SECURITY BREACH OCCURS

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.61 AP.11

Notice of Information Security Breach

PROTECTION AND PREVENTION

The District will take reasonable security measures in accordance with KRS 61.931 - KRS 61.933, to guard against the foreseeable loss or exposure of restricted personal information that it maintains or possesses about staff, students, and parents. The District will consider practices concerning physical, technical and administrative safeguards for both paper and electronic records addressed in the Kentucky Department of Education report entitled HB 341: Personal Data Security Study.

~~The Superintendent/designee shall oversee a process to identify the following information to be kept on file in the Central Office:~~

- ~~• What information is considered restricted;~~
- ~~• Where it currently resides;~~
- ~~• How it is protected;~~
- ~~• As included in the District budget, the maximum amount to be spent in notifying individuals of a breach; and~~
- ~~• Who is responsible for providing each level of security for each piece of restricted information.~~

"Personal information" is defined as an individual's first and last name or first initial and last name; personal mark; or unique biometric or genetic print or image, along with any data element listed below:

- Account number, credit or debit card number, that, in combination with any required security code, access code, or password would permit access to an account;
- Social Security number;
- Taxpayer identification number that incorporates a Social Security number;
- Driver's license number, state identification card number, or other individual identification number issued by any agency;
- Passport number or other identification number issued by the United States government;
or
- Individually identifiable health information as defined in 45 C.F.R. sec. 160.103 except for education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. sec. 1232g.

~~Restricted personal information is defined as that information protected under federal or state law (FERPA, HIPAA, Kentucky Open Records law, etc.). Examples of restricted personal information includes, but is not limited to, social security or other identification number, financial account access information, medical records, computer passwords and security codes. Restricted p~~
Personal information does not include information that is lawfully made available to the general public pursuant to state or federal law or regulation.

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Notice of Information Security Breach

PROTECTION AND PREVENTION (CONTINUED)

A breach of information security breach refers to:

- an unauthorized acquisition, distribution, disclosure, destruction, manipulation, or release of unencrypted or unredacted records or data in either electronic or paper format that compromises or is reasonably believed to compromise the security, confidentiality, or integrity of personal information and results in the likelihood of harm to one (1) or more individuals; or
- an unauthorized acquisition, distribution, disclosure, destruction, manipulation, or release of encrypted records or data containing personal information along with the confidential process or key to unencrypt the records or data that compromises or is reasonably believed to compromise the security, confidentiality, or integrity of personal information and results in the likelihood of harm to one (1) or more individuals.

A security breach does not include the Good-faith acquisition of such personal information by an employee, agent, or nonaffiliated third party of the agency for the purposes of the agency, is not a security breach if the personal information is not used for a purpose related to the agency and/or is not disclosed to others without authorization.

INCIDENT RESPONSE PLAN SECURITY PROCEDURES AND PRACTICES

The District shall implement, maintain, and update security procedures and practices, including taking any appropriate corrective action, to protect and safeguard against security breaches, consider developing an incident response plan to provide direction in the event of a suspected information breach. That plan should be reviewed annually by staff designated by the Superintendent.

Once it is determined whether restricted by the District or the District is notified of a security breach relating to personal information is reasonably believed to have been acquired by a person without valid authorization, the following shall take place as soon as possible, but within seventy-two (72) hours of the determination: appropriate action should be taken, after the following have been considered:

1. Indications that the information is in the physical possession and control of an unauthorized person such as, but not limited to, a lost or stolen computer or document, file or other record containing personal information;
2. Indications that the information has been downloaded or copied;
3. Indications that the information has been used by an unauthorized person to establish fraudulent accounts or instances of identity theft; and

Any other factors that the District deems appropriate and relevant to such a determination.

1. Notify the Commissioner of the Kentucky State Police, Auditor of Public Accounts, Attorney General and the Commissioner of Education; and
2. Begin conducting a reasonable and prompt investigation in accordance with the security and breach investigation and practices in accordance with state law.

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Notice of Information Security Breach**NOTIFICATION OF BREACH**

Upon conclusion of the investigation, if it is determined that a security breach has occurred and that misuse of personal information has occurred or is likely to occur, the District shall within forty-eight (48) hours notify the Commissioner of the Kentucky State Police, Auditor of Public Accounts, Attorney General, the Commissioner of Education, and the Commissioner of the Department of Libraries and Archives. Within thirty-five (35) days of providing these notices, the District shall notify all individuals impacted by the security breach as provided by law.¹ These notices shall be delayed upon written request of a law enforcement agency that the notices would impede an investigation.

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CONTRACTS WITH NONAFFILIATED THIRD PARTIES - INFORMATION SECURITY

On or after January 1, 2015, agreements calling for the disclosure of "personal information" to nonaffiliated third parties shall require the third party contracting with the District to follow information breach and security standards at least as stringent as those applicable to the District.

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OTHER PRIVATE INFORMATION

In the case of breach of information made private by law that does not fall within the definition of "personal information", the District may engage in similar investigative, response, or notification activities as provided above. Alternatively, the District may, after reasonable investigation, provide notice of a breach of information security should be provided to the individual whose restricted personal information has been acquired by an unauthorized person. Notification will be made in the most expedient time frame possible and without unreasonable delay, except when a law enforcement agency advises the District that notification will impede criminal investigation. Notification should be provided to the individual within three (3) working days of discovery of the breach but no later than thirty (30) working days.

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INCIDENT RESPONSE PLAN (CONTINUED)

Depending on the number of people to be contacted, notification may be in the form of a face-to-face meeting, phone call, posting on a Web site or sending a written notice to each affected person's home. Notice should include the specific information involved and, when known, an estimate of how long it has been exposed, to whom the information has been released and how the breach occurred. In addition, the individual should be advised whether the information remains in the physical possession of an unauthorized person, if it has been downloaded or copied, and/or, if known, whether it was used by an unauthorized person for identify theft or fraud purposes.

REFERENCES:¹KRS 61.933

KRS 61.931; KRS 61.932

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PERSONNEL

03.11 AP.1

- CERTIFIED PERSONNEL -**Hiring****JOB VACANCY POSTING**

When a vacancy occurs in an approved position, the Principal or supervisor will notify the Department for Human Resources to open the position for posting. Letters of resignation should be forwarded to the Human Resources Department before a position is opened for posting.

After February 1, and up until 30 days before the first student attendance day, the Superintendent may transfer personnel within the District or the Principal, in accordance with SBDM policy, may reassign personnel within the school for the new school year. After July 1, it is necessary to post each vacancy as it occurs whether it is ultimately filled by transfer or new hiring.

POSTING

Vacancies shall be posted through ~~PATS in the Central Office~~ ^{an online application system and available through the HCS website} for public viewing, and in the newspaper when deemed necessary, during the regular school year. All vacancies will be posted on HCS website through PATS.

NOTE: Districts are required to post all certified vacancies on the Kentucky Department of Education's web site.

SELECTION FACTORS

The following factors shall be considered in the selection of all personnel:

1. Certification (as required for the position)
2. Educational background
3. Previous work experience
4. Recommendations
5. Exhibited personal characteristics:
 - a. Ability to communicate
 - b. Ability to work cooperatively with others
 - c. Applicant's educational philosophy
 - d. Personality and general appearance
 - e. Knowledge of work area or subject matter
6. Results from required testing
7. Technology skills

When a vacancy occurs in new or existing positions, equal consideration will be given to qualified applicants among current employees.

In filling positions, the District shall consider only those applicants who have not been terminated or non-renewed for cause nor removed from a position for cause as an employee of the District.

Hiring

EMPLOYMENT

For SBDM schools, hiring shall follow statutory guidelines and the provisions of Policy 02.4244, and the Superintendent shall complete the hiring process. Decision on Central Office and District-wide personnel shall be made by the Superintendent/designee. The Superintendent shall inform the Board of the appointment of all personnel.

RECRUITMENT MINORITY

Explicit efforts shall be directed to hiring qualified minority applicants. This shall be accomplished through personal contact, recruiting visits to colleges with a large minority enrollment. The District goal of minority hires will be five (5) percent of the new hires for each school year.

Review/Revised:6/21/12

Local

PERSONNEL

03.12 AP.1

- CERTIFIED PERSONNEL -

Benefits Procedures

CHANGE IN EMPLOYMENT STATUS

Upon termination, the former employee has some options for continued coverage under the State's group health benefits program. For continuation of coverage, the former employee must contact the Human Resources /benefits department within sixty (60) days of the termination date.

A former employee must notify the State life insurance carrier if coverage is to continue more than thirty-one (31) days from the date of separation from employment. The action necessary to obtain continuous coverage is the employee's responsibility. The required form for the action follows:

LIFE INSURANCE COVERAGE

TO: PERSONNEL LEAVING THE HARDIN COUNTY SCHOOL SYSTEM

FROM: SUPERINTENDENT OF HARDIN COUNTY SCHOOLS

Your status as an employee of the Hardin County Board of Education will change as far as eligibility for life insurance benefits are concerned on the last day that you work. Your status change is checked below to allow you the opportunity to continue life insurance coverage if you wish to do so. **THE ACTION NECESSARY TO OBTAIN CONTINUOUS COVERAGE IS YOUR RESPONSIBILITY.**

☐ **RETIRED, RESIGNED, OR DISMISSED** - Your life insurance will automatically terminate on the ~~first day of the second month which follows the month~~ ^{last day of the month} you last worked as a full-time eligible employee. You may convert your group coverage to individual coverage by making arrangements to pay premiums directly with the state sponsored life insurance. This action must be taken by you within thirty-one (31) days after the termination of your insurance.

☐ **APPROVED LEAVE WITHOUT PAY BECAUSE OF PERSONAL ILLNESS (INCLUDING PREGNANCY) OR INJURY** - Your life insurance coverage will automatically terminate on the ~~first day of the second month which follows the month~~ ^{last day of the month} you last worked as a full-time eligible employee. (Leave with pay may be counted as days worked.) You may continue your present coverage at state rates for a maximum period of one (1) year or to age seventy (70), whichever is earlier. Insurance will not be counted unless you make timely payments of the required premium for the insurance. You may make arrangements to pay premiums directly with the state sponsored life insurance. This action must be taken by you within thirty-one (31) days after the termination of your insurance.

If you have any questions concerning your status change or the continuation of your life insurance coverage, please contact the **Hardin County Board of Education at 769-8813.**

Review/Revised:6/17/10

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

All salaries for certified personnel shall be based on a single-salary schedule providing for minimum number of working days as required by law. The hourly rate for teachers will be calculated by dividing the daily rate by seven (7) hours.

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.

Teachers transferring into the District may bring up to twenty-eight (28) years of teaching experience credit for salary purposes.

Certified personnel may receive up to two (2) years experience credit for active military service. The six-month training requirement for National Guard and Reserve service will not qualify an employee for the experience credit. A teacher who is employed by a Board for at least one hundred forty (140) days of a school year and who performs teaching duties for the equivalent of at least seventy (70) full school days during that school year, regardless of the schedule on which those duties were performed, shall be credited with one (1) year of experience. A teacher who is employed by a Board for at least one hundred forty (140) days during each of two (2) school years and who performs teaching duties for the equivalent of at least seventy (70) full school days during those years shall be credited with one (1) year of experience. No more than one (1) year of experience shall be credited for the performance of teaching duties during a single school year.

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 by September 15 of each year.

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

CONTRACTED EMPLOYMENT

Compensation for employment contracted, shall be prorated on the base pay for 187 days.

Contracted employment positions shall be established in the position job description, funded in the District budget, and specified in the Board policy.

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.

Local

Salaries**EXTENDED EMPLOYMENT**

The Principal or supervisor shall submit an annual plan of extended employment to Human Resources for all personnel who work less than two hundred forty (240) days, but more than the minimum number of working days required by law. This plan should denote the dates when extended days will be worked.

All Family Resource/Youth Service Center Coordinators will submit an annual work plan to their Principal and Central Office supervisor.

Extended employment days may be worked only in whole- or half-day increments. Extended employment days cannot be worked on a Saturday or Sunday. A rare exception may be granted if approval is made in advance by the employee's immediate supervisor and Human Resources. To qualify for this exception, the Saturday or Sunday work must ~~not~~ be related to the employee's primary job duties.

Extended days cannot be worked on a regular work day.

Employees whose positions include 1-45 extended days must work the days and submit documentation to Human Resources by June 23 unless an exception is designated on the extended employment work plan that is approved by the Principal/Supervisor.

All employees who are requesting to be paid all salary owed prior to the end of the fiscal year, as provided for in KRS 160.291, must work all extended days and submit documentation to Human Resources by June 23.

Sick and/or personal leave cannot be used for an extended day unless the day is designated on the extended employment work plan that is submitted to Human Resources.

EXTRA SERVICES

Payments for those services shall be made on the same date and at the same time as are regular salaries. A one (1) percent increase will be applied to administrative and extra-service increments annually. Extra-service increments can be split only once with prior approval of Human Resources. Any payment made to an employee must be processed through regular payroll procedures. As provided under law, teachers who attain certification from the National Board for Professional Teaching Standards shall be given an annual salary increment for the life of the certificate.

EXCEPTION

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

A compensation error/adjustment that needs to be corrected will be adjusted within the fiscal year that the discovery of such is made. Errors identified in previous fiscal years may be corrected if the employee had submitted the necessary paperwork within three (3) months of start date.

Salaries**PAYROLL DISTRIBUTION**

Payments will be issued monthly (twelve [12] times annually) through Direct Deposit. New employees may be issued thirteen (13) payments the first year of employment. Payments will be issued on the 28th day of each month, unless the 28th falls on a Saturday, Sunday, or holiday in which case payment will be made on the preceding day.

The Board shall make all deferred salary payments on or before June 30 of the current fiscal year, and these deferred payments shall then be directly deposited at the regular pay periods in June, July and August, except that at the close of the school year, employees who have completed all responsibilities and duties may request to be paid their remaining salary prior to the end of the fiscal year.

QUALIFICATIONS

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

NOTICE OF SALARY

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

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.

PAYROLL DEDUCTIONS

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

REFERENCES:

KRS 157.075; KRS 157.320; KRS 157.350; KRS 157.360
KRS 157.390; KRS 157.395; KRS 157.397; KRS 157.420
KRS 160.290, KRS 160.291
KRS 161.1211, KRS 161.134, KRS 161.168; KRS 161.760
KRS 424.120; KRS 424.220; 016 KAR 001:040; OAG 97-25
702 KAR 003:060, 702 KAR 003:070, 702 KAR 003:100, 702 KAR 003:310
29 C.F.R. Section 541.303, 29 C.F.R. Section 541.602, 29 C.F.R. Section 541.710

RELATED POLICIES:

03.114; 03.1211; 03.4

Adopted/Amended: 06/20/2013
Order #: 10351

- CERTIFIED PERSONNEL -**Salary Deductions****PAYROLL DEDUCTIONS AND INSURANCE****APPLICATION PROCEDURES FOR PAYROLL**

New employees may enter into insurance programs and other approved payroll deductions upon employment. The effective date of insurance coverage shall be determined by the insurance company and any arrears charges shall be the responsibility of the applicant.

If an employee enters into a contract for payroll deduction, the funds shall continue to be deducted until the end of the plan year for all cafeteria insurance items. Non-cafeteria deductions may be started or stopped at the convenience of the employee. Contracts for deductions shall continue the next year unless the contract is terminated by the employee. It is the responsibility of the employee to notify the company with whom contract is made (except health insurance). A copy of the notification must be sent to the Central Office Finance Department. Any change in health insurance status must be made with the Department for Human Resources.

PROCEDURE FOR NEW PAYROLL

New payroll deductions shall be recommended by the Human Resources department and approved by the Superintendent.

PROCEDURE FOR DEDUCTIONS

1. Health insurance deductions shall be withheld monthly (12 times). For persons enrolling during the annual opening period (as determined by the State), deductions shall begin the first month of the new contract period. New employees hired throughout the year shall begin deductions the first day of the second month after employment begins.
2. All new tax sheltered annuity contracts must be for twelve (12) equal deductions. Private companies wishing to sell annuities must make contacts off school property and during non-school hours.
3. All deductions to savings institutions are for twelve (12) equal amounts.
4. Payroll deductions for charitable contributions are for twelve (12) equal amounts.

SPECIAL NOTE ON STATE APPROVED HEALTH PLANS

Eligible employees must apply in the first thirty ³⁵~~(30)~~ days from the beginning of active employment. Any employee failing to apply for coverage within the first thirty (30) days of active employment shall automatically be assigned to the least expensive standard high plan, single level of coverage available in the employee's county of residence.

The Hardin County Board of Education endorses no particular approved deduction program. The Board does not recommend any of these services but leaves the decision up to the employee.

Salary Deductions

FLEXIBLE FRINGE BENEFIT PROGRAM (CAFETERIA PLAN)

SPECIAL NOTE

This program allows certain insurance premium deductions and eligible deductions for medical care and child care to be excluded from local, state and federal taxes. The program shall be administered by the Hardin County Board of Education.

An employee may only enroll in Cafeteria deductions during the annual open enrollment period. Once payroll deductions have begun an employee cannot delete a cafeteria deduction until the next school year unless there has been a change in family status (e.g., marriage, divorce, death of spouse or child, birth or adoption, or termination of employment). New employees hired during the year shall be eligible to enter the plan during the first thirty (30) days of employment and be effective for the remainder of the year.

Review/Revised:6/17/10

- CLASSIFIED PERSONNEL -**Salary Deductions****PAYROLL DEDUCTIONS AND INSURANCE****APPLICATION PROCEDURES FOR PAYROLL**

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Review/Revised:6/17/10

Holiday/Annual Leave Procedures

School Year Employees - All full-time employees (those employed at least 181 days or more) shall be eligible for four (4) paid holidays designated by the official school calendar.

Twelve (12)-month non administrative classified employees, including the Family Resource Youth Services Center Coordinators, who are employed on a year-round basis, shall be eligible for four (4) holidays designated by the official school calendar. In addition, the Board and school offices will be closed on days designated by the Board as falling within the work calendar.

Twelve (12)-month administrative classified employees (Directors) who are employed on a year-round basis shall be paid for 240 days (187-day contract with 53 extended days) shall be eligible for four (4) holidays designated by the official school calendar. In addition, the Board and school offices will be closed on days designated by the Board as falling within the work calendar.

HOLIDAYS

The following days shall be designated as holidays in the official school calendar: Christmas Day, New Year's Day, Thanksgiving Day, and Labor Day.

These days are paid days for 12-month classified employees. Any employee required to work on these days shall be paid at a rate of two times the regular rate for all hours beyond forty (40) as provided by the Fair Labor Standards Act for overtime work.

OFFICES/SCHOOLS CLOSED

The following days shall be days that schools are not in session and that offices shall be closed. Memorial Day, Martin Luther King Day, July 4, the day after Thanksgiving, FDEA Day, two (2) days during KEA, and two (2) days designated by the Superintendent to precede or to follow Christmas Day and New Year's Day.

These days are paid days for 12-month classified employees and Family Resource Youth Services Center Coordinators. Any employee required to work on these days shall be paid at a rate of 1 ½ times the regular rate for all hours beyond forty (40) as provided by the Fair Labor Standards Act for overtime work.

ANNUAL LEAVE

Annual leave can only be taken after it is earned by twelve (12)-month employees ~~except that employees who have worked four (4) full years in a job which earns annual leave will have leave days posted to their accounts on July 1.~~ Employees are allowed to accumulate a maximum of forty (40) days for which compensation may be made at retirement. Employees may carry over no more than forty (40) annual leave days from one fiscal year to the next. The Superintendent is authorized to approve an exception to the forty (40) days maximum carry over beyond June 30th. Annual leave may be used only in whole or half-day increments.

~~All full-time, 12 month employees must have worked more than one-half of the work days in a month to qualify for annual leave for that month. Annual leave shall accrue only when an employee is working or on authorized leave with pay.~~

Holiday/Annual Leave Procedures

PROCEDURE

All annual leave must be approved by the employee's immediate supervisor prior to the time requested.

All forms used in the accountability process will become a part of the payroll records, and it is the responsibility of each staff person to see that his/her record is complete and accurate.

Employees may not take leave without pay until all personal/annual leave days have been utilized. All leaves must be approved by the employee's immediate supervisor and the Human Resources Department.

EXCEPTION

The Superintendent may require, for security or other reasons, certain classified personnel to work on holidays.

Review/Revised:6/17/10

Sick Leave Bank Procedures

OPERATING PROCEDURES

The general operating procedures are as follows:

1. There will be one (1) sick leave bank for classified employees.
2. All eligible employees shall be afforded the opportunity to enroll in the Sick Leave Bank by voluntarily contributing to the bank one (1) day from their sick leave accumulation.
3. Non-participating eligible employees may contact the Human Resources Department to enroll in each school year prior to October 15.
4. The Sick Leave Bank may be opened for re-enrollment of participating members at any time the balance of days available falls below fifty (50).
5. Days from the Sick Leave Bank may be taken in whole days only.
6. The school system's regular sick leave usage policies and procedures shall be used as relates to the Sick Leave Bank when practicable and feasible.
7. Participation is restricted to those eligible employees who have contributed to the bank.
8. Employees hired after October 15th shall have the option of participating in the Sick Leave Bank if they present an authorization form to the Human Resources Department within thirty (30) days after employment.

CRITERIA FOR GRANTING DAYS

The criteria to be used by the Board Sick Leave Bank Usage Approval Committee shall be as follows:

1. Serious accident by the employee requiring absences from work.
2. Serious illness of the employee.
3. Extended hospitalization of the employee.
4. Other serious extenuating circumstances normally allowing for sick leave as approved by the Usage Approval Committee.

No more than forty (40) consecutive days shall be awarded if the employee is eligible for disability retirement. If the employee is not eligible for disability retirement, the number of approved days is at the discretion of the usage committee.

SICK LEAVE BANK USAGE APPROVAL COMMITTEE

The Sick Leave Bank Usage Approval Committee shall:

1. Be comprised of four (4) members appointed by the Superintendent and approved by the Board. The make-up of the committee shall include one (1) member from each of the following groups: bus driver/transportation, maintenance/custodians, food service, and secretaries/office assistants/instructional assistants/clerks etc. ~~and one (1) member shall be appointed at large.~~
2. The term of office shall be two (2) years. Each year two (2) members shall leave the committee and two (2) new members shall be chosen to join the committee.
A name shall be drawn from those members of the sick bank who express an interest in being a candidate for the position to fill a vacancy on the committee should one occur.
3. No committee member shall rule on any usage application of his/her own or of a relative.

Sick Leave Bank Procedures

SICK LEAVE BANK USAGE APPROVAL COMMITTEE (CONTINUED)

4. Sick Leave Bank application forms may be obtained from the Principal at each school. Inquiries regarding the Sick Leave Bank process should be directed to the Associate Superintendent for Human Resources Services at the Central Office.
5. Applications made to the Committee shall not contain the name of the applicant or, to the extent possible, any other identifying data. To the extent practicable, the Committee shall consider all applications anonymously.
6. These guidelines may become effective for immediate implementation upon passage.

Review/Revised:6/17/10

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EXPLANATION: AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER THE STATE'S REQUEST FOR AN NCLB WAIVER EXTENSION WILL BE GRANTED. IF THE WAIVER REQUEST IS NOT RENEWED ALL PROVISIONS IN THIS PROCEDURE MUST BE FOLLOWED.
FINANCIAL IMPLICATIONS: POSSIBLE COSTS OF REINSTATING SUPPLEMENTAL EDUCATION SERVICES

CURRICULUM AND INSTRUCTION

08.133 AP.1

Extended School/Supplemental Educational Services

EXTENDED SCHOOL SERVICES (ESS)

The Board shall provide services in compliance with applicable statutes and administrative regulations.

1. Students may receive remedial instruction through an after-school tutorial, summer school, or daytime waiver program. The summer school program shall meet state standards for an approved program for middle and high school students.
2. Students who have a greater academic need as determined by the eligibility criteria as stated in KRS 158.070 and 704 KAR 3:390 shall be referred and selected first to receive ESS.
3. Students who have greater academic need as stated in KRS 158.070 and 704 KAR 3:390 shall not be excluded from referral or selection for ESS due to the inability of the parent or student to provide transportation to or from the school or site of ESS programs.
4. The school informs parents or guardians of Extended School Services as follows
 - a. A general notification which describes the nature of the services to be offered including the opportunities for maintenance of performance, prevention of failure and reduction of academic deficiencies;
 - b. A specific notification of their child's eligibility to receive ESS; and
 - c. Written procedures for parents or guardians to request reconsideration of their children's identification or lack of identification of eligibility for ESS.
5. Accurate records shall be maintained for student attendance to Extended School Services and of student progress toward individual goals.
6. Students not enrolled in ESS may be allowed to ride the buses provided through ESS funds only to the extent that it does not increase the cost of such transportation to ESS.

STAFFING FOR ESS

Selection of ESS staff (certified and classified) shall be based on having the specific expertise to meet the needs of the students being served. All other criteria for employment shall be fair and equitable to applicants.

Accurate time logs shall be maintained for personnel receiving salary from Extended School Services. Such salary is for direct services to the Extended School Services program. No ESS staff member shall be paid more than his/her actual hourly rate for a comparable position in the regular program.

Extended School/Supplemental Educational Services**PARTICIPATION OF PRIVATE, PAROCHIAL HOME SCHOOL STUDENTS**

Students who attended private, parochial, or home schools the previous year are eligible to participate in extended school services during the summer if they meet the eligibility criteria.

Eligibility shall be determined according to the selection criteria outlined in this procedure. The private, parochial, or home school shall verify in writing to the District as to the correctness of the documentation.

During attendance they will be considered students of the District and shall be subject to all policies, rules, and regulations of the District.

Students attending private, parochial, or home schools are not eligible to receive instruction through an after-school tutorial program.

~~Because Pending renewal of the Kentucky request to the U. S. Dept. of Education for flexibility was granted, the following provision is shall be~~ waived through the 201~~43~~-201~~54~~ school year. ~~If the request is not renewed, then the following section shall be in force.~~

SUPPLEMENTAL EDUCATIONAL SERVICES

Eligible students shall be provided supplemental educational services (SES). "Eligible students" mean all students from low-income families who attend Title I school that are in their second year of school improvement, in corrective action, or in restructuring. "Supplemental Educational services" means additional academic instruction designed to increase students' academic achievement such as tutoring, remediation, distance-learning technologies, or other educational interventions provided by state-approved service providers outside of the regular school day.

REFERENCES:

[KRS 158.070](#)

704 KAR 3:390

RELATED PROCEDURE:

08.133 AP.2

accept

EXPLANATION: THIS CHANGE IS TO CLARIFY THAT PER KRS 160.730, A CHALLENGE TO A STUDENT RECORD MAY TAKE THE FORM OF AN INFORMAL DISCUSSION IF DOCUMENTED IN WRITING.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.14 AP.11

Family Educational Rights and Privacy Act

The following rules and procedures shall be complied with relative to disclosure of student records:

1. The District shall annually notify parents of students currently in attendance, or eligible students currently in attendance, of their rights under the Family Educational Rights and Privacy Act (FERPA).

The notification also shall be furnished to parents of all new students and to all new eligible students by the Principal at the time of enrollment.

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

Subject to federal opt-out rights, directory information shall be made available to Armed Forces recruiters on the same basis as it is provided to the public.

3. Parents or eligible students who wish to review educational records may make a request on the appropriate form. Forms are available at the school and in the Central Office. Access shall be provided within a reasonable time frame, not to exceed forty-five (45) calendar days of District receipt of the request. Because, a shorter timeline is required in certain situations involving IDEA students, staff shall adhere to the District's special education procedures for responding to such requests.

If circumstances effectively prevent a parent or eligible student from exercising inspection rights, copies of the requested records shall be provided within the above stated time frame.

Until any questions are resolved, no student record held by the District shall be discarded when the record is under an outstanding request to inspect or review.

4. School authorities shall make a documented effort to notify the parent or eligible student prior to complying with a court order or subpoena that directs the disclosure of information concerning the student. In compliance with FERPA, notice to the parent is not required when a court order directs that the parent/eligible student is not to be notified, or when the order is issued in the context of a dependency, neglect, or abuse proceeding in which the parent is a party.

As noted in the District's annual FERPA notice, parent consent/notification is not required to release student records to another school district or post-secondary institution in which a student seeks or intends to enroll or is already enrolled.

5. The District shall disclose personally identifiable student information to an organization designated to conduct a study for or on behalf of the District only when a written agreement has been established with the organization. Such disclosure does not require parent/eligible student consent.
6. The parent or eligible student must sign a request and consent form before a student's records are to be transferred to an agency or individual not authorized under law to receive them.

STUDENTS

09.14 AP.11
(CONTINUED)

Family Educational Rights and Privacy Act

7. A log shall be maintained of student records requests and disclosures, including emergency disclosures in response to an actual, impending, or imminent articulable and significant health/safety threat. The log requirement does not apply to the following:
 - a. Disclosures made to parents or eligible students,
 - b. Records released pursuant to written consent,
 - c. Access by school officials and others having a legitimate educational interest under FERPA,
 - d. Disclosure to a party with written consent from a parent or eligible student,
 - e. Disclosures of directory information, or
 - f. Disclosures of records made pursuant to a subpoena or court order where a court order or other law provides that the parent or student are not to be notified.
8. A challenge to the records may take the form of an informal discussion among the parents, student, and school officials. Any agreement between these parties shall be reduced in writing, signed by all parties, and placed in the student's records.
- 8.9. Upon request, the Superintendent/designee shall, arrange for a record amendment hearing in compliance with 702 KAR 1:140.

RELATED PROCEDURES:

All 09.14 procedures

accept

EXPLANATION: ON ADVICE OF KSBA LEGAL STAFF, THIS CHANGE CLARIFIES THAT FERPA RIGHTS APPLY TO STUDENTS 18 OR OLDER OR STUDENTS ATTENDING A POSTSECONDARY INSTITUTION.
FINANCIAL IMPACT: NONE ANTICIPATED

STUDENTS

09.14 AP.111

Notification of FERPA Rights

Distribute this notice annually to parents and students.

The Family Educational Rights and Privacy Act (FERPA) affords parents and “eligible students” (students ~~over~~ 18 years of age or older or students who are attending a postsecondary institution) certain rights with respect to the student’s education records. They are:

1. ***The right to inspect and review the student's education records within forty-five (45) days of the day the District receives a request for access.***

Parents or eligible students should submit to the school Principal/designee a written request that identifies the record(s) they wish to inspect. The Principal will make arrangements for access and notify the parent or eligible student of the time and place where the record(s) may be inspected.

2. ***The right to inspect and review logs documenting disclosures of the student's education records.***

Except for disclosure to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosure to the parent or eligible student, FERPA regulations require the District to record the disclosure.

3. ***The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or in violation of the student's privacy or other rights.***

Parents or eligible students may ask the District to amend a record that they believe is inaccurate, misleading, or in violation of privacy or other rights. They should write the school Principal, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or in violation of their privacy or other rights.

If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise him/her of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

4. ***The right to provide written consent prior to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.***

Exceptions that permit disclosure without consent include:

- a. Disclosure to school officials with legitimate educational interests. A “school official” is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school Board; or an outside person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility to the District.

Notification of FERPA Rights

This may include contractors, consultants, volunteers, and other parties to whom the District has outsourced services or functions.

- b. Upon request, disclosure of education records without parent/eligible student notice or consent to officials of another school district or post-secondary institution in which a student seeks or intends to enroll or is already enrolled or to other entities authorized by law so long as the disclosure is for purposes related to the student's enrollment or transfer.
- c. Disclosure of information to those whose knowledge of such information is necessary to respond to an actual, impending, or imminent articulable and significant health/safety threat.
- d. Disclosure to state and local educational authorities and accrediting organizations, subject to requirements of FERPA regulations.

Designated Kentucky State agencies may be permitted access to student record information, which will depend on the authority granted to their particular agency.

5. ***The right to notify the District in writing to withhold information the Board has designated as directory information as listed in the annual directory information notice the District provides to parents/eligible students.***

To exercise this right, parents/eligible students shall notify the District by the deadline designated by the District.

6. ***The right to prohibit the disclosure of personally identifiable information concerning the student to recruiting representatives of the U. S. Armed Forces and its service academies, the Kentucky Air National Guard, and the Kentucky Army National Guard.***

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

7. ***The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA.*** The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

accept

EXPLANATION: A NEW FORM IS NEEDED FOR THE AUTHORITIES TO WHICH STUDENT DATA IS RELEASED TO CERTIFY THAT ANY EDUCATIONAL RECORDS OBTAINED SHALL BE RELEASED ONLY TO PERSONS AUTHORIZED BY STATUTE AND SHALL NOT BE RELEASED TO ANY OTHER PERSON WITHOUT THE WRITTEN CONSENT OF THE PARENT OF THE CHILD.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.14 AP.2

Juvenile Justice Agency Certification Form

Date: _____

Name of Agency Receiving Records: _____

The _____ Schools have released education records of

_____, who was born on _____

Student's Name

to the above named agency. On behalf of the above named agency, I certify that the student records received shall not be released to anyone except those authorized by law to receive them without the written consent of the parent of the above named child.

Printed Name of Agency Representative

Date

Signature of Agency Representative

Date

accept

EXPLANATION: THIS DOCUMENT HAS BEEN REVISED TO APPLY TO BOTH DISTRICTS/SCHOOLS THAT PARTICIPATE IN FREE AND REDUCED MEALS PROGRAM AND DISTRICTS/SCHOOLS THAT PARTICIPATE IN THE COMMUNITY ELIGIBILITY PROVISION (CEP).
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.15 AP.1

Student Fees

NO CHILD DENIED

Students will not be denied access to any educational program due to an inability to pay a fee, purchase school supplies, or rent or purchase instructional resources.

PRINCIPAL'S RESPONSIBILITY

Principals shall determine those students who qualify for free school supplies and instructional resources as follows:

1. Principals shall use the guidelines of the free and reduced-price lunch program to determine the inability of students to rent instructional resources, pay fees, and purchase necessary school supplies. *
2. During the first week of school, the Principal shall send to the parents of each student the eligibility guidelines for free and reduced-price lunches. The eligibility guidelines form shall include a statement that if the student qualifies for free or reduced-price lunches, s/he also qualifies for free necessary school supplies.
3. Parents shall be informed that they must complete the required documentation to be eligible for exemption from payment of fees for necessary school supplies.

*If a school or District participates in the Community Eligibility Provision (CEP) meal program, the Principal shall use the Household Income Form (HIF) to determine the inability of students to rent instructional resources, pay fees, and purchase necessary school supplies.

accept

EXPLANATION: HB 98 AMENDED KRS 158.838 TO ALLOW STUDENTS TO CARRY AND SELF-ADMINISTER MEDICATION FOR DIABETES IF THE PARENT MAKES A REQUEST AND A WRITTEN AUTHORIZATION FROM THE HEALTH CARE PRACTITIONER IS IN PLACE. ALSO, GLUCAGON AND DIASTAT ARE NO LONGER CONSIDERED EXCLUSIVELY EMERGENCY MEDICATIONS UNDER STATUTE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

EXPLANATION: SINCE STATUTES REQUIRE SPECIFIC TRAINING FOR NON-LICENSED SCHOOL PERSONNEL AUTHORIZED TO ADMINISTER OR ASSIST IN ADMINISTERING MEDICATIONS, THIS LANGUAGE IS BEING MOVED TO POLICY.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.2241 AP.1

Guidelines for Administration of Medication to Students

GENERAL GUIDELINES

- Medications (prescription or non-prescription) shall be given at home when at all possible. Medication that must be given at school should be brought to school by the parent/guardian whenever possible. Medication that is sent to school with the student should be transported in the original container placed in a sealed envelope and given to designated school personnel immediately upon arrival.
- Prescribed oral medications in pill or tablet form shall be counted and the number recorded on the Medication Administration Record.
- First doses of new medications shall not be given at school.
- A nurse or school personnel trained by a registered nurse, physician, pharmacist, and/or dentist shall dispense medications.
- ~~School personnel authorized to give medications must be trained in accordance with KRS 156.502 and 702 KAR 1:060.~~
- No medication (prescription and/or non-prescription) can be dispensed without a written request/authorization signed by the parent or legal guardian.
- The Authorization form must include:
 - Name of student
 - Name, address, and telephone number of physician
 - Name of medication
 - Dosage and route of administration
 - Time of day for dosage
 - Reason medication must be administered
 - Specify possible reactions or side effects of the medication
 - Parents'/guardians' telephone number at home, work; and an emergency contact number
 - Release from liability
- The prescription label shall include the following:
 - Student name
 - Date dispensed
 - Name of medication
 - Dosage
 - Strength
 - Date of expiration
 - Directions for use including frequency, duration, and route of administration

Guidelines for Administration of Medication to Students**GENERAL GUIDELINES (CONTINUED)**

Prescriber's name

Pharmacy name, address, and phone number

- Altered prescription labels shall not be accepted.
- Any change in dosage of and/or time of administration must be received in the form of a written order from the physician or a new prescription bottle from the pharmacy.
- Authorization shall be filed with students' cumulative health record.
- Authorization to administer medication shall be valid only for the current school year or until a treatment changes.
- In the event a treatment changes, a new authorization form must be obtained.
- A separate authorization form must be filled out for each medication.
- Except for emergency medications (including, but not limited to ~~Diastat, Glucagon, FDA approved seizure rescue medications~~ and EpiPens) and medications approved for students to carry for self-medication purposes, all medications shall be stored in a locked cabinet/drawer. Medicines requiring refrigeration shall be kept in a separate refrigerator in a supervised area or locked container that can be stored with food in a supervised area.
- All medications must be provided by the parent/legal guardian in the original container, which shall include recommended dosage and directions for administration.
- No medication shall be given beyond the expiration date.
- All medications dispensed by school personnel or nurse shall be immediately documented on a Student Daily Medication Record Form. Record must contain signature(s) of person(s) administering the medication, dosage administered and time administered and kept on file in student's cumulative folder. Documentation shall be complete, reflecting beginning and ending dates and notations of missed doses and absences. Medication recording sheets shall be filed in the student's cumulative folder when completed or when the medication is changed/discontinued.

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SELF-MEDICATION

A student may be responsible for taking his/her own medication (prescription or nonprescription) provided the parent has completed the Authorization for Self-Administration of Medication and it is on file with school personnel.

Unless otherwise approved to self-medicate, students are to be supervised by an authorized individual when taking medication. The person supervising the administration of medication must keep a written record.

~~NOTE: Self administration of asthma medication shall be permitted in compliance with KRS 158.834~~

EMERGENCY MEDICATION ADMINISTRATION

~~In schools with students who have seizure disorders and diazepam (Diastat) rectal gel has been prescribed in a prefilled unit dose by the student's health care provider; or students who have Diabetes mellitus and have a Glucagon emergency kit prescribed by the student's health care provider, the school shall have a least one (1) employee on duty in each school during the entire school day who has been trained in the administration of these emergency drugs. The definition of school day is "the period of time between the arrival of the first student at the school building and the end of the instructional period". (KRS 158.838)~~

Guidelines for Administration of Medication to Students**EMERGENCY MEDICATION ADMINISTRATION (CONTINUED)**

Prior to administering Glucagon or diazepam rectal gel to a student, the student's parent or legal guardian shall:

- Provide the school with a written authorization to administer the medication at school that includes acknowledgement that the school shall incur no liability except as provided in this subsection, and the parent or guardian shall hold harmless the school and its employees against any claims made for any reaction to any medication to treat a hypoglycemic episode or a seizure or its administration if the reaction is not due to negligence or misconduct on behalf of the school or its employees;
- Provide a written statement from the student's health care provider, which shall contain the following information:
 - Students name
 - Name and purpose of the medication
 - Prescribed dosage
 - Route of administration
 - Frequency medication may be administered
 - Circumstances under which the medication may be administered
- Provide the prescribed medication to the school in its unopened, sealed package with the label affixed by the dispensing pharmacy intact;
- Authorization for administration of emergency medications shall be effective for the current school year and shall be renewed each year;
- Expiration dates of emergency medications shall be checked monthly by school nurse or designee. Parents shall be notified at least one month prior to the expiration date of the medication.

MEDICATION REFUSAL

If a child refuses to take medication or is uncooperative during medication administration, documentation shall be made, the parent/guardian and school nurse (if appropriate) shall be contacted and medication administration may be omitted. If necessary, a conference may be scheduled with the parent to resolve the conflict.

MEDICATION ERROR

An error may occur when school personnel giving medication to students such as the following:

- Gives the wrong medication
- Gives medication to the wrong student
- Gives the medication at the wrong time
- Uses the wrong method of administration

Guidelines for Administration of Medication to Students**MEDICATION REFUSAL (CONTINUED)**

- Gives the wrong amount of medication

When a medication administration error occurs, follow these guidelines:

- Keep student in office or designated area. If the student has already returned to class, have them accompanied back to office/designated area.
- Observe student's status and document
- Identify the incorrect dose or type of medication taken by the student
- Notify the Principal, supervising school nurse (if medication was given by a non-licensed personnel) and parent of the student and/or health provider, who shall notify the student's parent/guardian
- If unable to contact the health care provider, contact the Poison Control Center for instructions 1-800-222-1222
 - Give the name and dose of the medication taken in error
 - Give the age and approximate weight of the student
 - Give the name(s) dose(s) and time of last dose of other medication being taken by the student
- Follow instructions from Poison Control if at all possible. If unable to complete their directions, explain to Poison Control to determine if the student shall be transport for emergency medical care.
- Document actions taken
- Keep Master file of documentation determined by the Principal or designee

FIELD TRIPS (OVERNIGHT AND DAY) AND MEDICATION ADMINISTRATION

If a student is attending a field trip away from school during his/her scheduled medication time, the nurse or trained school personnel shall dispense the medication prior to the trip in a zip lock bag with the student's name, name of medication, dosage, time to be give, and route to be administered. The nurse or trained school personnel shall initial the student's daily medication log and specify PREPARED for field trip.

The employee responsible for administering the medication on the trip shall:

1. Pick up the medication from the school nurse or trained school personnel the day of the field trip before departure.
2. Keep the medication with him/her until time to dispense.
3. Upon returning from the field trip, initial daily medication record log and specify ADMINISTERED medication for field trip.

STUDENTS

09.2241 AP.1
(CONTINUED)

Guidelines for Administration of Medication to Students

FIELD TRIPS (OVERNIGHT AND DAY) AND MEDICATION ADMINISTRATION (CONTINUED)

If the employee does not administer the medication for some reason, she/he is responsible for notifying school personnel and parent/guardian.

If there is an error in administration, follow error in medication guidelines previously outlined

RELATED POLICY:

09.2241

RELATED PROCEDURES:

09.2241 AP.21