

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

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.45

Board Meeting Agenda

PREPARATION OF AGENDA

The Superintendent will cause to be prepared an agenda, which, with the unapproved minutes of the previous meeting(s), will be delivered to the Board members prior to each regular Board meeting.

As part of the official agenda for each regular Board meeting, the Superintendent shall prepare a consent agenda of routine business items. Prior to the approval of the agenda, any Board member may, by request, cause any item on the consent agenda to be removed and placed on the action agenda or any item on the regular agenda to be placed on the action agenda.

Any member of the Board may submit items for the agenda for a regular meeting through the Chairperson or the Superintendent. The agenda shall be closed to Board members five (5) 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.

To reflect the Board's focus on advancing student achievement, the agenda for regular meetings shall be developed in accordance with the following requirements:

1. At least once each month when school is in session, the agenda shall include a student presentation, performance, or other demonstration of student learning.
2. At each regular meeting, the Board shall recognize the achievements and contributions of students, staff, schools/councils, or community members, as follows:
 - The Board shall recognize individual students or teams composed of District students who compete in athletic and/or academic competition after they have won regional or state competition. Such recognition shall take place after the highest level has been successfully completed.
 - Team recognition shall include all members of the team and the coaches or faculty sponsors.
 - The Board shall recognize students or other individuals (including, but not limited to, staff or community patrons who are associated with the District) for outstanding performance that gains them state or national recognition.
3. The Board shall receive communications from citizens and schools/councils as early as practical in the agenda.

Board Meeting Agenda

PREPARATION OF AGENDA (CONTINUED)

4. Each regular meeting agenda shall contain opportunities for dialogue concerning student achievement issues, including the impact of student learning and support services and an analysis of progress indicators and data.
5. The agenda shall reflect a regular schedule of reports to the Board on the status of District finances, programs, and services.
6. To the extent practicable, standard and/or recurring business shall be organized under a consent provision.

MEMBERS OF THE PUBLIC

Any member of the public may submit items to be considered for the agenda to the Superintendent five (5) calendar days prior to the date of the meeting by filing the appropriate form. Items may include a request that the Board consider adoption or amendment of a policy for future application.

Members of the public may address the Board concerning items on the agenda during the period set aside by the Board.

EXCEPTIONS

Any item submitted after the printing 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 as an addendum and considered part of the agenda. The necessity for immediate action shall be listed on the addendum.

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.

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.^{1&2}

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.¹

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.²

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:

²702 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:

¹03.1234, 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. Leave may be delayed if the employee does not provide proper notice (30 days advance notice for a foreseeable leave); otherwise, notice as soon as the need becomes known).

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

ELIGIBILITY

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

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

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

RESTRICTIONS

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

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

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

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

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

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

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 (when medically necessary) or on a reduced hours basis.

CONTINUATION OF BENEFITS

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

RETURN TO WORK

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

PERSONNEL

03.12322
(CONTINUED)

Family and Medical Leave

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.

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.

- CERTIFIED PERSONNEL -**Use of Tobacco****USE OF TOBACCO PROHIBITED**

The use of any tobacco or vapor (electronic cigarettes) product is prohibited in any building owned or operated by the Board. Employees shall not be permitted to use any tobacco or vapor (electronic cigarettes) products on property owned or operated by the Board, inside Board-owned vehicles, and/or during school-sponsored trips and activities. Employees who violate these prohibitions shall be subject to disciplinary action.

REFERENCES:

OAG 81-295

OAG 91-137

KRS 160.290

KRS 160.340

KRS 438.050

P. L. 107-110 (No Child Left Behind Act of 2001)

RELATED POLICY:

09.4232

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.¹

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.

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

2. A process to be developed and implemented to communicate requirements of this policy to all staff, which may include, but not be limited to the following:
 - 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.

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

PROHIBITED CONDUCT

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

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Instances involving sexual violence;
4. Causing an employee to believe that he or she must submit to unwelcome sexual conduct in order to maintain employment or that a personnel decision will be based on whether or not the employee submits to unwelcome sexual conduct;
5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;

Harassment/Discrimination**PROHIBITED CONDUCT (CONTINUED)**

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.

REFERENCES:

¹KRS 158.156

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

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

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

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

Genetic Information Nondiscrimination Act of 2008

PERSONNEL

03.162
(CONTINUED)

Harassment/Discrimination

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

The Superintendent shall develop and implement a uniform method of evaluating the job performance of each employee including teachers and administrators.

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.¹

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.

NOTIFICATION

The evaluation plan shall be explained to and discussed with all certified employees 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.

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. Both the evaluator and evaluatee shall sign and date the evaluation instrument. Teachers will receive a copy of all documents from the formative and summative evaluation phases at the post-observation conferences.

All evaluations shall be maintained in the employee's personnel file.²

Evaluation**PROFESSIONAL GROWTH PLAN**

~~Each teacher evaluated will complete a Professional Growth Plan, which should be aligned with specific goals and objectives of improvement plans and District/school consolidated and professional development plans. Professional Growth Plans shall be reviewed annually.~~

FREQUENCY

~~Limited contract teachers and administrators, including the Superintendent, shall be evaluated annually. Continuing contract teachers shall be evaluated every three (3) years. First year teachers shall be evaluated under the teacher internship program.~~

APPEAL PANEL

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

ELECTION

Two (2) members of the panel shall be elected by and from the certified employees of the District. The Board shall appoint one (1) certified employee to the panel. Alternate members may be elected/appointed, as appropriate, to fill in for a regular member who is unable to serve.

TERMS

All terms of 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 ten (10) calendar 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 INTEREST

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.

Evaluation**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.

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 ten (10) calendar 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.

HEARING PROCEDURES

The evaluation committee shall develop necessary procedures for conducting the hearing.

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:

¹KRS 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:

²03.15, 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.¹

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 shall be 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.^{1, 2 & 3}

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.³

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.²

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:

³03.2234

03.24

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

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

PERSONNEL

03.22322

- CLASSIFIED PERSONNEL -

Family and Medical Leave

REASONS

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

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

NOTICES AND DEADLINES

- 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. Leave may be delayed if the employee does not provide proper notice (30 days advance notice for a foreseeable leave; otherwise, notice as soon as the need becomes known).

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

ELIGIBILITY

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

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

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

RESTRICTIONS

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 (when medically necessary) or on a reduced hours basis.

CONTINUATION OF BENEFITS

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

RETURN TO WORK

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

03.223; 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.

- CLASSIFIED PERSONNEL -

Use of Tobacco

USE OF TOBACCO PROHIBITED

The use of any tobacco or vapor (electronic cigarettes) product is prohibited in any building owned or operated by the Board. Employees shall not be permitted to use any tobacco or vapor (electronic cigarettes) products on property owned or operated by the Board, inside Board-owned vehicles, and/or during school-sponsored trips and activities. Employees who violate these prohibitions shall be subject to disciplinary action.

REFERENCES:

KRS 438.050
OAG 81-295
702 KAR 5:080 (31)
OAG 91-137
KRS 160.290
KRS 160.340
P. L. 107-110 (No Child Left Behind Act of 2001)

RELATED POLICY:

09.4232

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.¹

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

PROHIBITED CONDUCT

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

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors and spreading sexual rumors;
3. Instances involving sexual violence;
4. Causing an employee to believe that he or she must submit to unwelcome sexual conduct in order to maintain employment or that a personnel decision will be based on whether or not the employee submits to unwelcome sexual conduct;
5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;

Harassment/Discrimination**PROHIBITED CONDUCT (CONTINUED)**

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.

Harassment/Discrimination

REFERENCES:

¹KRS 158.156
42 USC 2000e, Civil Rights Act of 1964, Title VII; KRS Chapter 344
29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations
Implementing Title VII
20 U.S.C. 1681, Education Amendments of 1972, Title IX
34 C.F.R. 106.1-106.71, U. S. Department of Education Office for Civil Rights
Regulations Implementing Title IX
Genetic Information Nondiscrimination Act of 2008

RELATED POLICIES:

03.212, 03.2325, 03.26, 09.2211, 09.422, 09.42811

LEGAL: 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

Procurement

AUTHORITY

Procurement procedures shall conform to the Model Procurement Code, KRS 45A.345 – KRS 45A.460.¹ All contracts or purchases shall be awarded by competitive sealed bidding or competitive negotiation, both of which may include the use of a reverse auction, except as otherwise provided by law.²

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

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

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

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

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.⁷

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

ETHICAL STANDARDS

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

Procurement**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.³

EXEMPTIONS

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

PRICE REDUCTIONS

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

SMALL PURCHASES

District small purchase procedures may be used for any contract in which the aggregate amount does not exceed \$20,000.00.⁵

BACKGROUND CHECK FOR CONTRACTORS

The Superintendent may 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.⁶

Procurement

REFERENCES:

¹KRS 45A.343

²KRS 45A.070; KRS 160.290; KRS 45A.380

³KRS 160.303; 200 KAR 5:400; KRS 45A.494

⁴KRS 156.076

⁵KRS 45A.385

⁶KRS 160.380

⁷~~2 C.F.R. 200.3187 C.F.R. 210.21 and 7 C.F.R. 3016.36~~

OAG 79-501; OAG 82-170; OAG 82-407

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

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

Kentucky Educational Technology Systems (KETS)

RELATED POLICIES:

05.6; 06.4; 07.13

Community Use of School Facilities

PRIMARY USE

The primary purpose and first priority for the use of school buildings is to provide facilities for the educational program for students enrolled in the school. No use may be made of the buildings, facilities or equipment which restricts their effective use for educational purposes.

BOARD APPROVAL FOR USE

The Board shall determine which building and/or facilities will be available to the community.

The Board may grant the use of school buildings and facilities while school is not in session to responsible and organized non-school/non-profit groups including, but not limited to, educational, religious, agricultural, political, social, or civic groups, for purposes that provide demonstrable benefit to the schools or to the community as a whole.

The Board may authorize the use of school property by public members of the community during non-school hours for the purpose of recreation, sport, academic, literary, artistic, or community uses as defined in KRS Chapter 162 pursuant to this and other policies adopted by the Board and related procedures established by the Superintendent.¹

~~Requests for the use of school buildings/facilities for personal use, private gain, or commercial activities must be approved in advance by the Board.~~

The Board shall consider individually all requests for the regular use of any school building or facility.

The use of any facility beyond 12:00 midnight must have prior approval of the Board or the Superintendent. This time limit does not apply to clean-up time.

EPAC

All conditions and requirements as listed in this policy and other Board policies apply to use of the Elizabethtown Performing Arts Center (EPAC) except where the EPAC addendum stipulates otherwise.

All requests for the use of the EPAC must be submitted in writing to the facility coordinator and then, as time permits, to the Board or the Superintendent for approval.

APPLICATION AND CONTRACT

The Board shall adopt an official application form and official contract, both of which shall detail the conditions of usage. ~~An official representative of the organization who is a resident of the district must sign the application and contract.~~ Approval of a request to use District facilities does not signify District sponsorship, endorsement or approval of an organization or activity.

SCHEDULING

The Principal shall be responsible for approving and scheduling the use of the building and facilities, as appropriate. Requests for use should be presented to the Principal three (3) days prior to the use.

RESTRICTIONS FOR USE

The use of school facilities on Sundays shall be limited to the hours of 1-6 pm unless approved by the Board.

Community Use of School Facilities**LIABILITY**

The Board shall require each organization to assume all liability for injury to individuals by reason of the lease of Board property and that the organization indemnify and save harmless the Board from any loss or damage thereby.

INSURANCE

If the non-school related activity sponsored by the community group involves admission or is designated as a high-risk activity by the Superintendent or designee, the community group shall provide a certificate of liability insurance naming the Board as additional insured under the policy for the activity.

SECURITY

Organizations that are permitted to use school facilities shall furnish adequate security for open events.

CHARGES AND FEES

The Board may require reimbursement for any and all expenses incurred including, but not limited to, fuel and electricity, supervisory, custodial and food-service salaries, and repair of damages to or replacement of school property. The Superintendent shall establish and submit for Board approval a schedule of fees to cover expenses incurred.

EXCEPTION

Activities that are sponsored by approved student organizations, faculty groups, or school-related parent groups including, but not limited to, evening and adult programs, educational and character-building organizations, and recreational programs approved by the Board may use school facilities without charge when approved by the Principal and supervised by school personnel. If meetings are held in evening hours, on weekends, or during vacation period, custodial service payment may be required. Persons/groups using the school must confine themselves to the facilities assigned for their purpose. The sponsor must provide monitors to prevent trespassing to portions of the building not authorized for use.

Groups using school facilities will provide adequate supervision and will designate an officer of the organization who will be in charge of the event.

DISASTERS AND/OR EMERGENCIES

The Superintendent/designee has authority to grant use of school facilities in cases of emergencies or disasters.

REFERENCES:

¹KRS 162.055

KRS 160.290; KRS 160.293

KRS 160.340; KRS 162.050

OAG 60-389; OAG 80-78

P. L. 107-110 (No Child Left Behind Act of 2001)

20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)

RELATED POLICY:

10.3

Rental Application and Contract**CONDITIONS OF RENTAL**

All rental of school facilities is subject to the following conditions:

1. An official application shall be made **to the Board**.
2. Rentals will be made only to responsible and organized groups, and responsible officers of that group must sign the application and the contract.
3. Conditions of that contract shall include:
 - a) Acceptance of responsibility by officials of the renting organization for any damage or loss resulting from the rental. **Settlement for damages to a building or equipment shall be made in full as a prerequisite to future use;**
 - b) Agreement that renting organizations, and officers thereof, shall assume all liability for any personal injuries incurred during their use of the facilities and shall hold the Board harmless from any such claims against it;
 - c) Agreement to observe all fire and safety regulations;
 - d) Agreement that the use of tobacco **or vapor (electronic cigarettes)** products shall not occur within the building and that the use of alcoholic beverages is prohibited in school buildings or on school grounds;
 - e) **Agreement that no firearms, deadly weapons or explosives shall be brought into buildings/facilities or onto school grounds;**
 - f) **Agreement that the sale of unapproved food items shall be prohibited;**
 - g) Observance that no games of chance or otherwise immoral or illegal activity shall be allowed on the premises;
 - h) The presence of a **school employee designated by the Principal at all times**. The hourly wage of the employee may be included in the contract along with the social security and retirement payments required by law. If the employee is employed beyond the normal 40-hour week that s/he works for the Board, overtime wages must be paid.
 - i) The presence of a food-service employee if the kitchen facilities are used. The hourly wage of the employee must be included in the contract along with social security and retirement payments required by law.
 - j) Agreement that no alterations to the buildings or grounds be made without prior approval;
 - k) Agreement that the renting party shall not sublease or reassign any portion of the building or item of equipment covered by the rental contract;
 - l) Agreement that school equipment shall not be a part of the rental contract unless specifically enumerated; and
 - m) Agreement to leave the facilities in as good a condition as before used.
4. Disregard of the policies governing the use of school buildings, facilities and equipment shall result in the Board's refusal to grant the offending individual, organization/group further use.

REFERENCES:

KRS 162.055; KRS 438.050; OAG 81-295
P. L. 107-110 (No Child Left Behind Act of 2001)

RELATED POLICIES: 05.3, 10.3

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 PLAN

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

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

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

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. 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:

Safety**SCHOOL EMERGENCY PLANNING (CONTINUED)**

1. Establish and post primary and secondary evacuation routes in each room by any doorway used for evacuation;
2. Identify the best available severe weather safe zones, in consultation with local and state safety officials and informed by guiding principles set forth by the National Weather Service and the Federal Emergency Management Agency, and post the location of the safe zones in each room. ~~These safe zones are to be reviewed by the local fire marshal or fire chief;~~
3. Develop school procedures to follow during an earthquake; and
4. Develop and adhere to practices to control access to the school.

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

PRECAUTIONS

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

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.

EVACUATION

The Principal/designee shall have the authority to order the immediate evacuation of a building upon the discovery or suspicion of impending danger to the occupants of the building. The building shall remain unoccupied until a utility employee, commission representative, a fire Marshal or other appropriate official acting in an expert capacity assures that the building is safe for occupancy.

Classroom teachers shall be responsible for assisting students in wheelchairs or students with limited mobility to evacuate the building. If necessary, the teacher may appoint other students to help with special needs students.

Safety

REFERENCES:

~~KRS 158.162~~

KRS 158.148; ~~KRS 158.162; KRS 158.164;~~ KRS 158.445

KRS 160.290; KRS 160.445

KRS 311.667; KRS 411.148

RELATED POLICIES:

03.14; 03.24; 05.2; 05.21; 05.41; 05.411; 05.42; 05.45; 05.47
09.22; 09.221; 09.4 (entire section)

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

SCHOOL FACILITIES

05.42

Severe Weather/Tornado Drills

PROCEDURE SYSTEM

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

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

TIMES FOR DRILLS

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

IMPLEMENTATION

The Principal is responsible for implementing this policy.

REFERENCES:

KRS 158.162

KRS 158.163

RELATED POLICY:

05.4

LEGAL: 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~~ (5057) inches in height are transported in District-owned or leased vehicles designed for ~~ten-nine~~ (409) 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.

REFERENCES:

KRS 158.110

KRS 189.125

702 KAR 5:030

702 KAR 5:060

702 KAR 5:080

RELATED POLICY:

06.12

Bus Drivers' Use of Tobacco and Other Substances**TOBACCO PRODUCTS**

While on the bus, bus drivers shall not use tobacco or vapor (electronic cigarettes) products and shall not permit students to use them.

DEFINITIONS

The following definitions apply for purposes of drug and alcohol testing required by federal and state law:

"Drugs" refers to controlled substances as prohibited by the Omnibus Act, including but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

"Alcohol" refers to the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including but not limited to, methyl and isopropyl. Alcohol use includes the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

USE PROHIBITED

All employees subject to commercial driver's license (CDL) requirements shall be prohibited from:

1. The use of any drugs, that may affect the employee's ability to safely drive a school bus or perform other job responsibilities;
2. The use of alcohol:
 - a. While on duty;
 - b. Four (4) hours before driving;
 - c. Eight (8) hours following an accident; or
 - d. Consumption resulting in prohibited levels of alcohol in the system.

REQUIRED REPORTS

- Drivers taking medication either by prescription or without prescription shall report to the immediate supervisor and shall not drive if that medication may affect the driver's ability to safely drive a school bus or perform other driver responsibilities.²
- Drivers shall immediately report to the Superintendent or designee any traffic violation specified in Kentucky Administrative Regulation.²

TESTING

All covered applicants and employees shall be subject to pre-employment testing (controlled substances only), and reasonable suspicion, random and post-accident testing for drugs and alcohol. Return-to-duty and follow-up testing shall also be required.

All offers of employment with the District shall be made contingent upon testing results. An applicant who tests positive shall not be employed.

Bus Drivers' Use of Tobacco and Other Substances**TESTING (CONTINUED)**

Current employees who test positive shall be subject to immediate disciplinary action up to and including dismissal in accordance with Board policy and administrative procedures. A school bus driver, substitute driver, school bus mechanic or anyone performing safety-sensitive pupil transportation duties who tests 0.02 percent or higher on the confirmation alcohol test immediately before, during, or immediately following the performance of these duties shall be relieved of these duties immediately. (Drivers found under the influence of alcohol or any illegal drugs while on duty or with remaining driving responsibilities that same day shall be dismissed from employment in accordance with Kentucky Administrative Regulation and Board policy and shall not be eligible for reemployment for five [5] years.)

Employees who test positive shall be notified of referral services. Additionally, employees shall be subject to CDL prohibitions and penalties under the Omnibus Act and applicable Federal Motor Carrier Safety Regulations.

Applicants who refuse drug testing shall be eliminated immediately from employment consideration. Current employees who refuse to comply with testing requirements will be regarded as insubordinate and shall be subject to disciplinary action, up to and including dismissal.

Refusal to submit to an alcohol or controlled substance test means that the individual demonstrated noncompliance, including but not limited to the following actions:

- Failed to appear for any test within a reasonable period of time as determined by the employer and consistent with applicable Department of Transportation agency regulation;
- Failed to remain at the testing site until the testing process was completed;
- Failed to provide a sample specimen for any required test;
- Failed to provide a sample in an amount sufficient for testing without an adequate medical reason for the failure;
- Failed to undergo a medical examination as directed by the Medical Review Officer as part of the verification process for the previous listed reason;
- Failed or declined to submit to a second test that the employer or collector has directed the driver to take;
- Failed to cooperate with any of the testing process; and/or
- Adulterated or substituted a test result as reported by the Medical Review Officer.

TESTING COSTS

Pre-employment drug testing costs shall be paid for by the District. All current employee drug and alcohol testing including reasonable suspicion, random and post-accident testing costs shall be paid for by the District.

Bus Drivers' Use of Tobacco and Other Substances**MATERIALS TO BE PROVIDED**

The Superintendent/designee shall distribute educational materials to explain state and federal legal requirements for alcohol and controlled substance testing of CDL drivers and the District's policies and procedures to implement it and answer questions about the materials. Materials shall meet content requirements of state and federal regulations and shall be distributed to each driver prior to the start of alcohol and controlled substances testing each year and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle. Each employee is required to sign a statement certifying that s/he has received a copy of these materials. If the District recognizes an organization to represent bus drivers, the District shall provide written notice to representatives of the organization of the availability of this information.¹

REFERENCES:

¹49 C.F.R. Part 382

²702 KAR 5:080

KRS 438.050

Omnibus Employee Testing Act of 1991, Public Law 102-143, Title V

RELATED POLICIES:

03.11; 03.13251; 03.17

03.21; 03.23251; 03.27

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

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 Service/School Nutrition Integrity Program

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

MEALS

Meal service is operated in all school buildings to serve breakfast and lunch. Meals served in school cafeterias shall meet or exceed the requirements specified by state and federal regulations. No student shall be denied the opportunity to eat breakfast or lunch in any school.

Provided such sales are in keeping with state and federal legal requirements, regardless of whether the District uses food-based or enhanced food-based menu planning, a la carte food items must be a component of a reimbursable meal. However, frozen desserts containing at least twenty-five percent (25%) of real juice, yogurt, and dairy products may be sold.

FOOD SERVICE/SCHOOL NUTRITION SERVICE PROGRAM DIRECTOR

The District (or food service area to which the District belongs) shall appoint/select a Food Service/School Nutrition Program Director to oversee and manage the school nutrition service program.¹ All Food Service/School Nutrition Program Directors shall meet minimum educational requirements and annual training requirements in accordance with federal and state law. The Coordinator of the Food Service/School Nutrition program shall be responsible for coordinating the district nutrition programs.

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.~~

Food Service/School Nutrition Integrity Program**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.

http://www.ascr.usda.gov/complaint_filing_cust.html

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.

MEAL ACCOUNTS

All students will be given a meal account.

A student who is not eligible for free or reduced price meals shall pay cash or deposit money in his/her meal account at the home school.

Any student in the District's elementary, middle and high schools who misuses a student meal number shall report to the building Principal/designee.

MEAL CHARGES

Middle and high school students shall not be permitted to charge meals.

Elementary students who do not have lunch money shall complete a charge slip and present it to the cashier to charge to their meal account. The charge must be paid within two (2) days.

Students shall not be permitted to charge a la carte items. Adults may not charge meals or a la carte items.

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

NUTRITION INTEGRITY

The Board is committed to the standards and goals contained in the nutrition integrity policy recommended by the Kentucky School Nutrition Association and incorporated by reference.

REFERENCES:

¹702 KAR 6:050

KRS 156.160 ~~KRS 156.502~~

KRS 158.852; KRS 158.856; KRS 160.290

702 KAR 6:010; 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 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 nutrition funds shall be procured in accordance with the process and procedures established in Policy 04.32 in a manner that provides full and open competition consistent with the standards in applicable federal regulations.[†]

CONFLICT OF INTEREST

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

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

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

School Nutrition Procurement

REFERENCES:

~~7 CFR 3016.36~~ 2 C.F.R. 200.318

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

KRS 160.290

KRS 424.260

KRS 45A.345 – KRS 45A.460

702 KAR 6:010

RELATED POLICY:

04.32

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

FINANCIAL IMPLICATIONS: POSSIBLE SALARY IMPLICATIONS

SUPPORT SERVICES

07.16

School Nutrition Services Employees

SCHOOL NUTRITION SERVICES EMPLOYEES

All school nutrition ~~food~~-service 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.¹ In addition, school nutrition ~~services program coordinator director~~ and school nutrition services managers shall meet training and credential requirements specified in statute.²

REFERENCES:

¹702 KAR 6:045; 7 C.F.R. §210.30

²KRS 158.852

KRS 156.160

KRS 161.011

RELATED POLICIES:

See Section 03.2

07.1

Alternative Credit Options

In addition to regular classroom-based instruction, students may earn credit through the following means.

DUAL CREDIT/COLLEGE CREDIT

To differentiate/accelerate the curriculum to meet the needs of students, the District shall recognize courses from local post-secondary education institutions. Students will receive one (1) high school credit for every three (3) semester hours of college work except for students attending the Academy of Math and Science at Western Kentucky University or the Craft Academy for Excellence in Science and Mathematics at Morehead State University. The Principal, along with the guidance counselor shall determine the number of high school credits earned in such cases. Grades will be calculated in non-weighted form for class rank and GPA and included in the student's transcript. Dual credit courses will be available to those students who meet criteria established by school policy. Failure to complete the course shall be recorded according to school policy. Credit may be earned in accordance with the following requirements:

1. Dual credit shall be provided by a post secondary educational institution approved by the Principal /designee.
2. Students shall be responsible for all related costs and transportation.
3. Prior to taking a course, students shall submit a completed application to the Principal /designee. With the exception of students enrolled at the Academy of Math and Science at Western Kentucky University or the Craft Academy for Excellence in Science and Mathematics at Morehead State University, all off-campus courses and class schedules must be pre-approved by the Principal /designee.
4. Students must present documentation supporting enrollment in the post-secondary institution.
5. Students shall provide verification of course completion and grade earned. (This is covered in the "Approval" paragraph.)
6. The high school must receive an official record of the final grade before credit toward graduation will be recognized.
7. A maximum of six (6) hours of dual credit courses per semester will be listed on the student's high school transcript. This will vary for students enrolled in the Academy of Math and Science at Western Kentucky University or the Craft Academy for Excellence in Science and Mathematics at Morehead State University.
8. Students must complete on campus at the high school all courses required by the Board for graduation with the exception of a student's full-time enrollment in a technical program or the Academy of Math and Science at Western Kentucky University or the Craft Academy for Excellence in Science and Mathematics at Morehead State University.

Alternative Credit Options**JEFFERSON COUNTY PUBLIC SCHOOLS CURRICULUM COURSES**

Students may receive credit toward graduation requirements by enrolling in and successfully passing courses through the Jefferson County Public Schools curriculum program. Credit may be earned in accordance with the following requirements:

1. Students must meet the criteria established by high school policy for credit acquisition through the Jefferson County Public Schools curriculum, and
2. Students assigned to alternative school can receive credits through Jefferson County Public Schools curriculum as part of their individualized learning plan.

ONLINE COURSES

High school students may also earn units of academic credit to be applied toward graduation requirements by completing online courses offered through agencies approved by the Board. Credit from an online course may be earned only in the following circumstances:

1. The course is not offered at the high school;
2. Although the course is offered at the high school, the student will not be able to take it due to an unavoidable scheduling conflict that would keep the student from meeting graduation requirements;
3. The course will serve as a supplement to extend homebound instruction;
4. The student has been expelled from the regular school setting, but educational services are to be continued; or
5. The Principal, with agreement from the student's teachers and parents/guardians, determines the student requires a differentiated or accelerated learning environment.

The District shall recognize only those online courses that meet the international standards for online teachers, courses, and programs that have been adopted by the Kentucky Department of Education.

As determined by school/council policy, students applying for permission to take an online course shall complete prerequisites and provide teacher/counselor recommendations to confirm the student possesses the maturity level needed to function effectively in an online learning environment. Online courses may be subject to review by the Superintendent/designee for conformance with Kentucky Core Academic Standards and District graduation requirements.

Provided online courses are part of the student's regular school day coursework and within budgetary parameters, the tuition fee and other costs for an online course shall be borne by the District for students enrolled full-time in the District's high school, from funds that have been allocated to the school. The Superintendent shall determine, within the budget adopted by the Board, whether additional funding shall be granted, based on supporting data provided by the Principal. The Board shall pay the fee for expelled students who are permitted to take online courses in alternative settings.

Through its policies and/or supervision plan, the school shall be responsible for providing appropriate supervision and monitoring of students taking online courses.

Alternative Credit Options**EXCEPTION**

If a student is in his/her senior year of high school and needs a credit to graduate, s/he may earn credit by taking any online course, dual/college, *Jefferson County Public Schools curriculum program*, or online course for which s/he has not previously received high school credit.

APPROVAL

The express approval of the Principal/designee shall be obtained before a student takes any online course dual/college, *Jefferson County Public Schools Curriculum program*, or /online course, and the high school must receive an official record of the final grade before credit toward graduation will be recognized and a diploma may be issued to the student.

REFERENCE:

KRS 158.622

RELATED POLICIES:

08.113
08.2323
09.1221
09.3
09.435

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

In accordance with applicable federal and state laws or regulations, the Superintendent/designee shall develop a plan to include the following:

- Diagnosing and addressing student academic deficiencies,
- Implementing appropriate services (extended school services/ESS and supplemental educational services/SES),
- Providing for an appeal process for parents who disagree with the selection or non-selection of their child for participation in extended school services, and
- Establishing method(s) to evaluate the success of the plan in improving student performance.

This plan must be included in the School Improvement Plan and in the school's annual progress report to the Board.

EXTENDED SCHOOL SERVICES

The District 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 summer school, intercessions, and/or after school shall be available, as appropriate, to all eligible students residing in the District regardless of whether they attend District schools. Out-of-District students must comply with all District ESS guidelines and standards.

ELIGIBILITY CRITERIA

District personnel shall determine the criteria for selection/inclusion in the program. Criteria shall be related to learning standards and shall include reasons for exceptions to program attendance.

Extended School/Supplemental Educational Services**ELIGIBILITY CRITERIA (CONTINUED)**

First priority shall be for those students who have failing grades in core subjects required for promotion or graduation and to those students scoring at the "novice" level in written language and/or math.

Second priority shall be given to students who need additional instructional time to enhance their present level of performance or who are having difficulty in one (1) or more content areas.

NOTIFICATION TO PARENTS

Parents or guardians of students selected for remediation services shall be notified in writing of the intent to serve their children.

Written parental/guardian permission for placement will be required for students who are selected through the local screening process.

MANDATORY ATTENDANCE FOR ESS PROGRAM

The Board shall provide notice of its mandatory ESS attendance policy in the annual ESS Program Plan report, which is submitted at the same time as the School Improvement Plan.

At the discretion of the Principal, students shall be required to attend the District's extended school services (ESS) program. Students shall continue to attend the ESS program until they are excused through one (1) of the following methods:

1. The student has improved to a passing grade by the end of the next grading period; or
2. The Principal and classroom teacher(s) recommend that the student be excused from attendance.

The Principal and/or ESS Program Coordinator may excuse a student's absence from an ESS session for unanticipated emergencies or other extenuating circumstances.

TRANSPORTATION FOR ESS PROGRAM PARTICIPANTS

Each school shall provide transportation for students who are required to attend the extended school services program and who choose to be transported.

~~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 (SES) as required by federal law.¹

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

REFERENCES:

¹P. L. 107-110 (No Child Left Behind Act of 2001)
34 C.F.R. 200.45 – 200.48; 704 KAR 3:390
KRS 158.070; KRS 158.6451

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.

DRAFT (06/09/15)

CURRICULUM AND INSTRUCTION

08.2323

Access to Electronic Media

The Board supports reasonable access to various information formats for students, staff, parents, 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 student, employee, parent, and community member 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 including portals used to access data). It also shall address issues of privacy versus administrative review of electronic files and communications. In addition, guidelines shall prohibit use 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**AGREEMENT FORM AND USE FOR EMPLOYEES PARENTS, AND COMMUNITY MEMBERS**

Written parental approval shall be required prior to the student being granted access to electronic media involving District technological resources. The required permission/agreement form 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.

A written request/agreement shall be required prior to employees, parents, and community members being granted independent access to electronic media involving District technological resources including portals used to access data.

The required request/agreement form must be signed by the employee, parents, or community member. This document shall be kept on file as a legal, binding document.

Electronic mail shall be used only for purposes directly related to District work-related activities.

Users 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 access in performance of one's duties.) Each user is responsible for the security of his/her own password.

Users shall not use District electronic resources for personal gain, product advertisement, or political activities. Users should respect copyrights and not infringe on the rights/property of others. Vandalism and/or theft of resources, to include electronic files, are strictly forbidden.

PARENTAL PORTALS

Access to the Parent Portal is a privilege, not a right. Users of the portal shall follow the District's Acceptable Use Policy (Access to Electronic Media) and accompanying procedures. In addition, any guidelines set forth by KDE concerning the use or misuse of the data system shall be followed.

Parents/guardians are responsible for their use of the Parent Portal. The District makes no guarantee that the Parent Portal will be error-free or without defect. The District is not responsible or liable for any damage that a user may suffer as a consequence of using the Parent Portal or information contained in the Parent Portal.

EMPLOYEE USE

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.

Access to Electronic Media**EMPLOYEE USE (CONTINUED)**

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.
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 and approval by 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.

Access to Electronic Media

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 including but not limited to portals, and may result in other disciplinary or legal action.

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.

RESPONSIBILITY FOR DAMAGES

Individuals may be required to 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. School officials shall also apply the same criterion of appropriate conduct as addressed in the District's Student Discipline Code.

STAFF/STUDENT OWNED MOBILE COMPUTING DEVICES

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

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 or other objectionable 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.

Access to Electronic Media

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](#)

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](#)

LEGAL: 702 KAR 7:140 HAS BEEN REVISED ESTABLISHING THE REQUIREMENTS FOR SCHOOL DISTRICTS TO FOLLOW REGARDING SCHOOL CALENDARS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.3

School Calendar

DEVELOPMENT OF CALENDAR

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

1. Opening and closing dates of the school term,
2. Beginning and ending dates of each school month,
3. ~~Number and minimum~~ Days on which students are scheduled to receive instruction at school within designated start and dismissal times (student attendance days) and the length of each student attendance days in accordance with KRS 158.060,
4. A minimum school term of not less than one hundred eight-five (185) days composed of student attendance days, teacher professional days, and holidays,
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,
- 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.

School Calendar**AMENDING THE CALENDAR**

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

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 Regulation.

EXCEPTIONS

Kindergarten (entry level of the primary program) shall be a full day, five (5) days a week for a full school year for each kindergarten student.

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

MASTER SCHEDULE

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

REFERENCES:

¹KRS 158.060
KRS 157.320
KRS 157.360
KRS 158.030; KRS 158.070
702 KAR 7:125
702 KAR 7:140

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.¹

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.²

~~*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:

¹KRS 159.070

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

34 C.F.R. 200.44

OAG 80-394

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

STUDENTS

09.111

Transfers and Withdrawals

TEACHER TO ASCERTAIN REASON

When a pupil of compulsory school age withdraws from school, the teacher of the pupil shall ascertain the reason.¹

REPORT TO DPP

The teacher shall immediately report the withdrawal and the reason for it to the Superintendent's office (Director of Pupil Personnel).

CHANGE OF RESIDENCE

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

MISSING CHILDREN

The Director of Pupil Personnel shall notify the Justice Cabinet of any request for the records of a student who has been flagged as missing.¹

PERMISSION ~~REQUIRED~~

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

~~A written permission for withdrawal shall be required from the parent, guardian, or other person residing in the state and having custody or charge of the student before the unmarried student may withdraw.~~

No written permission for withdrawal shall be required after the student's eighteenth (18th) birthday.²

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

FOLLOW-UP BY DISTRICT PERSONNEL

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

STUDENTS

09.111
(CONTINUED)

Transfers and Withdrawals

REFERENCES:

¹KRS 159.170; KRS 158.032

²KRS 159.010; KRS 159.020

RELATED POLICY:

09.122

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

FINANCIAL IMPLICATIONS: WILL HAVE A POSITIVE IMPACT ON DISTRICT BUDGETS

STUDENTS

09.121

Entrance Age

PRESCHOOL

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

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

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.³

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.⁵

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 159.030.²

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.

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.⁴

REFERENCES:

¹KRS 157.3175; 2014 Budget Bill

²KRS 158.030

³KRS 157.226; KRS 159.030

⁴KRS 158.032; KRS 158.035; KRS 214.034

⁵KRS 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)

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 ~~sixteen~~eighteen (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.~~¹

~~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.~~⁺ (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.²

PHYSICIAN'S STATEMENT REQUIRED

The Board, before granting an exemption, 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.²

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,² 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.³

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.⁴
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.⁴
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.⁴
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.⁵
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.⁶

REFERENCES:

- ¹KRS 159.010; OAG 85-55
- ²KRS 159.030
- ³KRS 159.035
- ⁴702 KAR 7:125
- ⁵KRS 158.240
- ⁶KRS 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

Tuition

FEES

According to a schedule adopted annually by the Board, a nonresident student shall be charged tuition equal to the District's basic SEEK allotment, unless the student's district of residence has signed a reciprocal agreement to exchange ADA funds. Students of any District employee may attend tuition free without regard to residence, contingent on the District receiving ADA as provided by law. In cases where the District does receive the ADA on the nonresident student, a processing fee of \$175.00 shall be charged annually.

Tuition fees shall be paid annually in advance or via a payment plan established by the Superintendent. Employees may elect to pay tuition fees through a payroll deduction plan.

Students who voluntarily withdraw from the District shall receive a prorata tuition refund.

APPLICATION

The Superintendent/designee shall develop guidelines to ensure the acceptance of nonresident pupils on a nondiscriminatory basis.

Application for admission of a nonresident tuition student shall be made to the Superintendent who shall review the application and, in conjunction, with the building Principal concerned, determine whether or not the student should be admitted to the District school.

The Superintendent shall make the final decision. The following factors shall be used when reviewing applications:

- Whether or not the entrance of an additional student will have any negative effect on the instructional program.
- Whether or not an additional student will exceed the pupil-teacher ratio specified in state guidelines.
- Whether or not the applicant is under disciplinary measures or has been suspended or expelled from another school district.

If a non-resident student's application is rejected, the student shall attend school in the district of residence.

CONTINUED ATTENDANCE

A student who has been accepted on a tuition basis may continue to attend the District schools until graduation provided all fees are paid and the student complies satisfactorily with applicable laws, policies, rules and regulations. A tuition student who, in the opinion of the building Principal, the Director of Pupil Personnel, and the Superintendent becomes a disciplinary or attendance problem, may not be permitted to re-enroll in the District schools at the start of the following semester. The Superintendent shall make the final decision.

A tuition student who has been expelled from the District's schools may not be permitted to re-enter at any future date.

Tuition

REFERENCES:

KRS 157.350; KRS 158.120; KRS 158.135; 237 S.W. 2D 65 (1951)
OAG 80-47; 702 KAR 7:125

RELATED POLICY:

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

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

DRAFT (07/06/15)

STUDENTS

09.2

Student Welfare and Wellness

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

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

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

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

- offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
- offered as part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects;
- that include enjoyable, developmentally-appropriate, culturally-relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens;
- that promote fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
- that emphasize caloric balance between food intake and energy expenditure (physical activity/exercise);
- that link with school meal programs, other school foods, and nutrition-related community services;
- that provide all students with opportunities, support, and encouragement to be physically active on a regular basis as provided by school/council policy. Schools with K-5 organization, or any configuration thereof, shall include in their wellness policy, moderate to vigorous physical activity each day in accordance with KRS 160.345 and Board Policy 02.4241;
- that teach media literacy with an emphasis on food marketing; and
- that include training for teachers and other staff.

Student Welfare and Wellness**NUTRITION GUIDELINES FOR ALL FOODS**

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

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

SCHOOL WELLNESS PLANS

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

EVALUATION AND ENFORCEMENT**Leadership:**

The Superintendent/designee will monitor compliance with this and related policies. At the school level, the Principal/designee will monitor compliance with those policies in his/her school and will report on the school's compliance as directed by the Superintendent/designee. The District shall form a District Wellness Committee and actively seek to engage students, parents, physical and/or health education teachers, school food service professionals, school health professionals, school board members, school administrators, and other interested community members in developing, implementing, monitoring, and reviewing this policy.

Student Welfare and Wellness**EVALUATION AND ENFORCEMENT (CONTINUED)****Annual Progress Report:**

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

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

ASSESSMENT

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

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

REFERENCES:

KRS 158.850; KRS 158.854
702 KAR 6:090
P. L. 111-296
7 C.F.R. Part 210
7 C.F.R. Part 220
U. S. Dept. of Agriculture's Dietary Guidelines for Americans

RELATED POLICIES:

02.4241, 07.1, 07.111, 07.12

Student Welfare and Wellness

In compliance with Federal Public Law (PL 111-296), using the Kentucky Department of Education Components for Coordinated School Health as a tool, the Elizabethtown Independent School District is committed to providing a school environment to enhance learning and development of lifelong wellness practices. The Superintendent/designee shall implement a process to engage students, parents, school staff and the community in developing, implementing, monitoring and reviewing this policy.

— **Comprehensive School Health Education:** District schools will, using the Core Content for Practical Living/Vocational Studies, deliver classroom instruction and activities to develop student awareness and knowledge of health-related risk behaviors. The Comprehensive District Improvement Plan and The Comprehensive School Improvement Plans will reflect efforts to meet the basic needs of students to support classroom success.

— **Physical Education:** District schools will meet the physical education core content requirements of the Kentucky Department of Education, aligned to the national physical education standards (NASPE), and the goals set by individual school wellness policies (KRS 160.345) by providing age appropriate, researched based programs.

Physical Education is offered to all K-8 students. After high school students meet graduation requirements, physical education is available as an elective.

— **School Health Services:** District schools will provide readily accessible preventative services; education, emergency care, referral, and management of acute and chronic health conditions and ensure that student's health physicals and immunization are up to date.

The Family Resource Youth Services Center will;

- oversee screenings for dental, vision, and hearing;
- coordinate provision of educational classes to include but not be limited to puberty, hygiene, dental care, and Blood-borne Pathogens;

The District nurse will:

- educate and train staff to distribute student medications and will monitor the records as needed; and
- provide training in health care procedures staff may need to care for students' special needs.

— **School Nutrition Services:** School nutrition sites will promote healthy food choices using creative signage, seasonal decorations and marketing programs in a student friendly environment.

School meals, snacks, and a la carte choices will be offered in compliance with federal, state and local requirements.

Student Welfare and Wellness

SCHOOL NUTRITION SERVICES: (CONTINUED)

~~Menus and recipes will be analyzed to ensure compliance with age appropriate target levels for portion sizes, calories, saturated fat, trans fat and sodium. The analysis will be posted on all school nutrition sites and on the District web site.~~

~~Meals will be served with colorful presentation using quality food products carefully prepared to provide maximum nutritional benefits.~~

~~Families will be encouraged to pack lunches and/or provide school day snacks that make a positive contribution to the health of students.~~

~~Foods provided during school day activities will promote positive health habits and exclude foods of minimal nutritional value. (see Board policy 07.111 for use of foods as rewards)~~

~~Drinking water will be available to students at all times during the school day.~~

~~Hazard Analysis and Critical Control Points (HACCP) food safety program will be implemented and updated annually to provide a practical and effective food safety environment.~~

~~For the security of food and beverages available to students, only authorized personnel will have access to school nutrition facilities.~~

~~Nutrition Services staff training will be continually updated to include the most current practices for safe and healthy food preparation.~~

~~The Nutrition Services Manager and Assistant Manager in each facility will complete and maintain the Person in Charge Certification as required by the Lincoln Trail District Health Department.~~

~~The School Nutrition Services team members will offer a variety of nutrition education programs and will serve as a resource for classroom projects.~~

~~The District web site, Infinite Campus messaging, Twitter, Facebook, and/or The Nutrition and Physical Activity Report Card will serve as communication sources for menus, nutrient analysis information, program updates and nutrition education links.~~

~~— **School Counseling, Psychological and Social Services:** District schools will provide counseling, psychological, and social services to referred students through the FRC/YSC and through collaboration with school counselors and local agencies. Individual assessments will be made upon referral and appropriate services will be discussed with the parents (permission obtained), according to FRY/YSC policies, and implemented as necessary to insure the student's ultimate success in the classroom. Available services include individual counseling, group counseling, family counseling, support groups, parent education classes, and referrals to social services, case management and follow up.~~

~~— **Healthy School Environment:** Schools throughout the District will provide and maintain a healthy school environment as listed below:~~

~~— Each District school will establish a school wide approach to addressing expectation and procedures for student behavior using the Positive Behavior Intervention System (PBIS).~~

Student Welfare and Wellness**SCHOOL NUTRITION SERVICES: (CONTINUED)**

- ~~— Each District school will develop a school-wide character education program.~~
 - ~~— Each elementary school will use a behavior interventionist to promote positive behavior, positive school climate, and healthy life habits.~~
 - ~~— Where appropriate, mentoring programs will be implemented to reach out to at risk students to help them maintain a healthy life socially and academically.~~
 - ~~— Each school will implement a program to help with the inclusion of new students and to promote a healthy school environment.~~
 - ~~— Where appropriate, student advisory groups and extra-curricular clubs will address other issues that effect school climate.~~
 - ~~— **Promotion of Healthy Staff:** District schools will promote health and wellness for staff members through assessment, education and fitness activities. Health screenings will be provided through Humana Vitality and local community partnerships. A healthy life style consisting of good nutrition, weight management and physical activity will be promoted through educational classes provided through the collaboration of our District nurse, Hardin Memorial Hospital and the Lincoln Trail District Health Department and fitness opportunities organized at each school. A smoke free environment is provided per Board Policy 03.1327 and 03.2327.~~
 - ~~— **Family and Community Involvement:** The District will offer on-going opportunities for families to be involved in health and wellness activities and to interact with community agencies and businesses which promote health and wellness. Parent, students and community members will be given the opportunity to serve on the school level Wellness Committees.~~
- ~~The District Coordinated School Health Committee shall evaluate the District Wellness Policy annually and report the findings to the Superintendent/designee no later than April 1.~~

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.¹

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.^{1, 2 & 3}

Forms relating to exemptions from immunization requirements shall be available at each school.

Immunization certificates shall be kept current.¹

REFERENCES:

¹KRS 156.160; 702 KAR 1:160

²KRS 214.036; KRS 214.034

³KRS 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.¹

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

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

SAFETY PROCEDURES

All pupils shall receive annual instruction in school bus safety.

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

SUICIDE PREVENTION

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

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

STUDENTS

09.22
(CONTINUED)

Student Health and Safety

REFERENCES:

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

²KRS 156.095

³KRS 158.070

KRS 156.160

KRS 158.836; KRS 158.838

702 KAR 5:030

RELATED POLICY:

09.2241

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

FINANCIAL IMPLICATIONS: POSSIBLE ADDITIONAL STAFFING

STUDENTS

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. No medication shall be administered for any student that has not been supplied by the parent or legal guardian of the child.

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

INFORMATION NEEDED

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

EMERGENCY PROCEDURES

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:

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

RELATED POLICIES:

- 09.21
- 09.22
- 09.2241

LEGAL: REVISIONS TO 702 KAR 1:160 CLEAN UP LANGUAGE REGARDING TRAINING FOR ADMINISTRATION OF DIABETES MEDICATION. THEREFORE, THE QUALIFYING STATEMENT ABOUT ADMINISTRATION GUIDELINES MAY BE REMOVED.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.2241

Student Medication

School personnel authorized to give medications must be trained in accordance with KRS 158.838, KRS 156.502 and 702 KAR 1:160. ~~Guidelines for diabetes medication administration under 702 KAR 1:160 no longer apply to training of non licensed school personnel.~~

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

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

SELF-ADMINISTRATION

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

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

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

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

Students shall not share any prescription or over-the counter medication with another student. Each year, the 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.

REFERENCES:

¹OAG 73-768

²KRS 158.834; KRS 158.838

³KRS 158.836

KRS 156.502; KRS 158.832

702 KAR 1:160

Americans with Disabilities Act

Section 504 of the Rehabilitation Act of 1973

OAG 77-530; OAG 83-115

RELATED POLICIES:

09.22, 09.224

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

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

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

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 neglected¹ shall immediately make a report to a local law enforcement agency or the Kentucky State Police, the Cabinet for Families and Children or its designated representative, the Commonwealth's Attorney or the County Attorney in accordance with KRS 620.030.²

After making the report, the employee shall notify the Principal of the suspected abuse, who then shall also promptly make a report to the proper authorities for investigation. If the Principal is suspected of child abuse, the employee shall notify the 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**RESPONSE TO REGISTRANT OFFENDER INFORMATION**

As directed by the Superintendent the District shall monitor the Kentucky State Police website to ascertain when an individual designated by law as a registrant offender has established residence in the District.³ When a registrant takes up residence within the District, the Superintendent/designee shall consult with the Board Attorney to determine steps to address the safety of students and staff. Responses identified may address, but shall not be limited to, the following areas:

1. Notification of parents, students and staff;
2. Staff training and age-appropriate training for students, including those who walk to and/or from school;
3. Student supervision plans; and
4. Assessment of school physical and safety environment.

The Superintendent shall inform the Board of steps taken.

INTERVIEWS

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

REQUIRED TRAINING

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.

REFERENCES:

¹KRS 600.020 (1)(15)

²KRS 620.030; KRS 620.040

³OAG 85-134; OAG 92-138

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

KRS 156.095; KRS 199.990

KRS 209.020; KRS 620.050

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

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

RELATED POLICIES:

09.42811; 09.4361; 10.5

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

STUDENTS

09.34

Student Publications

SPONSOR PROVIDED

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

PRIOR SUBMISSION

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

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

APPEAL

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

REFERENCES:

KRS 160.290

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

RELATED POLICY:

09.426

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT (07/06/15)

STUDENTS

09.4261

Telecommunication Devices

POSSESSION AND USE

While on school property attending school-sponsored or school-related activities students shall be permitted to possess and use personal telecommunications devices as defined by law,¹ 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.
 - f. Unless an emergency situation exists that involves imminent physical danger or a certified employee authorizes the student to do so. Otherwise, devices shall be turned on and operated only before and after regular school hours.
 - g. Communication devices may not be used to connect to the Internet, unless authorized by a certified employee.
2. Chronic non-compliance shall result in permanent loss of privileges.
3. 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.
4. Students shall comply with any additional rules developed by the school concerning appropriate use of telecommunication or other electronic devices.

Telecommunication Devices

POSSESSION AND USE (CONTINUED)

5. 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 or the student's parent/guardian, as appropriate.
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:

¹KRS 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.¹

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.

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 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.

Harassment/Discrimination**FALSE COMPLAINTS**

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

OTHER CLAIMS

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

REFERENCES:

¹KRS 158.156

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

Racial Incidents and Harassment Against Students at Educational Institutions:
Investigative Guidance (U.S. Department of Education)

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

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

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

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

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

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

RELATED POLICIES:

03.162; 03.262

09.13; 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.¹

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

CRIMES OFF SCHOOL PROPERTY

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

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

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).

REFERENCES:

¹OAG 76-129

²OAG 85-134, OAG 92-138

RELATED POLICIES:

09.1231; 09.227

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

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT (07/06/15)

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.

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.

Depending on the facts of the particular request, the Principal's response options may include, but are not be limited to the following:

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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.

Depending on the facts of the particular request, the Principal's response options may include, but are not be limited to the following:

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

- 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 individuals 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.~~

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.

Visitors to the Schools**ACCOMMODATION**

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

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

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

USE OF TOBACCO PROHIBITED

- | The use of any tobacco product is prohibited in any building or on any property owned or operated by the Board.

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