

RECOMMENDED: SB 176 ALLOWS "CAREGIVERS" TO MAKE DESIGNATED HEALTH CARE AND EDUCATIONAL DECISIONS UPON PRESENTATION OF AN APPROPRIATE AFFIDAVIT. THIS CHANGE IS RECOMMENDED SO THAT DISTRICTS WILL NOT HAVE TO REVISE ALL POLICIES ADDRESSING PARENT RIGHTS, RESPONSIBILITIES, AND NOTIFICATIONS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

RECOMMENDED: HB 211 AMENDED KRS 158.070 AND REPLACED THE TERM "INSTRUCTIONAL DAY" WITH "STUDENT ATTENDANCE DAY". THIS CHANGE IS RECOMMENDED SO THAT DISTRICTS WILL NOT HAVE TO REVISE ALL POLICIES ADDRESSING INSTRUCTIONAL DAYS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

RECOMMENDED: SOME STATUTES AND REGULATIONS USE THE TERMS HEALTH CARE PROVIDER AND HEALTH CARE PRACTITIONER INTERCHANGEABLY. THIS IS TO CLARIFY THAT IN THIS MANUAL THE TWO TERMS HAVE THE SAME MEANING.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.0

DEFINITIONS

The following expressions are defined with respect to their intended meanings in the context of this MANUAL:

POLICIES

An expression of the will of the elected Board of Education or the school council. Although other statutes may have Board policy implications, the general scope of Board policies is defined by KRS 160.290 and KRS 160.340. The scope of council policies is defined by KRS 160.345.

ADMINISTRATIVE PROCEDURES

Statements of the Superintendent and/or district administration. Procedures are administrative instruments to implement Board policy and other legal mandates.

ADMINISTRATIVE REGULATIONS

References such as "State Board regulations", state regulations", and "administrative regulations" shall mean Kentucky Administrative Regulations (KAR) promulgated by the Kentucky Board of Education.

FULL-TIME, PART-TIME STATUS

Employment status shall be determined in compliance with statute and regulation and shall be defined in the employee's contract.¹

SUPERINTENDENT

Policies that charge the Superintendent with preparing and/or implementing provisions of procedures, plans or programs for Board review also direct any other employee to whom the Superintendent may delegate such charges.

TEACHER

Except for referenced statutes which specify a different definition for the purposes of those statutes, in this MANUAL the term teacher shall refer to any person, other than the Superintendent, for whom certification is required as a basis for employment.

PARENT OR GUARDIAN

Parent, as used in this MANUAL, means custodial parent, ~~or~~ legal guardian, or other person authorized by law to act as a parent as the context requires.

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DEFINITIONS**GENDER**

Unless otherwise noted, all gender references include both male and female.

CHILDREN AND YOUTH WITH DISABILITIES

In compliance with federal law and unless otherwise indicated, use of the terms "handicapped/special education/exceptional" shall refer to children and youth with disabilities.

SCHOOL NUTRITION PROGRAM

Use of the term "food service" shall also refer to the District's School Nutrition Program.

STUDENT ATTENDANCE DAY

Unless otherwise noted, use of the term "instructional day" shall have the same meaning as "student attendance day".

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HEALTH PROVIDER

Unless otherwise noted, the terms "health care provider" and "health care practitioner" have the same meaning.

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RELATED POLICIES

The listing of related policies at the bottom of a document is a generic list and may include some policy numbers that this MANUAL does not contain.

REFERENCES

Legal references listed in this manual, such as state and federal statutes and regulations, Kentucky Attorney General Opinions, and court cases are provided as a tool for additional research and are not intended to be viewed as a complete listing of legal resources applicable to a particular topic.

REFERENCES:

¹KRS 157.320

¹102 KAR 1:036

¹702 KAR 1:035

KRS 158.144

KRS 160.290, KRS 160.340, KRS 160.345

KRS 405.028

702 KAR 6:010, 702 KAR 6:020, 702 KAR 6:040

702 KAR 6:045, 702 KAR 6:075, 702 KAR 6:090

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RECOMMENDED: KRS 160.270 REQUIRES THAT THE BOARD HOLD AT LEAST ONE REGULAR MEETING PER MONTH. KRS 61.820 REQUIRES ADOPTION OF A REGULAR MEETING SCHEDULE. RESCHEDULED REGULAR MEETINGS BECOME SPECIAL MEETINGS. HOWEVER, IN EXCEPTIONAL CIRCUMSTANCES, REASONABLE ADJUSTMENTS OF REGULAR MEETING START TIMES OR SITES DUE TO UNANTICIPATED CONDITIONS OR EMERGENCIES (SUCH AS UNEXPECTED OVERFLOW CROWDS, UNAVAILABILITY OF THE MEETING SITE, OR WEATHER RELATED EVENTS) MAY BE PERMISSIBLE.

THIS CHANGE IS NOT REQUIRED BY LAW BUT, ALLOWS FOR GREATER FLEXIBILITY IN THOSE EXCEPTIONAL CIRCUMSTANCES.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.42

Regular Meetings

TIME AND PLACE

~~The first regular meeting of the Board shall be held in January on the third Monday at 5:00 PM at the Board office. At this a meeting in January, the Board shall adopt a schedule of regular meetings for the calendar year, identifying the date, time and place of each meeting. Any change to this schedule Rescheduled regular meetings shall be a-noticed and held as special-called meetings.~~^{1 & 4}

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PUBLICITY

All meetings of the Board, and any committees or subcommittees thereof, shall be held at specified times and places which are convenient to the public. The schedule of regular meetings shall be made available to the public.²

OPEN MEETINGS

All meetings of a quorum of the members of the Board at which any public business is discussed or at which any action is taken are to be public meetings, open to the public at all times, except as provided in KRS 61.810.³

VIDEO TELECONFERENCES

The Board may conduct its meeting by video teleconference. Notice of a video teleconference shall comply with the requirements of KRS 61.820. In addition, the notice shall clearly state that the meeting will be a video teleconference and precisely identify the locations involved, including the location, if any, that is primary.

The same procedures with regard to participation, distribution of materials and other matters shall apply in all video teleconference locations.

REFERENCES:

¹KRS 160.270

²KRS 61.820; OAG 78-274; OAG 78-614

³KRS 61.810

⁴92-OMD-1677; [04-OMD-056](#)

KRS 61.826

RELATED POLICIES:

01.421; 01.43; 01.44

RECOMMENDED: THE KSBA BOARD OF DIRECTORS APPROVED A CODE OF ETHICS FOR SCHOOL BOARD MEMBERS. THIS LANGUAGE IS BASED ON THAT CODE.
THIS CHANGE IS NOT REQUIRED BY LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.53

Code of Ethics

As members of a Kentucky Board of Education and mindful of the pledges made in their oath of office, Board members shall accept the duty to represent their community and their District's students, parents and staff and to improve public education by putting "students first" in their decisions. To that end they will:

1. Govern effectively and with integrity, emphasize student achievement and practice good stewardship of the District's human, financial and property resources;
2. Participate in all Board meetings, insofar as possible, having studied advance materials and, having given careful consideration to input from individuals and/or interested community groups, ready to base decisions on independent judgment;
3. Act as a staunch advocate for high quality schools, instructional curricula and professional staff dedicated to the educational welfare of all children, regardless of their ability, race, creed, sex or social standing and maintain knowledge about educational advances as they evolve;
4. Obey and uphold all laws, rules, regulations and court orders of the Commonwealth of Kentucky and of the United States, reserving the right to bring about needed changes through legal and ethical procedures;
5. Help their constituents to understand the importance of broad community support and involvement in the public schools, especially by encouraging citizen participation in Board meetings, and in turn, serve their constituents by helping ensure accountability of the schools to the community;
6. Recognize their duty to listen as well as to lead, respect opinions which differ from their own, reflect that no one member acts or speaks for the Board, and remember that final actions, made by majority vote in an official meeting, should be supported by all members;
7. Provide community insight to the Superintendent and evaluate the administration's responses to community expectations, work to adopt effective policies which give the administration authority commensurate to its responsibilities, demonstrate the support and respect due the District's skilled, professional employees and shun actions which could be interpreted as an attempt to run the schools through the administration;
8. Avoid even the appearance of conflicts of interest by never performing official acts or otherwise engaging in financial transactions with the school system which could benefit them, accepting gifts of substantial economic value which could be viewed as improper influence, or disclosing or using confidential information acquired in the course of official duties for personal gain.

LEGAL: PER HB 5, A NEW SECTION OF KRS 61 HAS BEEN CREATED ADDRESSING SAFETY AND SECURITY OF PERSONAL INFORMATION AND PROCESSES FOR DEALING WITH INFORMATION BREACHES.

FINANCIAL IMPLICATIONS: POSSIBLE INCREASED COST OF NOTIFICATION OF INDIVIDUALS IF A SECURITY BREACH OCCURS

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.

INFORMATION SECURITY BREACH

Information security breaches shall be handled in accordance with KRS 61.931, KRS 61.932, and KRS 61.933 including, but not limited to, investigations and notifications.

Within seventy-two (72) hours of the discovery or notification of a security breach, the District shall notify the Commissioner of the Kentucky State Police, the Auditor of Public Accounts, the Attorney General, and the Education Commissioner.

Records Management

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
- 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

KRS 61.931; KRS 61.932; KRS 61.933

702 KAR 1:025; 725 KAR 1:025

Records Retention Schedule, Public School District

RELATED POLICIES:

01.5; 04.81

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 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.

In-Once it is determined ing 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:¹ KRS 61.933KRS 61.931; KRS 61.932

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LEGAL: 702 KAR 1:115 HAS BEEN AMENDED TO REVISE THE ANNUAL TRAINING REQUIREMENTS FOR BOARD MEMBERS. HB 154 REVISES KRS 160.180 TO MAKE ADDITIONAL CHANGES TO ANNUAL TRAINING REQUIREMENTS BEGINNING JANUARY OF 2015.
FINANCIAL IMPLICATIONS: POSSIBLE INCREASED COST OF PROVIDING TRAINING ON SPECIFIC TOPICS (SCHOOL FINANCE, ETHICS AND SUPERINTENDENT EVALUATION)

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.83

In-Service Training

Annual in-service training for all school board members in office as of December 31, 2014 shall include training on topics required by regulation that meet the minimum number of total training hours as follows:¹

1. Twelve (12) hours for school board members with zero (0) to three (3) years of experience (to include five hours on the following: three (3) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation);
2. Eight (8) hours for school board members with four (4) to seven (7) years of experience (to include four hours on the following: two (2) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation); and
3. Four (4) hours for school board members with eight (8) or more years of experience (to include three hours on the following: one (1) hour of finance and one (1) hour of ethics annually and, one (1) hour of superintendent evaluation biennially).

If a Board member obtains hours through any sources other than KSBA, they shall have local Board approval prior to participation in the training event and send a copy of the record (Board minutes) to KSBA.

For Board members who begin initial service on or after January 1, 2015, annual in-service training requirements shall be twelve (12) hours for Board members with zero to eight (0-8) years of experience and eight (8) hours for Board members with more than eight (8) years of experience. Required annual training hours shall include:

1. Three (3) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation for members with zero (0) to three (3) years experience;
2. Two (2) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation for members with four (4) to seven (7) years experience; and
3. One (1) hour of finance, one (1) hour of ethics annually, and one (1) hour of superintendent evaluation biennially for members with eight (8) or more years experience.

ORIENTATION OF NEW BOARD MEMBERS

The Superintendent/designee and/or the Board Chair shall acquaint new Board members with their duties and obligations and furnish them with a copy of the Board's policy manual and/or access to the District's online manual and such other information and guidance materials as necessary to prepare them for service. Areas should include, but not be limited to, District budgeting, planning and student learning indicators. In addition, new Board members shall be provided assistance in locating training opportunities to help them meet statutory training requirements and to support them in learning their roles and responsibilities.

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In-Service Training

REFERENCES:

¹KRS 160.180

702 KAR 1:115

OAG 85-53; OAG 85-145