

LEGAL: THIS CHANGE CLARIFIES THAT THE AGENDA FOR A SPECIAL CALLED MEETING MAY BE AMENDED UP TO 24 HRS. PRIOR TO THE MEETING.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT (05/06/15) (5/11/15) DISTRICT MAY ALREADY HAVE ADDRESSED THIS DRAFT.

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.45

## **Board Meeting Agenda**

### **PREPARATION**

The Secretary of the Board under the direction and approval of the Chairperson shall prepare the agenda for each Board meeting.

Any member of the Board may submit items for the agenda through the Chairperson or the Superintendent. The agenda shall be closed to Board members ten (10) calendar days preceding the scheduled regular meeting unless the addition of a late item is approved by the Chairperson or by a request of three (3) Board members.

Items may be placed on a proposed special called meeting agenda at the direction of the Chairperson and shall be placed on the proposed agenda if requested by three (3) or more Board members.

The agenda of a regular meeting may be amended at the meeting upon affirmative vote of at least three (3) members. However, once the agenda for a special called meeting ~~may not be amended~~ ~~once it is~~ posted or delivered to Board members and requesting media, it may only be amended when a new notice and reposting of the agenda, as amended, is completed prior to the twenty-four (24) hour period before the meeting as required by statute.

### **DISTRICT EMPLOYEES/MEMBERS OF THE PUBLIC**

District employees and any member of the public may submit items to be considered for the agenda to the Superintendent ten (10) calendar days prior to the date of the meeting by filing the appropriate form. Items may include that the Board consider adoption or amendment of a policy for future application.

District employees and members of the public may address the Board during the period set aside by the Board without submitting an item for the agenda. No action shall be taken during this portion of the meeting on issues raised by employees or the public unless deemed an emergency by the Board.

Employees' concerns dealing with a grievance/communication issue must first be addressed in keeping with the Board's established policy/procedures.

### **EXCEPTIONS**

Any item submitted after the printing-publishing of a regular Board meeting agenda, and approved by the Superintendent or Board Chairperson as an item requiring immediate action by the Board, shall be printed-noted as revised or as an addendum and considered part of the agenda. The necessity for immediate action shall be listed on the addendum.

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### **DELIVERY**

For each regular Board meeting, a meeting notice and agenda including supporting materials, a report of the bills to be paid, and the minutes of the previous meeting(s), shall be delivered emailed to Board members at least three (3) days prior to the meeting .

In the case of emergency meetings called on less than three (3) days' notice, the agenda delivery requirement shall be waived.

**Board Meeting Agenda**

**ORDER OF BUSINESS**

At the hour of the meeting of the Board, or as soon hereafter as a quorum shall be present, the Chairperson shall call the meeting to order and proceed to do business in the following manner:

1. Call to order;
- ~~1-2.~~ Pledge of Allegiance/Mission Statement;
3. Roll call of members;
4. Recognition;
- ~~2-5.~~ Hearing of citizens and delegations;
- ~~3-6.~~ Approval or Rejection of Consent Agenda;
- ~~4.~~ Reading of and approval of minutes from the previous regular meeting;
- ~~5.~~ Authorization for payment of salaries;
- ~~6.~~ Monthly financial report from each school;
- ~~7.~~ Monthly financial report of the District;
- ~~8.~~ Authorization for payment of bills as listed on Form F 20 C;
- ~~9-7.~~ Reports;
- ~~10-8.~~ Recommendations of the Superintendent;
- ~~11-9.~~ Other communications;
- ~~12.~~ Notification of employment;
- ~~13-10.~~ New business;
11. Unfinished business;
- ~~14-12.~~ Informational Items;
- ~~15-13.~~ Adjournment.

**REFERENCE:**

KRS 160.290

**RELATED POLICIES:**

01.44  
01.5  
03.16/03.26

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 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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#### 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**

Signed consent of the employee designating personnel to be informed shall be required before the Superintendent advises personnel of the employee's medical condition.

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**

- 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.

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

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.

- 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. The employee must provide notice (at least thirty (30) days prior to the foreseeable leave; otherwise, notice as soon as the need becomes known) in order to assure that leave is granted in a timely manner.

*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 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 assumed 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**

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

**Family and Medical Leave****RESTRICTIONS (CONTINUED)**

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

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

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

**INTERMITTENT LEAVE/REDUCED HOURS**

Family and medical leave may be taken intermittently or on a reduced hours basis when medically necessary (as determined upon the advice of a licensed physician).

**CONTINUATION OF BENEFITS**

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

**RETURN TO WORK**

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

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

**NOTICE**

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: 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.

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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.

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

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.162

- CERTIFIED PERSONNEL -

### Harassment/Discrimination

#### **DEFINITION**

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

#### **PROHIBITION**

Harassment/Discrimination is prohibited at all times on 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**

Employees who engage in harassment/discrimination of another employee or a student 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 District Title IX Coordinator. 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 Title IX/Equity Coordinator, 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:

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

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.

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

2. A process to identify and implement, within five (5) working days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
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;

**Harassment/Discrimination**

**PROHIBITED CONDUCT (CONTINUED)**

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.

**CONFIDENTIALITY**

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

**APEAL**

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.

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.

**RETALIATION PROHIBITED**

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

Upon the resolution of allegations, the 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.

PERSONNEL

03.162  
(CONTINUED)

**Harassment/Discrimination**

**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:**

03.113, 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 purposes 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

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

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### 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.

All evaluations shall be maintained in the employee's personnel file.<sup>2</sup>

### FREQUENCY

~~Administrators and non tenured teachers shall be evaluated at least once annually. Tenured teachers shall be evaluated at least once every three (3) years.~~

**Evaluation****APPEAL PANEL**

The District shall establish a panel to hear appeals from summative evaluations as required by law.<sup>1</sup>

**ELECTION**

Two (2) members of the panel shall be elected by and from the certified employees of the District. Two (2) alternates shall also be elected by and from the certified employees, to serve in the event an elected member cannot serve. The Board shall appoint one (1) certified employee and one (1) alternate certified employee to the panel.

**TERMS**

One (1) panel member shall serve a two (2) year term. The term of office for all other panel members and alternates shall be for one (1) year and run from July 1 to June 30. Members may be reappointed or reelected.

**CHAIRPERSON**

The chairperson of the panel shall be the certified employee appointed by the Board.

**APPEAL TO PANEL**

Any certified employee who believes that he or she was not fairly evaluated on the summative evaluation may appeal to the panel within five (5) working days of the receipt of the summative evaluation. The certified employee may review any evaluation material related to him/her. Both the evaluator and the evaluatee shall be given the opportunity to review documents to be given to the hearing committee reasonably in advance of the hearing and may have representation of their choosing.

**APPEAL FORM**

The appeal shall be signed and in writing on a form prescribed by the District evaluation committee. The form shall state that evaluation records may be presented to and reviewed by the panel.

**CONFLICTS OF INTERESTS**

No panel member shall serve on any appeal panel considering an appeal for which s/he was the evaluator.

Whenever a panel member or a panel member's immediate family appeals to the panel, the member shall not serve for that appeal. Immediate family shall include father, mother, brother, sister, husband, wife, son, daughter, uncle, aunt, nephew, niece, grandparent, and corresponding in-laws.

A panel member shall not hear an appeal filed by his/her immediate supervisor.

**BURDEN OF PROOF**

The certified employee appealing to the panel has the burden of proof. The evaluator may respond to any statements made by the employee and may present written records which support the summative evaluation.

**Evaluation****HEARING**

The panel shall hold necessary hearings. The evaluation committee shall develop necessary procedures for conducting the hearings.

**PANEL DECISION**

The panel shall deliver its decision to the District Superintendent, who shall take whatever action is appropriate or necessary as permitted by law. The panel's written decision shall be issued within fifteen (15) working days from the date an appeal is filed. No extension of that deadline ~~beyond April 25th~~ shall be granted without written approval of the Superintendent.

**SUPERINTENDENT**

The Superintendent shall receive the panel's decision 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.

**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:**

<sup>2</sup>03.15

02.14; 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

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.

#### **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 702 KAR 5:080.

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 licensed physician, physician assistant (PA), or Advanced Practice Registered Nurse designated by the Board. If the employee elects to be examined by a private practitioner, the cost of 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.

#### **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>3</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**

Signed consent of the employee designating personnel to be informed shall be required before the Superintendent advises personnel of the employee's medical condition.

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:**

1KRS 161.145; 702 KAR 5:080  
2702 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 county 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**

- 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)**

- 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. The employee must provide notice (at least thirty (30) days prior to the foreseeable leave; otherwise, notice as soon as the need becomes known) in order to assure that leave is granted in a timely manner.

*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**

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

**Family and Medical Leave**

**INTERMITTENT LEAVE/REDUCED HOURS**

Family and medical leave may be taken intermittently or on a reduced hours basis when medically necessary (as determined upon the advice of a licensed physician).

**CONTINUATION OF BENEFITS**

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

**RETURN TO WORK**

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

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

**NOTICE**

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

**REFERENCES:**

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

**RELATED POLICIES:**

03.223; 03.2232; 03.2233; 03.2234; 03.2238; 03.224

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

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.

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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.

#### **PROHIBITION**

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

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

#### **DISCIPLINARY ACTION**

Employees who engage in harassment/discrimination of another employee or a student 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 District Title IX Coordinator. 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 Title IX/Equity Coordinator, 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:

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

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;

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

2. A process to identify and implement, within five (5) working days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
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;

**Harassment/Discrimination**

**PROHIBITED CONDUCT (CONTINUED)**

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.

**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.

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.

**RETALIATION PROHIBITED**

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

Upon the resolution of allegations, the 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.

PERSONNEL

03.262  
(CONTINUED)

**Harassment/Discrimination**

**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 KRS 424.260. All purchases of Kentucky Education Technology System (KETS) components shall adhere to KETS architectural standards and procedures.

### **ITEMS BID/PURCHASED**

Except in cases of emergency, all "like" items purchased exceeding \$20,000 in a twelve (12)-month period beginning July 1 shall be purchased from 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. The Superintendent/designee shall duly certify when an emergency exists that prevents the District from following this requirement and file a copy of the certificate with the Chief State School Officer.<sup>1</sup>

### **EXCEPTIONS**

The District may purchase supplies and/or equipment outside price contracts and/or District bids 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>2</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>5</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.

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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>4</sup>

**EXEMPTIONS**

Professional services may be exempted from bidding.

NOTE: 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>5</sup>

Insurance may be bid or negotiated.

Perishable meat, fish, and vegetables are not required to be bid.

**PURCHASE OF \$20,000 OR LESS**

Purchases of \$20,000 or less shall follow the District's small purchase procedures.

**PRESENTATION**

Principals desiring purchases which must be bid must present the following to the Superintendent or designee: items desired, specifications, and names and addresses of potential vendors.

**TABULATION**

Bids shall be opened and tabulated by the Superintendent or designated representative. The tabulations will be acted on by the Board. Notification of bidders shall comply with legal requirements.

**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>3</sup>

**Bidding**

**REFERENCES:**

<sup>1</sup>KRS 424.260

<sup>2</sup>KRS 156.076

<sup>3</sup>KRS 160.380

<sup>4</sup>KRS 160.303; 200 KAR 5:400; KRS 45A.494

<sup>5</sup>~~2 C.F.R. 200.3187 C.F.R. 210.21 and 7 C.F.R. 3016.36~~

~~KRS 45A.445~~; KRS 162.070; 702 KAR 3:135

OAG 77-518; OAG 77-548

OAG 79-501; OAG 82-170

Kentucky Educational Technology Systems (KETS)

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

### Safety

#### **BOARD TO ADOPT**

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 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.

**Safety**

**PRECAUTIONS**

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

**REPORTING HAZARDS**

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

**COMMUNICATION SYSTEM**

The 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 and Disaster 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, disaster 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  
KRS 160.290

#### **RELATED POLICY:**

05.4

LEGAL: HB 315-THE 2015 GENERAL ASSEMBLY AMENDED KRS 189.125 TO REQUIRE THAT CHILDREN UNDER AGE 8 AND BETWEEN 40 AND 57 INCHES TALL BE PROPERLY SECURED IN CHILD BOOSTER SEATS WHEN BEING TRANSPORTED IN CERTAIN VEHICLES. ANY CHILD 57 INCHES OR TALLER DOES NOT HAVE TO BE SECURED IN A BOOSTER SEAT, NO MATTER THE AGE OF THE CHILD.

FINANCIAL IMPLICATIONS: COST OF ADDITIONAL BOOSTER SEATS

TRANSPORTATION

06.2

## Safety

### **DEVELOPMENT OF PROGRAM**

The Superintendent shall develop a transportation safety program as required by applicable law and administrative regulation. Appropriate safety information shall be disseminated annually in writing to employees, parents, and pupils of the school District.

### **BOOSTER SEATS**

When students who are under ~~seven-eight~~ (78) years old and between forty (40) and fifty-~~seven~~ (57) inches in height are transported in District-owned or leased vehicles designed for ~~ten-nine~~ (19) or fewer passengers, they shall be properly secured in a child booster seat. Per KRS 189.125, a child of any age who is greater than fifty-seven (57) inches in height is not required to be secured in a booster seat.

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### **REFERENCES:**

KRS 158.110  
KRS 189.125  
702 KAR 5:030  
702 KAR 5:060  
702 KAR 5:080

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### **RELATED POLICY:**

06.12

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.

#### **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

SUPPORT SERVICES

07.1

### **Food/School Nutrition Services**

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

#### **BREAKFAST AND LUNCH**

Lunchrooms shall serve complete hot or cold meals as defined by federal regulations.

#### **MEAL CHARGES**

When a student accumulates more than \$10.00 in meal charges, the Superintendent/ designee shall initiate the established collection process to include notification of parents and appropriate follow-up. Food Service funds shall not be used to collect outstanding meal charges.

Students shall not be permitted to charge a la carte items, nor shall adults be permitted to charge meals or a la carte items.

#### **FOOD SERVICE/SCHOOL NUTRITION PROGRAM DIRECTOR/MANAGER**

The District (or food service area to which the District belongs) shall appoint/select a Food Service/School Nutrition Program Director/Manager to oversee and manage the school nutrition service program. All Food Service/School 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 annual school 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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**Food/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.

**SPECIAL DIETARY NEEDS**

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

**REFERENCES:**

KRS 156.160; ~~KRS 156.502~~

KRS 158.852; KRS 158.856; KRS 160.290

702 KAR 6:010; 702 KAR 6:050

702 KAR 6:075; 702 KAR 6:090

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

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

SUPPORT SERVICES

07.111

## **Competitive Foods**

### **MINIMAL NUTRITIONAL VALUE**

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

### **DEFINITIONS**

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

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

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

### **NUTRITIONAL STANDARDS**

No school may sell competitive foods or beverages, whether from vending machines, school stores or canteens, classrooms, teacher or parent groups, from midnight before until thirty (30) minutes after the last school lunch period of the school day. From thirty (30) minutes after the last lunch period closes until thirty (30) minutes after the school day, food and beverages sold must conform with nutritional standards specified in state and federal regulations.

Fund-raising activities held off of 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/beverages 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

SUPPORT SERVICES

07.13

### School Nutrition Procurement

#### **OPEN BIDDING**

In all applicable cases, food, food products, supplies, and equipment purchased with school food service 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.

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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:

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a) District employee, officer, or agent;

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b) Any member of his/her immediate family;

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c) His/her partner;

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d) An organization that employs or is about to employ one of the above.

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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.

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3. The purchase during the school day of any food or service from a contractor for individual use is prohibited.

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4. The removal of any food, supplies, equipment, or school property such as records, recipe books, and the like is prohibited.

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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.

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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.

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SUPPORT SERVICES

07.13  
(CONTINUED)

**School Nutrition Procurement**

**REFERENCES:**

~~7 CFR 3016.36~~

~~7 CFR 210.21~~ 2 C.F.R. 200.318

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

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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

SUPPORT SERVICES

07.16

### **Food Service/School Nutrition Employees**

#### **FOOD SERVICE/SCHOOL NUTRITION EMPLOYEES**

All food service/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, food service/school nutrition program directors and school cafeteria managers shall meet training and credential requirements specified in statute.<sup>2</sup>

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#### **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

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#### **RELATED POLICIES:**

See Section 03.2

07.1

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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.

#### **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**

Eligible students shall be provided supplemental educational services as required by federal law.<sup>1</sup>

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 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 request shall be required prior to the student being granted independent access to electronic media involving District technological resources.

The required permission/agreement form, which shall specify acceptable uses, rules of on-line behavior, access privileges, and penalties for policy/procedural violations, must be signed by the parent or legal guardian of minor students (those under 18 years of age) and also by the student. This document shall be kept on file as a legal, binding document. In order to modify or rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the 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.
4. 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.

**Access to Electronic Media**

(Acceptable Use Policy)

**EMPLOYEE USE (CONTINUED)**

5. Once the site has been created, the sponsoring staff member is responsible for the following:
  - 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 shall be subject to loss or restriction of the privilege of using equipment, software, information access systems, or other computing and telecommunications technologies.

Employees and students shall be subject to 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.

**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.

**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.

**Access to Electronic Media**

(Acceptable Use Policy)

**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~~ **(510)** 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)

47 C.F.R. 54.516

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**RELATED POLICIES:**

03.13214/03.23214

03.1325/03.2325

03.17/03.27

08.1353; 08.2322

09.14; 09.421; 09.422; 09.425; 09.426; 09.4261

10.5

## 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,
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,
- 4.6. Instructional time required for kindergarten per KRS 157.320 ~~if in excess of the minimum three (3) hours of daily instruction,~~
7. Any instructional time to be banked to make up for full days that may be missed due to an emergency,
- 16.8. 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.

**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.

**REFERENCES:**

702 KAR 7:130; 702 KAR 7:140

KRS 2.190; KRS 118.035

KRS 157.320; KRS 157.360; ~~KRS 158.070~~

KRS 158.070; KRS 158.6453

LEGAL: 702 KAR 7:140 HAS BEEN REVISED TO REQUIRE UP-TO-DATE MASTER (BELL) SCHEDULES FOR EACH SCHOOL IN THE DISTRICT TO BE ON FILE IN THE CENTRAL OFFICE.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.31

### **Student Attendance Day**

#### **STUDENT ATTENDANCE DAY**

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

#### **EXCEPTIONS**

Kindergarten (entry level of the primary program) shall be provided no less than the equivalent of half-day sessions, five (5) days a week for a full school year for each kindergarten student.

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

#### **MASTER SCHEDULE**

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

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#### **REFERENCES:**

<sup>1</sup>KRS 158.060  
KRS 158.030; KRS 158.070  
KRS 157.320  
KRS 157.360  
702 KAR 7:125  
702 KAR 7:140

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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 ZONES**

All pupils shall be assigned by geographic attendance zones and will attend the school designated to serve their area of residence. Specific areas served by each attendance zone will be marked on a map in the central administration office. The Board may revise attendance zones from time to time to attain maximum utilization of school facilities.<sup>1</sup>

#### **IF FAMILIES MOVE**

If a family moves from one attendance zone to another within the school system, the pupil may be permitted to finish the school year in the school in which he was last enrolled (at no cost or service by the Board). The pupil must enroll the following year in the school in the attendance zone of his/her legal residence.

#### **REQUESTS FOR TRANSFER**

Requests for transfer to another District school must be based on physical, psychological, or educational reasons. Family hardship may also be considered in changing school assignment.

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";
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 is waived through the 2018-2019 school year. If request is not renewed, then transfer reason #2 will be in force.~~

#### **REFERENCES:**

<sup>1</sup>KRS 159.070

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

34 C.F.R. 200.44

OAG 80-394

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>5</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.

**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:

- A certified copy of the student's birth certificate, or
- Other reliable proof of the student's identity and age with an affidavit explaining 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 157.226; 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

KRS 158.990; KRS 159.010

704 KAR 5:070

OAG 82-408; OAG 85-55

**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~~sixteen (18~~6~~), 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 written permission 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.
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>

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

3. Students may participate in cocurricular 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 cocurricular 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. 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

### Student Welfare and Wellness

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

The Board is committed to providing school environments that promote and protect student health, well-being, and ability to learn by supporting healthy eating and physical activity. To this end, 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.
- ~~All students will have opportunities, support, and encouragement to be physically active on a regular basis as provided by school/council policy.~~
- ~~Foods and beverages sold or served at school will meet the nutrition recommendations of the U.S. Dietary Guidelines for Americans.~~

### NUTRITION EDUCATION AND PROMOTION AND EDUCATION, PHYSICAL ACTIVITY, AND OTHER SCHOOL-BASED ACTIVITIES

Each school is ~~encouraged to provide~~ to set measurable goals in providing nutrition education and ~~engage~~ in nutrition promotion ~~that to positively influence lifelong eating behaviors. Suggested language may include goals related to activities and opportunities:~~

- ~~is~~ 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 ~~is~~ 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 includes enjoyable, developmentally-appropriate, culturally-relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens;
- that promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
- that emphasizes caloric balance between food intake and energy expenditure (physical activity/exercise);
- that links with school meal programs, other school foods, and nutrition-related community services; ~~and~~

## Student Welfare and Wellness

### NUTRITION EDUCATION AND PROMOTION AND EDUCATION, PHYSICAL ACTIVITY, AND OTHER SCHOOL-BASED ACTIVITIES (CONTINUED)

- that provide all students with opportunities, support, and encouragement to be physically active on a regular basis as provided by school/council policy. Schools with K-5 organization, or any configuration thereof, shall include in their wellness policy, moderate to vigorous physical activity each day in accordance with KRS 160.345 and Board Policy 02.4241; and
- that includes training for teachers and other staff.

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### 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.

### MONITORING/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 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.

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**Student Welfare and Wellness**

**MONITORING EVALUATION AND ENFORCEMENT (CONTINUED)**

**Annual Progress Report:**

The District shall ~~periodically measure~~ 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.

**ASSESSMENT**

The District shall ~~periodically~~ measure and ~~make available to update~~ the public once every three (3) years at a minimum, ~~on~~ 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

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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 Examination**

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>

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#### **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 each school.

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 general accident prevention and in school bus safety.

The Superintendent shall develop regulations designed to promote the safety of all students. Said regulations 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; 704 KAR 10:022

**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 to all pupils in case of an accident or sudden illness until the services of a health care professional become available.

### **FIRST-AID ROOM**

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

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

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

### **INFORMATION NEEDED**

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

### **EMERGENCY PROCEDURES**

Each Principal shall develop a procedure for handling medical emergencies.

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

### **REFERENCES:**

- <sup>1</sup>702 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.~~

School personnel selected by the Principal shall dispense medication to pupils only if the medication has been prescribed or ordered by a health care practitioner or dentist. Antiseptic and appropriate other emergency medications shall be maintained in the first-aid kit.

Pupils may take medicine which is brought from home once a completed authorization form from the parent/guardian is on file,<sup>1</sup> provided the conditions required by administrative procedures are met.

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 dispensed to pupils by authorized school personnel shall be kept in the school in a safe, secure place designated by the Principal. In addition, authorized school personnel shall document on approved forms the dispensing of medications to pupils.

#### **SELF-ADMINISTRATION**

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

Provided the parent/guardian and health care practitioner files a completed authorization form each year as required by law, a student under treatment for asthma, diabetes, or at risk of having anaphylaxis shall be permitted to self-administer medication.<sup>2</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>3</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>OAG 73-768

<sup>2</sup>KRS 158.834; KRS 158.838

<sup>3</sup>KRS 158.836

KRS 156.502; KRS 158.832

702 KAR 1:160; OAG 77-530; OAG 83-115

Americans with Disabilities Act ; Section 504 of the Rehabilitation Act of 1973

**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>

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 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 or County's Attorney or the Cabinet for Families and Children or its designated representative within forty-eight (48) hours of the original report a written report containing specific information regarding the child, the child's parents or guardians, and the person allegedly responsible for the abuse or neglect.

#### **WRITTEN RECORDS**

Copies of reports kept by 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. KUHLMEIER, MATERIALS MAY BE EXCLUDED FOR LEGITIMATE EDUCATIONAL REASONS.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.34

## **Student Publications**

### **OFFICIAL SCHOOL SANCTIONED PUBLICATIONS**

Official school publications are those magazines, newspapers and other student-prepared materials that are published under the following conditions:

- a designated faculty advisor is provided by the school, and/or
- the funds for printing and distribution are provided by the school.

### **REVIEW**

Materials to be published shall be reviewed by the Superintendent or the Superintendent's designee prior to their release.

The Superintendent or the Superintendent's designee shall have the right to edit all materials, including advertising, [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 such as material that includes malicious injury, defamation, obscenity and incitement to disorder, injury, and/or illegal acts.

### **NON-SCHOOL SANCTIONED PUBLICATIONS**

Publications and petitions without official school sanction as defined above may be circulated after review by school authorities and under such conditions and at such times and places as shall be designated by the Superintendent or the Superintendent's designee.

### **APPEAL**

A student or author may appeal in writing to the next level of administration the decision of the Superintendent or the Superintendent's designee.

### **HANDBOOKS**

All student handbooks shall be approved by the Board.

### **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

## Telecommunication Devices

### POSSESSION AND USE

While on school property or while attending school-sponsored or school-related activities, whether on or off school property, students shall be permitted to possess and use personal telecommunications devices as defined by 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.

2. Unless an emergency situation exists that involves imminent physical danger or a certified employee authorizes the student to do otherwise, devices shall be turned on and operated only before and after the regular school day and during the student's lunch break.
3. When students violate prohibitions of this policy, they shall be subject to disciplinary action, including losing the privilege of bringing the device onto school property and being reported to their parent/guardian. A violation also may result in a report being made to law enforcement. In addition, an administrator may confiscate the device, which shall only be returned to the student's parent/guardian.
4. Students are 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.
5. Students shall comply with any additional rules developed by the school concerning appropriate use of telecommunication or other electronic devices.

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STUDENTS

09.4261  
(CONTINUED)

**Telecommunication Devices**

**POSSESSION AND USE (CONTINUED)**

6. Students shall not utilize a telecommunication or similar electronic device in a manner that would violate the District's Acceptable Use policy or procedures or its Code of Acceptable Behavior and Discipline.

**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.

**REFERENCE:**

<sup>1</sup>KRS 158.165

**RELATED POLICIES:**

08.2323; 09.426; 09.436; 09.438

LEGAL: THIS LANGUAGE IS BEING REMOVED AS IT IS A LEGAL COURT STANDARD THAT IS NOT CONTROLLED BY POLICY AND THE OFFICE OF CIVIL RIGHTS' POSITION IS THAT IT LEADS STAFF OTHER THAN ADMINISTRATORS TO BELIEVE THEY DO NOT HAVE TO ADDRESS ALLEGATIONS OF HARASSMENT.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

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.

### **PROHIBITION**

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

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 District Title IX Coordinator. 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 Title IX/Equity Coordinator, 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.

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

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.  
The Superintendent/designee may take interim measures to protect complainants during the investigation.
2. A process to identify and implement, within five (5) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
3. 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.
4. 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
5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

When sexual harassment is alleged, the District's Title IX Coordinator, 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>

**Harassment/Discrimination****PROHIBITED CONDUCT**

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

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

**CONFIDENTIALITY**

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.

**APEAL**

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.

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

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

**RETALIATION PROHIBITED**

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

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

STUDENTS

09.42811  
(CONTINUED)

### **Harassment/Discrimination**

#### **FALSE COMPLAINTS**

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

#### **OTHER CLAIMS**

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

#### **REFERENCES:**

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.4361

### **Police Officers in the School**

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

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

#### **CRIMES OFF SCHOOL PROPERTY**

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

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

#### **CRIMES ON SCHOOL PROPERTY**

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

Administrators shall have the responsibility and the authority for requesting the assistance of law enforcement officials.

Law enforcement officials may be summoned to conduct an investigation of alleged criminal conduct on the school premises or during a school-supported activity, to maintain the educational environment, and to maintain or restore order and prevent injury of persons or property.

#### **REFERENCES:**

<sup>1</sup>OAG 76-129

<sup>2</sup>OAG 85-134, OAG 92-138

#### **RELATED POLICIES:**

09.1231; 09.227

RECOMMENDED: THIS CHANGE IS SUGGESTED BY KSBA LEGAL STAFF TO HELP ADDRESS PRIVACY AND DISRUPTION CONCERNS ARISING FROM INCREASING REQUESTS FROM OUTSIDE ENTITIES WISHING TO OBSERVE STUDENTS IN A CLASSROOM SETTING.  
IN ADDITION THIS CHANGE IS TO CLARIFY THAT TAKING PICTURES, VIDEO, OR AUDIO RECORDINGS OF OTHERS WITHOUT PERMISSION MAY RESULT IN VIOLATION OF CONFIDENTIALITY AND PRIVACY AND MAY BE PROHIBITED.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

COMMUNITY RELATIONS

10.5

### **Visitors to the Schools**

#### **LOCAL CITIZENS**

The Board encourages parents, professional educators, and others who have legitimate 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.

Unauthorized persons shall not be permitted in school buildings or on school grounds during the school day.

#### **REGISTRANTS**

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

A registrant is defined as:

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

A registrant who is the parent/legal guardian, or the person designated by the parent/legal guardian to have access to a student, must request and receive prior permission from the Principal to come onto school grounds. The Principal shall determine whether the requesting registrant is permitted to come onto school grounds for the following reasons:

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

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

Depending on the facts of the particular request, the Principal's response options may include, but are 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 and the response made to the registrant. If questions arise about a request, the Principal shall consult with the Superintendent concerning requests from registrants, and the Superintendent may seek further advice from the Board Attorney.

For all other reasons and for all registrants and persons residing outside of Kentucky and who would be required to register under KRS 17.510 making a request other than parent/legal guardian/designee, the Principal shall consult with the Superintendent as the executive agent of the Board before making a final determination.

**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.~~

**CLASSROOMS**

~~Visitors shall not enter classrooms without the prior consent of the Principal.~~

**CONDUCT/PROHIBITION ON RECORDING**

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.

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**Visitors to the Schools**

**USE OF TOBACCO PROHIBITED**

The use of any tobacco product is prohibited in, or on, any building or properties owned or operated by the Board. In addition, use of tobacco in any form shall not be permitted in outdoor facilities owned or operated by the Board during all District-sponsored activities, including athletic/sporting events.

**ACCOMMODATION**

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

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

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

**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](#)