LEGAL: THE U.S. LABOR DEPARTMENT CHANGED THE FMLA REGULATION IN KEEPING WITH THE U.S. SUPREME COURT RULING IN UNITED STATES V. WINDSOR. THE NEW REGULATION USES THE “PLACE OF CELEBRATION” RULE FOR THE DEFINITION OF “SPOUSE”. THIS RULE ALLOWS ALL COUPLES WHO ARE LEGALLY MARRIED IN THE PLACE OF CELEBRATION (WHETHER SAME SEX OR OPPOSITE SEX) TO QUALIFY AS SPOUSES FOR FMLA PURPOSES EVEN IF THEIR STATE OF RESIDENCE DOES NOT RECOGNIZE SAME SEX OR COMMON LAW MARRIAGES. THIS REGULATION WENT INTO EFFECT MARCH 27, 2015.

FINANCIAL IMPLICATIONS: POSSIBLE NEED FOR SUBSTITUTES AS THIS WILL BROADEN THE NUMBER OF EMPLOYEES WHO MAY QUALIFY FOR FMLA LEAVE

# PERSONNEL AU03.12322

‑ Certified Personnel ‑

Family and Medical Leave

In compliance with the Family and Medical Leave Act of 1993, family and medical leave shall be granted to eligible employees for the following reasons:

* For the birth and care of an employee’s newborn child or for placement of a child with the employee for adoption or foster care;
* To care for the employee's spouse, child, or parent who has a serious health condition, as defined by federal law;
* For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the employee's job;
* To address a qualifying exigency (need) defined by federal regulation arising out of the covered active duty or call to active duty involving deployment to a foreign country of the employee’s spouse, son, daughter, or parent who serves in a reserve component or as an active or a retired member of the Regular Armed Forces or Reserve in support of a contingency operation; and
* To care for a covered service member (spouse, son, daughter, parent or next of kin) who has incurred or aggravated a serious injury or illness in the line of duty while on active duty in the Armed Forces that has rendered or may render the family member medically unfit to his/her perform duties or to care for a covered veteran with a serious injury or illness as defined by federal regulations.

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

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

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

# PERSONNEL AU03.12322

#  (Continued)

Family and Medical Leave

NKCES shall designate an employee's leave, paid or unpaid, as FMLA-qualifying and shall provide a designation notice indicating whether the request is approved or if additional information is needed. Leave may be delayed if the employee does not provide proper notice (30 days advance notice for a foreseeable leave); otherwise, notice as soon as the need becomes known).

*Deadline for Notice to be Provided:* Absent extenuating circumstances, within five (5) business days of learning that an FMLA reason supports the leave.

Eligibility

Employees are eligible for up to twelve (12) workweeks of family and medical leave each school year, if they have been employed by NKCES for twelve (12) months, have worked at least 1,250 hours during the twelve (12) months preceding the start of the leave, and otherwise qualify for family and medical leave. When family and medical military caregiver leave is taken based on a serious illness or injury of a covered service member, an eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve-month period. This provision also applies to covered service members/veterans that have been on active duty within the past five (5) years as defined by federal regulation.

Full‑time teachers are presumed to have worked at least 1,250 hours during a year. In determining whether returning veterans meet the minimum 1,250 hour standard, hours actually worked for NKCES during the twelve-month period are to be combined with hours they would have worked for NKCES had they not been called for military service.

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

Restrictions

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

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

Entitlement to family and medical leave for the birth and care of a newborn child or placement of a child shall expire twelve (12) months after the date of such birth or placement.

When both spouses are employed by NKCES, the combined amount of family and medical leave for reasons other than personal illness or illness of a child shall be limited to twelve (12) workweeks. In cases of personal illness or illness of a child, each spouse is entitled to twelve (12) workweeks of family and medical leave.

Exception: The limit on the combined amount of family and medical leave shall be twenty-six (26) workweeks when both eligible spouses are employed by NKCES and are eligible for leave that involves a covered Armed Forces service member/veteran.

Depending on the date family and medical leave is to begin, instructional employees as designated by federal regulation may be required to continue on leave until the end of a school term to avoid disruption.

# PERSONNEL AU03.12322

#  (Continued)

Family and Medical Leave

Restrictions (continued)

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

Intermittent Leave/Reduced Hours

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

Continuation of Benefits

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

Return to Work

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

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

Notice

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

References:

Family and Medical Leave Act of 1993, 29 U.S.C. 2601-2654

Title I of the FMLA, as amended by the National Defense Authorization Act

Code of Federal Regulations, Title 29, Part 825

Related Policies:

03.123, 03.1232, 03.1233, 03.1234, 03.1238, 03.124

RECOMMENDED: THIS CHANGE IS TO CLARIFY THAT TAKING PICTURES, VIDEO, OR AUDIO RECORDINGS OF OTHERS MAY RESULT IN VIOLATION OF CONFIDENTIALITY AND PRIVACY AND MAY BE PROHIBITED.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL A03.13214

‑ Certified Personnel ‑

Use of Personal Cell Phones/Telecommunication Devices

Due to privacy concerns, and except for emergency situations, personally owned recording devices are not to be used to create video or audio recordings or to take pictures while on duty or working with students except with prior permission from the Principal/designee or immediate supervisor.

An exception may be made for events considered to be in the public arena (e.g. sporting events, academic competitions, or performances to which the general public is admitted) where the activity does not materially disrupt the event, prevent others from observing the event, or otherwise violate legal rights. School social events for students, activities sponsored by student clubs, and activities during the school day that are not open to the public are not considered to be in the public arena.

Such devices include, but are not limited to, personal cell phones and tablets.

LEGAL: THIS LANGUAGE IS BEING REMOVED AS IT IS A LEGAL COURT STANDARD THAT IS NOT CONTROLLED BY POLICY AND THE OFFICE OF CIVIL RIGHTS’ POSITION IS THAT IT LEADS STAFF OTHER THAN ADMINISTRATORS TO BELIEVE THEY DO NOT HAVE TO ADDRESS ALLEGATIONS OF HARASSMENT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL CC03.162

‑ Certified Personnel ‑

Harassment/Discrimination

Definition

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

Prohibition

Harassment/Discrimination is prohibited at all times on NKCES property and off NKCES grounds during sponsored activities. This prohibition also applies to visitors to NKCES. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

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

Disciplinary Action

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

Guidelines

Employees who believe they or any other employee, student, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. The Executive Director is the person responsible for receiving reports of harassment/discrimination at the building level. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.

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

The Executive Director shall provide for the following:

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

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

# PERSONNEL CC03.162

#  (Continued)

Harassment/Discrimination

Guidelines (continued)

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

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

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

Prohibited Conduct

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

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

# PERSONNEL CC03.162

#  (Continued)

Harassment/Discrimination

Confidentiality

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

Appeal

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

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

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

Retaliation Prohibited

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

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

Other Claims

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

References:

1KRS 158.156

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

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

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

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

 Genetic Information Nondiscrimination Act of 2008

Related Policies:

03.113, 03.1325, 03.16, 09.2211, 09.422, 09.42811

LEGAL: THE U.S. LABOR DEPARTMENT CHANGED THE FMLA REGULATION IN KEEPING WITH THE U.S. SUPREME COURT RULING IN UNITED STATES V. WINDSOR. THE NEW REGULATION USES THE “PLACE OF CELEBRATION” RULE FOR THE DEFINITION OF “SPOUSE”. THIS RULE ALLOWS ALL COUPLES WHO ARE LEGALLY MARRIED IN THE PLACE OF CELEBRATION (WHETHER SAME SEX OR OPPOSITE SEX) TO QUALIFY AS SPOUSES FOR FMLA PURPOSES EVEN IF THEIR STATE OF RESIDENCE DOES NOT RECOGNIZE SAME SEX OR COMMON LAW MARRIAGES. THIS REGULATION WENT INTO EFFECT MARCH 27, 2015.

FINANCIAL IMPLICATIONS: POSSIBLE NEED FOR SUBSTITUTES AS THIS WILL BROADEN THE NUMBER OF EMPLOYEES WHO MAY QUALIFY FOR FMLA LEAVE

# PERSONNEL AX03.22322

‑ Classified Personnel ‑

Family and Medical Leave

In compliance with the Family and Medical Leave Act of 1993, family and medical leave shall be granted to eligible employees for the following reasons:

* For the birth and care of an employee’s newborn child or for placement of a child with the employee for adoption or foster care;
* To care for the employee's spouse, child, or parent who has a serious health condition, as defined by federal law;
* For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the employee's job;
* To address a qualifying exigency (need) defined by federal regulation arising out of the covered active duty or call to active duty involving deployment to a foreign county of the employee’s spouse, son, daughter, or parent who serves in a reserve component or as an active or a retired member of the Regular Armed Forces or Reserve in support of a contingency operation; and
* To care for a covered service member (spouse, son, daughter, parent or next of kin) who has incurred or aggravated a serious injury or illness in the line of duty while on active duty in the Armed Forces that has rendered or may render the family member medically unfit to perform his/her duties or to care for a covered veteran with a serious injury or illness as defined by federal regulations.

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

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

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

# PERSONNEL AX03.22322

#  (Continued)

Family and Medical Leave

NKCES shall designate an employee's leave, paid or unpaid, as FMLA-qualifying and shall provide a designation notice indicating whether the request is approved or if additional information is needed. Leave may be delayed if the employee does not provide proper notice (30 days advance notice for a foreseeable leave); otherwise, notice as soon as the need becomes known).

*Deadline for Notice to be Provided:* Absent extenuating circumstances, within five (5) business days of learning that an FMLA reason supports the leave.

Eligibility

Employees are eligible for up to twelve (12) workweeks of family and medical leave each school year, if they have been employed by NKCES for twelve (12) months, have worked at least 1,250 hours during the twelve (12) months preceding the start of the leave, and otherwise qualify for family and medical leave. When family and medical military caregiver leave is taken based on a serious illness or injury of a covered service member, an eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve-month period.

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

Restrictions

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

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

Entitlement to family and medical leave for the birth and care of a newborn child or placement of a child shall expire twelve (12) months after the date of such birth or placement.

When both spouses are employed by NKCES, the combined amount of family and medical leave for reasons other than personal illness or illness of a child shall be limited to twelve (12) workweeks. In cases of personal illness or illness of a child, each spouse is entitled to twelve (12) workweeks of family and medical leave.

Exception: The limit on the combined amount of family and medical leave shall be twenty-six (26) workweeks when both eligible spouses are employed by NKCES and are eligible for leave that involves a covered Armed Forces service member/veteran.

Depending on the date family and medical leave is to begin, instructional employees as designated by federal regulation may be required to continue on leave until the end of a school term to avoid disruption.

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

# PERSONNEL AX03.22322

#  (Continued)

Family and Medical Leave

Intermittent Leave/Reduced Hours

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

Continuation of Benefits

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

Return to Work

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

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

Notice

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

References:

Family and Medical Leave Act of 1993, 29 U.S.C. 2601-2654

Title I of the FMLA, as amended by the National Defense Authorization Act

Code of Federal Regulations, Title 29, Part 825

Related Policies:

03.223; 03.2232; 03.2233; 03.2234; 03.2238; 03.224

RECOMMENDED: THIS CHANGE IS TO CLARIFY THAT TAKING PICTURES, VIDEO, OR AUDIO RECORDINGS OF OTHERS MAY RESULT IN VIOLATION OF CONFIDENTIALITY AND PRIVACY AND MAY BE PROHIBITED.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL A03.23214

‑ Classified Personnel ‑

Use of Personal Cell Phones/Telecommunication Devices

Due to privacy concerns, and except for emergency situations, personally owned recording devices are not to be used to create video or audio recordings or to take pictures while on duty or working with students except with prior permission from the Principal/designee or immediate supervisor.

An exception may be made for events considered to be in the public arena (e.g. sporting events, academic competitions, or performances to which the general public is admitted) where the activity does not materially disrupt the event, prevent others from observing the event, or otherwise violate legal rights. School social events for students, activities sponsored by student clubs, and activities during the school day that are not open to the public are not considered to be in the public arena.

Such devices include, but are not limited to, personal cell phones and tablets.

LEGAL: THIS LANGUAGE IS BEING REMOVED AS IT IS A LEGAL COURT STANDARD THAT IS NOT CONTROLLED BY POLICY AND THE OFFICE OF CIVIL RIGHTS’ POSITION IS THAT IT LEADS STAFF OTHER THAN ADMINISTRATORS TO BELIEVE THEY DO NOT HAVE TO ADDRESS ALLEGATIONS OF HARASSMENT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL CF03.262

‑ Classified Personnel ‑

Harassment/Discrimination

Definition

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

Prohibition

Harassment/Discrimination is prohibited at all times on NKCES property and off NKCES grounds during sponsored activities. This prohibition also applies to visitors to NKCES. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

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

Disciplinary Action

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

Guidelines

Employees who believe they or any other employee, student, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. The Executive Director is the person responsible for receiving reports of harassment/discrimination at the building level. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.

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

The Executive Director shall provide for the following:

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

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

# PERSONNEL CF03.262

#  (Continued)

Harassment/Discrimination

Guidelines (continued)

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

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

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

Prohibited Conduct

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

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

# PERSONNEL CF03.262

#  (Continued)

Harassment/Discrimination

Confidentiality

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

Appeal

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

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

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

Retaliation Prohibited

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

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

Other Claims

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

References:

1KRS 158.156

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

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

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

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

 Genetic Information Nondiscrimination Act of 2008

Related Policies:

03.212, 03.2325, 03.26, 09.2211, 09.422, 09.42811

LEGAL: SB 39 REQUIRES THE BEST AVAILABLE SEVERE WEATHER SAFE ZONES TO BE DETERMINED IN CONSULTATION WITH STATE AND LOCAL SAFETY OFFICIALS AND GUIDED BY PRINCIPLES SET FORTH BY THE NATIONAL WEATHER SERVICE AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# SCHOOL FACILITIES CG05.4

Safety

The Board shall adopt a plan for immediate and long-term strategies to address school safety and discipline, which shall be reviewed annually and revised, as needed. This plan shall utilize information gathered from the NKCES assessment of school safety and student discipline required by law and shall include the NKCES code of acceptable behavior and discipline and a description of instructional placement options for threatening or violent students. The committee that develops the plan for consideration shall include at least one (1) representative from each school in the NKCES, as well as representatives from the community as required by law.

The plan shall identify measures to be taken in protecting students, staff, visitors, and property. Areas addressed by the plan shall include, but not be limited to, the following:

1. Employment practices and employee management;
2. School facility design, maintenance, and usage;
3. Safety and security procedures, orientation and training in use and management of equipment and facilities;
4. Supervision of students;
5. Compliance with state and federal safety requirements;
6. Quarterly reports to the Board concerning implementation of the plan and its effects on NKCES students, personnel, and operations.
7. Emergency/crisis intervention;
8. Community involvement.

School Emergency Planning

The Executive Director shall adopt an emergency plan for NKCES that shall include procedures to be followed in cases of fire, severe weather, earthquake or a building lockdown as defined in KRS 158.164. A copy of the emergency plan, including a diagram of the facilities shall be given to first responders, including local fire, police, and emergency medical personnel.

Following the end of each school year, the Executive Director and first responders shall review the emergency plan and revise it as needed.

The school emergency plan shall address staff responsibilities for safely evacuating students needing special assistance during safety drills and actual emergency situations, including students with disabilities and those with 504 plans. The Executive Director shall discuss the emergency plan with all NKCES staff prior to the first instructional day annually and shall document the date and time.

Whenever possible, first responders shall be invited to observe emergency response drills.

In addition, the Executive Director shall:

1. Establish and post primary and secondary evacuation routes in each room by any doorway used for evacuation;

# SCHOOL FACILITIES CG05.4

#  (Continued)

Safety

School Emergency Planning (continued)

1. Identify the best available severe weather safe zones, in consultation with local and state safety officials and informed by guiding principles set forth by the National Weather Service and the Federal Emergency Management Agency, and post the location of the safe zones in each room;
2. Develop school procedures to follow during an earthquake; and
3. Develop and adhere to practices to control access to the school.

No later than November 1 of each school year, the Executive Director shall send verification to the Kentucky Department of Education that all schools are in compliance with school emergency planning requirements.

Precautions

Precautions will be taken for the safety of the students, employees, and visitors.

Reporting Hazards

Each employee observing a potential safety or security hazard shall report such hazard in writing to his/her immediate supervisor who shall cause the situation to be remedied or reported to the proper authority for remedy.

Communication System

The Executive Director shall establish a process for a two-way communication system for employees to notify the Principal, supervisor or other administrator of an existing emergency. The process may include, but is not limited to, use of intercoms, telephones, and two-way radios.

References:

KRS 158.148; KRS 158.162; KRS 158.164; KRS 158.445

KRS 160.290; KRS 160.445

KRS 311.667; KRS 411.148

Related Policies:

03.14; 03.24; 05.41; 05.411; 05.42; 05.45; 05.47

09.22; 09.221; 09.4 (entire section)

LEGAL: SB 39 REQUIRES THE BEST AVAILABLE SEVERE WEATHER SAFE ZONES TO BE DETERMINED IN CONSULTATION WITH STATE AND LOCAL SAFETY OFFICIALS AND GUIDED BY PRINCIPLES SET FORTH BY THE NATIONAL WEATHER SERVICE AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# SCHOOL FACILITIES A05.42

Severe Weather/Tornado Drills

Procedure System

To maintain the safety and care of students and employees, a severe weather/tornado emergency procedure system shall be established to include, but not be limited to, the following components:

1. A school building disaster plan that provides for a drop procedure and safe area evacuation practices;
2. Designation of the best available safe zones for each facility, in consultation with local and state safety officials and informed by guiding principles set forth by the national Weather Service and the Federal Emergency Management Agency as part of the school emergency planning process and posted in each room of the school;
3. Protective measures to be taken before, during, and following severe weather/tornado; and
4. Training of staff and students in the system, including use of a drop procedure.

Times for Drills

Severe weather/tornado and safe area evacuation drills are to be held during the first thirty (30) instructional days of the school year and in January. Designated school primary and secondary evacuation routes are to be posted by any doorway used for evacuation.

Implementation

The Principal is responsible for implementing this policy.

References:

KRS 158.162

KRS 158.163

Related Policy:

05.4

LEGAL: THE HEALTHY, HUNGER-FREE KIDS ACT OF 2010 PUTS IN PLACE PROFESSIONAL STANDARDS FOR STATE AND LOCAL SCHOOL NUTRITION PERSONNEL. THESE GO INTO EFFECT JULY 1, 2015.

FINANCIAL IMPLICATIONS: POSSIBLE SALARY IMPLICATIONS

LEGAL: IN ADDITION, SCHOOL NUTRITION AUDITORS ADVISE THAT ALL FNS ASSISTANCE PROGRAMS MUST NOTIFY PARTICIPANTS OF THEIR RIGHT TO FILE A COMPLAINT AND HOW TO DO SO. THIS LINK AND MAILING ADDRESS SPEAK TO THOSE REQUIREMENTS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# SUPPORT SERVICES CL07.1

Food/School Nutrition Services

The Campbell County Board of Education serves as the district of record for the school operated by NKCES and, as such, provides a school nutrition program in compliance with applicable state and federal statutes and regulations. All Food Service/School Nutrition Program Directors shall meet minimum educational requirements and annual training requirements in accordance with federal and state law.

Meals

Lunchrooms shall serve meals that meet or exceed the requirements specified by state and federal regulations.

Discrimination Complaints

NKCES does not discriminate on the basis of race, color, national origin, sex, age, or disability in its school nutrition program.

Anyone wishing to initiate a complaint concerning discrimination in the delivery of benefits or services in the District’s school nutrition program should go to the link below or mail a written complaint to the U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington D.C. 20250-9410, or email, program.intake@usda.gov.

http://www.ascr.usda.gov/complaint\_filing\_cust.html

Campbell County staff shall assist parents/guardians and students wishing to file a complaint.

Special Dietary Needs

Students whose dietary needs qualify them for an adaptation under law shall be provided accommodations in keeping with local procedures.

References:

KRS 156.160; KRS 158.852; KRS 158.856

KRS 160.290

702 KAR 6:010; 702 KAR 6:050

702 KAR 6:075; 702 KAR 6:090

7 C.F.R. §210.23, 7 C.F.R. §210.30; FNS Instruction 113

RECOMMENDED: THIS LANGUAGE IS BEING MOVED TO THE BOARD WELLNESS POLICY 09.2 SO THAT IT IS EASIER TO LOCATE WHEN FOOD SERVICE AUDITS TAKE PLACE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# SUPPORT SERVICES AZ07.111

Competitive Foods

Minimal Nutritional Value

The sale of competitive foods and beverages to students during the school day shall be in compliance with current federal and state regulations.

Definitions

“Competitive Food” shall mean all food and beverages sold to students on the school campus during the school day, other than those meals reimbursable under the programs authorized by the National School Lunch Act and the Child Nutrition Act.

"School-day" means the period of time from midnight before to thirty (30) minutes after the end of the official school day.

“School Campus” shall mean all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

"School-day-approved beverage" means water, one hundred percent (100%) fruit/vegetable juice, low-fat milk (unflavored), non-fat milk (unflavored or flavored) and nutritionally equivalent milk alternatives.

Nutritional Standards

No school may sell competitive foods or beverages, whether from vending machines, school stores or canteens, classrooms, teacher or parent groups that fail to conform with nutritional standards specified by federal and state regulations, from midnight before until thirty (30) minutes after the end of the school day.

No foods or beverages may be sold during the school day outside of the National School Lunch program. At minimum, food and beverages sold during the school day shall comply with nutritional standards specified by Kentucky Administrative Regulation, unless NKCES requests, and is granted, an annual waiver from the Kentucky Board of Education (KBE).

Fund-raising activities held off of the school campus and not during the school day are not subject to regulatory requirements of 702 KAR 6:090 or federal competitive food limitations.

References:

7 C.F.R. 210.11b; 7 C.F.R. 220.12

KRS 156.160; KRS 158.850; KRS 158.854; 702 KAR 6:090

U. S. Dept. of Agriculture's *Dietary Guidelines for Americans*

Related Policies:

07.12; 09.2

LEGAL: THE FEDERAL COMMUNICATIONS COMMISSION (FCC) ISSUED “E-RATE MODERNIZATION ORDERS” AND MADE REGULATORY CHANGES INCREASING THE RETENTION REQUIREMENTS FOR E-RATE DOCUMENTS RELATED TO THE APPLICATION FOR, RECEIPT, AND DELIVERY OF SUPPORTED SERVICES FROM FIVE (5) YEARS TO TEN (10) YEARS EFFECTIVE JULY 1, 2015.

FINANCIAL IMPLICATIONS: ADDITIONAL RECORDS STORAGE COSTS; NOTE TO DISTRICT: THERE MAY BE POTENTIAL FUNDING IMPLICATIONS AS SUPPORTS FOR E-RATE SERVICES ARE PHASED OUT.

# CURRICULUM AND INSTRUCTION DA08.2323

Access to Electronic Media

(Acceptable Use Policy)

NKCES supports reasonable access to various information technology formats for staff and students and believes it is incumbent upon users to utilize this privilege in an appropriate and responsible manner as required by this policy and related procedures, which apply to all parties who use District technology.

Safety Procedures and Guidelines

The Executive Director/designee shall develop and implement appropriate procedures to provide guidance for access to electronic media. Guidelines shall address supervision of student computer use, ethical use of electronic media (including, but not limited to, the Internet, e-mail, and other NKCES technological resources), and issues of privacy versus administrative review of electronic files and communications. In addition, guidelines shall prohibit utilization of networks for prohibited or illegal activities, the intentional spreading of embedded messages, or the use of other programs with the potential of damaging or destroying programs or data.

Internet safety measures, which shall apply to all District-owned devices with Internet access or personal devices that are permitted to access the District’s network, shall be implemented that effectively address the following:

* Controlling access by minors to inappropriate matter on the Internet and World Wide Web;
* Safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
* Preventing unauthorized access, including “hacking’ and other unlawful activities by minors online;
* Unauthorized disclosure, use and dissemination of personal information regarding minors; and
* Restricting minor’s access to materials harmful to them.
* Specific expectations for appropriate Internet use shall be communicated through appropriate orientation for staff and students.

A technology protection measure may be disabled by the Executive Director’s designee during use by an adult to enable access for bona fide research or other lawful purpose.

Permission/Agreement Form

A written parental request shall be required prior to a student being granted independent access to electronic media involving NKCES technological resources.

The required permission/agreement form, which shall specify acceptable uses, rules of on‑line behavior, access privileges, and penalties for policy/procedural violations, must be signed by the parent or legal guardian of minor students (those under 18 years of age) and also by the student. This document shall be kept on file as a legal, binding document. In order to modify or rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the Executive Director /designee with a written request.

# CURRICULUM AND INSTRUCTION DA08.2323

#  (Continued)

Access to Electronic Media

Employee Use

Employees are encouraged to use electronic mail and other NKCES technology resources to promote student learning and for purposes directly related to work-related activities.

Employees shall not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. (Authorization is not required each time the electronic media is accessed in performance of one’s duties.) Each employee is responsible for the security of his/her own password.

Technology-based materials, activities and communication tools used with students shall be appropriate for and within the range of the knowledge, understanding, age and maturity of students with whom they are used.

Employees and activity sponsors may set up blogs and other social networking accounts using NKCES resources and following any NKCES guidelines to promote communications with students, parents, and the community concerning school-related activities and for the purpose of supplementing classroom instruction.

Networking, communication and other options offering instructional benefits may be used for the purpose of supplementing classroom instruction and to promote communications with students and parents concerning school-related activities.

In order for NKCES employees and activity sponsors to utilize a social networking site for instructional, administrative or other work-related communication purposes, they shall comply with the following:

1. They shall request prior permission from Executive Director/designee.
2. If permission is granted, staff members will set up the site following any District guidelines developed by the Executive Director’s designee.
3. Guidelines may specify whether access to the site must be given to school technology staff.
4. If written parental consent is not otherwise granted through AUP forms provided by the school, staff shall notify parents of the site and obtain written permission for students to become “friends” prior to the students being granted access. This permission shall be kept on file at the school as determined by the Executive Director’s designee.
5. Once the site has been created, the sponsoring staff member is responsible for the following:
	1. Monitoring and managing the site to promote safe and acceptable use; and
	2. Observing confidentiality restrictions concerning release of student information under state and federal law.

Staff members are discouraged from creating personal social networking sites to which they invite students to be friends. Employees taking such action do so at their own risk.

# CURRICULUM AND INSTRUCTION DA08.2323

#  (Continued)

Access to Electronic Media

Employee Use (continued)

All employees shall be subject to disciplinary action if their conduct relating to use of technology or online resources violates this policy or other applicable policy, statutory or regulatory provisions governing employee conduct. The Professional Code of Ethics for Kentucky School Certified Personnel requires certified staff to protect the health, safety, and emotional well-being of students and confidentiality of student information. Conduct in violation of this Code, including, but not limited to, such conduct relating to the use of technology or online resources, must be reported to Education Professional Standards Board (EPSB) as required by law and may form the basis for disciplinary action up to and including termination.

Electronic Materials

Employees and students shall use electronic materials only in accordance with the license agreement under which the electronic materials were purchased or otherwise procured. Electronic materials are defined as computer software, databases, video tapes, compact and laser disks, electronic textbooks or any other copyrighted material distributed in electronic form.

Any duplication of copyrighted electronic materials, except for backup and archival purposes, is a violation of the law, unless the license agreement explicitly grants duplication rights. The archival copy is not to be used on a second computer at the same time the original is in use. In addition, illegal copies of copyrighted software shall not be used on NKCES equipment.

Technology staff shall inform all employees of their compliance responsibilities concerning electronic materials licensing agreements and of the penalties for violating these agreements. NKCES employees that supervise students using NKCES technology equipment shall inform students accordingly.

The Executive Director/designee shall sign all software license agreements, and those agreements shall be kept on file along with original disks or documentation.

Disregard of Rules

Individuals who refuse to sign required acceptable use documents or who violate NKCES rules governing the use of NKCES technology shall be subject to loss or restriction of the privilege of using equipment, software, information access systems, or other computing and telecommunications technologies.

Employees and students shall be subject to appropriate disciplinary action for violating this policy and acceptable use rules and regulations established by NKCES.

Responsibility for Damages

Individuals shall reimburse NKCES for repair or replacement of NKCES property lost, stolen, damaged, or vandalized while under their care. Students or staff members who deface a NKCES web site or otherwise make unauthorized changes to a web site shall be subject to appropriate disciplinary action.

Audit of Use

Users with network access shall not utilize NKCES resources to establish electronic mail accounts through third-party providers or any other nonstandard electronic mail system.

# CURRICULUM AND INSTRUCTION DA08.2323

#  (Continued)

Access to Electronic Media

Audit of Use (continued)

The Executive Director/designee shall establish a process to determine whether NKCES education technology is being used for purposes prohibited by law or for accessing sexually explicit materials. The process shall include, but not be limited to:

1. Utilizing technology that meets requirements of Kentucky Administrative Regulations and that blocks or filters internet access for both minors and adults to certain visual depictions that are obscene, child pornography, or, with respect to computers with Internet access by minors, harmful to minors;
2. Maintaining and securing a usage log; and
3. Monitoring online activities of minors.

Retention of Records for E-Rate Participants

Following initial adoption, this policy and documentation of implementation shall be retained for at least ten (10) years after the last day of service in a particular funding year.

References:

KRS 156.675; KRS 365.732; KRS 365.734

701 KAR 5:120

[16 KAR 1:020](/documentmanager.asp?requestarticle=/kar/016/001/020.htm&requesttype=kar) (Code of Ethics)

Public Law 110-385, Broadband Data Improvement Act/Protecting Children in the 21st Century Act.

Kentucky Education Technology System (KETS)

47 C.F.R. 54.516

Related Policies:

03.13214/03.23214; 03.1325/03.2325

03.17/03.27

09.14; 09.421; 09.422; 09.425; 09.426; 09.4261

10.5

LEGAL: 702 KAR 7:140 HAS BEEN REVISED ESTABLISHING THE REQUIREMENTS FOR SCHOOL DISTRICTS TO FOLLOW REGARDING SCHOOL CALENDARS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# CURRICULUM AND INSTRUCTION Z08.3

School Calendar

Development of Calendar

The Executive Director/designee shall annually develop and present to the NKCES Board for adoption a school calendar for the upcoming school year on or before May 15 of each year. The calendar shall establish the following:

1. Days on which students are scheduled to receive instruction at school within designated start and dismissal times (student attendance days) and the length of each student attendance day in accordance with KRS 158.060,
2. A minimum school term of not less than one hundred eight-five (185) days composed of student attendance days, teacher professional days, and holidays,
3. A student instructional year of at least one thousand sixty-two (1062) hours of instructional time or not less than one-hundred seventy (170) student attendance days,
4. Instructional time required for kindergarten per KRS 157.320,
5. Any instructional time to be banked to make up for full days that may be missed due to an emergency,
6. Days in addition to the student instructional year for the make-up of instructional time missed due to emergency equal to the greatest number of days missed system-wide over the preceding five (5) school years, and
7. Days on which schools shall be dismissed.

Additional Requirements

A testing window in accordance with KRS 158.6453 to accommodate state-mandated assessments shall also be included.

NKCES may schedule days for breaks in the calendar that shall not be counted as part of the minimum student instructional year.

School shall be closed on the Tuesday after the first Monday in November in Presidential election years.

School shall be closed on the day of a regular or primary election, and those days may be used for professional development activities, professional meetings, or parent-teacher conferences.

Amending the Calendar

The NKCES Board may amend the school calendar after it is adopted due to an emergency. The NKCES Board may lengthen or shorten any remaining student attendance days by thirty (30) minutes or more, as necessary provided it meets at minimum, a student instructional year as defined in statute. No student attendance day may contain more than seven (7) hours of instructional time unless the District submits and receives approval from the Commissioner of Education for an innovative alternative calendar.

# CURRICULUM AND INSTRUCTION Z08.3

#  (Continued)

School Calendar

Emergency Waivers

Emergency day waivers may be requested if the District has missed more than twenty (20) regular student attendance days and demonstrates that an extreme hardship will result if not granted the waiver. Board requests for District-wide emergency day waivers shall be submitted to the Commissioner.

References:

702 KAR 7:130; 702 KAR 7:140

KRS 2.190; KRS 118.035

KRS 157.320; KRS 157.360

KRS 158.070; KRS 158.6453

LEGAL: 702 KAR 7:140 HAS BEEN REVISED TO REQUIRE UP-TO-DATE MASTER (BELL) SCHEDULES FOR EACH SCHOOL IN THE DISTRICT TO BE ON FILE IN THE CENTRAL OFFICE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# CURRICULUM AND INSTRUCTION E08.31

Student Attendance Day

Student Attendance Day

The length of the student attendance day designated by NKCES shall provide students with no less than the minimum number of student attendance days/hours required by law. NKCES may request approval of an alternative school calendar based on procedures set out in Kentucky Administrative Regulation.

Exceptions

Students with disabilities and students attending primary school may attend less than six (6) hours per day under programs approved by the Board and the Commissioner of Education.1

Master Schedule

An up-to-date master (bell) schedule shall be on file in each school and up-to-date master (bell) schedules for each school shall be on file in the NKCES office.

References:

1KRS 158.060

 KRS 157.320

 KRS 157.360

 KRS 158.030; KRS 158.070

 702 KAR 7:125

 702 KAR 7:140

LEGAL: CHANGES TO 7 C.F.R. PARTS 210 AND 220 REQUIRE DISTRICT WELLNESS POLICIES TO INCLUDE SPECIFIC REPORTING OF PROGRESS TO BE DONE ANNUALLY AND ASSESSMENTS TO BE DONE EVERY THREE (3) YEARS. ALSO, EACH SCHOOL WILL DEVELOP A WELLNESS PLAN.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

RECOMMENDED: ADDED LANGUAGE WILL AID USERS IN FINDING OTHER POLICY LANGUAGE RELATED TO WELLNESS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS AX09.2

Student Welfare and Wellness

The health and safety of pupils shall be a priority consideration in all NKCES decisions.

NKCES is committed to providing a school environment that promotes and protects student health, well-being, and ability to learn by supporting healthy eating and physical activity. To this end, NKCES supports school efforts to implement the following:

* To the maximum extent practicable, the school will participate in available federal school meal programs.
* The school will provide and promote nutrition education and physical education to foster lifelong habits of healthy eating and physical activity and will establish linkages between health education, school meal programs, and related community services.

Nutrition Promotion and Education, Physical Activity, and Other School-Based Activities

The school is to set measurable goals in providing nutrition education and engaging in nutrition promotion to positively influence lifelong eating behaviors. Suggested language may include goals related to activities and opportunities:

* offered as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
* offered as part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects;
* that, to the extent possible, include enjoyable, developmentally-appropriate, culturally-relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens;
* that promote fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
* that emphasize caloric balance between food intake and energy expenditure (physical activity/exercise);

# STUDENTS AX09.2

#  (Continued)

Student Welfare and Wellness

Nutrition Promotion and Education, Physical Activity, and Other School-Based Activities (continued)

* that provide all students with opportunities, support, and encouragement to be physically active on a regular basis as provided by school/council policy. Schools with K-5 organization, or any configuration thereof, shall include in their wellness policy, moderate to vigorous physical activity each day in accordance with KRS 160.345;
* that teach media literacy with an emphasis on food marketing; and
* that include training for teachers and other staff.

Nutrition Guidelines for all Foods

The school is to follow minimum federal and state nutrition standards. Below is suggested language for NKCES to choose from to reach District specific desired outcomes:

* Foods and beverages sold during the school day shall be done in accordance with state and federal regulations and Board Policies 07.111 and 07.12.
* Foods and beverages sold or served at school shall be consistent with the federal regulations for school meal nutrition standards. Nutrition guidelines for all foods and beverages served or sold on campus shall be maintained by the Executive Director/designee and made available upon request. The Executive Director shall designate an individual or individuals to monitor compliance of beverages and food sold ala carte with state and federal nutrition requirements.
* Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.
* When possible, rewards given to students shall be other than food/beverage items. When food/beverage items are used as rewards, such items shall comply with nutritional guidelines set out in Kentucky Administrative Regulation.

Wellness Plans

After reviewing guidelines set out in NKCES Policy 09.2, the school shall develop a Wellness Plan detailing how those guidelines shall be incorporated.

# STUDENTS AX09.2

#  (Continued)

Student Welfare and Wellness

Evaluation and Enforcement

**Leadership:**

The Executive Director/designee will monitor compliance with this and related policies. At the school level, the Executive Director/designee will monitor compliance with those policies in his/her school and will report on the school's compliance as directed by the Superintendent/designee.

The NKCES shall form a Wellness Committee and actively seek to engage students, parents, physical and/or health education teachers, school food service professionals,school health professionals, school board members, school administrators, and other interested community members in developing, implementing, monitoring, and reviewing this policy.

**Annual Progress Report:**

The NKCES shall inform and update the public annually on the content and progress of implementation of its school wellness efforts. The report shall include:

1. The NKCES website and/or other information on how the public can access copies of school and NKCES Wellness Policies;
2. A summary of the school’s wellness events and/or activities;
3. A description of the school’s progress in meeting the school wellness goals;
4. Contact information for the leader(s) of the Wellness Committee; and
5. Information on how individuals can get involved.

Assessment

The NKCES shall measure and make available to the public once every three (3) years at a minimum, the content and progress of implementation of its school wellness efforts. The report shall include:

1. Extent to which the NKCES is in compliance with this policy;
2. A comparison of how the NKCES measures up to model wellness policies provided by recognized state and national authorities; and
3. A description of the measurable progress made towards reaching goals of the NKCES Wellness Policy and addressing any gaps identified in the wellness report for the previous year.

Reference:

KRS 158.850; KRS 158.854

702 KAR 6:090

P. L. 111-296

7 C.F.R. Part 210

7 C.F.R. Part 220

U. S. Dept. of Agriculture’s Dietary Guidelines for Americans

Related Policies:

02.4241, 07.1, 07.111, 07.12

LEGAL: REVISIONS TO 702 KAR 1:160 REQUIRE A BOARD TO MAINTAIN PROOF THAT ALL UNLICENSED SCHOOL PERSONNEL WHO HAVE ACCEPTED DELEGATION TO PERFORM MEDICATION ADMINISTRATION HAVE BEEN TRAINED AS ALLOWED BY KRS 158.838.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS O09.22

Student Health and Safety

Priority

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

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

Health Services to be Provided

NKCES collaborates with the Campbell County Board of Education to provide required health services.

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

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

If the delegation involves administration of medication, NKCES will maintain proof that the employee has completed the required training provided by the Kentucky Department of Education (KDE) or as allowed under KRS 158.838.

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

Safety Procedures

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

Suicide Prevention

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

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

# STUDENTS O09.22

#  (Continued)

Student Health and Safety

References:

1KRS 156.501; KRS 156.502; 702 KAR 1:160

2KRS 156.095

3KRS 158.070

 KRS 156.160

 KRS 158.836; KRS 158.838

 702 KAR 5:030

Related Policy:

09.2241

LEGAL: REVISIONS TO 702 KAR 1:160 REQUIRE THAT WHEN ENROLLED STUDENTS, FOR WHOM DOCUMENTATION UNDER KRS 158.838 (2) OR (7) HAS BEEN PROVIDED TO THE SCHOOL, ARE PRESENT DURING SCHOOL HOURS OR AS PARTICIPANTS IN SCHOOL-RELATED ACTIVITIES, A SCHOOL EMPLOYEE WHO HAS BEEN APPROPRIATELY TRAINED TO ADMINISTER OR ASSIST WITH THE SELF-ADMINISTRATION OF GLUCAGON, INSULIN, OR SEIZURE RESCUE MEDICATIONS SHALL BE PRESENT.

FINANCIAL IMPLICATIONS: POSSIBLE ADDITIONAL STAFFING

# STUDENTS AS09.224

Emergency Medical Treatment

First Aid to be Provided

First aid shall be provided to all pupils in case of an accident or sudden illness until the services of a health care professional become available.

First-Aid Room

A first-aid area with appropriate equipment, supplies and provisions for the child to recline shall be designated in each school. At least two (2) adult employees in each school, at least one (1) of whom shall be present at the school at all times during school hours, shall have completed and been certified in a standard first aid course that includes CPR for infants and children.

The District shall have employees trained in accordance with the law to administer or help administer emergency medications.

When enrolled students, for whom documentation under KRS 158.838 has been provided to the school, are present during school hours or as participants in school-related activities, a school employee who has been appropriately trained to administer or assist with the self-administration of glucagon, insulin, or seizure rescue medications shall be present.

Information Needed

A number at which parents can be reached and the name of the family physician shall be maintained at each school for all its pupils.1 Parents will be notified in the event of an accident.

Emergency Procedures

The Principal shall develop a procedure for handling medical emergencies.

When an emergency arises and the student's parent/guardian or designee cannot be reached in a timely manner, the school will take action necessary to maintain the student's health, such as calling emergency medical personnel or taking the student to a health care facility. In such instances, school personnel shall notify health professionals of any medications that they are aware the student is taking.

References:

1702 KAR 1:160

 KRS 156.160

 KRS 156.502

 KRS 158.838

Related Policies:

09.22

09.2241

LEGAL: REVISIONS TO 702 KAR 1:160 CLEAN UP LANGUAGE REGARDING TRAINING FOR ADMINISTRATION OF DIABETES MEDICATION. THEREFORE, THE QUALIFYING STATEMENT ABOUT ADMINISTRATION GUIDELINES MAY BE REMOVED.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS BC09.2241

Student Medication

School personnel authorized to give medications must be trained in accordance with KRS 158.838, KRS 156.502 and 702 KAR 1:160.

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

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

Self-Administration

A student may be permitted to carry medication that has been prescribed or ordered by a health care practitioner to stay on or with the pupil due to a pressing medical need.

Provided the parent/guardian and health care practitioner files a completed authorization form each year as required by law, a student under treatment for asthma, diabetes, or at risk of having anaphylaxis shall be permitted to self-administer medication.2

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

Students with serious allergies or other serious health conditions may be permitted to self-administer medication as provided in an individualized education program, Section 504 Plan or Health Plan.

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

References:

1OAG 73‑768

2KRS 158.834; KRS 158.838

3KRS 158.836

 KRS 156.502; KRS 158.832

 702 KAR 1:160

 Americans with Disabilities Act

 Section 504 of the Rehabilitation Act of 1973

 OAG 77‑530

 OAG 83‑115

Related Policies:

09.22, 09.224

LEGAL: SB 119 REVISED KRS 156.095 TO NOW REQUIRE BOARDS TO SELECT A CHILD ABUSE TRAINING PROGRAM FROM A LIST MAINTAINED BY KDE. ALL CURRENT ADMINISTRATORS, CERTIFIED PERSONNEL, OFFICE STAFF, INSTRUCTIONAL ASSISTANTS, COACHES AND EXTRACURRICULAR SPONSORS ARE TO COMPLETE THIS TRAINING BY JANUARY 31, 2017. NEW EMPLOYEES IN THE POSITIONS LISTED ABOVE HIRED AFTER JANUARY 31, 2017, SHALL HAVE 90 DAYS TO COMPLETE THE TRAINING. TRAINING SHALL BE GIVEN EVERY 2 YEARS AFTER JANUARY 31, 2017.

FINANCIAL IMPLICATIONS: POSSIBLE INCREASE IN COST OF SUBSTITUTES AND INCREASED RECORDKEEPING

RECOMMENDED: LANGUAGE ADDRESSING THE INTERVIEWING OF ALLEGED VICTIMS OF CHILD ABUSE AT SCHOOL IS REPEATED FROM DISTRICT POLICY 09.4361/POLICE OFFICERS IN THE SCHOOL. THIS SHOULD MAKE IT EASIER FOR USERS TO FIND.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS J09.227

Child Abuse

Report Required

Any teacher, school administrator, or other school personnel who knows or has reasonable cause to believe that a child under age eighteen (18) is dependent, abused or neglected1 shall immediately make a report to a local law enforcement agency or the Kentucky State Police, the Cabinet for Families and Children or its designated representative, the Commonwealth's Attorney or the County Attorney in accordance with KRS 620.030.2

After making the report, the employee shall notify the Principal of the suspected abuse, who then shall also promptly make a report to the proper authorities for investigation. If the Principal is suspected of child abuse, the employee shall notify the Executive Director/designee who shall also promptly report to the proper authorities for investigation.

Only agencies designated by law are authorized to conduct an investigation of a report of alleged child abuse. Therefore, NKCES shall not first investigate a claim before an employee makes a report to the proper authorities. However, in certain situations, reports involving claims made under state and federal laws, such as Title IX, shall require NKCES, after making the required report, to conduct an independent investigation of the allegations in order to determine appropriate personnel action.

Written Report

The person reporting shall, if requested, in addition to the report required above, file with the local law enforcement agency or the Kentucky State Police or the Commonwealth's or County's Attorney or the Cabinet for Families and Children or its designated representative within forty‑eight (48) hours of the original report a written report containing specific information regarding the child, the child's parents or guardians, and the person allegedly responsible for the abuse or neglect.

Written Records

Copies of reports kept by NKCES that are submitted to authorities in compliance with the child abuse law are educational records and subject to inspection by the parents of the alleged victim of child abuse. Whether the records are considered "internal records", and not maintained with the students' "permanent records", is immaterial if such records are directly related to students and are maintained by the school or NKCES.

# STUDENTS J09.227

#  (Continued)

Child Abuse

Interviews

If the student is an alleged victim of abuse or neglect, school officials shall follow directions provided by the investigating officer or Cabinet for Families and Children representative as to whether to contact a parent. 3

**Required Training**

Co-op may not have all of these positions.

All current school administrators, certified personnel, office staff, instructional assistants, coaches, and extracurricular sponsors shall complete NKCES selected training on child abuse and neglect prevention, recognition, and reporting by January 31, 2017, and every two (2) years thereafter. School administrators, certified personnel, office staff, instructional assistants, coaches, and extracurricular sponsors hired after January 31, 2017, shall complete the training within ninety (90) days of being hired, and every two (2) years thereafter.

References:

1KRS 600.020 (1)(15)

2KRS 620.030; KRS 620.040

3OAG 85‑134; OAG 92‑138

 KRS 17.160; KRS 17.165; KRS 17.545; KRS 17.580;

 KRS 156.095; KRS 199.990

 KRS 209.020; KRS 620.050

 OAG 77‑407; OAG 77‑506; OAG 80‑50; OAG 85‑134

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

 Regulations Implementing Title IX

Related Policies:

09.42811; 09.4361; 10.5

RECOMMENDED: THIS CHANGE IS TO CLARIFY THAT TAKING PICTURES, VIDEO, OR AUDIO RECORDINGS OF OTHERS MAY RESULT IN VIOLATION OF CONFIDENTIALITY AND PRIVACY AND MAY BE PROHIBITED. THIS POLICY LANGUAGE SHOULD BE CHECKED FOR CONSISTENCY WITH THE STUDENT DISCIPLINE CODE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS X09.4261

Telecommunication Devices

Possession and Use

While on school property or while attending school-sponsored or school-related activities, whether on or off school property, students shall be permitted to possess and use personal telecommunications devices as defined by law1 and other related electronic devices, provided they observe the following conditions:

1. Devices shall not be used in a manner that disrupts the educational process, including, but not limited to, use that:
2. Poses a threat to academic integrity, such as cheating;
3. Violates confidentiality or privacy rights of another individual. This includes, but is not limited to, taking photographs, video, or audio recordings of others without the permission of the Principal/designee and the affected individual(s). An exception may be made for events considered to be in the public arena (e.g. sporting events, academic competitions, or performances to which the general public is admitted) where the activity does not materially disrupt the event, prevent others from observing the event, or otherwise violate legal rights. School social events for students, activities sponsored by student clubs, and activities during the school day that are not open to the public are not considered to be in the public arena;
4. Is profane, indecent, or obscene;
5. Constitutes or promotes illegal activity or activity in violation of school rules; or
6. Constitutes or promotes sending, sharing, or possessing sexually explicit messages, photographs, or images using any electronic device.

These restrictions shall not be interpreted to prohibit material protected under the state or federal constitutions where such material does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.

1. Unless an emergency situation exists that involves imminent physical danger or a certified employee authorizes the student to do otherwise, devices shall be turned on and operated only before and after the regular school day and during the student’s lunch break.
2. When students violate prohibitions of this policy, they shall be subject to disciplinary action, including losing the privilege of bringing the device onto school property and being reported to their parent/guardian. A violation also may result in a report being made to law enforcement. In addition, an administrator may confiscate the device, which shall only be returned to the student’s parent/guardian.
3. Students are responsible for keeping up with devices they bring to school. NKCES shall not be responsible for loss, theft, or destruction of devices brought onto school property.
4. Students shall comply with any additional rules developed by the school concerning appropriate use of telecommunication or other electronic devices.
5. Students shall not utilize a telecommunication or similar electronic device in a manner that would violate the NKCES’ Acceptable Use policy or procedures or its Code of Acceptable Behavior and Discipline.

# STUDENTS X09.4261

#  (Continued)

Telecommunication Devices

Notice of Policy

Notice of this policy and penalties for violating it shall be published annually in the Code of Acceptable Behavior and Discipline.

Reference:

1KRS 158.165

Related Policies:

08.2323; 09.426; 09.438

LEGAL: THIS LANGUAGE IS BEING REMOVED AS IT IS A LEGAL COURT STANDARD THAT IS NOT CONTROLLED BY POLICY AND THE OFFICE OF CIVIL RIGHTS’ POSITION IS THAT IT LEADS STAFF OTHER THAN ADMINISTRATORS TO BELIEVE THEY DO NOT HAVE TO ADDRESS ALLEGATIONS OF HARASSMENT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS H09.42811

Harassment/Discrimination

Definition

Harassment/Discrimination is unlawful behavior based on race, color, national origin, age, religion, sex or disability that is sufficiently severe, pervasive, or objectively offensive that it adversely affects a student's education or creates a hostile or abusive educational environment.

The provisions of this policy shall not be interpreted as applying to speech otherwise protected under the state or federal constitutions where the speech does not otherwise materially or substantially disrupt the educational process, as defined by policy 09.426, or where it does not violate provisions of policy 09.422.

Prohibition

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

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

Disciplinary Action

Students who engage in harassment/discrimination of an employee or another student on the basis of any of the areas mentioned above shall be subject to disciplinary action, including but not limited to suspension and expulsion.

Guidelines

Students who believe they or any other student, employee, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In The Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Executive Director. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.

Employees who believe prohibited behavior is occurring or has occurred shall notify the victim’s Principal, who shall immediately forward the information to the Executive Director.

The Executive Director shall provide for the following:

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

# STUDENTS H09.42811

#  (Continued)

Harassment/Discrimination

Guidelines (continued)

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

1. A process to identify and implement, within five (5) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
2. A process to be developed and implemented to communicate requirements of this policy to all students, which may include, but not be limited to, the following:
* written notice provided in publications such as handbooks, codes, and/or pamphlets; and/or
* such other measures as determined by the Executive Director/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the applicable policy/procedures for NKCES and obtain assistance in reporting and responding to alleged incidents. Students, parents or guardians, as appropriate, will be directed to sign an acknowledgement form verifying receipt of information concerning this policy as part of the approved code of acceptable behavior and discipline.

1. Age appropriate training during the first month of school to include an explanation of prohibited behavior and the necessity for prompt reporting of alleged harassment/discrimination; and
2. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

When sexual harassment is alleged, the Executive Director/designee as designated in the code shall be notified.

Notifications

Within twenty-four (24) hours of receiving a serious allegation of harassment/discrimination, NKCES personnel shall attempt to notify parents of both student victims and students who have been accused of harassment/discrimination.

In circumstances also involving suspected child abuse, additional notification shall be required by law. (See Policy 09.227.)

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

# STUDENTS H09.42811

#  (Continued)

Harassment/Discrimination

Prohibited Conduct

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

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

Confidentiality

NKCES employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of both victims and persons accused of violations.

Appeal

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

If a supervisor is an alleged party in the harassment/discrimination complaint, procedures shall also provide for addressing the complaint to a higher level of authority.

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

Retaliation Prohibited

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

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

# STUDENTS H09.42811

#  (Continued)

Harassment/Discrimination

False Complaints

Deliberately false or malicious complaints of harassment/discrimination may result in disciplinary action taken against the complainant.

Other Claims

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 09.426.

References:

1KRS 158.156

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

 Racial Incidents and Harassment Against Students at Educational Institutions;

 Investigative Guidance (U.S. Department of Education)

 U. S. Supreme Court - Franklin vs. Gwinnett County

 29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC)

 Regulations Implementing Title VII

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

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

 Regulations Implementing Title IX

 Gebser v. Lago Vista Independent School Dist., 118 S. Ct. 1989 (1998)

 Davis v. Monroe County Bd. of Educ., 119 S. Ct. 1661 (1999)

Related Policies:

03.162; 03.262

09.2211; 09.227

09.422; 09.426; 09.438

RECOMMENDED: SCHOOL OFFICIALS SHALL FOLLOW DIRECTIONS PROVIDED BY THE INVESTIGATING OFFICER OR CABINET AS TO WHETHER TO CONTACT A PARENT REGARDLESS OF WHO THE ALLEGED PERPETRATOR IS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS AP09.4361

Police Officers in the School

School officials shall cooperate with law enforcement agencies in cases involving students (i.e., serving of subpoenas, juvenile petitions or warrants, or taking students into custody.) As soon as possible, officials shall endeavor to notify the parents of students who are arrested.1

When students are arrested at school, the Principal/designee shall make a written record of the identity of the officer making the arrest, the nature of the offense charged, the name of the issuing authority of any arrest warrant, and the place of custody.

Crimes Off School Property

In the interest of the student's welfare, the following requirements shall be followed when police officers ask to question or remove a student from the school whom they suspect of committing a crime off school property:

1. Parents/guardians shall be notified by school officials as soon as possible.
2. If the parent(s) come to the school or consent to permit the officer(s) to interview the student, a private place for the interview shall be provided.
3. If the parent(s) cannot come to the school and do not consent to the interview, the police should be advised to either bring a warrant, court order, or juvenile petition or arrange to interview the student off the school grounds.
4. If the student is an alleged victim of abuse or neglect, school officials shall follow directions provided by the investigating officer or Cabinet for Families and Children representative as to whether to contact a parent .2

Crimes On School Property

Except in cases of emergencies involving threats to health and safety as determined by the Executive Director, when NKCES calls law enforcement officials to question students concerning crimes committed on school property, the Principal shall make an effort to notify their parent(s).

References:

1OAG 76-129

2OAG 85‑134, OAG 92‑138

Related Policies:

09.1231; 09.227

RECOMMENDED: THIS CHANGE IS SUGGESTED BY KSBA LEGAL STAFF TO HELP ADDRESS PRIVACY AND DISRUPTION CONCERNS ARISING FROM INCREASING REQUESTS FROM OUTSIDE ENTITIES WISHING TO OBSERVE STUDENTS IN A CLASSROOM SETTING.

IN ADDITION THIS CHANGE IS TO CLARIFY THAT TAKING PICTURES, VIDEO, OR AUDIO RECORDINGS OF OTHERS WITHOUT PERMISSION MAY RESULT IN VIOLATION OF CONFIDENTIALITY AND PRIVACY AND MAY BE PROHIBITED.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# COMMUNITY RELATIONS DR10.5

Visitors to the School

NKCES encourages parents, professional educators, and others who have legitimate educational interests pertaining to the NKCES public school program to visit the school. To ensure that school personnel are aware of visitors’ presence, visits to classrooms shall be scheduled in advance unless authorized by the Principal/designee and all visitors must report immediately to the Principal’s office upon entering the school and identify themselves, as well as declare their purposes for visiting.

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 the school, except with the advance written permission of the Principal or the Executive Director 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:
2. A sex crime; or
3. A criminal offense against a victim who is a minor; or
4. Any person required to register under KRS 17.510; or
5. Any sexually violent predator; or
6. Any person whose sexual offense has been diverted pursuant to KRS 533.250, until the diversionary period is successfully completed.

A registrant who is the parent/legal guardian, or the person designated by the parent/legal guardian to have access to a student, must request and receive prior 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.

# COMMUNITY RELATIONS DR10.5

#  (Continued)

Visitors to the School

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 Executive Director/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 Executive Director concerning requests from registrants, and the Executive Director may seek further advice from the legal counsel.

For all other reasons and for all individuals making a request other than parent/legal guardian/designee, the Principal shall consult with the Executive Director before making a final determination.

Conduct/Prohibition on Recording

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

Due to privacy concerns, and except for emergency situations, personally owned recording devices are not to be used to create video or audio recordings or to take pictures except with prior permission from the Principal/designee and the affected individual(s).

An exception may be made for events considered to be in the public arena (e.g. sporting events, academic competitions, or performances to which the general public is admitted) where the activity does not materially disrupt the event, prevent others from observing the event, or otherwise violate legal rights. School social events for students, activities sponsored by student clubs, and activities during the school day that are not open to the public are not considered to be in the public arena.

Such devices include, but are not limited to, personal cell phones and tablets.

# COMMUNITY RELATIONS DR10.5

#  (Continued)

Visitors to the School

Accommodation

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

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

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

Use of Tobacco Prohibited

For its facilities, NKCES adheres to the statewide no smoking policy for all public buildings. As such, the Executive Director shall designate a smoking area for adults.

In keeping with federal law, smoking is prohibited in any building owned or operated by NKCES where children meet on a routine or regular basis.

References:

KRS 17.545; KRS 17.500; KRS 17.510

KRS 160.380; KRS 211.394, KRS 211.395; KRS 600.020; OAG 91-13

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; 09.426