

Legal Status of the Board

CORPORATE POWERS

1. The school district is under the management and control of the Board of Education consisting of five (5) members.
2. The Board is a body politic and corporate with perpetual succession.
3. The Board shall be known as the “Board of Education of Fayette County, Kentucky.”
4. The Board may sue and be sued; make contracts; expend funds necessary for liability insurance premiums and for the defense of any civil action brought against an individual Board member in his official or individual capacity, or both, on account of an act made in the scope and course of his performance of legal duties as a Board member; purchase, receive, hold, and sell property; issue its bonds to build and construct improvements; and do all things necessary to accomplish the purposes for which it is created.¹

FEDERAL NOTICE OF NONDISCRIMINATION

As required by federal law, the District does not discriminate on the basis of race, color, national origin, sex, genetic information, disability, or age in its programs and activities and provides equal access to its facilities to the Boy Scouts and other designated youth groups.

In addition, the District does not discriminate on the basis of political affiliation, religion, sexual orientation or gender identity.

Notice of the name, work address and telephone number of the Title IX Coordinator and the Section 504 Coordinator for the District shall be provided to employees, applicants for employment, students, parents/guardians, and other beneficiaries such as participants in activities offered to the public.

REFERENCES:

- ¹KRS 160.160
- KRS 160.370
- Americans with Disabilities Act
- Section 504 of the Rehabilitation Act of 1973
- Title VI of the Civil Rights Act of 1964
- 42 U.S.C. 200e, Civil Rights Act of 1964, Title VII
- 20 U.S.C. 1681, Education Amendments of 1972, Title IX
- Genetic Information Nondiscrimination Act of 2008
- 20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)

RELATED POLICIES:

- 03.113, 03.212, 03.162, 03.262
- 05.3, 09.13, 09.3211, 09.42811

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

Agenda for Board meetings shall be prepared by the Superintendent in concert with the Board chair prior to the meetings.

As an ongoing part of the Board's agenda, the Superintendent shall develop a calendar of anticipated activities or events requiring Board action, discussion, or review.

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

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

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

MEMBERS OF THE PUBLIC

Any member of the public may submit items to be considered for the agenda to the Superintendent ten (10) calendar days prior to the date of the meeting by filing the appropriate form.

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

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.

REFERENCE:

KRS 160.290

RELATED POLICIES:

01.44, 01.5, 03.16/03.26

School Council Policies (SBDM)

PURPOSE

The council shall adopt policies, which shall provide an environment that enhances student achievement and help the school meet goals established by law and those established in School/District Improvement Plans.

COMPLIANCE WITH BOARD POLICY

In the development and application of school policies as permitted by statute, schools operating under SBDM shall comply with those policies that fall within the authority of the Board, including but not limited to those prohibiting discrimination based on age, race, sex, genetic information on personnel, color, religion, national origin, political affiliation, or disability. In addition, the District does not discriminate on the basis of sexual orientation or gender identity.

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ADOPTION OF POLICY

Prior to implementation of a policy by the council, it shall be forwarded by the Principal to the Superintendent/designee for review. The areas for review are:

1. Compliance with policy that falls within the authority of the Board and the law;
2. Concerns for health and safety;
3. Concerns for liability;
4. Financial resources available;
5. Contractual obligations to personnel and other providers of goods and services; and
6. The authority delegated to the council by the Board within the statutes.

Comments shall be returned to the Principal within thirty (30) work days, unless an unforeseen circumstance delays the response. If an unforeseen circumstance arises, the Superintendent/designee shall advise the Principal in writing of the reasons for the delay and the date that the policy will be returned to the Principal.

The Principal shall discuss the policy at the next council meeting, in light of the comments shared. Any amendments made to the policies shall be sent to the Superintendent/designee in accordance with this policy. When there are no subsequent concerns, written notification shall be given to the Principal.

REQUIRED POLICY

The council shall establish school policy with equitable development and application. All school policies shall be designed to enhance student achievement and meet the goals of the Education Reform Act. The school council shall adopt policy to be implemented by the Principal in each of the following areas of responsibility, as required by KRS 160.345:

1. Determination of curriculum including needs assessment and curriculum development;

Such policies shall determine the writing program for the school, including use of writing portfolios consistent with KRS 158.6453, to be submitted to the Kentucky Department of Education for review and comment

School Council Policies (SBDM)**REQUIRED POLICY (CONTINUED)**

2. Assignment of all instructional and non-instructional staff time;
3. Assignment of students to classes and programs within the school;
 - Placement of students from the household of an active duty service member or civilian military employee transferring into the District before or during the school year shall be based initially on enrollment in courses offered at the sending school and/or educational assessments conducted at that school. Course placement includes, but is not limited to, Honors, International Baccalaureate, Advance Placement, vocational, technical, and career pathways courses. Initial placement does not preclude the District/school from performing subsequent evaluations to ensure appropriate placement and continued enrollment of students in the course(s).
 - Each secondary school-based decision making council shall establish a policy on the recruitment and assignment of students to advanced placement (AP), International Baccalaureate (IB), dual enrollment (college courses), and dual credit (college) courses that recognizes that all students have the right to participate in a rigorous and academically challenging curriculum.
4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar and transportation requirements established by the Board;
5. Determination of the use of school space during the school day;
6. Planning and resolution of issues regarding instructional practices;
7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor and Principal;
8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation and supervision;

In selecting extracurricular activities, councils shall consider student safety, liability exposure for the District and potential program costs. A checklist will be provided for the council's use in considering these factors. Following council determination, the checklist shall be forwarded to the Superintendent's designee as directed.
9. Adoption of a school emergency plan and implementation of safety practices required by KRS 158.162;
10. Procedures, consistent with local Board policy, for determining alignment with state standards, technology utilization, and program appraisal;
11. Procedures to assist the council with consultation in the selection of personnel by the Principal, including but not limited to meetings, timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation.

School Council Policies (SBDM)**REQUIRED POLICY (CONTINUED)**

12. Schools with K-5 organization, or any configuration thereof, shall develop and implement, in compliance with requirements of federal and state law and board policy, a wellness policy that includes moderate to vigorous physical activity each day, encourages healthy choices among students, and incorporates an assessment tool to determine each child's level of physical activity on an annual basis. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. (In the absence of a council, the Principal of the school shall develop and implement the required wellness policy.)

The Superintendent/designee shall provide assistance in identifying strategies and options to promote daily moderate to vigorous physical activity for students, which may include those that increase strength and flexibility, speed heart rate and breathing and stress activities such as stretching, walking, running, jumping rope, dancing, and competitive endeavors that involve all students.

As an alternative to adopting separate policies, school councils may adopt Board policy or standards established by the Board as council policy in the above areas, or they may delegate responsibility for developing a policy to the Principal.

BOARD RECOMMENDED POLICIES

- In order to enhance the learning environment and school climate, the Board recommends each council develop a multicultural education policy to be implemented by the Principal through the SBDM/School Improvement Council.
- The Board recommends each council also develop a parent/family/community involvement policy/process that demonstrates the school's role in:
 1. Establishing an environment open and friendly to parents, families, and community members;
 2. Increasing parent/family/community participation;
 3. Improving two-way communication between school and home and school and community;
 4. Assuring minority participation; and
 5. Developing parent/family/community outreach programs.
- In addition, the Board recommends that councils adopt grading policies that require reports be sent home regularly. The Board also encourages specific written explanations/descriptions of student performance beyond computer-generated statements. As appropriate, descriptions should reflect progress on learning goals articulated in the student's Individual Learning Plans.

The Principal shall report to the Superintendent/designee the council's schedule for issuing grade reports and a copy of the related council policy.

School Council Policies (SBDM)**WAIVER OF STATE REGULATIONS**

School councils who decide to request a waiver of state regulations and/or reporting requirements established by a Kentucky Revised Statute requiring paperwork to be submitted to the Kentucky Board of Education or the Department of Education shall submit the supporting information to the Superintendent as required by law. The Superintendent shall then forward the request to the Kentucky Board of Education.

SCHOOLS OF INNOVATION

In a designated school of innovation participating in a district of innovation application and plan, the council may request a waiver from KRS 160.345 or specific provisions within that statute by conducting a vote as set out in KRS 160.107.

The school council shall be responsible for conducting a vote to determine if the school shall be an applicant as a school of innovation in the District's application for district of innovation status and to approve the school's plan of innovation before it is submitted to the District. The vote shall be taken by secret ballot among eligible employees as defined in KRS 160.107. At least seventy percent (70%) of those casting votes in the affirmative shall be required before the school requests to be included in the District's plan and to approve the school's plan of innovation.

REFERENCES:

KRS 156.072; KRS 156.160; KRS 156.730; KRS 156.735
KRS 158.197; KRS 158.645; KRS 158.6451; KRS 158.6453
KRS 158.162
KRS 160.345; KRS 160.348
KRS 156.108; KRS 160.107; 701 KAR 5:140
OAG 93-55; OAG 94-29; OAG 97-15; 702 KAR 7:140; 704 KAR 3:510
Board of Educ. of Boone County v. Bushee, Ky., 889 S.W. 2d 809 (1994)
U. S. Dept. of Agriculture's *Dietary Guidelines for Americans*

RELATED POLICIES:

01.11; 02.422; 02.4231; 03.112; 08.221

School Personnel

PRINCIPAL SELECTION

When a vacancy exists in the position of school Principal, the outgoing Principal shall not serve on the council during the Principal selection process. A vacancy is created in the position of Principal by the resignation, removal, transfer, retirement or death of the current Principal. The Superintendent, after consulting with the council, shall appoint an administrator to fill any vacancy in the position of Principal, who shall serve as interim Principal. The vacancy shall be permanently filled by the council as soon as possible.

The Superintendent/designee shall serve as the Chair of the council for the purpose of the hiring process and shall have voting rights during the selection process. The council shall have access to the applications of all persons certified for the position. The Principal shall be elected on a majority vote of the membership of the council.

No Principal who has been previously removed from a position in the District for cause may be considered for appointment as Principal.

When a Principal vacancy occurs and the school has an index score in the lowest one-third (1/3) of all schools below the assistance line and a completed scholastic audit finds a lack of effectiveness of the Principal and the council, the Superintendent shall appoint a Principal after consulting with the council.

The council shall undergo training, with a trainer of its choice, in recruitment and interviewing techniques prior to carrying out the process of selecting a new Principal. The Superintendent shall develop a process to offer training and support if councils so choose to participate. The Board encourages the council to follow one (1) or more of the following practices when arranging for this training:

1. Selection of a trainer approved by the Kentucky Association of School Councils (KASC);
2. Selection of a trainer certified by the Kentucky Department of Education (KDE); and/or
3. Requiring the trainer selected to emphasize recruiting and interviewing techniques that reflect model standards developed by KASC.

OTHER VACANCIES

When the position to be filled in the school is other than that of Principal, the Principal, after consultation with the council in accordance with procedures established by the council, shall fill the position from a list of qualified applicants provided by the Superintendent. The Superintendent shall provide additional applicants to the Principal upon request when qualified applicants are available. All positions shall be filled by the Principal after expiration of the notice of vacancy.

The Superintendent may forward to the council names of qualified applicants who have certification pending from the Education Professional Standards Board pursuant to state law. Applicants subsequently employed shall provide evidence they are certified prior to assuming the duties of their position.

School Personnel**OTHER VACANCIES (CONTINUED)**

If the applicant is the spouse of the Superintendent and meets the requirements of KRS 160.380, s/he shall only be employed upon the recommendation of the Principal and the approval of a majority vote of the school council.

PROHIBITIONS

The council has no authority to recommend transfers or dismissals. The council must have Board approval to create new positions.

APPLICABLE LAWS

All hiring shall be in accordance with federal and state laws and regulations. Board policies, including the Affirmative Action Plan, shall be followed. Candidates shall not be discriminated against because of age, race, color, ~~creed,~~ national origin, political affiliation, religion, sex, genetic information, or disability. In addition, the District does not discriminate on the basis of sexual orientation or gender identity.

Formatted: Space After: 3 pt**REFERENCES:**

KRS 160.345
KRS 160.380
OAG 92-131, OAG 92-78, OAG 91-149
OAG 95-10, OAG 96-38

RELATED POLICIES:

02.4241, 03.11, 03.21

Certified Personnel

DEFINITIONS

Certified personnel are those employees holding positions for which Kentucky teacher certification is required~~a certificate may be issued by the Education Professional Standards Board.~~¹

~~FULL-TIME EMPLOYEES~~

~~Certified employees who work 70% or more of a regular work day on a daily basis during the school term shall be regarded as full time,~~ whether they serve 9.5 months or some amount of extended employment short of 12 months.

~~PART-TIME EMPLOYEES~~

~~Certified employees who work less than 70% of a regular work day shall be regarded as part-time.~~ However, adjunct instructors, who are hired on a year to year, limited contract basis, shall be considered part time employees at any incremental position less than 1.0.

~~TWELVE-MONTH EMPLOYEES~~

~~Twelve month certified employees are those employees who perform their duties based on the twelve month work calendar developed by the Superintendent.~~

REFERENCES:

¹KRS 161.720(1); KRS 161.020
KRS 161.030

PERSONNEL

03.11

- CERTIFIED PERSONNEL -

Hiring

SUPERINTENDENT'S RESPONSIBILITIES

When a vacancy occurs, the Superintendent shall notify the Chief State School Officer thirty (30) days before the position is to be filled.

When a vacancy needs to be filled in less than thirty (30) days to prevent disruption of necessary instructional or support services of the school district, the Superintendent may seek a waiver of the thirty (30) day advance notice requirement from the Chief State School Officer. If the waiver is approved, the appointment shall not be made until the person selected by the Superintendent has been approved by the Chief State School Officer.

The Superintendent shall make all appointments, promotions, and transfers of certified personnel for positions authorized by the Board and, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent. Certified employees may be appointed by the Superintendent for any school year at any time after February 1 next preceding the beginning of the school year.

QUALIFICATIONS

The Superintendent shall employ only individuals who are certified for the positions they will hold and who possess qualifications established by Board policy, except in the case where no individual applies who is properly certified and/or who meets qualifications set by Board policy.

All teachers of core academic subjects shall be "highly qualified," as defined by state and federal regulation.³

ELIGIBILITY

In determining the eligibility of a particular candidate for appointment to a position, the priority of the Superintendent shall be to employ that person, who by reasons of preparation, experience and ability to work effectively with students, other staff members, and citizens of the school community, will render the highest possible level of service.

Employees who are terminated and/or non-renewed for cause by the District, or who resigned and are not eligible for a position, shall not be considered for any future employment by the District.

CRIMINAL BACKGROUND CHECK AND TESTING

Applicants, employees, and student teachers assigned within the District shall undergo records checks and testing as required by applicable statutes, regulations, and Board policy.¹

The District shall not employ or permit the assignment of, the following individuals:

1. Those who have been convicted of violent offenses or sex crimes as defined by KRS 17.165;

Hiring**CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)**

2. Those who have been convicted of other crimes which bear a reasonable relationship to the position for which the individual is applying, or to which the individual may transfer within the District at a later time as determined by the Superintendent; or
3. Those who materially misrepresent their criminal history, credentials, or any other fact when applying for a position in the District.

Each application or renewal form provided applicants for a certified position shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT".¹

As permitted by KRS 160.380, employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a felony sex crime or as a violent offender as defined in KRS 17.165 or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Conditional employment shall terminate on receipt of a criminal history background check documenting a conviction for a felony sex crime or as a violent offender.

HIRING OF RETIRED PERSONNEL

Hiring of certified personnel who have previously retired under KTRS shall be in compliance with applicable legal requirements.²

Persons who have previously retired from the District and who subsequently are rehired shall be credited with a maximum of twelve (12) sick leave days at the outset of their new period of employment.

JOB REGISTER

The Superintendent or the Superintendent's designee shall maintain at IAKSS and on the District web site a job register listing all current job openings in the District. The register shall describe the duties and qualifications for each opening, and District employment policies shall be attached to the register. The job register shall be open to public inspection during IAKSS business hours.

VACANCIES POSTED

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted at IAKSS and on the District web site on a timely basis and shall refer interested persons to IAKSS job register for additional information.

When a vacancy for a teaching position occurs in the District the Superintendent shall conduct a search to locate minority candidates to be considered for the position.

APPLICATIONS

Under procedures developed by the Superintendent, each application shall be reviewed and each applicant so notified upon initial application. Applications shall be kept on file for three (3) years. All applications for positions shall be made utilizing written or electronic forms furnished by the Department of Human Resources.

Hiring

RELATIONSHIPS

The Superintendent shall not employ a relative of a member of the Board.

A relative of the Superintendent shall not be employed except as provided by KRS 160.380.

The Superintendent shall not employ a relative of any employee to work under the direct supervision of that employee. "Relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law.

JOB DESCRIPTION

All employees shall receive a copy of their job description and responsibilities.

AFFIRMATIVE ACTION PLAN

All employment practices shall be in keeping with the Board approved Affirmative Action Plan.

REFERENCES:

¹KRS 160.380

²KRS 161.605; 702 KAR 1:150

³P. L. 107-110 (No Child Left Behind Act of 2001)

34 CFR 200.55-200.56

KRS 17.160; KRS 17.165

KRS 156.106; KRS 160.345; KRS 160.390

KRS 161.042; KRS 161.611; KRS 161.750

KRS 335B.020; KRS 405.435

16 KAR 9:080; 704 KAR 7:130

OAG 73-333; OAG 91-10; OAG 91-149; OAG 91-206

OAG 92-1; OAG 92-59; OAG 92-78; OAG 92-131; OAG 97-6

Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 02.4244; 03.132

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/Health Information

NEWLY EMPLOYED PERSONNEL

All newly employed certified personnel, including substitute teachers, shall present documentation 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. If the exam is performed by a private practitioner of the employee's choice, the cost must be borne by the employee.¹ The examination must be performed within a ninety (90)-day period prior to initial employment.

REPORT

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

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TUBERCULOSIS SCREENING/TESTING

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

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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 essential job functions because of physical or mental health problems or when the employee poses a health risk to students or other employees, the Superintendent may require the employee to provide evidence of physical fitness in the form of an examination and report by a physician and, in the case of mental fitness, in the form of an examination and report by a certified psychologist or psychiatrist of the Superintendent's choosing.

The Board shall bear the cost of this examination.¹

Medical Examination/Health Information**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

The Board will make every effort to respect and maintain the privacy of employees with reference to information concerning the medical condition of an employee and will only make such information available to individuals whom the Superintendent determines have an essential need for such information.

ALCOHOL/DRUG TESTING

If a supervisor has reason to believe an employee is under the influence of or impaired by alcohol or drugs in the workplace, the supervisor may require the employee to undergo alcohol testing by a portable breathalyzer test administered by a FCPS Law Enforcement Officer and/or blood/urine test administered by a medical facility of the District's choice. Refusal to submit to either such testing may be grounds for disciplinary action, including termination of employment. If test results confirm the employee was under the influence of alcohol or illegal drugs in the workplace, the employee shall be subject to disciplinary action including termination, or may be referred to a treatment program of the District's choice.

PRIVACY FOR PROTECTED HEALTH INFORMATION

The Fayette County School District is a hybrid entity for the purposes of the Health Insurance Portability and Accountability Act ("HIPAA")³ because its activities include covered and non-covered functions under HIPAA. The maintenance of protected health information shall comply with HIPAA and all other applicable legal requirements.

For information concerning the District's procedures for the protection of the privacy of protected health information, please refer to the "HIPAA Privacy Procedures Handbook" maintained by and available from the Privacy Official at IAKSS. The Privacy Official also maintains any and all forms relating to the HIPAA privacy procedures. The procedures and forms are also available from the District's Health Care Components.

PERSONNEL

03.111
(CONTINUED)

Medical Examination/Health Information

REFERENCES:

²702 KAR 1:160; OAG 65-560; 902 KAR 2:020; KRS 214.181; KRS 214.625

Further references to pertinent case law, federal statute and Board policy are located in administrative procedures.

Public Law 104-191

⁴45 C.F.R. 164.530(a)

20 U.S.C. 1232g

20 U.S.C. 1232g(a)(4)(B)(iv)

45 C.F.R. 164.501

45 C.F.R. 160.501

45 C.F.R. 160.203

45 C.F.R. 164.530(e)

45 C.F.R. 164.530(g)

45 C.F.R. 164.530(h)

Genetic Information Nondiscrimination Act of 2008

Americans with Disabilities Act

RELATED POLICIES:

¹03.1234

03.14

PERSONNEL

- CERTIFIED PERSONNEL -

Equal Employment Opportunity

It is the intent of the Board that equal employment opportunities be provided in full compliance with state and federal legal requirements.

NONDISCRIMINATION

The Superintendent shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, ~~creed~~, color, religion, sex ~~(as protected under Title VII)~~, genetic information, national or ethnic origin, political affiliation, age or disabling condition.¹ In addition, the District does not discriminate on the basis of sexual orientation or gender identity.

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INDIVIDUALS WITH DISABILITIES

No qualified person with a disability, as defined by law, shall, on the basis of the disability, be subject to discrimination in employment.²

District employment practices shall be in accordance with the Board-approved policies and District procedures addressing requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

No human immunodeficiency virus (HIV) related test shall be required as a condition of hiring, promotion, or continued employment, unless the absence of HIV infection is a bona fide occupational qualification for the job in question as defined in KRS 207.135.

If considerations of sex, age or disability have a bona fide relationship to the unique requirements of a particular job or if there are applicable statutory or federal or state regulatory requirements, then sex, age or disability may be taken into account as a bona fide occupational qualification, provided such consideration is consistent with governing law.

REASONABLE ACCOMMODATION

Employees who have a long-term or permanent disability may request the District to provide reasonable accommodations necessary for them to perform the essential duties of the position. Medical information obtained as part of an employee request shall be confidential.³

If assistive technology is deemed necessary for an employee, every effort will be made to obtain that technology in a timely fashion.

Reasonable accommodation shall be provided as required by law.

ADVISING EMPLOYEES

The Superintendent shall inform all school employees of the provisions of this policy.¹

PERSONNEL

03.113
(CONTINUED)

Equal Employment Opportunity

REFERENCES:

¹KRS 161.164

²29 U.S.C.A. 794

³29 U.S.C. section 1630.14

KRS 207.135

34 C.F.R. 104.3 - 104.14

42 C.F.R. 2000e-2; 42 C.F.R. 2000(k)

42 U.S.C. 200e, Civil Rights Act of 1964, Title VII; KRS Chapter 344

Americans with Disabilities Act

Kentucky Education Technology System (KETS)

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

Revised Sexual Harassment Guidance: Harassment of Students by School Employees,
Other Students, or Third Parties, Title IX

Genetic Information Nondiscrimination Act of 2008

Oncale v. Sundowner Offshores Service, Inc. (U.S.S.Ct.)

RELATED POLICIES:

03.133

05.11

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

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

PERSONNEL

03.12322

- CERTIFIED PERSONNEL -

Family and Medical Leave

REASONS

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

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

NOTICES AND DEADLINES

- a. Employees who may be eligible for or who request leave for any of the above reasons shall be provided an FMLA notice of eligibility and rights and responsibilities. Requests for family and medical leave shall be made by completing the appropriate form 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.

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

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

ELIGIBILITY

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

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

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

RESTRICTIONS

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. Employees must use all available emergency leave, carry-over vacation leave, personal leave, and sick leave before being eligible for unpaid family and medical leave, except that the employee may request to reserve ten (10) days of sick leave. (This provision shall not apply to Workers' Compensation leave.) When an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with the twelve (12) workweek entitlement.

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

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

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

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

Exception: The limit on the combined amount of family and medical leave shall be twenty-six (26) workweeks when both ~~an-eligible husband-and-wifespouses~~ 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.

REFERENCES:

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

RELATED POLICIES:

03.123; 03.1232; 03.1233; 03.1234; 03.1238; 03.124

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

DRAFT 3/17/15

PERSONNEL

03.13211

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- CERTIFIED PERSONNEL -

Use of Personal Cell Phones

~~Based on safety concerns and instructional and supervisory responsibilities, the Board authorizes directors, principals, and their designees to implement rules concerning use of personal cell phones during the work day.~~

~~To minimize disruptions, all employees are requested to direct friends and family members to contact the main office of the school or other assigned work location to communicate urgent or emergency information. Non-emergency contacts during working hours are discouraged.~~

RECOMMENDED: THIS CHANGE IS TO CLARIFY THAT TAKING PICTURES, VIDEO, OR AUDIO RECORDINGS OF OTHERS IS A VIOLATION OF THEIR CONFIDENTIALITY AND PRIVACY AND IS PROHIBITED.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT 3/17/15

PERSONNEL

03.13214

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- CERTIFIED PERSONNEL -

Use of Personal Cell Phones/Telecommunication Devices

Based on safety concerns and instructional and supervisory responsibilities, the Board authorizes directors, principals, and their designees to implement rules concerning use of personal cell phones during the work day.

To minimize disruptions, all employees are requested to direct friends and family members to contact the main office of the school or other assigned work location to communicate urgent or emergency information. Non-emergency contacts during working hours are discouraged.

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

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT 7/12/15

PERSONNEL

03.162

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- CERTIFIED PERSONNEL -

Harassment/Discrimination

DEFINITION

Harassment/Discrimination of employees is unlawful behavior based on the race, ~~ereed~~, color, national or ethnic origin, age, religion, sex, genetic information, gender identity, sexual orientation, political affiliation, veteran status, 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. (Harassment/discrimination based on sex applies to acts 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 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.

Failure by employees to report a suspected violation of this policy or to otherwise follow this policy and related procedures, or failure by the Superintendent or designee to report a suspected violation as directed or initiate an investigation of alleged harassment/discrimination by students or District employees, as required by this policy, to follow approved procedures, or to take corrective action shall be cause for disciplinary action.

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 to their immediate supervisor. 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.~~

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to include the submission of a written report of all findings of an investigation, regardless of the manner in which the complaint is communicated to a District administrator;
2. Establishment of measures to provide confidentiality in the complaint process;

Harassment/Discrimination**GUIDELINES (CONTINUED)**

3. A process to identify and employ methods to correct and prevent reoccurrence of the harassment/discrimination;
4. A process where the provisions of this policy are disseminated in writing annually to all staff and students; and
5. Annual training explaining prohibited behaviors.

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

PROHIBITED CONDUCT

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

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

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.

FAILURE TO REPORT SUSPECTED ABUSE

Any employee who fails to report to the Principal or building supervisor suspected abuse of a student shall be subject to disciplinary action, including termination. This requirement does not alter or amend the reporting requirements of KRS 620.030 of any person to report abused children to the appropriate law enforcement agency.

PERSONNEL

03.162
(CONTINUED)

Harassment/Discrimination

OTHER CLAIMS

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

REFERENCES:

KRS 158.156

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

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

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

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other
Students, or Third Parties, Title IX

Oncala v. Sundowner Offshores Service, Inc. (U.S.S.Ct.)

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

Genetic Information Nondiscrimination Act of 2008

RELATED POLICIES:

03.113

03.1325

03.16

09.2211

09.227

09.422

09.42811

- CERTIFIED PERSONNEL -

Conflict of Interests

PECUNIARY INTEREST PROHIBITED

No administrator or other employee of the District with decision-making authority over the financial position of the school District shall have any pecuniary interest, either directly or indirectly, in an amount exceeding twenty-five dollars (\$25.00) per year, at the time of or after his appointment, in supplying any goods, services, property or merchandise for which school funds are expended. Nor shall any such person receive directly or indirectly any gift, reward, or promise of reward for goods, services, property, or merchandise of any kind for which school funds are expended.¹

No administrator or other employee shall solicit for personal financial remuneration from students, parents and other staff during the school day or during school events.

Unless prior arrangements are made with the Board, any device, publication or any other item developed during the employee's paid time shall be District property, including but not limited to copyrighted items.

Fayette County Public School (FCPS) employees are the stewards of taxpayer dollars and as such, shall maintain the integrity of the procurement process. FCPS funds shall be used for the support of the public schools of Fayette County, and for no other purpose.

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All business dealings shall be conducted at an arm's length. If a FCPS employee serves on the Board of an entity or organization that does business with the FCPS, is employed by an entity or organization that does business with the FCPS, or maintains a financial interest in an entity or organization that does business with the FCPS, that employee shall recuse himself or herself from any and all negotiations or business dealings with the entity or organization on behalf of the FCPS.

FCPS employees who serve on the Board of an entity or organization should not use their FCPS employment to influence or promote use of FCPS resources to further the interests of the entity or organization.

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Employees shall not profit monetarily through use of confidential information gained in the course of or by reason of their position of employment with the District.

EXCEPTION

This policy shall not prohibit the Board from approving non-contracted personal services for the benefit of the District.

PERSONNEL

03.1721
(CONTINUED)

Conflict of Interests

GRATUITIES AND KICKBACKS

Employees are prohibited from soliciting, demanding, accepting or agreeing to accept from another person gratuities, kickbacks, or offers of employment in connection with the following: any decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or purchase standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling or other determination, claim or controversy, or other particular matter, pertaining to any contract or subcontract and any solicitation or proposal therefor.²

REFERENCES:

¹KRS 156.480, OAG 77-228, OAG 71-474

²KRS 45A.455 (2)

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

DRAFT 6/11/15

PERSONNEL

03.18

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-CERTIFIED PERSONNEL-

Evaluation

DEVELOPMENT OF SYSTEM

An evaluation committee shall develop and recommend for approval ~~of~~ by the Board and the Kentucky Department of Education an evaluation system for all certified employees below the level of District Superintendent. The evaluation system shall be in compliance with and 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.

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NOTIFICATION

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

CONFIDENTIALITY

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

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REVIEW

All employees shall be given a copy 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.

A copy of all current employees' summative evaluations shall be maintained by the employee's immediate supervisor and shall be a part of the official personnel record.² Copies of formative evaluations shall be kept on file by the evaluator for a period of five (5) years.

APPEAL PANEL

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

Evaluation

ELECTION

~~The certified employees shall elect twelve (12) members to serve on the Certified Evaluation Appeals Panel. Two (2) members and two (2) alternates elected by the elementary school certified staff of the District; two (2) members and two (2) alternates elected by the middle school certified staff of the District; and two (2) members and two (2) alternates elected by the high school certified staff of the District. Two (2) members of the panel shall be elected by and from the certified employees of the District. Two (2) alternates shall also be elected by and from the certified employees. Alternates are~~ to serve in the event an elected member cannot serve. The Board shall appoint one (1) certified employee and one (1) alternate certified employee to the panel.

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TERMS

All terms of panel members and alternates shall be for two (2) years and run from January 1 to December 31. Members may be reappointed or reelected for one (1) additional term.

CHAIRPERSON

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

APPEAL TO PANEL

Any certified employee who believes that he or she was not fairly evaluated on the summative evaluation may appeal to the panel within five (5) working days of the receipt of the summative evaluation.

The certified employee may review any evaluation material related to him/her. Both the evaluator and the evaluatee shall be given the opportunity to review documents to be given to the hearing committee no later than five (5) working days prior to the date of the hearing and may have representation of their choosing, at their own expense.

APPEAL FORM

The appeal shall be signed and in writing on a form developed 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.

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

Evaluation**PANEL FINDINGS**

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

The Superintendent shall receive the panel's findings and shall take such action as permitted by law as appropriate or necessary. The employee shall have the right to have the panel findings attached to his/her evaluation instrument.

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

PERSONNEL

03.2

-CLASSIFIED PERSONNEL-

Classified Personnel

DEFINITION

Classified personnel are all those employees who hold positions not requiring teacher certification.¹

EMPLOYEE STATUS

~~Classified employees shall earn four (4) year employment status when the following criteria have been met:~~

- ~~• Employees have four (4) or more years of continuous active service in the District and:
 - ~~○ Worked a minimum of 70% of their assigned work calendar and hired as .8 FTE or greater; and~~
 - ~~○ Is rehired for employment within the 5th consecutive year during this time period~~
 - ~~○ Remain a classified employee during this time.~~~~
- ~~• Employees not eligible for four (4) year status include substitutes, part time (less than .8 FTE, temporary workers, and independent contractors.~~

SUBSTITUTE EMPLOYEES

Solely for purposes of the County Employees Retirement System, substitute employees shall serve a probationary period not to exceed twelve (12) months during which they shall not participate in CERS.

REFERENCES:

- ¹KRS 161.011 (1)
- KRS 78.510
- KRS 78.615
- 702 KAR 1:035

RELATED POLICIES:

- ~~03.271~~
- ~~03.2711~~
- 03.273

PERSONNEL

03.21

- CLASSIFIED PERSONNEL -

Hiring

SUPERINTENDENT'S RESPONSIBILITIES

All appointments, promotions, and transfers of classified personnel for positions authorized by the Board shall be made by the Superintendent who, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes.

ELIGIBILITY

In determining the eligibility of a particular candidate for appointment to a classified position, the sole concern of the Superintendent shall be to employ that person who, by reasons of preparation, experience and ability to work effectively, will render the highest possible level of service.

Employees who are terminated and/or non-renewed for cause by the District, or who resigned and are not eligible for a position, shall not be considered for any future employment by the District.

EFFECTIVE DATE

Personnel actions shall not be effective until the employee receives written notice from the Superintendent.

CRIMINAL BACKGROUND CHECK AND TESTING

Applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations.¹ & ²

Each application or renewal form provided applicants for a classified position shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A STATE CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT. UNDER CERTAIN CIRCUMSTANCES, IF AN APPLICANT HAS BEEN A RESIDENT OF KENTUCKY TWELVE (12) MONTHS OR LESS, A NATIONAL CRIMINAL HISTORY BACKGROUND CHECK MAY BE REQUIRED AS A CONDITION OF EMPLOYMENT".¹

As permitted by KRS 160.380, employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a felony sex crime or as a violent offender as defined in KRS 17.165 or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Conditional employment shall terminate on receipt of a criminal history background check documenting a record of such convictions.

HIRING OF RETIRED PERSONNEL

Except for cases involving disability retirement, persons who have previously retired from the District and who subsequently are rehired shall be considered first-year employees for the purposes of sick leave. (See Policy 03.2232.)

Hiring

EDUCATIONAL REQUIREMENTS

No person shall be initially hired unless s/he holds at least a high school diploma or high school certificate of completion or GED certificate. Employees shall hold the qualifications for the position as established by the Commissioner of Education.³

All paraprofessionals shall satisfy educational requirements specified by federal law.⁴

JOB REGISTER

The Superintendent or the Superintendent's designee shall maintain in the Central Office a job register listing all current job openings in the District. The register shall describe the duties and qualifications for each opening, and District employment policies shall be attached to the register. The job register shall be open to public inspection during Central Office business hours.

VACANCIES POSTED

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted in the Department of Human Resources/Central Office, on the District web site, in each school building, and in all work areas on a timely basis and shall refer interested persons to the Central Office job register for additional information.

APPLICATION

All applications for positions shall be made utilizing written or electronic forms furnished by the Department of Human Resources.

Intentional misrepresentation shall be sufficient grounds to refuse to hire or to terminate, if the employee has been hired prior to discovery of falsification.

REVIEW OF APPLICATIONS

Under procedures developed by the Superintendent, each application shall be reviewed and each applicant so notified. Completed applications for candidates not employed shall be retained for three (3) years.

RELATIONSHIPS

The Superintendent shall not employ a relative of a member of the Board unless the relative was initially employed by the District prior to the tenure of the Board member and the member was seated on the Board prior to July 13, 1990.

A relative of the Superintendent shall not be employed except as provided by KRS 160.380.¹

The Superintendent shall not employ a relative of any employee to work under the direct supervision of that employee. "Relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law.

EMERGENCY HIRING

During emergency situations, job openings may be filled without listing in the job register or posting in District buildings.

Hiring

JOB DESCRIPTION

All employees shall receive a copy of their job description and responsibilities.

AFFIRMATIVE ACTION PLAN

All employment practices shall be in keeping with the Board approved Affirmative Action Plan.

CONTRACT

All regular full-time and part-time employees shall receive a contract.

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT FOR TEMPORARY EMPLOYEES

Temporary employees shall be notified in writing by April 30 of each year as to whether they have reasonable assurance of continued employment for the following year.

REFERENCES:

¹KRS 160.380

²702 KAR 5:080

³KRS 161.011; Kentucky Local District Classification Plan; 13 KAR 3:030

⁴P. L. 107-110 (No Child Left Behind Act of 2001)

34 CFR 200.58-200.59; KRS 17.160; KRS 17.165

KRS 160.345, KRS 160.390; KRS 335B.020; KRS 405.435

OAG 91-10; OAG 91-149; OAG 91-206; OAG 92-1; OAG 92-59

OAG 92-78; OAG 92-131; OAG 97-6

Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221

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/Health Information

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, to include a test for emotional stability, 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 designated 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 the initial employment.

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

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TUBERCULOSIS SCREENING/TESTING

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

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Medical Examination/Health Information**REQUIRED EXAMINATION**

When, in the opinion of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the essential job functions because of physical or mental health problems or when the employee poses a health risk to students or other employees, the Superintendent may require the employee to provide evidence of physical fitness in the form of an examination and report by a physician and, in the case of mental fitness, in the form of an examination and report by a certified psychologist or psychiatrist of the Superintendent's choosing.

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

The Board will make every effort to respect and maintain the privacy of employees with reference to information concerning the medical condition of an employee and will only make such information available to individuals whom the Superintendent determines have an essential need for such information.

ALCOHOL/DRUG TESTING

If a supervisor has reason to believe an employee is under the influence of or impaired by alcohol or drugs in the workplace, the supervisor may require the employee to undergo alcohol testing by a portable breathalyzer test administered by a FCPS Law Enforcement Officer and/or blood/urine test administered by a medical facility of the District's choice. Refusal to submit to either such testing may be grounds for disciplinary action, including termination of employment. If test results confirm the employee was under the influence of alcohol or illegal drugs in the workplace, the employee shall be subject to disciplinary action including termination, or may be referred to a treatment program of the District's choice.

PRIVACY FOR PROTECTED HEALTH INFORMATION

The Fayette County School District is a hybrid entity for the purposes of the Health Insurance Portability and Accountability Act ("HIPAA")³ because its activities include covered and non-covered functions under HIPAA. The maintenance of protected health information shall comply with HIPAA and all other applicable legal requirements.

For information concerning the District's procedures for the protection of the privacy of protected health information, please refer to the "HIPAA Privacy Procedures Handbook" maintained by and available from the Privacy Official at IAKSS. The Privacy Official also maintains any and all forms relating to the HIPAA privacy procedures. The procedures and forms are also available from the District's Health Care Components.

PERSONNEL

03.211
(CONTINUED)

Medical Examination/Health Information

REFERENCES:

¹KRS 161.145

²702 KAR 1:160; OAG 65-560; 902 KAR 2:020; KRS 214.181; KRS 214.625

Further references to pertinent case law, federal statute and Board policy are located in administrative procedures; Public Law 104-191

45 C.F.R. 164.530(a); 20 U.S.C. 1232g; 20 U.S.C. 1232g(a)(4)(B)(iv)

45 C.F.R. 164.501; 45 C.F.R. 160.501

45 C.F.R. 160.203; 45 C.F.R. 164.530(e); 45 C.F.R. 164.530(g); 45 C.F.R. 164.530(h)

Genetic Information Nondiscrimination Act of 2008; Americans with Disabilities Act

RELATED POLICIES:

³03.2234

03.24

PERSONNEL

- CLASSIFIED PERSONNEL

Equal Employment Opportunity

It is the intent of the Board that equal employment opportunities be provided in full compliance with state and federal legal requirements.

NONDISCRIMINATION

The Superintendent shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, ~~creed~~, color, religion, sex ~~(as protected under Title VII)~~, genetic information, national or ethnic origin, political affiliation, age or disabling condition.¹ In addition, the District does not discriminate on the basis of sexual orientation or gender identity.

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INDIVIDUALS WITH DISABILITIES

No qualified person with a disability, as defined by law, shall, on the basis of the disability, be subject to discrimination in employment.²

District employment practices shall be in accordance with the Board-approved policies and District procedures addressing requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

No human immunodeficiency virus (HIV) related test shall be required as a condition of hiring, promotion, or continued employment, unless the absence of HIV infection is a bona fide occupational qualification for the job in question as defined in KRS 207.135.

If considerations of sex, age or disability have a bona fide relationship to the unique requirements of a particular job or if there are applicable statutory or federal or state regulatory requirements, then sex, age or disability may be taken into account as a bona fide occupational qualification, provided such consideration is consistent with governing law.

REASONABLE ACCOMMODATION

Employees who have a long-term or permanent disability may request the District to provide reasonable accommodations necessary for them to perform the essential duties of the position. If assistive technology is deemed necessary for an employee, every effort will be made to obtain that technology in a timely fashion. Medical information obtained as part of an employee request shall be confidential.³

Reasonable accommodation shall be provided as required by law.

ADVISING EMPLOYEES

The Superintendent shall inform all school employees of the provisions of this policy.¹

PERSONNEL

03.212
(CONTINUED)

Equal Employment Opportunity

REFERENCES:

¹KRS 161.164

²29 U.S.C.A. 794

³29 U.S.C. section 1630.14

KRS 207.135

34 C.F.R. 104.3 - 104.14

42 C.F.R. 2000e-2; 42 C.F.R. 2000(k)

42 U.S.C. 200e, Civil Rights Act of 1964, Title VII; KRS Chapter 344

Americans with Disabilities Act

Kentucky Education Technology System (KETS)

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

Genetic Information Nondiscrimination Act of 2008

Revised Sexual Harassment Guidance: Harassment of Students by School

Employees, Other Students, or Third Parties, Title IX

Oncale v. Sundowner Offshores Service, Inc. (U.S.S.Ct.)

RELATED POLICIES:

03.233

05.11

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

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

PERSONNEL

03.22322

- CLASSIFIED PERSONNEL -

Family and Medical Leave

REASONS

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

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

NOTICES AND DEADLINES

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

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

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

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

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

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

ELIGIBILITY

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

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

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

RESTRICTIONS

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. Employees must use all available emergency leave, carry-over vacation leave, personal leave, and sick leave before being eligible for unpaid family and medical leave, except that the employee may request to reserve ten (10) days of sick leave. (This provision shall not apply to Workers' Compensation leave.) 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: A NEW POLICY AREA HAS BEEN CREATED TO ADDRESS EMPLOYEE USE OF PERSONAL CELL PHONES AND OTHER DEVICES. THIS LANGUAGE IS RECOMMENDED TO BE MOVED TO POLICY AREA 03.13214 FOR CONSISTENCY AND UPDATING PURPOSES.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT 3/17/15

PERSONNEL

03.23211

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- CLASSIFIED PERSONNEL -

Use of Personal Cell Phones

~~Based on safety concerns and instructional and supervisory responsibilities, the Board authorizes directors, principals, and their designees to implement rules concerning use of personal cell phones during the work day.~~

~~To minimize disruptions, all employees are requested to direct friends and family members to contact the main office of the school or other assigned work location to communicate urgent or emergency information. Non-emergency contacts during working hours are discouraged.~~

RECOMMENDED: THIS CHANGE IS TO CLARIFY THAT TAKING PICTURES, VIDEO, OR AUDIO RECORDINGS OF OTHERS IS A VIOLATION OF THEIR CONFIDENTIALITY AND PRIVACY AND IS PROHIBITED.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT 3/7/15

PERSONNEL

03.23214

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- CLASSIFIED PERSONNEL -

Use of Personal Cell Phones/Telecommunication Devices

Based on safety concerns and instructional and supervisory responsibilities, the Board authorizes directors, principals, and their designees to implement rules concerning use of personal cell phones during the work day.

To minimize disruptions, all employees are requested to direct friends and family members to contact the main office of the school or other assigned work location to communicate urgent or emergency information. Non-emergency contacts during working hours are discouraged.

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

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

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PERSONNEL

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- CLASSIFIED PERSONNEL -

Harassment/Discrimination

DEFINITION

Harassment/Discrimination of employees is unlawful behavior based on the race, ~~creed~~, color, national or ethnic origin, age, religion, sex, genetic information, gender identity, sexual orientation, political affiliation, veteran status, 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. (Harassment/discrimination based on sex applies to acts 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 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.

Failure by employees to report a suspected violation of this policy or to otherwise follow this policy and related procedures, or failure by the Superintendent or designee to report a suspected violation as directed or initiate an investigation of alleged harassment/discrimination by students or District employees, as required by this policy, to follow approved procedures, or to take corrective action shall be cause for disciplinary action.

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 to their immediate supervisor. 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.~~

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to include the submission of a written report of all findings of an investigation, regardless of the manner in which the complaint is communicated to a District administrator;

Harassment/Discrimination

GUIDELINES (CONTINUED)

2. Establishment of measures to provide confidentiality in the complaint process; A process to identify and employ methods to correct and prevent reoccurrence of the harassment/discrimination;
3. A process where the provisions of this policy are disseminated in writing annually to all staff and students; and
4. Annual training explaining prohibited behaviors.

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

PROHIBITED CONDUCT

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

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

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.

FAILURE TO REPORT SUSPECTED ABUSE

Any employee who fails to report to the Principal or building supervisor suspected abuse of a student shall be subject to disciplinary action, including termination. This requirement does not alter or amend the reporting requirements of KRS 620.030 of any person to report abused children to the appropriate law enforcement agency.

Harassment/Discrimination

OTHER CLAIMS

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

REFERENCES:

KRS 158.156
42 USC 2000e, Civil Rights Act of 1964, Title VII; KRS Chapter 344
29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations Implementing Title VII
20 U.S.C. 1681, Education Amendments of 1972, Title IX
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX
Oncale v. Sundowner Offshores Service, Inc. (U.S.S.Ct.)
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
09.227
09.422
09.42811

PERSONNEL

- CLASSIFIED PERSONNEL -

Conflict of Interests

PECUNIARY INTEREST PROHIBITED

No administrator or other employee of the District with decision-making authority over the financial position of the school District shall have any pecuniary interest, either directly or indirectly, in an amount exceeding twenty-five dollars (\$25.00) per year, at the time of or after appointment, in supplying any goods, services, property or merchandise for which school funds are expended. Nor shall any such person receive directly or indirectly any gift, reward, or promise of reward for goods, services, property, or merchandise of any kind for which school funds are expended.¹

No administrator or other employee shall solicit for personal financial gain from students, parents and other staff during the school day or during school events.

Unless prior arrangements are made with the Board, any device, publication or any other item developed during the employee's paid time shall be District property, including but not limited to copyrighted items.

Fayette County Public School (FCPS) employees are the stewards of taxpayer dollars and as such, shall maintain the integrity of the procurement process. FCPS funds shall be used for the support of the public schools of Fayette County, and for no other purpose.

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All business dealings shall be conducted at an arm's length. If a FCPS employee serves on the Board of an entity or organization that does business with the FCPS, is employed by an entity or organization that does business with the FCPS, or maintains a financial interest in an entity or organization that does business with the FCPS, that employee shall recuse himself or herself from any and all negotiations or business dealings with the entity or organization on behalf of the FCPS.

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FCPS employees who serve on the Board of an entity or organization should not use their FCPS employment to influence or promote use of FCPS resources to further the interests of the entity or organization.

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Employees shall not profit monetarily through the use of confidential information gained in the course of or by reason of their position of employment with the District.

EXCEPTION

This policy shall not prohibit the Board from approving non-contracted personal services for the benefit of the District.

PERSONNEL

03.2721
(CONTINUED)

Conflict of Interests

GRATUITIES AND KICKBACKS

Employees are prohibited from soliciting, demanding, accepting or agreeing to accept from another person gratuities, kickbacks, or offers of employment in connection with the following: any decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or purchase standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling or other determination, claim or controversy, or other particular matter, pertaining to any contract or subcontract and any solicitation or proposal therefor.²

REFERENCES:

¹KRS 156.480, OAG 77-228, OAG 71-474

²KRS 45A.455 (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 SPEAKS TO THAT REQUIREMENT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT 10/8/14, REVISED 7/22/15

FISCAL MANAGEMENT

04.32

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Bidding

AUTHORITY

Bidding procedures shall conform to the Model Procurement Code, KRS 45A.345 - KRS 45A.460. 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.

The Fayette County Public School System (FCPS) promotes the participation of Minority and Women Business Enterprises (MBE/WBE) as vendors and construction contractors. ~~It is the Fayette County Public Schools' goal to have~~ The FCPS staff shall annually track and report to ~~increase the inclusion and participation of~~ minority and women ~~businesses~~ participation in from all procurement contracts, ~~and~~ projects and awards in an effort to reach the Board's ten percent (10%) MBE/WBE goal from the District's annual spend.

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.⁸

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Bidding

FEDERAL AWARDS/CONFLICT OF INTEREST (CONTINUED)

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

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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.

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.⁸

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

ADVERTISEMENT OF BIDS

Adequate public notice of invitations for bids shall be provided through posting via the District's web-based procurement portal and on the Internet or publication in the legal section of the local newspaper.⁶

WAIVER STIPULATION

The Board shall reserve the right to waive defects and informalities in proposals, to reject or accept any proposal, and to award by item, combination of items or lot.

RECORDING OF BIDS

All bids meeting Board specifications shall be recorded in Board minutes. In the event the lowest bid is not accepted, the Board shall record in the minutes the reason for the rejection.⁷

FISCAL MANAGEMENT

04.32
(CONTINUED)

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Bidding

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 45A.365

⁷702 KAR 3:135

⁸~~2 C.F.R. 200.318~~~~7 C.F.R. 210.21~~ and ~~7 C.F.R. 3016.36~~

KRS 160.380; 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

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 school and District assessments 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 consist of school staff, students, parents, and key agencies in the community, such as law enforcement, courts, local prosecutors, etc.

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. Annual 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, including students with disabilities and those with 504 plans. The Principal shall discuss the emergency plan with all school staff prior to the first instructional day annually and shall document the date and time.

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

In addition, the school council or, if none exists, the Principal shall:

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

Safety**SCHOOL EMERGENCY PLANNING (CONTINUED)**

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.

AED PROGRAM

An Automated External Defibrillator (“AED”) is a medical device that may be used for the purpose of saving the life of a person in cardiac arrest. An AED is an external defibrillator capable of cardiac rhythm analysis that will charge and, with or without further operator action, deliver a shock after electronically detecting and assessing ventricular fibrillation or rapid ventricular tachycardia. AEDs are also known as fully or semi-automatic defibrillators.

In the event the District acquires one or more AEDs, the Superintendent/designee shall establish an AED program. In order to ensure public health and safety, the AED program shall require:

1. Designation of a physician licensed in Kentucky to serve as the program’s physician of record (“Medical Advisor”). The Medical Advisor shall:
 - provide medical oversight for the AED program to ensure compliance with requirements for training, maintenance, notification, and communication with the local emergency medical services system,
 - work with each AED site to establish protocols for AED deployment, and
 - conduct a review of each use of an AED.
2. That expected AED users receive American Heart Association or American Red Cross training in CPR and AED use, or an equivalent nationally recognized course in CPR and AED use;
3. That each AED is maintained and tested according to the manufacturer’s operational guidelines;
4. That an agent of the local emergency medical services system and the local emergency communications or vehicle dispatch center is notified of the existence, location, and type of each AED acquired; and

Safety**AED PROGRAM (CONTINUED)**

5. That any person who renders emergency care or treatment on a person in cardiac arrest by using an AED activates the local emergency medical services system as soon as possible and reports any clinical use of the AED to the physician providing medical oversight of the AED program.

REPORTING

Each employee observing a potential safety or security hazard shall report such hazard in writing to his immediate supervisor who shall cause the situation to be remedied or reported to the proper authority for remedy. Any injury suffered while on the job shall be reported to the Division of Risk Management and Safety.

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.

EMERGENCY MANAGEMENT PLAN

The Superintendent's designee shall be responsible for the development of a current Emergency Management Plan to cover any local or regional emergency which occurs when schools are in session and the welfare of students, employees and visitors may be in danger. The designee shall review this plan annually and distribute any changes to appropriate personnel.

REFERENCES:

~~KRS 158.162~~

KRS 158.148, [KRS 158.162](#); [KRS 158.164](#); KRS 158.445

KRS 160.290; KRS 160.445

KRS 311.665, KRS 311.666, KRS 311.667, KRS 311.668, KRS 311.669

KRS 313.257, 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

Tornado/Severe Weather Drills

PROCEDURE SYSTEM

To maintain the safety and care of students and employees, a tornado/severe weather 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 a tornado or other severe weather; and
4. Training of staff and students in the system, including use of a drop procedure.

TIMES FOR DRILLS

Tornado/severe weather 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/building supervisor is responsible for implementing this policy.

REFERENCES:

KRS 158.162
KRS 158.163
KRS 160.290

RELATED POLICY:

05.4

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

FINANCIAL IMPLICATIONS: COST OF ADDITIONAL BOOSTER SEATS

TRANSPORTATION

06.2

Safety

DEVELOPMENT OF PROGRAM

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

BOOSTER SEATS

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

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REFERENCES:

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

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RELATED POLICY:

06.12

LEGAL: THIS CHANGE IS TO CLARIFY THAT A SERVICE ANIMAL MUST BE ALLOWED ON DISTRICT
TRANSPORTATION WITHOUT MEDICAL DOCUMENTATION.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TRANSPORTATION

06.342

Hazards in and on Bus

PROHIBITED ITEMS

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

A driver shall not knowingly permit certain items to be transported on the bus, including, but not limited to, the following:

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

REFERENCES:

KRS 158.110
702 KAR 5:080
702 KAR 5:150
Individuals with Disabilities Education Improvement Act of 2004
Section 504 of Rehabilitation Act of 1973
Americans with Disabilities Act

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

FINANCIAL IMPLICATIONS: POSSIBLE SALARY IMPLICATIONS

DRAFT 7/12/15

SUPPORT SERVICES

07.1

Food/School Nutrition Services

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

BREAKFAST AND LUNCH

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

MEAL CHARGES

When a student accumulates more than three (3) meal charges, the Superintendent/ designee shall initiate the established collection process to include notification of parents and appropriate follow-up. Food Service funds shall not be used to collect outstanding meal charges.

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

FOOD SERVICE/SCHOOL NUTRITION PROGRAM DIRECTOR

The District (or food service area to which the District belongs) shall appoint/select a Food Service/School Nutrition Program Director that meets the requirements of Kentucky administrative regulations to oversee and manage the school nutrition service program. All Food Service/School Nutrition Program Directors shall meet minimum educational requirements and annual training requirements in accordance with federal and state law.

ANNUAL REPORT/PUBLIC FORUM

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

By January 31 of each year, the Board shall hold an advertised public forum to present a plan to improve student wellness, to include both school nutrition and student physical activity levels 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, genetic information, age, or disability in its school nutrition program. In addition, the District does not discriminate on the basis of political affiliation, religion, sexual orientation or gender identity.

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In compliance with state and federal requirements, the following process will be applied regarding 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.

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

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

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or if all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (in Spanish).

USDA is an equal opportunity provider and employer.

SPECIAL DIETARY NEEDS

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

REFERENCES:

KRS 156.160; ~~KRS 156.502~~
KRS 158.852; KRS 158.856; KRS 160.290
702 KAR 6:010; 702 KAR 6:050
702 KAR 6:075; 702 KAR 6:090
7 C.F.R. §210.23, 7 C.F.R. §210.30; FNS Instruction 113
Section 504 of Rehabilitation Act of 1973, Americans with Disabilities Act

RELATED POLICY:

07.16

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

DRAFT 7/12/15

SUPPORT SERVICES

07.16

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Food Service/School Nutrition Employees

FOOD SERVICE/SCHOOL NUTRITION EMPLOYEES

All food service/school nutrition employees shall meet the qualifications of and be in compliance with the responsibilities noted in federal regulation or 702 KAR 6:045, whichever is most stringent.¹ In addition, the ~~Associate~~ Director of School Food Services and school cafeteria 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

RECOMMENDED: THE STATE'S REQUEST FOR A FOUR (4) YEAR NCLB WAIVER EXTENSION HAS BEEN GRANTED.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.133

Extended School/Supplemental Educational Services

PLAN FOR DIAGNOSING

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

EXTENDED SCHOOL SERVICES

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

For students eligible to attend ESS, the District shall:

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

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

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

STUDENTS ATTENDING PRIVATE, PAROCHIAL, OR HOME SCHOOLS

Students residing within the District's boundaries who attend private, parochial, or home schools shall not be eligible for the after-school tutorial program. Upon application, they may be considered for enrollment in the summer school program. Their eligibility and selection shall be based on the same criteria as students enrolled in the District schools.

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

SUPPLEMENTAL EDUCATIONAL SERVICES

Eligible students shall be provided supplemental educational services as required by federal law.¹

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

Extended School/Supplemental Educational Services

REFERENCES:

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

LEGAL: THE FEDERAL COMMUNICATIONS COMMISSION (FCC) ISSUED "E-RATE MODERNIZATION ORDERS" AND MADE REGULATORY CHANGES INCREASING THE RETENTION REQUIREMENTS FOR E-RATE DOCUMENTS RELATED TO THE APPLICATION FOR, RECEIPT, AND DELIVERY OF SUPPORTED SERVICES FROM FIVE (5) YEARS TO TEN (10) YEARS EFFECTIVE JULY 1, 2015.
FINANCIAL IMPLICATIONS: ADDITIONAL RECORDS STORAGE COSTS; NOTE TO DISTRICT: THERE MAY BE POTENTIAL FUNDING IMPLICATIONS AS SUPPORTS FOR E-RATE SERVICES ARE PHASED OUT.

CURRICULUM AND INSTRUCTION

08.2323

Access to Electronic Media

(Acceptable Use Policy)

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

SAFETY PROCEDURES AND GUIDELINES

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

Student education is the most effective way to ensure use of the Internet and other electronic resources. Accordingly, all students will successfully complete an age appropriate digital citizenship program, such as iSAFE, each year. The digital citizenship program must include Internet safety.

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.

Additional 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) meeting to address and communicate, its initial Internet safety measures.

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

Access to Electronic Media

(Acceptable Use Policy)

PERMISSION/AGREEMENT FORM

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

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

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.

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:

Access to Electronic Media

(Acceptable Use Policy)

EMPLOYEE USE (CONTINUED)

- a. Monitoring and managing the site to promote safe and acceptable use; and
- b. Observing confidentiality restrictions concerning release of student information under state and federal law.

Staff members are discouraged from doing the following:

- Creating personal social networking sites to which they invite students to be friends; or
- Engaging in personal interactions with students via postings on other networks.

Employees taking such actions 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.

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.

AUDIT OF USE

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

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

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

Access to Electronic Media

(Acceptable Use Policy)

PENALTIES

Violations of this policy or refusal to sign required acceptable use documents may result in loss of access to school or District on-line communications. Additional penalties may be imposed against staff, including possible termination of employment. Additional penalties may be imposed against students according to individual schools' acceptable use policies, school rules, or the Student Code of Conduct. Teachers and other staff who supervise students shall report violations to the Principal.

RESPONSIBILITY FOR DAMAGES

Students or staff members who deface a District web site or otherwise make unauthorized changes to a web site or other online technology resources or systems used by the District shall be subject to disciplinary action, up to and including expulsion and termination, as appropriate.

RETENTION OF RECORDS FOR E-RATE PARTICIPANTS

Following initial adoption, this policy and documentation of implementation shall be retained for at least ~~five-ten~~ (510) years after the last day of service in a particular funding year.

REFERENCES:

KRS 156.675; KRS 365.732; KRS 365.734
701 KAR 5:120
16 KAR 1:020 (Code of Ethics)
47 U.S.C. 254/Children's Internet Protection Act; 45 C.F.R. 54.520
Kentucky Education Technology System (KETS)
47 C.F.R. 54.516

RELATED POLICIES:

02.4241; 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

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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

P08.3

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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:~~

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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 (provided no less than the equivalent of one-half (1/2) day, five (5) days a week for a full school year for each kindergarten pupil); 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~~

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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.

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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.

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REFERENCES:

702 KAR 7:130; 702 KAR 7:140

KRS 2.190; KRS 118.035

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

KRS 158.070; KRS 158.6453

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

CURRICULUM AND INSTRUCTION

08.31

Student Attendance Day

STUDENT ATTENDANCE DAY

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

Kindergarten (entry level of the primary program) shall be provided only on a full day, five (5) days a week basis.

Children and youth with disabilities may attend a program of less than six (6) hours per day if it is a provision of their IEP approved by the appropriate Admissions and Release Committee.

MASTER SCHEDULE

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

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REFERENCES:

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

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RELATED POLICY:

08.1112

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 AREAS

The Board will establish geographic attendance areas for assigning students to schools. All students shall be assigned by geographic attendance areas and will attend the school designated to serve their area of residence. In cases of joint custody, the student will be assigned to the area serving the residence of the parent with whom the child primarily resides. If pursuant to court order the child's time is split exactly in half between parents, the parents may choose which of the two (2) assigned schools the child will attend. The court order establishing custody and time-sharing shall be provided to the school upon enrollment. Any changes to custody or residence of the child shall be reported within five (5) school days of the effective date of the change. Specific areas served by each attendance area will be marked on a map in the central administration office. The Board may revise attendance areas from time to time to attain maximum utilization of school facilities.¹

Students not living in a school's attendance area must have written authorization to register at another school. Written authorization shall be limited to the following:

- An approved out-of-area request, (Office of Pupil Personnel)
- Acceptance to a magnet school or program, (Elementary/Middle – Magnet Office; High – High school Director)
- A Continuation Plan placement due to overcrowding of the school for the home address (Office of Pupil Personnel)
- A placement due to the student's special needs which cannot be reasonably met at the school for the home address (Special Education Office)
- An Early Start placement, (Early Start Office)
- Placement in a self-contained gifted and talented program, (Gifted/Talented Office), or
- An English as a Second Language (ESL) placement (Foreign Languages/ESL office).

Principals and/or staff shall not register students from outside the school's attendance area without written authorization from It's About Kids Support Services.

The Board of Education assigns new housing areas to school attendance areas on a preliminary basis, subject to change when the area becomes more fully developed.

PROOF OF RESIDENCE

Upon enrollment and upon request thereafter, parents/guardians shall submit written documentation verifying the primary residence of the child. For school purposes, a child's residence is not necessarily the residence of the child's parent(s), and if the child has assumed a permanent home with some other person standing in loco parentis to the child, then the residence of the child for school purposes is the same as that person.² Any documents supporting the parent/guardian's responsibility for the student should be provided to the school immediately.

School Attendance Areas**REQUESTS FOR TRANSFER**

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

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

~~*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 2018⁴-2019⁵ school year. ~~If request is not renewed, then transfer reason #2 will be in force.~~

ELIGIBILITY FOR STUDENTS WITH DISABILITIES, EARLY START, GIFTED AND TALENTED, OR ESL

Students with Disabilities - School placement for identified students with disabilities shall be the student’s school of residence. If an Admissions and Release Committee or 504 Committee determines accommodations, modifications, or staffing changes cannot be made to the school of residence in order for the student to benefit from his/her educational program at the school of residence, the student shall attend the next closest school that can implement the student’s program.

Program Eligibility for Early Start - To be eligible for Early Start placement, children must be a resident of Fayette County, be four (4) years old by October 1st, and meet the income guidelines for free lunch, or three (3) or four (4) years old or become five (5) after October 1st and have an identified special need. Children are automatically placed in their school of residence. They must go through the out-of-area process and through the Early Start office to request placement based on child care needs. If a school of residence does not have an Early Start program or if the program is full, students will be placed in one of the closest designated schools.

Gifted and Talented Students - School placement for gifted and talented students shall be the student’s school of residence except for students who meet eligibility and accept placement to attend the Gifted Accelerated Program in identified schools. A Gifted Accelerated Program within a school is a specialized service program with specific entrance standards outlined in administrative procedure 08.132/Gifted and Talented Students.

English as a Second Language (ESL) Students - Qualified ESL students will receive services in their school of residence or as assigned through the ESL Intake Center.

REDISTRICTING PROPOSALS

Before a redistricting proposal is placed on the Board agenda for a first reading, the public in the affected area will be notified either through the schools or by other public notice.

School Attendance Areas**PARENT/GUARDIAN REQUESTS FOR CHANGE**

Out-of-area requests for specific schools shall not be approved if the projected or actual enrollment in the school requested is above 90% of capacity with attendance area children and other special units assigned to the school, such as No Child Left Behind school choice, Early Start, Five Day Quest, and others.

Out-of-area authorization will only be considered for approval under the following conditions:

A. SCHOOL DEMOGRAPHICS

- A change in school of attendance that would reduce overcrowding at the assigned school and not create potential for overcrowding at the requested school.

B. IF FAMILIES MOVE

- A fifth-, eighth-, and twelfth-grade student who moves from one (1) school attendance area to another to continue in the school of his/her former residence until the completion of that grade level, with certification of eligibility verified by their Principals. This also applies to students who live in a magnet school attendance area.
- A family whose student moves from one (1) attendance area to another within Fayette County to permit the student to finish the school year in the school in which s/he is currently enrolled. Transportation shall be the responsibility of the parent/guardian.
- A family whose student anticipates moving from one (1) attendance area to another within Fayette County prior to October 31st of the school year. The student may be permitted to begin the school year in the school serving the location to which the family expects to move under the following conditions:
 - The parent/guardian shall present upon enrollment a signed contract for the purchase or lease of the residence to which the family will move prior to October 31st of the school year.
 - The parent/guardian shall present a signed contract for a residence under construction with an expected date of completion/closing no later than October 31st of the school year.

Verification of the new address will be required to be provided to the Principal no later than November 1st of the school year. Failure to provide the documentation may be grounds for revocation of student enrollment; however, extenuating circumstances that may have prevented the move prior to October 31st may be presented to the school director for consideration by the Superintendent.

C. REDISTRICTING

- A student being reassigned through redistricting; the parent/guardian may request early entry provided the student will not be moving to another school level before the redistricting is implemented or may request that the student remain in the current school to complete the final year for that school level.

School Attendance Areas**PARENT/GUARDIAN REQUESTS FOR CHANGE (CONTINUED)****D. SCHOOL DISTRICT EMPLOYEES**

- A student whose parent is a teacher or any other employee who works on at least a half-time basis for Fayette County Public Schools. The student may attend the school or campus where the parent is employed. This option may not be used to request placement in a magnet pre-kindergarten program (if any). This option may not be used to request a gifted/talented program or school. Employee's children must meet all applicable magnet school entrance criteria. Employees whose children reside outside the county must pay tuition as outlined in Policy 09.124. Employees who reside out of county and whose children attend a school within the District are required to notify the Principal of their child(ren)'s school of their out of county residency upon enrollment of the student or within five (5) days of the move out of county. A failure to provide this notice shall be deemed a violation of policy and shall be grounds for employee disciplinary action. When the parent is no longer employed by Fayette County Public Schools, this approval is revoked.

Requests for change in school of attendance for employees' children would have the priority over all other requests for entering or remaining at a school. Children of employees working in a building or on a campus would have priority over other employees' children.

E. HIGH SCHOOLS

- A student in grades 9-12 who petitions to attend another high school in the District if s/he participates in a designated Board-approved gifted and talented program that is not offered in his/her attendance area school.

SCHOOL DIRECTOR REQUESTS FOR CHANGE - PROVISIONS TO APPLY

In exceptional circumstances, school directors in consultation with the sending and receiving Principals may request a change of schools for a student for other educational reasons. School Directors shall also consult with the Director for Pupil Personnel who shall review such requests. School Director requests shall be consistent with District guidelines for capacity and diversity as outlined in the section on provisions to apply. Educational reasons do not include subject choice, nor do they include Board-approved gifted and talented programs. School directors may request any school at their school level.

The following provisions apply to Parent/Guardian and School Director requests for change in school assignments:

1. Out-of-Area placements shall be re-evaluated annually. Approvals or OOA placements may be revoked or denied if the receiving school is over capacity. Out-of-area placements shall be granted only when placement does not cause overcrowding at the receiving school and does not require additional staff, in keeping with this policy.

School Attendance Areas**SCHOOL DIRECTOR REQUESTS FOR CHANGE - PROVISIONS TO APPLY (CONTINUED)**

2. First priority will be given to OOA placements that are currently enrolled in the receiving school and shall be considered for the March 1 staffing allocation. Second priority will be given to new requests (new students to the building) for change of school assignment for the following school year that are made in writing by May 1. Third priority will be given to requests submitted after May 1 to be evaluated after August 1 and based upon the provisions outlined in #1 above and the impact of staffing allocations. These requests shall be submitted to the Office of Pupil Personnel.
3. Approval of requests shall be the responsibility of the Office of Pupil Personnel in consultation with parents and, as appropriate, principals regarding approvals.
4. If a student withdraws from a Board-approved gifted and talented program, then s/he will be transferred to the assigned attendance area school at the end of the grading period after withdrawal from the program, unless it causes an increase in staffing at the home school.
5. The Principal shall evaluate whether students who have been granted out-of-area assignments are in compliance with specified conditions, including regular daily attendance, acceptable behavior and adequate academic progress. Failure to do so may result in an immediate transfer to the assigned attendance area school, with the School Director's approval. This section does not apply to students who have exercised the opt-out option from a magnet school.

Transportation for any approved out-of-area request shall be the responsibility of the parent/guardian.

REFERENCES:

¹KRS 159-070

²OAG 77-311

³P. L. 107-110 (No Child Left Behind Act of 2001); 34 C.F.R. 200.44; OAG 80-394

RELATED POLICY:

08.13452, 09.12

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

When a pupil of compulsory school age withdraws from school, the Principal's designee shall ascertain the reason.¹

CHANGE OF RESIDENCE

If the child has withdrawn because of residence, the next residence shall be ascertained. 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 FOR WITHDRAWAL~~

~~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, legal 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

For further information concerning dropout provisions, refer to the Statement on Rights and Responsibilities and Student Code of Conduct.

ENROLLMENT OF TRANSFER STUDENTS

Students in good standing may transfer into the District without Board approval. All others shall require approval of the Board.

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; KRS 159.020

²KRS 159.010

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.

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PROOF OF AGE

Upon enrollment for the first time in any elementary or secondary school, a student or student's parent shall provide:

- A certified copy of the student's birth certificate, or
- Other reliable proof of the student's identity and age with an affidavit explaining the inability to produce a copy of the birth certificate.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)

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LEGAL: THE 2013 GENERAL ASSEMBLY AMENDED KRS 159.010 TO ALLOW DISTRICTS TO SET THE DROP-OUT AGE AT 18 EFFECTIVE WITH THE 2015-2016 SCHOOL YEAR.

FINANCIAL IMPLICATIONS: ADDITIONAL STUDENTS MAY REQUIRE ADDITIONAL STAFFING AND RESOURCES

STUDENTS

09.122

Attendance Requirements

COMPULSORY ATTENDANCE

All children in the district between the ages of six (6), as of October 1, and ~~eighteen~~sixteen (18~~6~~), except those specifically exempted by statute, shall enroll and be in regular attendance in the schools to which they are assigned.¹ ~~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.¹ (For further information concerning dropout provisions, see Board Policy 09.111 and the Statement on Rights and Responsibilities and Student Code of Conduct.)~~

STUDENTS OLDER THAN EIGHTEEN

Students who have not graduated and are between the ages of eighteen (18) and twenty (20) when school opens may continue in school until graduation or until they are (twenty-one) 21 years of age, whichever occurs first. Students between the ages of eighteen (18) and twenty (20) that have withdrawn from the District without graduating and then wish to return may be permitted to re-enroll with assignment to a school to be determined by the High School Director.

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,
6. A pupil who is enrolled and in regular attendance in a state supported program for exceptional children, or²
7. A student who has been expelled or who is under suspension from school.

PHYSICIAN'S STATEMENT REQUIRED

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

Attendance Requirements**EXCEPTIONS TO PRESENCE AT SCHOOL**

1. Students must be physically present in school to be counted in attendance, except under the following conditions:
2. Students shall be counted in attendance when they are receiving home/hospital, institutional,² or court-ordered instruction in another setting.
3. 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
4. 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
5. 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
6. 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
7. 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
8. 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 85-55²KRS 159.030³KRS 159.035⁴702 KAR 7:125⁵KRS 158.240⁶KRS 158.070

KRS 159.180; KRS 159.990

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

RELATED POLICIES:

08.131, 08.1312; 09.111, 09.123, 09.36

Equal Educational Opportunities

It is the intent of the Board that equal educational opportunities be provided in full compliance with state and federal legal requirements.

DISCRIMINATION PROHIBITED

No pupil shall be discriminated against because of race, ~~creed~~, color, national or ethnic origin, age, religion, sex, political affiliation, veteran status, or disability¹. In addition, the District does not discriminate on the basis of sexual orientation or gender identity.

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STUDENTS WITH DISABILITIES

The District shall provide a free, appropriate public education to each qualified student with a disability, as defined by law, within its jurisdiction.

The District shall operate its programs in accordance with the policies and District procedures addressing requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

Parents of students who have a temporary or permanent disability may request the District to provide appropriate accommodations necessary for them to participate in instructional and extracurricular activities, as required by law. Students who are at least eighteen (18) years of age may submit their own requests.

Permanent alterations of buildings and grounds shall be made in compliance with Policy 05.11.

RELIGIOUS ACTIVITIES

The District shall observe the rights of students to voluntarily engage in religious activities or express religious viewpoints while at school, as established by the United States Constitution and law, provided they do not:

1. Infringe on the rights of the school to:
 - a. Maintain order and discipline;
 - b. Prevent disruption of the educational process; and
 - c. Determine education curriculum;
2. Harass other persons or coerce other persons to participate in the activity; or
3. Otherwise infringe on the rights of other persons.

Student complaints concerning possible violations of their religious rights shall be addressed in keeping with legal requirements. Their complaints shall be directed to the Principal, who shall investigate and take appropriate action within thirty (30) days of receipt of the written notification.

STUDENTS

09.13
(CONTINUED)

Equal Educational Opportunities

REFERENCES:

¹Bd. of Educ., etc. v. Rowley 102 S.Ct. 3034 (1982)
District special education policy and procedures manual
District 504 procedures
KRS 157.200; KRS 157.224; KRS 157.226; KRS 157.230
KRS 157.350; KRS 158.183; KRS 160.295
Age Discrimination Act of 1975
Section 504 of Rehabilitation Act of 1973
Title VI of the Civil Rights Act of 1964
Title IX of the Education Amendments of 1972
Revised Sexual Harassment Guidance: Harassment of Students by School Employees,
Other Students, or Third Parties, Title IX
Vietnam Era Veterans Readjustment Assistance Act of 1974
Equal Education Opportunities Act of 1974
Americans with Disabilities Act (ADA)
Kentucky Education Technology System (KETS)
28 C.F.R. Section 35.101 et seq.

RELATED POLICIES:

03.113/03.212
05.11
08.131
09.3211

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 4/29/15, REVISED 7/12/15

STUDENTS

09.2

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Student Wellness

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

The Board is committed to providing school environments that promote and protect student health, well-being, and ability to learn by supporting healthy eating and physical activity. ~~The Board recognizes heart disease, stroke, and diabetes are responsible for two-thirds of deaths in the United States, and major risk factors for those diseases, including unhealthy eating habits, physical inactivity, and obesity, often are established in childhood.~~ To this end, the Board supports school efforts to implement the following:

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

~~e. All students will have opportunities, support, and encouragement to be physically active on a regular basis as provided by school/council policy.~~

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NUTRITIONAL QUALITY OF FOODS AND BEVERAGES

~~Foods and beverages sold or served at school will meet the nutrition recommendations as required by KRS 158.854(1)/702 KAR 6:090.~~

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

PHYSICAL ACTIVITY OPPORTUNITIES

~~It is recommended that all elementary school students have opportunities for supervised physical activity, and/or physical education classes, preferably outdoors or in class activities that involve moderate to vigorous physical activity, not to exceed 30 minutes per day or 150 minutes per week. All school schedules should discourage extended periods (i.e., periods of two or more hours) of inactivity. When activities such as mandatory school-wide testing make it necessary for students to remain inactive for long periods of time, schools should give students periodic movement breaks during which they are encouraged to stand, stretch and/or be moderately active. Physical activity time may be considered part of the instructional day.~~

Student Wellness**PHYSICAL ACTIVITY OPPORTUNITIES (CONTINUED)**

~~All middle and high schools will offer either extracurricular or cocurricular physical activity programs that provide enrichment and opportunities for moderate to vigorous physical exercise. All high schools and middle schools, as appropriate, will offer interscholastic sports programs.~~

~~Appropriate accommodations shall be made for students with special needs, as required by law and sound professional judgment. Principals will use observations, walk-throughs and other methods to monitor and assess implementation of the wellness program.~~

~~The Board encourages all schools, either independently or through collaboration with local community agencies, to encourage and make available opportunities for students to participate in intramural, youth league, physical activity clubs or other similar programs.~~

~~With assistance from Support Services as needed, principals and/or school councils will conduct annual individual student physical activity surveys and submit this report to the Superintendent no later than November 1st of each school year. The Superintendent shall evaluate the student activity environment reports, including the amount of time and types of physical activity provided in the elementary schools as required in KRS 158.856 and release the report at least sixty (60) days prior to the public hearing required by that statute. Annually the Superintendent shall submit the report on physical activity, including a summary of findings and recommendations to the Department of Education and may release the report via posting to the District web site.~~

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

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

- is offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
- is offered as not only part of health education classes, but also classroom instruction in subjects, such as math, science, language arts, social sciences, and elective subjects;
- that includes enjoyable, developmentally appropriate, and culturally relevant participatory activities, such as contests, promotions, taste testing events, and farm visits;
- that promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
- that emphasizes caloric balance between food intake and energy expenditure (physical activity/exercise);
- that links with school meal programs, other school foods, and nutrition-related community services; and

Student Welfare and Wellness**NUTRITION ~~EDUCATION AND PROMOTION~~ AND EDUCATION, PHYSICAL ACTIVITY, AND OTHER SCHOOL-BASED ACTIVITIES (CONTINUED)**

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

~~The Superintendent shall require the school Food Service Director (FSD) to complete the assessment of the nutrition program required under KRS 158.856 and to issues an annual report at least sixty (60) days prior to the public hearing required by that statute. The nutrition assessment report may be issued via posting on the District web site.~~

NUTRITION GUIDELINES FOR ALL FOODS

Each school is to follow minimum federal and state nutrition standards.

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.

SCHOOL WELLNESS PLANS

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

MONITORING EVALUATION AND ENFORCEMENT**Leadership:**

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

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

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;

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Student Wellness**Annual Progress Report (continued):**

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.

STAFF WELLNESS

~~Fayette County Public School District highly values the health and well being of every staff member and will encourage activities and programs that support personal efforts by staff to maintain a healthy lifestyle.~~

REFERENCES:

KRS 158.850; KRS 158.854

702 KAR 6:090

P. L. 111-296

~~KRS 158.856~~

7 C.F.R. Part 210

7 C.F.R. Part 220

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

Fayette County Public School District's Wellness Plan on Nutrition and Physical Activity

RELATED POLICIES:

02.4241, 07.1, 07.111, 07.12

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

PreventativePreventive student Health Care Examination/Immunizations

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

Evidence of a vision examination and a dental examination shall be submitted to the school no later than January 1 of the first year that a student is enrolled in the District.

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.

ANIMALS IN THE CLASSROOM

When there is a specific and appropriate educational purpose, the Principal may authorize the housing of animals or insects in classrooms. However, the health and safety of students and staff shall be a priority consideration when considering such requests. When a request is granted, teachers shall adhere to guidelines set out in administrative procedures.

STUDENTS

09.22
(CONTINUED)

Student Health and Safety

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

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 all pupils in case of an accident or sudden illness until the services of a trained medical professional become available.

FIRST AID AREA

A first-aid area with appropriate equipment, supplies, and provisions for the child to recline shall be designated in each school. At least two (2) adult employees in each school 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.

PERSONNEL

Any school that has a student enrolled with diabetes or seizure disorders shall have on duty at least one (1) school employee who is a licensed medical professional, or has been appropriately trained to administer or assist with the self-administration of glucagon, insulin or FDA approved seizure rescue medication as prescribed by the student's health care practitioner.

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, if provided, the name of the family physician shall be maintained at each school for all its pupils.¹ The school nurse or a school staff member shall notify parents in the event their child is involved in an accident causing substantial injury. Examples would include, but not be limited to, a possible head injury or an accident requiring medical treatment other than minimal first aid measures.

EMERGENCY PROCEDURES

In the event of a medical emergency involving a student, the Principal/designee shall make a reasonable effort to contact the parents or legal guardians. If the Principal is unable to make such contact, he/she shall call for emergency assistance (911).

STUDENTS

09.224
(CONTINUED)

Emergency Medical Treatment

REFERENCES:

¹702 KAR 1:160
KRS 156.160
KRS 156.502
KRS 158.838

RELATED POLICIES:

09.21; 09.22; 09.2241

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

STUDENTS

09.2241

Student Medication

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

AUTHORITY TO DISPENSE

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

PARENT PERMISSION

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

STORAGE

Except for emergency medications (including, but not limited to FDA approved seizure rescue medication and EpiPens) and medications approved for students to carry for self-medication purposes, all medications dispensed to pupils by authorized school personnel shall be kept in the school in a safe, secure place designated by the Principal. In addition, authorized school personnel shall document on approved forms the dispensing of medications to pupils.

SELF-ADMINISTRATION

A student may be permitted to carry controlled and non-controlled medication that has been prescribed or ordered by a health care practitioner due to a pressing medical need. For out of state field trips in which delegation of medication administration is not allowed, a student may self-administer emergency medication with staff supervision. A completed parent/guardian self-administration authorization signed by parent/guardian and physician is required.

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.²

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

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

STUDENTS

09.2241
(CONTINUED)

Student Medication

REFERENCES:

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
09.423

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 a dependent, abused or neglected child¹ 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 The school employee shall also inform the child guidance specialist or guidance counselor designated by the Principal of the suspected dependency, abuse, or neglect within two (2) school days of making the report. 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.

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.

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STUDENTS

09.227
(CONTINUED)

Child Abuse

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

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

STUDENTS

09.34

Student Publications

SPONSOR PROVIDED

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

PRIOR SUBMISSION

Materials to be published shall be submitted to the sponsor and the Principal three (3) days before deadline.

The sponsor and 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.

APPEALS

The author may appeal in writing to the Principal the sponsor's decision. The Principal shall decide whether to accept or reject the material within three (3) days following receipt of the appeal.

A student or author may file a written appeal of the Principal's decision, based on the District's channel of appeals. (See Policy 09.4281)

REFERENCES:

KRS 160.290

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

RELATED POLICIES:

09.426

09.4281

RECOMMENDED: THIS 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 ALL NEW LANGUAGE 7/22/15

STUDENTS

09.4261

Telecommunication Devices

POSSESSION AND USE

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

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

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

2. Devices shall be turned on and operated only with permission of school staff or in an emergency situation that involves imminent physical danger.
3. When students violate prohibitions of this policy, they shall be subject to disciplinary action, including losing the privilege of bringing the device onto school property and being reported to their parent/guardian. A violation also may result in a report being made to law enforcement. In addition, an administrator may confiscate the device, which shall only be returned to the student's parent/guardian.
4. Students are responsible for keeping up with devices they bring to school. The District shall not be responsible for loss, theft, or destruction of devices brought onto school property.
5. Students shall comply with any additional rules developed by the school concerning appropriate use of telecommunication or other electronic devices.

STUDENTS

09.4261
(CONTINUED)

Telecommunication Devices

POSSESSION AND USE (CONTINUED)

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

NOTICE OF POLICY

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

REFERENCE:

¹KRS 158.165

RELATED POLICIES:

08.2323; 09.426; 09.436; 09.438

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Student Dress, and Appearance, and Hygiene

IMPORTANCE TO LEARNING ENVIRONMENT

Because appropriate dress and grooming contribute to a healthy and productive learning environment, students shall be expected to give proper attention to personal cleanliness and will wear clothes suitable for the school activities in which they participate. Student clothing must not present a health or safety hazard or a distraction that would interfere with the educational process.

STANDARDS

In order to promote student safety and discourage theft, peer rivalry, and/or gang activity, each school council is encouraged to establish a reasonable dress code. The dress code will be included as part of the school's student handbook.

The purposes of a school dress code shall be to ensure:

1. Protection of the health and safety of all students
2. Promotion of good hygiene
3. Elimination and future avoidance of disruption in the school environment

School/council dress codes shall be consistent with Board standards set out in the District's Student Code of Conduct, which shall include, but not be limited to, the following general expectations:

Clothing that incorporates profanity; promotes substances or activities illegal for minors; contains racial, ethnic, religious, sexual or disability-related slurs; or any gang-associated affiliation is prohibited.

This prohibition shall be reflected in each school's dress code.

REFERENCES:

Tinker v. Des Moines Independent School District, 393 U.S. 502 (1969)
Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986)
KRS 160.345
OAG 73-233
OAG 73-284

RELATED POLICY:

09.426

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Public Information Program

RIGHT TO BE INFORMED

The Board recognizes the rights of the public to be fully and accurately informed about its schools. The Board shall, through the Superintendent and designees:

1. Communicate regularly with internal and external constituencies in order to interpret and explain the District's plans, progress and programs. Communications to the public will be made through all available avenues, including, but not limited to, the District's web site (fcps.net), the District's in-house television station (Channel 13), newsletters, bulletins, backpack letters, announcements, email listserves, emergency telephone system, and social media sites such as Facebook and Twitter;
2. Provide speakers for PTA/PTO, church, civic, and other community groups who have an interest in the schools;
3. Work cooperatively with the news media in their efforts to inform the public and regularly issue news releases, advisories and alerts;
4. Conduct Board business in an atmosphere that lets the public know that their attendance at Board meetings is welcome and appreciated;
5. Prepare a guide or handbook to outline the communication system, including its philosophy and objectives;
6. Provide for periodic evaluations of the communications system by the Board and staff; and
7. Operate in a transparent manner that demonstrates a commitment to honesty and full disclosure.

DISTRICT WEBSITE

Use of the District website is limited to materials that are District initiatives, school or youth-related programming, announcements and educational materials that assist families and support public education except as provided below.

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Posting and/or distribution of announcements and informational materials that are outside District initiatives, school or youth-related programming announcements and educational materials that assist families and support public education may be approved on a case-by-case basis. Such information may be denied based on any of the following criteria:

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1. It is from a for-profit organization/individual (there is monetary benefit for this organization/individual);
2. Its sole function is for fundraising for an activity which is not a school- supported activity;
3. It is for political campaigning purposes;
4. It is lobbying;
5. It is advertising anything that is non-compliant with Board policy;

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Public Information Program

6. Its content interferes with or undermines the instructional goals and mission of the District;
7. It threatens serious disruption or interference with a school or school- sponsored activity;
8. It does not promote a youth-related activity or event serving the students of the District;
9. It promotes the use of illegal drugs, alcohol or tobacco;
10. It promotes illegal activity for minors or violation of school rules;
11. It is obscene or pornographic;
12. It contains words, symbols or images that are lewd, obscene or indecent;
13. It promotes hostility, disorder or violence;
14. It attacks or denigrates ethnic, racial, religious or gender groups;
15. It promotes illegal discrimination;
16. It is libelous or defames any person or organization;
17. It violates a copyright;
18. It uses any District or school logo without prior approval;
19. It fails to clearly identify the sponsoring organization or agency and provide a means of contact (i.e., telephone number, email, web address) for interested parties to obtain further information directly from the sponsor;
20. It fails to clearly include the following disclaimer, which must be in no smaller than 18 point boldface type. "Fayette County Public Schools neither endorses nor sponsors the organization or activity promoted in this document."

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at: 0.9"**REFERENCES:**

KRS 61.805
KRS 61.850

RELATED POLICIES:

01.4
01.421
01.44
10.12

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

COMMUNICATIONS/COMMUNITY RELATIONS

10.5

Visitors to the Schools

PARENTS/FAMILY MEMBERS

To ensure that school personnel are aware of the presence of visitors, visits to classrooms shall be scheduled in advance unless authorized by the Principal/designee and all visitors must report immediately to the school front office upon entering the school and identify themselves as well as their purposes for visiting.

Communications between home and school must be an integral part of the educational process if students are to achieve the greatest educational success. Therefore, parents, guardians, and family members are welcomed and encouraged to visit their child's school, under the following guidelines:

1. Visits must not interrupt the instructional program for students, i.e., teaching, testing, etc.
2. Visits should be scheduled in advance with the teacher and/or Principal.
3. Visits must be reasonable in length and frequency.
4. Visits should be related to the need(s) of the child.
5. All visitors shall follow school check-in/check-out procedures.

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

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

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 their child in the event of injury or illness.
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 or student performance, 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:

- 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 legal counsel.

For all other reasons and for all individuals making a request other than parent/legal guardian/designee, the Principal shall consult with the Superintendent as the executive agent of the Board before making a final determination.

LOCAL CITIZENS/GUESTS

~~Professional educators and others who have legitimate educational interests pertaining to the District's public school program are encouraged to visit the schools. To ensure that school personnel are aware of the presence of visitors, all visitors must report immediately to the school front office upon entering the school and identify themselves as well as their purposes for visiting.~~

~~Professional educators and citizens who are from other communities who wish to observe the schools in operation are welcome. Arrangements for such visits must be made in advance with the Superintendent, Principal or designee.~~

OTHER RESTRICTIONS

~~Guests or visitors of students are not allowed at school without permission from the Principal. In addition, no salespersons or peddlers shall come onto school property without prior approval of the Superintendent/designee.~~

~~Visitors shall not enter classrooms without the prior consent of the Principal. Except for District employees who are conducting official District business, the Principal's prior approval also is required for access to students for the purpose of conducting an interview or survey. Such activities that disclose protected information shall comply with the Protection of Pupil Rights Amendment (PPRA).~~

Visitors to the Schools**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. (Please refer to Policy 10.21.)

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

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

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

TOBACCO PRODUCTS PROHIBITED

Tobacco use and use of electronic cigarettes are prohibited twenty-four (24) hours a day, seven (7) days a week, inside Board-owned buildings or vehicles, on property of Fayette County Public Schools, and during school-related student trips.

ACCOMMODATION

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

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

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

REFERENCES:

KRS 17.545; KRS 17.500; KRS 17.510
KRS 160.380; KRS 211.394, KRS 211.395; KRS 600.020
OAG 91-13; P. L. 107-110 (No Child Left Behind Act of 2001)
Section 504 of the Rehabilitation Act of 1973

RELATED POLICIES:

03.1327; 03.2327
05.3; 05.31
09.14; 09.227; 09.3211; 09.4232; 09.426
10.21; 10.4

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