

LEGAL REVISIONS TO 702 KAR 1:160 REQUIRE INDIVIDUALS IDENTIFIED AS HIGH RISK FOR TB TO UNDERGO EITHER A TB SKIN TEST OR A BLOOD TEST FOR MYCOBACTERIUM TUBERCULOSIS (BAMT) ALSO, MEDICAL EXAMINATIONS MAY BE REPORTED ELECTRONICALLY IF THE ELECTRONIC MEDICAL RECORD INCLUDES ALL DATA EQUIVALENT TO THAT ON THE MEDICAL EXAMINATION OF SCHOOL EMPLOYEES FORM  
FINANCIAL IMPLICATIONS NONE ANTICIPATED

## PERSONNEL

03.111

### - CERTIFIED PERSONNEL -

#### Medical Examination

##### NEWLY EMPLOYED PERSONNEL

All newly employed certified personnel, including substitute teachers, shall present documentation in the form of a medical examination performed by a designated licensed physician, physician assistant (PA), or Advanced Practice Registered Nurse or by a licensed medical practitioner of the employee's choice. Through appropriate personnel documents, such as handbooks and/or job applications, employees shall be notified as to who will pay for medical examinations required for initial employment.

Medical examinations performed within a ninety (90)-day period prior to initial employment will be accepted.

##### REPORT

The medical examination shall be reported on the form required by Kentucky Administrative Regulation or an electronic medical record that includes all of the data equivalent to that on the Medical Examination of School Employees form. A copy of the form or electronic medical record and a statement indicating the employee's medical status must be filed with the Superintendent prior to assuming assigned duties.

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##### TUBERCULOSIS SCREENING/TESTING

Each medical examination shall include a risk assessment for tuberculosis as required by Kentucky Administrative Regulation. Individuals identified by that assessment as being at high risk for TB shall be required to undergo a tuberculin skin test or a blood test for Mycobacterium tuberculosis (BAMT) as required by 702 KAR 1:160. A person who tests positive for TB shall be required to comply with the directives of the Board, local board of health and the Kentucky Department for Public Health, Cabinet for Health and Family Services, for further evaluation and treatment of the tuberculosis infection.<sup>1&2</sup>

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##### REQUIRED EXAM FOR PRESENT PERSONNEL

When, in the opinion of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties because of health problems or when the employee poses a health threat to students or other employees, the Superintendent may require the employee to provide evidence of fitness in the form of an examination and report by a physician of the Superintendent's choosing.

The Board shall bear the cost of this examination.<sup>1</sup>

##### SCHOOL TO REPORT

Local school authorities shall report immediately all known or suspected cases of communicable disease to the local health department. Diseases to be reported shall not include those considered confidential, such as HIV/AIDS, as set forth in Kentucky Administrative Regulation.<sup>2</sup>

PERSONNEL

03.111  
(CONTINUED)

**Medical Examination**

**MEDICAL CONFIDENTIALITY**

The Superintendent shall determine which employees are to have access to medical information. This determination shall be made on a need-to-know basis.

**REFERENCES:**

<sup>2</sup>702 KAR 1:160, 902 KAR 2:020; KRS 214.181; KRS 214.625  
OAG 65-560  
Genetic Information Nondiscrimination Act of 2008  
Americans with Disabilities Act

**RELATED POLICIES:**

<sup>1</sup>03.1234; 03.14; 03.24

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

03.12322

- CERTIFIED PERSONNEL -

### **Family and Medical Leave**

#### **REASONS**

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

1. For the birth and care of an employee's newborn child, or for placement of a child with the employee for adoption or foster care;
2. To care for the employee's spouse, child, or parent who has a serious health condition, as defined by federal law;
3. For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the employee's job;
4. To address a qualifying exigency (need) defined by federal regulation arising out of the covered active duty or call to active duty involving deployment to a foreign country of the employee's spouse, son, daughter, or parent who serves in a reserve component or as an active or retired member of the regular Armed Forces or Reserve in support of a contingency operation; and
5. To care for a covered 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.

#### **NOTICES AND DEADLINES**

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

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

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

**Family and Medical Leave****NOTICES AND DEADLINES (CONTINUED)**

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

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

**ELIGIBILITY**

Employees are eligible for up to twelve (12) workweeks of family and medical leave each school year, if they have been employed by the District for twelve (12) months, have worked at least 1,250 hours during the twelve (12) months preceding the start of the leave, and otherwise qualify for family and medical leave. When family and medical military caregiver leave is taken based 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 school year. In determining whether returning veterans meet the minimum 1,250 hour standard, hours actually worked for the District during the twelve-month period are to be combined with hours they would have worked for the District had they not been called for military service.

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

**RESTRICTIONS**

When an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with the twelve (12) workweek entitlement.

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

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

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

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

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

PERSONNEL

03.12322  
(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**

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

**NOTICE**

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

**REFERENCES:**

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

**RELATED POLICIES:**

03.123, 03.1232, 03.1233, 03.1234, 03.1238, 03.124

✓

RECOMMENDED: A NEW POLICY AREA HAS BEEN CREATED TO ADDRESS EMPLOYEE USE OF PERSONAL CELL PHONES AND OTHER DEVICES. THIS LANGUAGE IS RECOMMENDED TO BE MOVED TO POLICY AREA 03.13214 FOR CONSISTENCY AND UPDATING PURPOSES.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL \_\_\_\_\_ 03.13214

~~CERTIFIED PERSONNEL~~

Use of Telecommunication Devices

~~CELLULAR TELEPHONES AND PAGERS~~

~~Employees are permitted to possess cellular telephones and pagers on school premises. Employees having cellular telephones or pagers on campus shall be allowed to use them before and after school as well as during planning time or lunch breaks. Use of these items shall not be permitted during instructional time except in the case of an emergency such as, but not limited to, the health or safety of someone is threatened, the employee serves in the capacity of an active member of a volunteer fire fighting organization, or the employee serves in a volunteer emergency medical services organization.~~

~~Cellular phones should never be used by anyone who is in the process of transporting children. If an emergency arises while students are being transported, the driver must stop the vehicle before using a cellular phone.~~

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

03.13214

**- 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.

Employees are permitted to possess cellular telephones and pagers on school premises. Employees having cellular telephones or pagers on campus shall be allowed to use them before and after school as well as during planning time or lunch breaks. Use of these items shall not be permitted during instructional time except in the case of an emergency such as, but not limited to, the health or safety of someone is threatened, the employee serves in the capacity of an active member of a volunteer fire fighting organization, or the employee serves in a volunteer emergency medical services organization.

Cellular phones should never be used by anyone who is in the process of transporting children. If an emergency arises while students are being transported, the driver must stop the vehicle before using a cellular phone.



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

03.162

### **Harassment/Discrimination**

#### **DEFINITION**

Harassment/Discrimination of employees is unlawful behavior based on the race, color, national origin, age, religion, sex 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.

#### **PROHIBITIONS**

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.)

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

#### **DISCIPLINARY ACTIONS**

Persons engaging in discrimination or harassment of a student or employee in the Hardin County School System on the basis of any of the areas mentioned above shall be subject to disciplinary action including, but not limited to, termination of employment.

#### **GUIDELINES**

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

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

The Superintendent shall provide for the following:

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

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



**Harassment/Discrimination****GUIDELINES (CONTINUED)**

2. A process to identify and implement, within three (3) 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.
3. A process to be developed and implemented to communicate requirements of this policy to all staff, which may include, but not be limited to, the following:
  - written notice provided in publications such as handbooks, staff memoranda, and/or pamphlets;
  - postings in the same location as are documents that must be posted according to state/federal law; and/or
  - such other measures as determined by the Superintendent/designee.

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

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

**PROHIBITED CONDUCT**

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

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

**Harassment/Discrimination****CONFIDENTIALITY**

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

**APPEAL**

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent or Civil Rights Compliance Officer (HCS Harassment/Discrimination Complaint Procedure).

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

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

**NONRETALIATION**

No one shall retaliate against any person because s/he has submitted a grievance, assisted or participated in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

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

**OTHER CLAIMS**

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

**REFERENCES:**

KRS 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

**RELATED POLICIES:**

03.113, 03.1325, 03.16, 09.2211, 09.422, 09.42811



LEGAL. THE KENTUCKY BOARD OF EDUCATION RESCINDED 704 KAR 3.345 AND CREATED A NEW REGULATION 704 KAR 3.370 TO ESTABLISH A STATEWIDE PROFESSIONAL GROWTH AND EFFECTIVENESS SYSTEM (PGES) FOR ALL CERTIFIED PERSONNEL. THIS REVISED POLICY CONTAINS CHANGES IN CONFORMITY WITH THE NEW REGULATION. IN ADDITION, THE APRIL 25 DATE IS BEING REMOVED AS IT IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: POTENTIAL INCREASED TRAINING COSTS

PERSONNEL

03.18

-CERTIFIED PERSONNEL-

### Evaluation

#### **DEVELOPMENT OF SYSTEM**

The Superintendent shall recommend for approval ~~of~~by the Board and the Kentucky Department of Education an evaluation system, developed by an evaluation committee, for all certified employees below the level of District Superintendent, which is in compliance with and which shall be implemented consistent with applicable statute and regulation.<sup>1</sup>

#### **PURPOSES**

The ~~purpose~~ of the professional growth and effectiveness evaluation system shall be to: support and improve instruction; provide a measure of performance of all certified school personnel; accountability to citizens; foster professional growth; and to inform support individual personnel decisions.

The District may submit an alternative effectiveness evaluation system to the Kentucky Board of Education for approval.

#### REPORTING

The District shall report to KDE the percentage of principals, assistant principals and teachers in each overall performance category and the percentage of tenured teachers on each professional growth plan level.

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#### **NOTIFICATION**

The evaluation criteria and evaluation process to be used shall be explained to and discussed with certified school personnel no later than the end of the evaluatee's first thirty (30) calendar days month of reporting for employment for each the school year as provided in regulation.

#### CONFIDENTIALITY

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Evaluation data on individual classroom teachers shall not be disclosed under the Kentucky Open Records Act.

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#### **PROCESS**

The evaluation process for teachers should include a minimum of two (2) observations for nontenured teachers; a minimum of one (1) observation for tenured teachers; and other formative data collection activities culminating in the completion of the District's summative evaluation form. The individual professional growth plan is completed annually and is aligned with the school improvement and professional development plans.

#### **FREQUENCY**

Tenured teachers shall be evaluated on a three (3)-year cycle with a summative evaluation to occur a minimum of once each three (3) years. An individual growth plan shall be developed annually. Nontenured teachers shall be evaluated each year.

Formative observation data will be collected a minimum of one (1) time during the summative year for tenured teachers. Nontenured teachers shall be evaluated each year with a summative evaluation. Formative observation data will be collected two (2) or more times each year for nontenured teachers.

Data from the final report submitted for certification of an intern teacher shall be utilized to complete the District summative evaluation form and individual growth plan.

The Superintendent and administrators shall be evaluated annually.

The evaluation cycle will begin on July 1 of each year and conclude on June 30.

**Evaluation****REVIEW**

All employees shall be afforded an opportunity for a review of their evaluations. All written evaluations shall be discussed with the evaluatee, and he/she shall have the opportunity to submit ~~attach a written response statement to the evaluation instrument~~ be included in the certified employee's personnel record. Both the evaluator and evaluatee shall sign and date the evaluation instrument.

**APPEALS PROCESS**

Certified employees who believe they were unfairly evaluated can only appeal following a summative evaluation and must do so in writing to the chairperson of the evaluation appeal panel within five (5) working days of receipt of the evaluation. An appeal must be submitted to the chairperson on an appeals request form. The certified employee may review any evaluation material related to him/her. Both the evaluator and evaluatee shall be given the opportunity to review documents to be given to the hearing committee five (5) working days in advance of the hearing and may have representation of their choosing. The panel shall deliver its decision to the Superintendent within fifteen (15) working days from the date of filing the appeal, who shall take whatever action is appropriate or necessary as permitted by law. No extension of that deadline ~~beyond April 25th~~ shall be granted without written approval of the Superintendent. A certified employee who wishes to do so may appeal procedural matters to the Kentucky Board of Education after the appeal process has been completed.

**APPEALS COMMITTEE**

The Appeals Committee is composed of three (3) members, two (2) of whom are elected by the certified staff of the District and one (1) who is appointed by the Board.

**TERM**

Members will serve three (3)-year terms, with one (1) member being elected or appointed each year. Members may serve more than one (1) term.

**RESPONSIBILITY**

It will be the responsibility of the appointed member of this committee to receive requests for appeals, schedule appeals hearings, and, within fifteen (15) working days from the date of the appeal, provide results of appeals hearings to the person(s) appealing and to the Superintendent or Board. The appointed member of this committee shall implement the appeals procedure in accordance with guidelines as developed by the Kentucky State Department of Education.

**SUPERINTENDENT**

The Superintendent shall receive the committee's recommendation and shall take such action as permitted by law as s/he deems appropriate or necessary.

**REVISIONS**

The Superintendent shall submit proposed revisions to the evaluation plan to the Board for its review to ensure compliance with applicable statute and regulation. Upon adoption, all revisions to the plan shall be submitted to the Kentucky Department of Education for approval.

PERSONNEL

03.18  
(CONTINUED)

**Evaluation**

**REFERENCES:**

<sup>1</sup>KRS 156.557; 704 KAR 3.370-704 KAR-3.345  
703 KAR 5.225

OAG 92-135, *Thompson v. Board of Educ.*, Ky., 838 S.W.2d 390 (1992)

**RELATED POLICIES:**

02.14; 03.15; 03.16



LEGAL REVISIONS TO 702 KAR 1:160 REQUIRE INDIVIDUALS IDENTIFIED AS HIGH RISK FOR TB TO UNDERGO EITHER A TB SKIN TEST OR A BLOOD TEST FOR MYCOBACTERIUM TUBERCULOSIS (BAMT) ALSO, MEDICAL EXAMINATIONS MAY BE REPORTED ELECTRONICALLY IF THE ELECTRONIC MEDICAL RECORD INCLUDES ALL DATA EQUIVALENT TO THAT ON THE MEDICAL EXAMINATION OF SCHOOL EMPLOYEES FORM  
FINANCIAL IMPLICATIONS NONE ANTICIPATED

## PERSONNEL

03.211

### - CLASSIFIED PERSONNEL -

#### Medical Examination

##### **BUS DRIVERS**

As a condition of employment, each school bus driver, including substitute drivers, shall pass a medical examination on initial employment and each year thereafter in accordance with KAR 5:080.

Bus drivers will be reimbursed an amount designated by the Board for the cost of the medical examination, or bus drivers may choose to receive an exam through a Board-authorized contract with a local medical practitioner or agency.

Before being allowed to drive a bus, the driver must be free of any medical condition which could endanger the health or safety of students in the performance of duties.

##### **OTHER NEWLY EMPLOYED CLASSIFIED PERSONNEL**

As a condition of initial employment, all classified employees (except bus drivers), including substitute employees, shall pass a medical examination as indicated in 702 KAR 1:160. The examination shall be provided by a Board-contracted licensed physician, physician assistant (PA), or Advanced Practice Registered Nurse. If the employee elects to be examined by a private practitioner, the cost of the examination shall be borne by the employee.<sup>1</sup>

##### **REPORT REQUIREMENTS**

Unless a new employee is hired after the beginning of the school year, examinations shall be conducted prior to August 1 of the school year in which the person is employed.

Medical examinations performed within a ninety (90)-day period prior to initial employment will be accepted.

The medical examination shall be reported on the form required by Kentucky Administrative Regulation or an electronic medical record that includes all of the data equivalent to that on the Medical Examination of School Employees form. A copy of the form or electronic medical record and a statement indicating the employee's medical status must be filed with the Superintendent prior to assuming assigned duties.

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##### **TUBERCULOSIS SCREENING/TESTING**

Each medical examination shall include a risk assessment for tuberculosis as required by Kentucky Administrative Regulation. Individuals identified by that assessment as being at high risk for TB shall be required to undergo a tuberculin skin test or a blood test for Mycobacterium tuberculosis (BAMT) as required by 702 KAR 1:160. A person who tests positive for TB shall be required to comply with the directives of the Board, local board of health and the Kentucky Department for Public Health, Cabinet for Health and Family Services, for further evaluation and treatment of the tuberculosis infection.<sup>1, 2 & 3</sup>

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**Medical Examination****REQUIRED EXAMINATION FOR PRESENT PERSONNEL**

When, in the opinion of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties because of health problems or when the employee poses a health threat to students or other employees, the Superintendent may require the employee to provide evidence of fitness in the form of an examination and report by a physician of the Superintendent's choosing. The Board shall bear the cost of this examination.<sup>1</sup>

**SCHOOL TO REPORT**

Local school authorities shall report immediately all known or suspected cases of communicable disease to the local health department. Diseases to be reported shall not include those considered confidential, such as HIV/AIDS, as set forth in Kentucky Administrative Regulation.<sup>2</sup>

**MEDICAL CONFIDENTIALITY**

The Superintendent shall determine which employees are to have access to medical information. This determination shall be made on a need-to-know basis.

**REFERENCES:**

<sup>1</sup>KRS 161.145; 702 KAR 5:080

<sup>2</sup>702 KAR 1:160, 902 KAR 2:020; KRS 214.181; KRS 214.625

OAG 91-1; ~~OAG 92-131~~

Genetic Information Nondiscrimination Act of 2008  
Americans with Disabilities Act

**RELATED POLICIES:**

<sup>3</sup>03.2234

03.24

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

03.22322

- CLASSIFIED PERSONNEL -

### **Family and Medical Leave**

#### **REASONS**

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

1. For the birth and care of an employee's newborn child or for placement of a child with the employee for adoption or foster care;
2. To care for the employee's spouse, child or parent who has a serious health condition, as defined by federal law;
3. For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the employee's job;
4. To address a qualifying exigency (need) defined by federal regulation arising out of the covered active duty or call to active duty involving deployment to a foreign country of the employee's spouse, son, daughter, or parent who serves in a reserve component or as an active or retired member of the Regular Armed Forces or Reserve in support of a contingency operation; and
5. To care for a covered 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.

#### **NOTICES AND DEADLINES**

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

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

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



**Family and Medical Leave****NOTICES AND DEADLINES (CONTINUED)**

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

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

**ELIGIBILITY**

Employees are eligible for up to twelve (12) workweeks of family and medical leave each school year, if they have been employed by the District for twelve (12) months, have worked at least 1,250 hours during the twelve (12) months preceding the start of the leave, and otherwise qualify for family and medical leave. When family and medical military caregiver leave is taken based 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.

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

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

**RESTRICTIONS**

When an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with the twelve (12) workweek entitlement.

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

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

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

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

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

**INTERMITTENT LEAVE/REDUCED HOURS**

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

PERSONNEL

03.22322  
(CONTINUED)

**Family and Medical Leave**

**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**

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

**NOTICE**

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

**REFERENCES:**

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

**RELATED POLICIES:**

03.223; 03.2232; 03.2233; 03.2234; 03.2238; 03.224

✓

RECOMMENDED: A NEW POLICY AREA HAS BEEN CREATED TO ADDRESS EMPLOYEE USE OF PERSONAL CELL PHONES AND OTHER DEVICES. THIS LANGUAGE IS RECOMMENDED TO BE MOVED TO POLICY AREA 03.23214 FOR CONSISTENCY AND UPDATING PURPOSES.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL \_\_\_\_\_ 03.23214

~~CLASSIFIED PERSONNEL~~

Use of Telecommunication Devices

**CELLULAR TELEPHONES AND PAGERS**

~~Employees are permitted to possess cellular telephones and pagers on school premises. Employees having cellular telephones or pagers on campus shall be allowed to use them before and after school as well as during breaks or lunchtime. Use of these items shall not be permitted during work time except in the case of an emergency such as, but not limited to, the health or safety of someone is threatened, the employee serves in the capacity of an active member of a volunteer fire fighting organization, or the employee serves in a volunteer emergency medical services organization.~~

~~Cellular phones should never be used by anyone who is in the process of transporting children. If an emergency arises while students are being transported, the driver must stop the vehicle before using a cellular phone.~~

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

03.23214

**- 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.

Employees are permitted to possess cellular telephones and pagers on school premises. Employees having cellular telephones or pagers on campus shall be allowed to use them before and after school as well as during planning time or lunch breaks. Use of these items shall not be permitted during instructional time except in the case of an emergency such as, but not limited to, the health or safety of someone is threatened, the employee serves in the capacity of an active member of a volunteer fire fighting organization, or the employee serves in a volunteer emergency medical services organization.

Cellular phones should never be used by anyone who is in the process of transporting children. If an emergency arises while students are being transported, the driver must stop the vehicle before using a cellular phone.

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

03.262

- 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.

#### **PROHIBITIONS**

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.)

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

#### **DISCIPLINARY ACTION**

Persons engaging in discrimination or harassment of a student or employee in the Hardin County School System on the basis of any of the areas mentioned above shall be subject to disciplinary action including, but not limited to, termination of employment.

#### **GUIDELINES**

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

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

The Superintendent shall provide for the following:

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

**Harassment/Discrimination****GUIDELINES (CONTINUED)**

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

2. A process to identify and implement, within three (3) 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.
3. A process to be developed and implemented to communicate requirements of this policy to all staff, which may include, but not be limited to, the following:
  - written notice provided in publications such as handbooks, staff memoranda, and/or pamphlets;
  - postings in the same location as are documents that must be posted according to state/federal law; and/or
  - such other measures as determined by the Superintendent/designee.

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

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

**PROHIBITED CONDUCT**

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

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

**Harassment/Discrimination****CONFIDENTIALITY**

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

**APPEAL**

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent or Civil Rights Compliance Officer (HCS Harassment/Discrimination Complaint Procedure).

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

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

**NONRETALIATION**

No one shall retaliate against any person because s/he has submitted a grievance, assisted or participated in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

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

**OTHER CLAIMS**

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

**REFERENCES:**

<sup>1</sup>KRS 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 2 C.F.R. 200.318 REQUIRES THAT SCHOOL DISTRICTS HAVE A CODE OF CONDUCT FOR PROCUREMENT USING FEDERAL FUNDS. THIS CONFLICT OF INTEREST LANGUAGE SPEAKS TO THAT REQUIREMENT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## FISCAL MANAGEMENT

04.32

### Bidding

#### AUTHORITY

Bidding procedures shall conform to the Model Procurement Code, KRS 45A.345 - KRS 45A.460.<sup>1</sup> All contracts or purchases shall be awarded by competitive sealed bidding or competitive negotiation, both of which may include the use of a reverse auction, except as otherwise provided by law.<sup>2</sup>

All purchases of Kentucky Education Technology System (KETS) components shall adhere to KETS architectural standards and procedures or have KETS office approval.

The District may purchase supplies and/or equipment outside an established price contract of the federal government (GSA), the State Division of Purchases, a cooperative agency bid approved by the Board, or a District bid if:

1. The supplies and/or equipment meet the specifications of contracts awarded by the Division of Purchases, a federal agency (GSA), a cooperative agency, or a District bid;
2. The supplies and/or equipment are available for purchase at a lower price;
3. The purchase does not exceed \$2,500; and
4. The District's finance or purchasing officer has certified compliance with the first and second requirements.

Prior to purchase of education technology components defined in the master technology plan, the Department of Education must certify that the items to be purchased meet or exceed the specifications of components of the original equipment of manufacturers currently holding Kentucky price contracts.<sup>4</sup>

#### FEDERAL AWARDS/CONFLICT OF INTEREST

No employee, officer, or agent of the District may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.<sup>7</sup>

The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. In determining whether an activity constitutes an impermissible acceptance of a gratuity or item of monetary value, the definition of "gratuity" (covering anything of more than fifty dollars [\$50] value) set forth in KRS 45A.445 shall apply. Violation of these standards may result in disciplinary action including, but not limited to, suspension, dismissal, or removal.

#### ETHICAL STANDARDS

To avoid conflicts that may arise during the decision-making process for procurement of services and products for the District, employees shall adhere to the ethical standards set out in KRS 45A.455.

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**Bidding****PREFERENCE FOR RESIDENT BIDDERS**

For all contracts funded in whole or in part by the District, the Board shall apply the reciprocal preference for resident bidders required by law. Geographical preferences relating to school nutrition service purchases may be utilized only as permitted by applicable federal law.<sup>3</sup>

**EXEMPTIONS**

Federal regulatory requirements do not provide a bidding exception for purchase of perishables using school nutrition service funds. Such purchases must follow applicable federal regulations.<sup>7</sup>

**PRICE REDUCTIONS**

Price reductions may be accepted on supplies and/or equipment being offered by the vendor when a price agreement has been made. All supplies and/or equipment must meet all terms and conditions specified in the price agreement. Price reduction is offered to all participants in the price agreement. Price reductions may be accepted even if the reduced price requires the purchase of a specified quantity of units different from the original price agreement.

**SMALL PURCHASES**

District small purchase procedures may be used for any contract in which the aggregate amount does not exceed \$20,000.00.<sup>5</sup>

**BACKGROUND CHECK FOR CONTRACTORS**

The Superintendent shall require that a contractor submit, at no expense to the District, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation in keeping with KRS 160.380. This provision shall become part of the contractual obligation of the contractor and shall be reflected in the bid specifications, or, if the contract is not subject to bid requirements, in the negotiations with the contractor.

“Contractor” shall refer to any adult who is permitted access to school grounds pursuant to a current or prospective contractual agreement with the school, school board, school district, or school-affiliated entity, at times when students are present. The term “contractor” includes an employee of a contractor.<sup>6</sup>

FISCAL MANAGEMENT

04.32  
(CONTINUED)

**Bidding**

**REFERENCES:**

<sup>1</sup>KRS 45A.343

<sup>2</sup>KRS 45A.070; KRS 160.290; KRS 45A.380

<sup>3</sup>KRS 160.303; 200 KAR 5:400; KRS 45A.494

<sup>4</sup>KRS 156.076

<sup>5</sup>KRS 45A.385

<sup>6</sup>KRS 160.380

<sup>7</sup>~~2 C.F.R. 200.3187 C.F.R. 210.21 and 7 C.F.R. 3016.36~~

KRS 45A.345; KRS 45A.360; KRS 45A.365; KRS 45A.370

KRS 45A.420; KRS 45A.445; KRS 45A.455; KRS 45A.460; KRS 45A.620

OAG 79-501, OAG 82-170, OAG 82-407

Kentucky Educational Technology Systems (KETS)

**RELATED POLICIES:**

05.6, 06.4, 07.13

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

05.4

### Building Safety

#### BOARD TO ADOPT PLAN

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 District assessment of school safety and student discipline required by law and shall include the Board's 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 Board consideration shall include at least one (1) representative from each school in the District, as well as representatives from the community as required by law.

#### SCHOOL EMERGENCY PLANNING

The school council or, if none exists, the Principal working in conjunction with the Safety Coordinator, shall adopt an emergency plan for the school 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 school council, or if none exists, the Principal, 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 Principal shall discuss the emergency plan with all school 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 school council or, if none exists, the Principal shall:

1. Establish and post primary and secondary evacuation routes in each room by any doorway used for evacuation;
2. 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. ~~These safe zones are to be reviewed by the local fire marshal or fire chief;~~
3. Develop school procedures to follow during an earthquake; and
4. Develop and adhere to practices to control access to the school.

No later than November 1 of each school year, the Superintendent 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.

**Safety****DEFIBRILLATORS**

The District may maintain an automatic external defibrillator (AED) in designated locations throughout the District. An AED shall be used in emergency situations warranting its use in accordance with guidelines established by the Superintendent/designee. Expected users documented as having completed required training shall be authorized to use a defibrillator.

The District shall notify the local emergency medical services system and the local emergency communications or vehicle dispatch center of the existence, location, and type of each AED.

Defibrillators shall be maintained and tested in accordance with operational guidelines of the manufacturer and monitored as directed by the Superintendent/designee. Defibrillators shall be kept on school property and will not accompany EMS personnel to a hospital emergency room.

**REPORTING HAZARDS**

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

**COMMUNICATION SYSTEM**

The Board 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 158.162~~

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; 05.2; 05.21; 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

05.42

### **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 that have been reviewed by local fire marshal or fire chief 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. THIS CHANGE IS TO CLARIFY THAT A SERVICE ANIMAL MUST BE ALLOWED ON DISTRICT  
TRANSPORTATION WITHOUT MEDICAL DOCUMENTATION  
FINANCIAL IMPLICATIONS NONE ANTICIPATED

TRANSPORTATION

06.342

### **Hazards in and on Bus**

#### **PROHIBITED ITEMS**

Passengers shall not bring an object on the school bus that may block the bus aisles or exits.

A driver shall not knowingly permit any of the following to be transported on the bus:

1. Firearms or weapons, either operative or ceremonial;
2. Fireworks or other explosive materials of any type;
3. Live animals; ~~Note: except for an animals that are not a risk to other bus riders and that are is necessary~~ to enable a person to safely utilize the bus transportation as documented by adequate medical evidence, or required by a student's Individual Education or Section 504 Plan, or a service animal and that is not a risk to other bus riders; shall be allowed on the bus.
4. Preserved specimens that would likely frighten a pupil or cause a commotion on the bus; or
5. Glass objects or helium balloons.

There shall be no open flames or fire on a school bus.

#### **REFERENCES:**

KRS 158.110

702 KAR 5:080

702 KAR 5:150

Individuals with Disabilities Education Improvement Act of 2004

Section 504 of Rehabilitation Act of 1973

Americans with Disabilities Act

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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

## SCHOOL NUTRITION

07.1

### School Nutrition Services

The Board shall provide a District-wide school child nutrition program in compliance with applicable statutes and regulations. It is the intent of the Board that the child nutrition department be a self-supporting program.

#### **BREAKFAST AND LUNCH**

All schools will serve a complete breakfast, hot or cold as defined by federal regulations. The noon meal shall be a complete lunch, hot or cold, as defined by federal regulations; and servings shall be of such size as to provide at least one-third (1/3) to one-half (1/2) of the daily nutritional requirements.

#### **SPECIAL DIETARY NEEDS**

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

#### **CHILD NUTRITION PROGRAM DIRECTOR**

The District (or child nutrition area to which the District belongs) shall appoint/select a Child Nutrition Program Director to oversee and manage the child nutrition department. All Nutrition Program Directors shall meet minimum educational requirements and annual training requirements in accordance with federal and state law.

#### **ANNUAL REPORT/PUBLIC FORUM**

Immediately following the release of the nutrition report, the Board shall discuss the findings and seek public comment during a publicly advertised Board meeting.

By January 31 of each year, the Board shall hold an advertised public forum to present a plan to improve school nutrition in the District.

The District shall compile a summary of findings and recommendations and submit the summary to the Kentucky Board of Education.

#### **DISCRIMINATION COMPLAINTS**

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

~~In compliance with state and federal requirements, the Superintendent designee shall develop a process to address complaints of alleged discrimination in the delivery of benefits or services in the District's school nutrition program, whether received in written or verbal form.~~

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**School Nutrition Services****DISCRIMINATION COMPLAINTS (CONTINUED)**

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](mailto:program.intake@usda.gov).

[http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html)

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District personnel shall assist parents/guardians and students wishing to file a complaint.

**PREPAYMENT OPTION**

Children who participate in the breakfast and/or lunch program can make a prepayment on their account at any time. Money can be deposited into an individuals account at their home school or through the on-line My Payments Plus system.

**MEAL CHARGES**

Any person who participates in the breakfast and/or lunch program may charge meals up to six (6) days. After that time, all charges must be paid before additional charges can be made. Students shall not be permitted to charge a la carte items.

Faculty and staff may charge meals up to 3 times. After that time, all charges must be paid before additional charges can be made. If charges are not paid in within thirty (30) school days from the time the last charge is made, charge privileges will be revoked. No a la carte items may be charged.

Food Service funds shall not be used to collect outstanding meal charges.

**REFERENCES:**

KRS 156.160; ~~KRS 156.502~~

KRS 158.852; KRS 158.856

KRS 160.290

702 KAR 6:010; 702 KAR 6:020

702 KAR 6:040; 702 KAR 6:045; 702 KAR 6:050

702 KAR 6:060; 702 KAR 6:075; 702 KAR 6:090

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

Section 504 of Rehabilitation Act of 1973, Americans with Disabilities Act



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

## SCHOOL NUTRITION

07.111

### Competitive Foods

#### MINIMAL NUTRITIONAL VALUE

The sale or service of competitive food or 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.

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

#### ~~FOOD/BEVERAGES AS REWARDS~~

~~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.~~

#### 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: 2 C.F.R. 200.318 REQUIRES THAT SCHOOL DISTRICTS HAVE A CODE OF CONDUCT FOR PROCUREMENT USING FEDERAL FUNDS. THIS CONFLICT OF INTEREST LANGUAGE, ORIGINALLY LOCATED IN 07.13 AP.1 FOR DISTRICTS IN THE KSBA PROCEDURE SERVICE, SPEAKS TO THAT REQUIREMENT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

SCHOOL NUTRITION

07.13

### School Nutrition Procurement

#### **OPEN BIDDING**

In all applicable cases, food, food products, supplies, and equipment purchased with school nutrition funds shall be procured in accordance with the process and procedures established in Policy 04.32 in a manner that provides full and open competition consistent with the standards in applicable federal regulations.

#### CONFLICT OF INTEREST

The following conduct will be expected of all persons who are engaged in the award and administration of contracts supported by School Food Service Program Funds.

1. No employee, officer, or agent of the District shall participate in selection or in the award or administration of a contract supported by Program funds if a conflict of interest, real or apparent, would be involved. Conflicts of interest arise when one of the following has a financial or other interest in the firm selected for the award:
  - a) District employee, officer, or agent;
  - b) Any member of his/her immediate family;
  - c) His/her partner;
  - d) An organization that employs or is about to employ one of the above.
2. District employees, officers, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements. In determining whether an item is an impermissible gratuity or of monetary value, the definition of "gratuity" (covering anything of more than fifty dollars [\$50] value) set forth in KRS 45A.445 shall apply.
3. The purchase during the school day of any food or service from a contractor for individual use is prohibited.
4. The removal of any food, supplies, equipment, or school property such as records, recipe books, and the like is prohibited.
5. The outside sale of such items as used oil, empty cans, and the like will be sold by contract between the District and the outside agency. Individual sales by any school person to an outside agency or other school person is prohibited.

Failure of any employee to abide by the above-stated code may result in disciplinary action, including but not limited to, a fine, suspension, or dismissal.

SCHOOL NUTRITION

07.13  
(CONTINUED)

**School Nutrition Procurement**

**REFERENCES:**

~~7 CFR 2016.36~~ 2 C.F.R. 200.318

~~7 CFR 210.21~~ 2 C.F.R. 200.320

KRS 160.290

KRS 424.260

KRS 45A.345 – KRS 45A.460

702 KAR 6:010

**RELATED POLICY:**

04.32

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

SCHOOL NUTRITION

07.16

### **School Nutrition Employees**

#### **SCHOOL NUTRITION EMPLOYEES**

All school nutrition employees shall meet the qualifications of and be in compliance with the responsibilities noted in federal regulation or 702 KAR 6:045, whichever is most stringent.<sup>1</sup> In addition, school nutrition program directors and school cafeteria managers shall meet training and credential requirements specified in statute.<sup>2</sup>

#### **REFERENCES:**

<sup>1</sup>702 KAR 6:045; 7 C.F.R. §210.30

<sup>2</sup>KRS 158.852

KRS 156.160

KRS 161.011

#### **RELATED POLICIES:**

See Section 03.2

07.1

RECOMMENDED THE STATE'S REQUEST FOR A FOUR (4) YEAR NCLB WAIVER EXTENSION HAS BEEN GRANTED.  
FINANCIAL IMPLICATIONS NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.133

### **Extended School/Supplemental Educational Services**

#### **PLAN FOR DIAGNOSING**

The Superintendent/designee shall develop a plan for diagnosing and addressing student academic deficiencies by providing extended school services (ESS) and supplemental educational services (SES) as required by federal or state law.<sup>1</sup>

#### **EXTENDED SCHOOL SERVICES**

The Board shall provide extended school services consistent with students' intervention plans and goals included as part of individual learning plans, requirements of 704 KAR 3:390, and local plans and procedures.

For students eligible to attend ESS, the District shall:

- Identify learning goals and benchmarks for each student that, if achieved, indicate that the student may exit the extended school services program;
- Determine conditions under which a student's absence from the program may be considered excused or unexcused; and
- Determine method for transporting students mandated to attend.

The District shall select pupils who need additional instructional time or differentiated opportunity to learn academic and enrichment content aligned with their individual student needs to improve their present level of performance in one (1) or more content areas. Priority for ESS services shall be placed on designing and delivering services to students at risk academically.

The District may provide extended school services during the regular school day when a waiver for alternative service delivery has been obtained. Extended school services offered during the summer shall be available to all eligible students residing in the District regardless of whether they attend District schools.

~~Pending renewal of~~ Because the Kentucky request to the U. S. Dept. of Education for flexibility was granted, the following section is waived through the 2018-2019 school year. ~~If request is not renewed, the following section will be in force.~~

#### **SUPPLEMENTAL EDUCATIONAL SERVICES**

The District shall post on the District/school web site(s) information about available supplemental educational services in keeping with federal regulatory requirements.

#### **REFERENCES:**

- <sup>1</sup>P. L. 107-110 (No Child Left Behind Act of 2001)
- 34 C.F.R. 200.45 – 200.48
- KRS 158.070
- 704 KAR 3:390

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

08.2323

### Access to Electronic Media

#### (Acceptable Use Policy)

The Board supports reasonable access to various information formats for students, employees and the community 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 Superintendent shall develop and implement appropriate procedures to provide guidance for access to global electronic media. Guidelines shall address teacher supervision of student computer use, ethical use of electronic media, including but not limited to, the Internet, e-mail, and other District 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.

Students shall be provided instruction about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms and cyberbullying awareness and response.

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 minors' access to materials harmful to them.

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

The District shall provide reasonable public notice of, and at least one (1) public hearing or meeting to address and communicate, its initial Internet safety measures.

Specific expectations for appropriate Internet use shall be reflected in the District's code of acceptable behavior and discipline including appropriate orientation for staff and students.

**Access to Electronic Media**

(Acceptable Use Policy)

**PERMISSION/AGREEMENT FORM**

A written parental permission/agreement form shall be required prior to the student being granted independent access to the Internet and/or e-mail involving District technological resources.

The required permission/agreement form, which shall specify acceptable uses, rules of online behavior, access privileges, and penalties for policy/procedural violations must be signed by the parent or legal custodian 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/custodian (or the student who is at least 18 years old) must provide the school and Superintendent with a written request.

**EMPLOYEE USE**

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.

Employees are encouraged to use electronic mail and other District technology resources to promote student learning and communication with the home and education-related entities. If those resources are used, they shall be used for purposes directly related to work-related activities.

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

District employees and activity sponsors may set up blogs and other social networking accounts using District resources and following District 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 District 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 the Superintendent/designee.
2. If permission is granted, staff members will set up the site following any District guidelines developed by the Superintendent's designee.
3. Guidelines may specify whether access to the site must be given to school/District technology staff. If written parental consent is not otherwise granted through AUP forms provided by the District, 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 Principal.
4. Once the site has been created, the sponsoring staff member is responsible for the following:

**Access to Electronic Media**

(Acceptable Use Policy)

**EMPLOYEE USE (CONTINUED)**

- a. Monitoring and managing the site to promote safe and acceptable use; and
- b. 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.

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.

**COMMUNITY USE**

On recommendation of the Superintendent/designee, the Board shall determine when and which computer equipment, software, and information access systems will be available to the community.

Upon request to the Principal/designee, community members may have access to the Internet and other electronic information sources and programs available through the District's technology system, provided they attend any required training and abide by the rules of usage established by the Superintendent/designee.

**DISREGARD OF RULES**

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

Employees and students shall be subject to disciplinary action, up to and including termination (employees) and expulsion (students) for violating this policy and acceptable use rules and regulations established by the school or District.

**MAINTENANCE**

A maintenance program shall be developed by the Technology Director. The maintenance program shall include provisions which will minimize "down-time" on network file servers.

**RESPONSIBILITY FOR DAMAGES**

Individuals shall reimburse the Board for repair or replacement of District property lost, stolen, damaged, or vandalized while under their care. Students or staff members who deface a District web site or otherwise make unauthorized changes to a web site shall be subject to disciplinary action, up to and including expulsion and termination, as appropriate.



**Access to Electronic Media**

(Acceptable Use Policy)

**RESPONDING TO CONCERNS**

School officials shall apply the same criterion of educational suitability used to review other educational resources when questions arise concerning access to specific databases or other electronic media.

**STAFF/STUDENT OWNED MOBILE COMPUTING DEVICES**

Students and/or employees who bring to school privately owned laptops or other mobile technology devices, including but not limited to, iPod Touch, iPad, etc., are responsible for the equipment. Further, use of such devices shall adhere to all guidelines in the District AUP and accompanying procedure(s).

**NETWORK SYSTEM SECURITY**

A written computer Network Security Plan shall be on file in the Superintendent's Office and the schools' offices. This plan will be referred to in all matters pertaining to Hardin County Schools' network security.

**AUDIT OF USE**

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

The Superintendent/designee shall establish a process to determine whether the District's 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 ~~five~~ ten (5 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 (Code of Ethics)  
47 U.S.C. 254/Children's Internet Protection Act; 45 C.F.R. 54.520  
Kentucky Education Technology System (KETS)  
~~17 C.F.R. 54.516~~

**RELATED POLICIES:**

~~03.13214~~ ~~03.23214~~ 03.1325/03.2325; 03.17/03.27; 8.1353, 08.2322  
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

08.3

### School Calendar

#### DEVELOPMENT OF CALENDAR

~~The Superintendent shall annually develop and present to the Board for adoption a school calendar for the upcoming school year.~~ On or before May 15, of each year the Board, upon recommendation of the Superintendent, shall adopt a school calendar prior to each upcoming school year that establishes or includes: ~~The calendar shall establish the following:~~

1. Opening and closing dates of the school term,
2. Beginning and ending dates of each school month,
3. ~~Number and minimum 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 days in accordance with KRS 158.060,~~
4. ~~A minimum school term of not less than one hundred eight-five (185) days composed of student attendance days, teacher professional days, and holidays,~~
- 4.5. ~~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,~~
6. ~~Instructional time required for kindergarten per KRS 157.320, if in excess of the minimum three (3) hours of daily instruction Kindergarten (entry level of the primary program) shall be provided the equivalent of one-half (1/2) day, five (5) days a week for a full school year for each kindergarten student (a minimum of 525 instructional hours each school year),~~
7. ~~Any instructional time to be banked to make up for full days that may be missed due to an emergency,~~
8. ~~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~~
- 5.9 ~~Days on which schools shall be dismissed, and~~

#### ADDITIONAL REQUIREMENTS

A testing window in accordance with KRS 158.6453 and KRS 164.302 to accommodate state-mandated assessments shall also be included.

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

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

Schools 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.

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**School Calendar****AMENDING THE CALENDAR**

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The Board may amend the school calendar after it is adopted due to an emergency. The 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.

**SCHOOL DAY**

The length of the school day designated by the Board shall provide students with the equivalent of one hundred seventy-seven (177) six (6) hour instructional days (a minimum of 1,062 instructional hours each school year).

**EXCEPTIONS**

~~Kindergarten (entry level of the primary program) shall be provided the equivalent of one half (1/2) day, five (5) days a week for a full school year for each kindergarten student (a minimum of 525 instructional hours each school year).~~

Students with disabilities shall attend school in accordance with the provisions of their Individual Education Plan (IEP).

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

**SCHOOL TERM**

The school term shall include at least four (4) days to be used for professional development and collegial planning activities for the professional staff as directed by statute, regulations, and policy. Additional days permitted by statute and authorized by the Board may be used for professional development and planning activities for the professional staff. Four (4) days may be used for holidays, and two (2) days may be used for planning activities.

If schools are scheduled to operate during days designated for statewide professional meetings, the District shall permit employees who are delegates to attend in keeping with statutory requirements.

**EMERGENCY WAIVERS**

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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.

CURRICULUM AND INSTRUCTION

08.3  
(CONTINUED)

**School Calendar**

**REFERENCES:**

~~KRS 158.070~~  
702 KAR 7:130; 702 KAR 7:140  
704 KAR 3:035  
KRS 2.110; KRS 2.190; KRS 118.035  
KRS 156.095; KRS 157.320; KRS 157.360  
KRS 158.030; KRS 158.060; KRS 158.070  
KRS 158.6453  
OAG 97-25

RECOMMENDED THE STATE'S REQUEST FOR A FOUR (4) YEAR NCLB WAIVER EXTENSION HAS BEEN GRANTED.  
FINANCIAL IMPLICATIONS NONE ANTICIPATED

STUDENTS

09.11

### School Attendance Areas

#### ASSIGNED DISTRICT

All pupils shall be assigned by geographic attendance districts. Specific areas served by each attendance district will be marked on a map in the central administration office. The Board may revise attendance districts from time to time to attain maximum utilization of school facilities.<sup>1</sup> Once an area has been redistricted, a student affected by the redistricting may apply for an exception outside the month of December or entry level grade, according to this policy.

#### CLASS ENROLLMENT MAXIMUMS

Should classes in a particular school exceed the allowable size limit specified by law or regulation, the administration is permitted to move students from their respective attendance area to balance student/teacher assignments.

#### REQUESTS FOR TRANSFER

Parents may request that their child(ren) attend a school outside the assigned attendance area.

In compliance with and as set forth by federal requirements, the District shall allow students to transfer to another District school if:

1. Another school option exists;
2. The assigned school is identified for school improvement under federal guidelines (priority for transfer will be given to the lowest achieving children from low-income families);\*
3. The assigned school is designated by the state as being "persistently dangerous"; or
4. The student becomes a victim of a violent criminal offense, as determined by state law, while attending school.<sup>2</sup>

\*Pending renewal of because the Kentucky request to the U. S. Dept. of Education for flexibility was granted, reason #2 above shall be waived through the 2018-2019 school year. If request is not renewed, then transfer reason #2 will be in force.

#### IF FAMILIES MOVE

If a family moves from one attendance district to another within the school system, the pupil may be permitted to finish the school year in the school in which s/he was last enrolled based on the following criteria: (1) Principal approval, (2) adequate space, and (3) no cost to the Board nor service provided by the Board. The pupil will enroll the following year in the school in the attendance district of his/her legal residence unless accepted as an out-of-district by the Principal under provision 1.A of procedure 09.11 AP.1. If a student moves during the testing window for ~~CATS~~, the student shall remain at that school until the end of the year provided the parent transports.

State Assessment

STUDENTS

09.11  
(CONTINUED)

**School Attendance Areas**

**REFERENCES:**

<sup>1</sup>KRS 159.070; OAG 80-394

<sup>2</sup>P. L. 107-110 (No Child Left Behind Act of 2001)  
34 C.F.R. 200.44

**RELATED POLICIES:**

03.127, 03.226

LEGAL: THE 2013 GENERAL ASSEMBLY AMENDED KRS 159.010 TO ALLOW DISTRICTS TO SET THE DROP-OUT AGE AT 18 EFFECTIVE WITH THE 2015-2016 SCHOOL YEAR.  
FINANCIAL IMPLICATIONS: ADDITIONAL STUDENTS MAY REQUIRE ADDITIONAL STAFFING AND RESOURCES

STUDENTS

09.111

### **Transfers and Withdrawals**

#### **TEACHER TO ASCERTAIN REASON**

When a pupil of compulsory school age withdraws from school, the teacher/attendance personnel of the pupil shall ascertain the reason.<sup>1</sup>

#### **REPORT TO STUDENT SERVICES**

The teacher/attendance personnel shall immediately report the withdrawal and the reason for it to the Superintendent's office (Division of Student Services).

#### **CHANGE OF RESIDENCE**

If the child has withdrawn because of residence, the next residence shall be ascertained and included in the report. The District shall notify the Kentucky Department of Education when a new student enrolls.<sup>1</sup>

#### **MISSING CHILDREN**

The Division of Student Services shall notify the Justice Cabinet of any request for the records of a student who has been flagged as missing.<sup>1</sup>

#### **~~PERMISSION REQUIRED FOR WITHDRAWAL~~**

~~Before an unmarried student between the ages of sixteen (16) and eighteen (18) may withdraw from school and terminate education prior to graduation, she must comply with the requirements of KRS 159.010.~~

No written permission for withdrawal shall be required ~~after the~~ for a student's ~~over-eighteenth~~ (18th) birthday.<sup>2</sup>

~~Beginning with the 2015-2016 school year, s~~Students between the ages of six (6) and eighteen (18) shall enroll and be in regular attendance in the schools to which they are assigned and shall be subject to compulsory attendance.<sup>2</sup>

#### **FOLLOW-UP BY DISTRICT PERSONNEL**

Within three (3) months of the date of a student's withdrawal from school, District personnel designated by the Superintendent shall contact each student ~~between the ages of sixteen (16) and eighteen (18)~~ who has withdrawn from school to encourage reenrollment in a regular, alternative, or GED preparation program. If the student does not reenroll at that time, personnel shall make at least one (1) more attempt toward reenrollment of the student before the beginning of the next school year.<sup>2</sup>

#### **REFERENCES:**

<sup>1</sup>KRS 159.170; KRS 158.032

<sup>2</sup>KRS 159.010; KRS 159.020

#### **RELATED POLICY:**

09.122

LEGAL SB 201 OF THE 2015 GENERAL ASSEMBLY AMENDED KRS 158.030 TO ENSURE TUITION CHARGED TO A STUDENT WHO IS ALLOWED TO ENROLL IN A PRIMARY SCHOOL PROGRAM BEFORE MEETING THE AGE REQUIREMENT IS THE SAME AS THE TUITION CHARGED TO A STUDENT WHO MEETS THE AGE REQUIREMENT. STUDENTS ENROLLED UNDER THIS POLICY SHALL BE INCLUDED IN THE SCHOOL'S AVERAGE DAILY ATTENDANCE FOR PURPOSES OF SEEK FUNDING  
FINANCIAL IMPLICATIONS WILL HAVE A POSITIVE IMPACT ON DISTRICT BUDGETS

STUDENTS

09.121

### Entrance Age

#### **PRESCHOOL**

In accordance with appropriate state and federal legal requirements, any child who has been identified as disabled, and who is three (3) or four (4) years of age, by August 1 of the current year, shall be eligible for a free and appropriate preschool education and related services.

Children at risk of educational failure who are four (4) by August 1 may enter preschool. All other four (4)-year- old children shall be served to the extent placements are available.<sup>1</sup>

#### **PRIMARY SCHOOL**

A child who becomes five (5) by October 1 may enter primary school and may advance through the primary program without regard to age in accordance with KRS 158.030. A child who becomes six (6) by October 1 shall attend public school unless s/he qualifies for an exemption as provided by law.<sup>3</sup>

The District shall establish guidelines to determine a student's level of academic and social skills when that student is being considered for advancement through the primary program. A student who is at least five (5) years of age, but less than six (6) years of age on or before October 1, may be enrolled in the second level of the primary program in keeping with the process set out in Kentucky Administrative Regulation.<sup>4</sup>

Beginning with the 2017-2018 school year, the following provisions shall apply:

- A child who becomes five (5) by August 1 may enter primary school and may advance through the primary program without regard to age in accordance with KRS 158.031. A child who becomes six (6) by August 1 shall attend public school unless s/he qualifies for an exemption as provided by law.
- A child who is six (6) years of age, or who may become six (6) years of age by August 1, shall attend public school or qualify for an exemption as provided by KRS 159.030.<sup>2</sup>

#### **PETITION PROCESS**

Parents /guardians may petition the Board to allow their child to enter school earlier than permitted under statutory age requirements. On receipt of a petition, the District shall conduct an evaluation process to help determine a student's readiness to engage in and benefit from early entry to school. The process shall be established in accordance with the following:

1. The District shall establish guidelines to determine a student's readiness for entry, including the date by which petitions must be submitted to the Central Office.
2. Developmentally appropriate measures, which may include state-approved screening instruments, shall be used to determine a student's level of developmental, academic and social readiness.
3. Based on staff recommendations, the Superintendent shall recommend to the Board whether to grant the request.



## STUDENTS

09.121  
(CONTINUED)

### Entrance Age

#### PETITION PROCESS (CONTINUED)

4. Considerations may include availability of space and funding.

Any tuition amounts charged to students permitted early entry under this Policy shall be the same as that charged to other tuition paying students who meet statutory age requirements.

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#### PROOF OF AGE

Upon enrollment for the first time in any elementary or secondary school, a student or student's parent shall provide either a certified copy of the student's birth certificate or other reliable proof of the student's identity and age and an affidavit of the inability to produce a copy of the birth certificate.<sup>4</sup>

#### REFERENCES:

<sup>1</sup>KRS 157.3175; 2014 Budget Bill

<sup>2</sup>KRS 158.030

<sup>3</sup>KRS 158.030; KRS 159.030

<sup>4</sup>KRS 158.032; KRS 158.035; KRS 214.034

<sup>5</sup>KRS 158.031; 702 KAR 1:160; 702 KAR 7:125

704 KAR 5:070

OAG 85-55; OAG 82-408

#### RELATED POLICIES:

08.22

09.124

09.126 (re requirements/exceptions for students from military families)

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LEGAL THE 2013 GENERAL ASSEMBLY AMENDED KRS 159.010 TO ALLOW DISTRICTS TO SET THE DROP-OUT AGE AT 18 EFFECTIVE WITH THE 2015-2016 SCHOOL YEAR. FINANCIAL IMPLICATIONS: ADDITIONAL STUDENTS MAY REQUIRE ADDITIONAL STAFFING AND RESOURCES

STUDENTS

09.122

### **Attendance Requirements**

#### **COMPULSORY ATTENDANCE**

All children in the District who have entered kindergarten or who are between the ages of six (6), as of October 1, and ~~eighteen~~ <sup>sixteen</sup> (16), except those specifically exempted by statute, shall enroll and be in regular attendance in the schools to which they are assigned. ~~Beginning with the 2015-2016 school year, students between the ages of six (6) and eighteen (18) shall enroll and be in regular attendance in the schools to which they are assigned and shall be subject to compulsory attendance.<sup>1</sup>~~

~~Before an unmarried student between the ages of sixteen (16) and eighteen (18) may withdraw from school and terminate education prior to graduation, s/he shall confer with the Principal or designee, and s/he shall secure a written permission, signed and dated in the presence of the Principal or the Principal's designee, from her/his parents, guardian, or other person residing in the state and having custody or charge of the student.<sup>1</sup> (See Board Policy 09.111.)~~

#### **EXEMPTIONS FROM COMPULSORY ATTENDANCE**

The Board shall exempt the following from compulsory attendance:

1. A graduate from an accredited or approved 4-year high school,
2. A pupil who is enrolled in a private or parochial school,
3. A pupil who is less than seven (7) years old and in regular attendance in a private kindergarten nursery school,
4. A pupil whose physical or mental condition prevents or renders inadvisable attendance at school or application to study,
5. A pupil who is enrolled and in regular attendance in private, parochial, or church school programs for exceptional children, or
6. A pupil who is enrolled and in regular attendance in a state-supported program for exceptional children.<sup>2</sup>

#### **PHYSICIAN'S STATEMENT REQUIRED**

The Board, before granting an exemption for a physical or mental condition, shall require a signed statement as required by law unless a student's individual education plan (IEP) specifies that placement of the child with a disability at home or in a hospital is the least restrictive environment for providing services.<sup>2</sup>

#### **EXCEPTIONS TO PRESENCE AT SCHOOL**

Students must be physically present in school to be counted in attendance, except under the following conditions:

1. Students shall be counted in attendance when they are receiving home/hospital, institutional,<sup>2</sup> or court-ordered instruction in another setting.

**Attendance Requirements****EXCEPTIONS TO PRESENCE AT SCHOOL (CONTINUED)**

2. Participation of a pupil in 4-H activities that are regularly scheduled and under the supervision of a county extension agent or the designated 4-H club leader shall be considered school attendance.<sup>3</sup>
3. Students may participate in co-curricular activities and be counted as being in attendance during the instructional school day, provided the Principal/designee has given prior approval to the scheduling of the activities. Approval shall be granted only when co-curricular activities and trips are instructional in nature, directly related to the instructional program, and scheduled to minimize absences from classroom instruction.<sup>4</sup>
4. Students participating in an off-site virtual high school class or block may be counted in attendance in accordance with requirements set out in Kentucky Administration Regulation.<sup>4</sup>
5. Students having an individual education plan (IEP) that requires less than full-time instructional services shall not be required to be present for a full school day.<sup>4</sup>
6. In accordance with KRS 158.240, students who attend classes for moral instruction at the time specified and for the period fixed shall be credited with the time spent as if they had been in actual attendance in school, and the time shall be calculated as part of the actual school work required by law. Students shall not be penalized for any school work missed during the specified moral instruction time.<sup>5</sup>
7. Students participating as part of a school-sponsored interscholastic athletic team, who compete in a regional or state tournament sanctioned by the Kentucky Board of Education or KHSAA, that occurs on a regularly scheduled student attendance day shall be counted and recorded present at school on the date or dates of the competition, for a maximum of two (2) days per student per school year. Students shall be expected to complete any assignments missed on the date or dates of the competition.<sup>6</sup>

**REFERENCES:**

<sup>1</sup>KRS 159.010; OAG 85-55

<sup>2</sup>KRS 159.030

<sup>3</sup>KRS 159.035

<sup>4</sup>702 KAR 7:125

<sup>5</sup>KRS 158.240

<sup>6</sup>KRS 158.070

KRS 159.180; KRS 159.990

OAG 79-68; OAG 79-539; OAG 87-40; OAG 97-26

**RELATED POLICIES:**

08.131; 08.1312; 09.111; 09.123; 09.36

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

09.2

### Wellness

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

The Board is committed to providing a school environment that promotes and enhances learning and development of lifelong wellness practices. To accomplish that goal, the Board supports school efforts to implement the following:

- To the maximum extent practicable, schools will participate in available federal school meal programs.
- Schools 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

Each 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 at each grade level 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 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);
- that link with school meal programs, other school foods, and nutrition-related community services;
- 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 and Board Policy 02.4241;
- that teach media literacy with an emphasis on food marketing; and
- that include training for teachers and other staff.

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**Wellness****NUTRITION GUIDELINES FOR ALL FOODS**

Each school is to follow minimum federal and state nutrition standards. Below is suggested language for the District 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 Superintendent/designee and made available upon request. The Superintendent 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.

**SCHOOL WELLNESS PLANS**

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

**EVALUATION AND ENFORCEMENT****Leadership:**

The Superintendent/designee will monitor compliance with this and related policies. At the school level, the Principal/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 District shall form a District 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 District shall periodically inform and update the public annually on the content and progress of implementation of its school wellness efforts. The report shall include:

1. The District website and/or other information on how the public can access copies of school and District Wellness Policies;
2. A summary of each school's wellness events and/or activities;
3. A description of each 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.

**Wellness****ASSESSMENT**

The District 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 District is in compliance with this policy;
2. A comparison of how the District 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 District wellness policy and addressing any gaps identified in the wellness report for the previous year.

**REFERENCES:**

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

### Wellness

#### **PHASE 1: VENDING/ALA CARTE POLICY**

##### **Section 1. Definitions:**

- School day means the period of time between the arrival of the first student at the school building and the end of the last instructional period.
- School day approved beverage means water, 100% fruit or vegetable juice, and low-fat milk.
- Competitive food means any food or beverage item sold or served in competition with the National School Breakfast and National School Lunch programs, excluding any food or beverage sold a la carte in the cafeteria.<sup>4</sup>

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##### **Section 2. Sales**

1. Competitive food and ala carte sales shall not be permitted in elementary schools during the school day.
2. Competitive foods shall not be permitted in middle and high schools until 30 minutes past the end of the last lunch period.
3. During the school day, products sold or served to students outside the National School Breakfast and National School Lunch programs shall be limited to:
  - 3.1. A school day approved beverage;
  - 3.2. Fruit;
  - 3.3. Non-fried or non-flash-fried vegetables;
  - 3.4. Low-fat yogurt;
  - 3.5. Nuts;
  - 3.6. Seeds;
  - 3.7. Dried fruit with no sugar added; or
  - 3.8. Other food items that contain no more than
    - 3.8.1. Thirty (30%) calories from fat;
    - 3.8.2. Ten (10%) calories from saturated or trans fat; and
    - 3.8.3. Fourteen (14) grams sugar per serving.
4. Ala carte items cannot be sold in elementary schools.
5. Only the following items may be sold as ala carte items in middle or high schools:
  - 5.1. Items permitted to be sold to students as listed in (3) above;
  - 5.2. A reimbursable meal component.
6. Carbonated beverages may not be sold or served to any student during the school day.

##### **Section 3. Portion Sizes**

Prepackaged food sold in a vending machine, school store, canteen or as a la carte on the cafeteria line that meets the requirements of Section 2 shall not be sold in packaging that exceeds the following limits:

1. 1.25 ounces for baked chips, popcorn and cereal;
2. 1.5 ounces for crackers, hard pretzels and pita chips;
3. 1.75 ounces for trail mix, nuts, dried fruits, seeds, peanut butter or cheese-filled crackers;
4. 1.25 ounce for cookies;
5. 1.5 ounces for cereal bars, granola bars and animal or graham crackers; and
6. 8 ounces for low-fat yogurt;
7. Beverage sizes
  - 7.1. In middle schools, no more than 12-ounce servings
  - 7.2. In high schools, no more than 16.9-ounce servings

### Wellness

#### **PHASE 2: SPORTING EVENTS, FUNDRAISING, SCHOOL PARTIES, SCHOOL REWARDS, AFTER SCHOOL SNACKS AND NUTRITION EDUCATION**

##### **Section 1. Nutrition Education**

- Nutrition Education will be taught as an integral part of instruction as a part of practical living instruction. Kentucky's Academic Expectations, Program of Studies, and Core Content for Assessment will be used as the basis for this instruction.
- Schools will have available resources from the cafeterias and from school nutrition programs for use in day-to-day classroom activities.
- Collaboration will take place between the district CN Director and the PD Coordinator to develop training for teachers to allow them to provide nutrition education throughout the curriculum, using the Academic Expectations, Core Content and Program of Studies and providing examples of how to teach nutrition principles in content areas such as reading, math, science and social studies.

##### **Section 2. Food Sales at Sporting Events and Other After School Concessions**

- Healthy food alternatives will be offered at school sporting events and other after-school concessions.
- A list of healthy food alternatives will be provided to schools.
- A nutrient analysis of all foods sold at school will be available on Hardin County Schools' web site.

##### **Section 3. Food Sales for Fundraising**

- Individual food items will not be sold to students as a fund-raiser during the school day.
- Schools are encouraged to use items other than food items as fund-raisers.

##### **Section 4. Food Served at School Parties**

- School parties are limited to three (3) per classroom each year (fall, winter, and spring).
- School parties must be held in compliance with the competitive food rule, at least 30 minutes past the end of the last lunch period.
- To insure that all foods served to children are safe and sanitary, all items served at school parties must be purchased rather than homemade. Site Based Councils at each elementary school will determine how many parties are permitted in a classroom per year and notify teachers.
- At least some healthy food and beverage choices are encouraged at school parties.

##### **Section 5. Food as a Reward**

- Teachers will be encouraged to use rewards other than food. If food is used as a reward, it must not be given until at least 30 minutes past the end of the last lunch period.
- Suggestions for non-food rewards can be found on the School Nutrition website at <http://www.hardin.k12.ky.us>.



### Wellness

#### **Section 6. Food Served in After-School Programs**

- All foods served in organized, after-school programs or activities must utilize the After-School Snack Program or follow the nutritional guidelines for that program as established by USDA. Those standards can be obtained from the School Nutrition Office or on USDA's web site.

#### **Section 7. Food Prepared as a Part of Classroom Instruction**

- Any lesson or class activity that incorporates food to be consumed shall be taught after lunch (with the exception of middle or high school classes scheduled prior to lunch). If foods are used, they must be an integral and necessary part of the lesson and every effort should be made to use foods of high nutritional value when possible. All foods used in classes shall be sealed and from a reputable source.
- Anytime food is used as a part of instruction, it must be approved by the Principal.

#### **PHASE 3: RECOMMENDED POLICIES FOR PHYSICAL ACTIVITIES, NUTRITION EDUCATION AND COMMUNITY INVOLVEMENT**

##### **Section 1. Physical Activity**

Physical activity should be an integral part of classroom activity in elementary grades and all students in middle and high schools have an opportunity for and are encouraged to participate in physical activities during the day.

- **Elementary Schools**
  - Each school council in elementary schools shall develop an assessment tool to determine each child's level of physical activity.
  - Elementary teachers shall be provided examples of ideas of how physical activities can be incorporated in other areas of instruction.
  - Elementary schools shall develop a wellness policy that includes moderate to vigorous physical activity each day for every child.
- **Middle and High Schools**
  - Middle and high school teachers shall be provided examples of ideas of how physical activities can be incorporated in areas of instruction.
  - Teachers shall make students aware of the importance of physical activity to overall long-term health.
  - Teachers shall encourage students to exercise.
  - Teachers shall point out and encourage students to participate in the many activities offered through school that would afford students opportunities for physical activity.

### Wellness

#### **Section 2. Nutrition Education**

Nutrition education should be embedded in all areas of the curriculum and the District and schools should promote healthy eating habits.

- Nutrition education shall be provided at all grade levels as a part of practical living instruction and as identified in Kentucky's Academic Expectations, Program of Studies, and Core Content for Assessment.
- Cafeterias shall be utilized as a learning laboratory and provide nutrition education training for students.
- Healthy eating habits shall be promoted by:
  - Communicating the importance of good eating through newsletters, websites and other communication with parents and students.
  - Healthy food consumption shall be encouraged at all school activities as described in Phase 2 of policy.
  - All school menus shall emphasize the importance of helping students developing good eating habits by providing tips on healthy snacks and nutritional information on foods provided.
- The School Nutrition Program shall provide information to the learning community to include materials and references related to nutrition education.
- The School Nutrition Program shall work closely with the instructional department to identify ways nutrition education and healthy eating habits might be integrated in curriculum activities.
- The School Nutrition Director and PD Coordinator shall collaborate to develop nutrition education training for teachers and aides.

#### **Section 3. Parent and Community Involvement**

The School Nutrition Program should utilize a comprehensive communication and marketing strategy designed to provide information about and promote the benefits of the program to all members of the learning community.

- Partnerships shall be developed with a variety of community resources to promote health and wellness throughout the District. These may include, but not be limited to:
  - Hardin County Health Center
  - Lincoln Trail District Health Department
  - Hardin Memorial Hospital
  - UK Cooperative Extension Office
  - Parks and Recreation Departments
  - American Cancer Society
  - American Health Association
  - American Red Cross
  - Physicians

Wellness**Section 3. Parent and Community Involvement (continued)**

- Health Care Providers
- PTO/PTA
- Parent Organizations
- District staff shall promote participation in enjoyable physical activity in the community by providing information on the HCS Community Education web page regarding community health and wellness activities and programs.
- A process shall be implemented 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.

—<sup>1</sup>Exceptions:

The following activities are exempt from the competitive food rules:

1. Field Day (1) at each school annually
2. State testing window

Any additional exceptions must be approved by the Associate Superintendent for Finance and Support Services.

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LEGAL REVISIONS TO 702 KAR 1:160 ALLOW STUDENT HEALTH CARE EXAMINATIONS TO BE REPORTED ELECTRONICALLY IF THE ELECTRONIC MEDICAL RECORD INCLUDES ALL DATA EQUIVALENT TO THAT ON THE APPROPRIATE FORM.  
FINANCIAL IMPLICATIONS NONE ANTICIPATED

STUDENTS

09.211

### **Health Care Examinations**

All pupils shall undergo ~~preventative~~preventive student health care, dental, and vision examinations as required by Kentucky Administrative Regulation, which shall be reported on the state forms or an electronic medical record that includes all of the data equivalent to that on the appropriate forms required by state regulation.<sup>1</sup>

#### **IMMUNIZATIONS**

The immunization certificate form required by 702 KAR 1:160 shall be on file within two (2) weeks of a student's enrollment in school.<sup>1, 2 & 3</sup>

Forms relating to exemptions from immunization requirements shall be available at the local health department.

Immunization certificates shall be kept current.<sup>1</sup>

#### **REFERENCES:**

<sup>1</sup>KRS 156.160; 702 KAR 1:160

<sup>2</sup>KRS 214.036; KRS 214.034

<sup>3</sup>KRS 158.035

902 KAR 2:060; 902 KAR 2:090

OAG 82-131

Health Services Reference Guide, Kentucky Department of Education

#### **RELATED POLICIES:**

09.121

09.126 (re requirements/exceptions for students from military families)

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

09.22

### **Student Health and Safety**

#### **PRIORITY**

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

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**

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.<sup>1</sup>

If the delegation involves administration of medication, the District 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**

All pupils shall receive annual instruction in school bus safety.

The Superintendent 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.<sup>3</sup>

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.<sup>2</sup>

STUDENTS

09.22  
(CONTINUED)

**Student Health and Safety**

**REFERENCES:**

<sup>1</sup>KRS 156.501; KRS 156.502; 702 KAR 1:160

<sup>2</sup>KRS 156.095

<sup>3</sup>KRS 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

09.224

### **Emergency Medical Treatment**

#### **FIRST AID TO BE PROVIDED**

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

#### **FIRST-AID AREA**

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 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.<sup>1</sup> A reasonable attempt will be made to contact the student's parent/guardian in the event of an accident.

#### **EMERGENCY PROCEDURES**

Each Principal shall develop a procedure for handling medical emergencies, including emergencies involving employees or visitors.

All such emergencies shall be reported immediately to the office of the Superintendent.

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.

#### **RECORDS**

All school accident forms shall be turned in to the Central Office by June 30 of each year.

An annual evaluation of accident reports shall be made, and a formal report shall be presented to the Board.

STUDENTS

09.224  
(CONTINUED)

**Emergency Medical Treatment**

**REFERENCES:**

1702 KAR 1:160  
KRS 156.160; KRS 156.502  
KRS 158.838

**RELATED POLICIES:**

09.21; 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

09.2241

### **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. ~~Guidelines for diabetes medication administration under 702 KAR 1:160 no longer apply to training of non-licensed school personnel.~~

#### **ACCESS**

Except for emergency medications (including, but not limited to FDA approved seizure rescue medication and EpiPens) and medications approved for students to carry for self-medication purposes, all medications, both prescription and nonprescription, must be stored in a secure cabinet or container accessible only to personnel designated to administer medications.

All medications given must be documented immediately after it is given, on a medication log.

#### **PRESCRIPTION MEDICATION**

School personnel who have completed training required by law, may administer medication to students after obtaining signed authorization from the parent. The medication must be sent to school in its original container with the prescription label attached. The prescription must contain information as required by administrative procedures.

#### **NONPRESCRIPTION MEDICATION**

Students may take nonprescription medications which are brought from home once a completed authorization form from the parent/guardian is on file.

On an individual basis, students 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.

#### **SELF-ADMINISTRATION**

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.<sup>1</sup>

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.<sup>2</sup>

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 District 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.

STUDENTS

09.2241  
(CONTINUED)

**Student Medication**

**REFERENCES:**

<sup>1</sup>KRS 158.834; KRS 158.838

<sup>2</sup>KRS 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 73-768

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

09.227

### 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 neglected<sup>1</sup> 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.<sup>2</sup>

If the person making the report has reason to believe that immediate protection for the child is advisable, that person shall also make an oral report to an appropriate law enforcement agency.

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 appropriate law enforcement agency and the Superintendent/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, the District 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 the District, 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 Attorney or County 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 the District 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 school District.

**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.<sup>3</sup>

**REQUIRED TRAINING**

All current school administrators, certified personnel, office staff, instructional assistants, coaches, and extracurricular sponsors shall complete Board 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.

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**REFERENCES:**

<sup>1</sup>KRS 600.020 (1)(15)

<sup>2</sup>KRS 620.030; KRS 620.040

<sup>3</sup>OAG 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

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**RELATED POLICIES:**

09.42811; 09.4361; 10.5

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RECOMMENDED THIS CHANGE IS TO CLARIFY THAT PER HAZELWOOD V. KUHLMIEIER,  
MATERIALS MAY BE EXCLUDED FOR LEGITIMATE EDUCATIONAL REASONS  
FINANCIAL IMPLICATIONS NONE ANTICIPATED

STUDENTS

09.34

### **Student Publications**

#### **SPONSOR PROVIDED**

A designated faculty sponsor shall be provided for all student publications.

#### **PRIOR SUBMISSION**

Materials to be published shall be submitted to the Principal three (3) days before publication and/or distribution.

The Principal shall have the right to edit all materials for legitimate educational reasons including, but not limited to, for items which could be reasonably expected to create a material and substantial disruption of school activities or operations ~~are substantially disruptive or which may cause harm to others.~~

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#### **APPEAL**

A student or author may appeal in writing to the Superintendent the Principal's decision.

#### **REFERENCES:**

KRS 160.290

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)

#### **RELATED POLICY:**

09.426

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

09.4261

### **Telecommunications 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 law<sup>1</sup> 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:
  - a. Poses a threat to academic integrity, such as cheating;
  - b. 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;
  - c. Is profane, indecent, or obscene;
  - d. Constitutes or promotes illegal activity or activity in violation of school rules; or
  - e. 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.

Unless an emergency situation exists that involves imminent physical danger or an administrator or teacher authorizes the student to do otherwise, devices shall be turned off and operated only before the student enters the school building and after the last dismissal bell of the day. When students violate prohibitions of this policy, they shall be subject to disciplinary action, including the possibility of losing the privilege of bringing the device onto school property. In addition, the device, subject to the discretion of the Principal, shall be confiscated by a school employee and turned over to an administrator, and shall be returned to the student on the first offense, but on subsequent offenses, only to a parent/guardian. A violation also may result in a report being made to law enforcement.

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**Telecommunications Devices****POSSESSION AND USE (CONTINUED)**

2. Students are solely responsible for keeping up with devices they bring to school. The District shall not be responsible for loss, theft, or destruction of devices brought onto school property.
3. Students shall comply with any additional rules developed by the local SBDM Council concerning appropriate use of other electronic devices.
4. When SBDM Councils approve the integration of cell phones into the curriculum, the students may be allowed to use their cell phones in an appropriate manner during class time.

When a student enters the school building, all phones are to be turned off until the end of the school day bell as determined by the "ending times" approved by the Board. Violation of this policy may result in the phone being confiscated and turned over to an administrator. Failure to turn over the phone shall be defined as "defiance of authority" and shall be considered a behavioral violation as listed in the District Code of Conduct.

Actions taken for failure to abide by the Telecommunications Policy are as follows in schools without SBDM Councils:

1. First Offense: student shall be warned, phone confiscated and noted in the discipline section of IC, and the student may obtain the phone at the end of the day.
2. Second Offense: student shall receive a second warning, phone confiscated, and the parent may obtain the phone after the parent has signed off on acceptable use.
3. Third Offense: student shall be placed in detention, AM or Saturday School, phone confiscated, and the parent may obtain the phone at the end of nine (9) weeks or trimester period.
4. Fourth Offense: student shall be placed in Saturday School, phone confiscated, the parent may obtain the phone at the end of the semester or trimester, and student shall be denied privileges of having a phone on campus.
5. Fifth Offense: student shall be suspended for one (1) day, phone confiscated and the parent may obtain the phone at the end of the school year.
6. Continued violations may result in due process or pre-expulsion procedures for non-compliance of a District Policy.

**HARASSMENT (KRS 525.070)**

Use of an electronic device to send harassing messages is considered cyber-bullying and is a violation of Kentucky State Law.

**NOTICE OF POLICY**

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

STUDENTS

09.4261  
(CONTINUED)

**Telecommunications Devices**

**REFERENCE:**

<sup>1</sup>KRS 158.165

**RELATED POLICIES:**

08.2323; 09.426; 09.436  
09.438; 09.439; 09.440



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

09.42811

### **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.

#### **PROHIBITIONS**

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.)

District 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 each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the Civil Rights Compliance Officer. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report. ~~Without a report being made to the Principal, Superintendent or Civil Rights Compliance Officer, the District shall not be deemed to have received a complaint of harassment/discrimination.~~

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

The Superintendent shall provide for the following:

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

**Harassment/Discrimination****GUIDELINES (CONTINUED)**

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

2. A process to identify and implement, within three (3) 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. 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 Superintendent/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District's complete policy/procedures 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 Board-approved code of acceptable behavior and discipline.

3. 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
4. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

When sexual harassment is alleged, the Civil Rights Compliance Officer, as designated in the student handbook/code, shall be notified.

**NOTIFICATIONS**

Within twenty-four (24) hours of receiving a serious allegation of harassment/discrimination, District 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.<sup>1</sup>

**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;

**Harassment/Discrimination**

**PROHIBITED CONDUCT (CONTINUED)**

2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors; and
3. Instances involving sexual violence.

**CONFIDENTIALITY**

District 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 Superintendent or Civil Rights Compliance Officer (HCS Harassment/Discrimination Complaint Procedure).

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.

**NONRETALIATION**

No one shall retaliate against any student or any other person because s/he has submitted a grievance, assisted or participated in an investigation, proceeding, or hearing regarding discrimination or harassment of an individual or because s/he has opposed language or conduct that violates this policy.

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

**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.

STUDENTS

09.42811  
(CONTINUED)

**Harassment/Discrimination**

**REFERENCES:**

<sup>1</sup>KRS 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, 09.13, 09.2211, 09.227, 09.422, 09.426, 09.438

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

DRAFT (01/05/15)

COMMUNITY RELATIONS

10.5

### **Visitors to the Schools**

#### **LOCAL CITIZENS**

The Board encourages parents, professional educators, and others who have educational interests pertaining to the District's public school program to visit the schools. 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 a District school, except with the advance written permission of the Superintendent/designee that has been given after full disclosure of the person's status under KRS 17.510 as a registrant or sex offender from another state and all registrant information as required in KRS 17.500.

A registrant is defined as:

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

A registrant must request and receive permission from the Superintendent/designee prior to coming onto school grounds. The Superintendent/designee shall determine whether the requesting registrant is permitted to come onto school grounds. Access may be permitted at the discretion of the Superintendent/designee 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; or

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

## 5. Other appropriate reasons.

The Superintendent/designee may impose limitations to access, including but not limited to the following:

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

The Principal shall notify the Superintendent/designee of each request from a registrant.

**OUTSIDERS**

~~Professional educators and citizens who are from other communities and who wish to observe the schools in operation are welcome. Arrangements for such visits must be made in advance with the Superintendent or Principal. When arrangements are made by the Principal, notification shall be made to the Superintendent or Director of Public Relations.~~

**CONDUCT/PROHIBITION ON RECORDING**

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All visitors to the schools 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.

**TOBACCO PRODUCTS PROHIBITED**

The use of any tobacco product is prohibited in any board-owned vehicle or building and/or grounds (to include seating areas of all outdoor arenas/stadiums) owned or operated by the Board. The use of any tobacco product is prohibited in the presence of students during school hours or in the presence of students while performing services for the District. The use of tobacco products on Board-owned property is permitted only in privately owned vehicles.

## COMMUNITY RELATIONS

10.5  
(CONTINUED)

### Visitors to the Schools

#### ACCOMMODATION

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

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

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

#### 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; 09.3211; 09.426