



Policy Updates
For
2016-2017

LEGAL: THIS CLARIFIES THAT PARENTS ARE ENTITLED TO STUDENT EDUCATIONAL RECORDS REGARDLESS OF WHO IS CUSTODIAN UNLESS THE PARENT'S RIGHTS HAVE BEEN TERMINATED.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED
RECOMMENDED: SOME STATUTES USE THE TERMS "HUSBAND" AND "WIFE" WHILE OTHERS USE THE TERM "SPOUSE" INTERCHANGEABLY. THIS IS TO CLARIFY THAT IN THIS MANUAL THE TWO TERMS HAVE THE SAME MEANING.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.0

DEFINITIONS

The following expressions are defined with respect to their intended meanings in the context of this ~~MANUAL~~ manual:

POLICIES

An expression of the will of the elected Board of Education or the school council. Although other statutes may have Board policy implications, the general scope of Board policies is defined by KRS 160.290 and KRS 160.340. The scope of council policies is defined by KRS 160.345.

ADMINISTRATIVE PROCEDURES

Statements of the Superintendent and/or district administration. Procedures are administrative instruments to implement Board policy and other legal mandates.

ADMINISTRATIVE REGULATIONS

References such as "State Board regulations", state regulations", and "administrative regulations" shall mean Kentucky Administrative Regulations (KAR) promulgated by the Kentucky Board of Education.

FULL-TIME, PART-TIME STATUS

Employment status shall be determined in compliance with statute and regulation and shall be defined in the employee's contract.¹

SUPERINTENDENT

Policies that charge the Superintendent with preparing and/or implementing provisions of procedures, plans or programs for Board review also direct any other employee to whom the Superintendent may delegate such charges.

TEACHER

Except for referenced statutes which specify a different definition for the purposes of those statutes, in this ~~MANUAL~~ manual the term teacher shall refer to any person, other than the Superintendent, for whom certification is required as a basis for employment.

HUSBAND AND WIFE

The term husband and wife, as used in the policy manual, shall be deemed to include a spouse in a legally recognized marriage unless the context otherwise requires.

PARENT OR GUARDIAN

Parent, as used in this ~~MANUAL~~ manual, means ~~eustodial~~ parent, legal guardian, or other person authorized by law to act as a parent as the context requires.

GENDER

Unless otherwise noted, all gender references include both male and female.

DEFINITIONS**CHILDREN AND YOUTH WITH DISABILITIES**

In compliance with federal law and unless otherwise indicated, use of the terms "handicapped/special education/exceptional" shall refer to children and youth with disabilities.

SCHOOL NUTRITION PROGRAM

Use of the term "food service" shall also refer to the District's School Nutrition Program.

STUDENT ATTENDANCE DAY

Unless otherwise noted, use of the term "instructional day" shall have the same meaning as "student attendance day".

HEALTH PROVIDER

Unless otherwise noted, the terms "health care provider" and "health care practitioner" have the same meaning.

RELATED POLICIES

The listing of related policies at the bottom of a document is a generic list and may include some policy numbers that this ~~MANUAL~~-manual does not contain.

REFERENCES

Legal references listed in this manual, such as state and federal statutes and regulations, Kentucky Attorney General Opinions, and court cases are provided as a tool for additional research and are not intended to be viewed as a complete listing of legal resources applicable to a particular topic.

REFERENCES:

¹KRS 157.320
¹102 KAR 1:036
¹702 KAR 1:035
KRS 158.144
KRS 160.290, KRS 160.340, KRS 160.345
KRS 405.028
702 KAR 6:010, 702 KAR 6:020, 702 KAR 6:040
702 KAR 6:045, 702 KAR 6:075, 702 KAR 6:090

LEGAL: RECENTLY ENACTED 702 KAR 1:170 REQUIRES THE DISTRICT TO REVIEW THE DATA SECURITY AND BREACH NOTIFICATION BEST PRACTICE GUIDE AND ACKNOWLEDGE SUCH IN A PUBLIC BOARD MEETING PRIOR TO AUGUST 31 OF EACH YEAR.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.61

Records Management

RECORDS OFFICER

The Superintendent shall designate a Records Officer who shall inventory, analyze and schedule disposition of District records, as well as maintain a destruction record, noting the authorization for said destruction and the amount of records to be destroyed. Each year, the Records Officer shall provide a copy of this record to the Board (Superintendent) and to the Director of the Division of Archives and Records.¹

An inventory of all public records kept by the District shall be taken, these records to include those made or received by the District in connection with the transaction of school business. Records shall refer to those documents specified in KRS 171.410 and in the Records Retention Schedule, Public School District.

SUPERINTENDENT'S RESPONSIBILITIES

Pursuant to statutory requirements, the Superintendent shall establish procedures to safeguard against the unlawful destruction, removal or loss of records.² The Superintendent shall notify the Department of Libraries and Archives of any actual, impending or threatened unlawful disposition of records and shall initiate action through the Attorney General for recovery of such records.³

RETENTION AND DISPOSAL OF RECORDS

The District shall follow the Records Retention Schedule, Public School District in its management of school records. If a record in question is not listed in this schedule, a written request for disposal of records must be submitted by the Superintendent to the Division of Archives and Records and the request must be approved in writing by the State Librarian.⁴

For record and archival purposes, the Superintendent shall place on permanent file one (1) copy of each Board policy that is rescinded or amended in any manner.

When there is a question whether a particular record or group of records should be destroyed, the state archives and records commission shall have exclusive authority to make this decision.⁵

LITIGATION

After consultation with the Board Attorney as deemed appropriate, the Superintendent should direct that records relevant to pending or threatened litigation, administrative proceedings, or investigations shall not be destroyed even if the retention period for such records has passed.

INFORMATION SECURITY BREACH

Information security breaches shall be handled in accordance with KRS 61.931, KRS 61.932, and KRS 61.933 including, but not limited to, investigations and notifications.

Within seventy-two (72) hours of the discovery or notification of a security breach, the District shall notify the Commissioner of the Kentucky State Police, the Auditor of Public Accounts, the Attorney General, and the Education Commissioner.

Records Management**INFORMATION SECURITY BREACH (CONTINUED)**

The District shall acknowledge to the Board in a public meeting prior to August 31 of each year, that the District has reviewed the Data Security and Breach Notification Best Practice Guide and implemented best practices that meet the needs of personal information reasonable security in the District.

RETENTION OF RECORDINGS

School officials shall retain any digital, video, or audio recording according to the following:

- Retain for a minimum period of one (1) week a master copy of any digital, video, or audio recordings of school activities without editing, altering, or destroying any portion of the recordings, although secondary copies of the master copy may be edited; and
- Retain for a minimum of one (1) month in an appropriate format, a master copy of any digital, video, or audio recordings of activities that include, or allegedly include, injury to students or school employees without editing, altering, or destroying any portion of the recordings.⁶

If an incident is being investigated, retain recordings until investigation and legal activity are completed.

REFERENCES:

¹725 KAR 1:010

²KRS 171.710

³KRS 171.720

⁴725 KAR 1:030; KRS 171.420; KRS 171.570

⁵KRS 171.670; KRS 171.410; KRS 171.660; 725 KAR 1:020

⁶KRS 160.705

KRS 61.931; KRS 61.932; KRS 61.933

702 KAR 1:025; 725 KAR 1:025; 702 KAR 1:170

Records Retention Schedule, Public School District

Data Security and Breach Notification Best Practice Guide

RELATED POLICIES:

01.5; 04.41; 04.81

-Clarifies that parents are entitled to student educational records regardless of who is custodian, unless the parent's rights have been terminated.

DRAFT (12/15/15) SEND WITH UPDATE PER DISTRICT

ADMINISTRATION

02.14

Evaluation

DEVELOPMENT AND APPROVAL

The Board and Superintendent shall develop procedures and forms for the evaluation of the Superintendent in compliance with applicable statutes and regulations. This policy and related procedures must be approved by the Kentucky Department of Education.

FREQUENCY OF EVALUATION

The Superintendent shall be evaluated annually no later than December 31st each year, covering the prior twelve (12)-month period, annually in writing by the Board, and the summative evaluation shall be made available to the public on request. S/he shall be notified of the criteria on which s/he is to be evaluated no later than the end of the first month of reporting for employment for each fiscal year.

PROCESS

Any preliminary discussions relating to the evaluation of the Superintendent by the Board or between the Board and the Superintendent prior to the summative evaluation shall be conducted in closed session.

The summative evaluation of the Superintendent shall be discussed and adopted in an open meeting of the Board and reflected in the minutes.

REFERENCES:

KRS 156.557
704 KAR 3:370

RELATED POLICY:

03.18

-Changed language from "last day of duty" to last day of the "school year" to bring it in line with practices.

LEGAL: BEGINNING WITH THE 2017-2018 SCHOOL YEAR, THE "EVERY STUDENT SUCCEEDS ACT OF 2015 (ESSA) (P. L. 114-95)" ADDRESSES EDUCATIONAL AND EXPERIENCE REQUIREMENTS FOR TEACHERS BY HAVING TEACHERS MEET APPLICABLE STATE CERTIFICATION OR LICENSURE REQUIREMENTS. FOR THE 2016-2017 SCHOOL YEAR, THE NCLB "HIGHLY QUALIFIED" TEACHER STANDARDS HAVE BEEN ELIMINATED.

FINANCIAL IMPLICATIONS: STAFFING NEEDS MAY REQUIRE INCREASES IN AMOUNT BUDGETED FOR SALARIES.

DRAFT (05/02/16) SEND WITH UPDATE PER DISTRICT

PERSONNEL

03.11

- CERTIFIED PERSONNEL -

Hiring

SUPERINTENDENT'S RESPONSIBILITIES

All appointments, promotions, and transfers of certified 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.

When a vacancy occurs, the Superintendent shall notify the Commissioner of Education 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 Commissioner of Education. If the waiver is approved, the appointment shall not be made until the person selected by the Superintendent has been approved by the Commissioner of Education.

EFFECTIVE DATE

Personnel actions shall not be effective until the employee receives written notice of such action from the Superintendent. Certified employees may be appointed by the Superintendent for any school year at any time after February 1 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 law, regulation and Board policy, except in the case where no individual applies who is properly certified and/or who meets established qualifications set by Board policy.

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

Beginning in the 2017-2018 school year, All teachers of core academic subjects shall "highly qualified," be shall meet applicable certification or licensure requirements as defined by state and federal regulation.³

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 and regulations.¹

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

Hiring

CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)

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. Probationary employment shall terminate on receipt of a criminal history background check documenting a conviction for a felony sex crime or as a violent offender.

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 Central Office and in each school building on a timely basis and shall refer interested persons to the Central Office job register for additional information. Postings of vacancies may be made with other agencies, as appropriate.

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.

REVIEW OF APPLICATIONS

Under procedures developed by the Superintendent, each application shall be reviewed and each applicant so notified upon initial application. 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.

CONTRACT

Except for noncontracted substitute teachers, all certified personnel shall enter into annual written contracts with the District.

JOB DESCRIPTION

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

INTENT

Under procedures developed by the Superintendent, employees may be requested to indicate their availability for employment for the next school year.

Hiring

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT

Each year all full-time and part-time certified employees shall be notified in writing by the last day of school if they have reasonable assurance of continued employment for the following school year.

Certified employees assigned extra duties such as coaching shall be notified in writing by the last day of that assigned duty the school year if they have reasonable assurance of continued employment in that or a similar capacity for the following school year.

REFERENCES:

¹KRS 160.380

²KRS 161.605; 702 KAR 1:150

³~~P. L. 107-110 (No Child Left Behind Act of 2001)~~ P. L. 114-95, (Every Student Succeeds Act of 2015)

34 C.F.R. 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; 702 KAR 3:320; 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

- 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.

EFFECTIVE DATE

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

QUALIFICATIONS

The Superintendent shall employ only individuals who possess qualifications established by law, regulation, and Board policy except in the case where no individual applies who meets established qualifications.

EDUCATIONAL REQUIREMENTS

No person shall be initially hired unless s/he holds at least a high school diploma or high school certification of completion or GED certificate or unless s/he shows progress, as defined by Administrative Regulations of the State Board for Adult and Technical Education, toward obtaining a certificate of high school equivalency. 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

CRIMINAL BACKGROUND CHECK AND TESTING

Applicants and employees shall under 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, 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. Probationary employment shall terminate on receipt of a criminal history background check documenting a conviction for a felony sex crime or as a violent offender.

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.

Hiring

VACANCIES POSTED

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted in the Central Office and in each school building on a timely basis and shall refer interested persons to the Central Office job register for additional information. **Postings of vacancies may be made with other agencies, as appropriate.**

REVIEW OF APPLICATIONS

Under procedures developed by the Superintendent, each application shall be reviewed and each applicant so notified.

Applications for candidates not employed shall be retained for three (3) years.

RELATIONSHIPS

The Superintendent shall not employ a relative of a Board member 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

CONTRACT

All regular full-time and part-time **classified personnel shall enter into annual written contracts with the District.**

EMERGENCY/SPECIAL NEEDS HIRING

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

Persons hired for a special need, such as caring for a special education student or serving as bus monitor for a special needs student, may have their work hours adjusted should the reason for their job no longer exist.

JOB DESCRIPTION

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

INTENT

Under procedures developed by the Superintendent, employees may be requested to indicate their availability for employment for the next school year.

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT

Each year, all full-time and part-time classified employees, including substitutes, shall be notified in writing by the last day of school if they have reasonable assurance of continued employment for the following school year.

Classified employees assigned extra duties such as coaching shall be notified in writing by the last day of ~~that assigned duty~~ the school year if they have reasonable assurance of continued employment in that or a similar capacity for the following school year.

Hiring

REFERENCES:

¹KRS 160.380
²702 KAR 5:080
³KRS 161.011
⁴P. L. 114-95, (Every Student Succeeds Act of 2015)
34 C.F.R. 200.58 – 200.59
KRS 17.160; KRS 17.165; KRS 156.070
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
Kentucky Local District Classification Plan; 13 KAR 3:030; 702 KAR 3:320
Records Retention Schedule, Public School District

RELATED POLICIES:

01.11
02.4244
03.232
03.27
03.5
06.221

LEGAL: THIS CLARIFIES THAT THE SUPERINTENDENT MUST FOLLOW THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT AND FAMILY MEDICAL LEAVE ACT WHEN REQUESTING AN EMPLOYEE TO PROVIDE EVIDENCE OF FITNESS.

FINANCIAL IMPLICATIONS: POSSIBLE COSTS OF EXAMINATIONS TO BE BORNE BY DISTRICT

PERSONNEL

03.111

- CERTIFIED PERSONNEL -

Medical Examination

NEWLY EMPLOYED PERSONNEL

All newly employed certified personnel, including substitute teachers, shall present documentation in the form of a medical examination with a drug screening component, performed by a designated licensed physician, physician assistant (PA), or Advanced Practice Registered Nurse or by a licensed medical practitioner of the employee's choice. Through appropriate personnel documents, such as handbooks and/or job applications, employees shall be notified as to who will pay for medical examinations required for initial employment. Medical examinations performed within a ninety (90)-day period prior to initial employment will be accepted.

REPORT

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

TUBERCULOSIS SCREENING/TESTING

Each medical examination shall include a risk assessment for tuberculosis as required by Kentucky Administrative Regulation. Individuals identified by that assessment as being 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}

PRESENT PERSONNEL

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

The Board shall bear the cost of this examination.¹

SCHOOL TO REPORT

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

Medical Examination**MEDICAL CONFIDENTIALITY**

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

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

REFERENCES:

²702 KAR 1:160, 902 KAR 2:020; KRS 214.181; KRS 214.625
OAG 65-560
Genetic Information Nondiscrimination Act of 2008
Americans with Disabilities Act
Family and Medical Leave Act of 1993

RELATED POLICIES:

¹03.1234, 03.14, ~~03.24~~

LEGAL: THIS CLARIFIES THAT THE SUPERINTENDENT MUST FOLLOW THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT AND FAMILY MEDICAL LEAVE ACT WHEN REQUESTING AN EMPLOYEE TO PROVIDE EVIDENCE OF FITNESS.

FINANCIAL IMPLICATIONS: POSSIBLE COSTS OF EXAMINATIONS TO BE BORNE BY DISTRICT

PERSONNEL

03.211

- CLASSIFIED PERSONNEL -

Medical Examination

Through appropriate personnel documents, such as handbooks and/or job applications, employees shall be notified as to who will pay for medical examinations required for initial employment.

BUS DRIVERS

As a condition of employment, each school bus driver, including substitute drivers, shall pass a medical examination on initial employment and each year thereafter in accordance with 702 KAR 5:080.

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

OTHER NEWLY EMPLOYED CLASSIFIED PERSONNEL

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

REPORT REQUIREMENTS

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

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

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

TUBERCULOSIS SCREENING/TESTING

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

Medical Examination**REQUIRED EXAMINATION FOR PRESENT PERSONNEL**

When, in the opinion of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties because of health problems or when the employee poses a health threat to students or other employees, the Superintendent may, consistent with the Americans with Disabilities Act and the Family Medical Leave Act, require the employee to provide evidence of fitness in the form of an examination and report by a physician of the Superintendent's choosing. The Board shall bear the cost of this examination.³

SCHOOL TO REPORT

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

MEDICAL CONFIDENTIALITY

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

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

REFERENCES:

¹KRS 161.145; 702 KAR 5:080

²702 KAR 1:160, 902 KAR 2:020; KRS 214.181; KRS 214.625

OAG 91-1

Genetic Information Nondiscrimination Act of 2008

Americans with Disabilities Act

Family Medical Leave Act of 1993

RELATED POLICIES:

³03.2234, 03.24

LEGAL: UNDER THE “EVERY STUDENT SUCCEEDS ACT OF 2015 (P. L. 114-95)” PARENTS CONTINUE TO HAVE THE RIGHT TO REQUEST INFORMATION ON QUALIFICATIONS OF THEIR CHILD’S TEACHER(S). THIS CHANGE COMPORTS WITH THOSE REQUIREMENTS. IN ADDITION, ESSA DOES NOT CURRENTLY REQUIRE PARENT NOTIFICATION WHEN A CHILD IS NOT BEING TAUGHT BY A “HIGHLY QUALIFIED” TEACHER.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.112

- CERTIFIED PERSONNEL -

Certification and Records

CERTIFICATION

The Board shall set certification requirements for teachers of all grades/courses, including elective courses, in compliance with applicable legal requirements.

All persons appointed to positions requiring Kentucky certification shall present to the Superintendent a copy of the required certificate prior to assuming the duties of the position.

It shall be the responsibility of the employee to see that the required certification is on file in the Superintendent's Office and is kept current at all times.

NOTICE TO PARENTS OF TEACHER’S QUALIFICATIONS/CERTIFICATION

If the school receives Title I funds, the District shall notify parents of students attending the school annually that they may request the District to provide information regarding the professional qualifications of their child’s classroom teachers. In complying with such requests, the District shall provide the information designated by federal law.

~~Schools receiving Title I funds shall notify parents when their child has been assigned to, or has been taught for four (4) or more consecutive weeks by, a teacher who is not “highly qualified,” as defined by state and federal regulation.~~

CERTIFICATION FOR TEACHING ELECTIVE COURSES

The Principal/designee shall forward to the Superintendent the course description for proposed new or revised elective courses, with a proposal for certification requirements for teachers of the course. The Superintendent shall present this information, along with a recommendation for certification requirements, to the Board for its approval.

In determining certification requirements for elective courses, the Board shall observe the following standards:

1. A teacher’s preparation program should align with the basic structure of the elective course.
2. Teachers of interdisciplinary electives should be certified in at least one (1) of the disciplines included in the course.

Certification and Records

REFERENCES:

KRS 160.350; KRS 161.020; KRS 161.048
KRS 161.730; KRS 161.740; KRS 161.750
KRS 161.760; KRS 161.780; KRS 161.790
KRS 161.800; KRS 161.810
16 KAR 1:030; [702 KAR 3:320](#); 34 C.F.R. 200.61
[P. L. 107-110 \(No Child Left Behind Act of 2001\)](#)
[P. L. 114-95, \(Every Student Succeeds Act of 2015\)](#)

RELATED POLICIES:

02.4241; 03.11; 03.5

1. Added language to clarify how military experience will be used. (Classified Only) 2. Added language to have direct deposit part of policy. 3. Added language to establish that fiscal work week is Monday through Friday.

DRAFT (05/03/16)(5/17/16)(05/31/16) SEND WITH UPDATE PER DISTRICT

PERSONNEL

03.121

- CERTIFIED PERSONNEL -

Salaries

SINGLE-SALARY BASIS

All salaries for certified personnel shall be based on a single-salary schedule providing, at minimum, for the number of working days required by law.

Although a school may submit a request for an increment for an extended employment position, extra service, or related adjustments, the Board must set increments in pay for positions requiring services beyond those normally expected of other positions if the duties rendered extend beyond the regular school day or require extended days.

EXTENDED EMPLOYMENT

Compensation for employment contracted beyond the minimum number of working days required by law shall be prorated.

Extended employment positions shall be established in a position job description, funded in the District budget, and specified in an addendum to the employee's contract.

Addition of days to be worked beyond the original contract or additional days of extended employment for a position require prior Board approval before the change goes into effect.

EXTRA SERVICES, SUPPLEMENTS AND SUPERVISION

The Board shall annually establish a schedule of and compensation for extra services, hazardous duty supplements and supervision. As provided under law, teachers who attain certification from the National Board for Professional Teaching Standards shall be given an annual salary supplement of \$2000 for the life of the certificate.

RANK AND EXPERIENCE

The rank and experience of certified personnel shall be determined at time of hire. The Board shall direct the Superintendent to validate all experience of professional personnel employed in the District.

Changes in rank and experience shall be determined on September 15 of each year.

To assist with the budgeting process, candidates for National Board certification shall notify the Superintendent/designee in writing prior to September 15 that certification is pending in order for the employee to receive any rank-related increase retroactive to the beginning of the school year.

EXCEPTION

The Superintendent's salary may be established without regard to the above-mentioned schedules.

PAYROLL DISTRIBUTION

District employees shall participate in direct deposit of payroll. Direct deposits ~~Cheeks~~ will be issued according to a schedule approved by the Board. The workweek of all employees shall run from Monday to Sunday.

At the close of the school year, employees who have completed all responsibilities and duties may request to be paid their remaining salary prior to the end of the fiscal year.

Salaries**QUALIFICATIONS**

Employees shall be responsible for providing the Superintendent with all required certificates, health examinations, and verifications of experience prior to beginning work.

NOTICE OF SALARY

Not later than forty-five (45) days before the first student attendance day of the succeeding school year or June 15, whichever occurs earlier, the Superintendent shall notify all certified personnel of the best estimate of the salary for the coming year.

LIST OF SALARIES

The Board shall maintain for public scrutiny a factual list of individual salaries of its employees for the fiscal year just closed and shall furnish that list by mail to a newspaper qualified under KRS 424.120 to publish advertisements for the District.

PAYROLL DEDUCTIONS

The Board shall approve all payroll deductions as specified by KRS 161.158 and Board policy 03.1211.

REFERENCES:

KRS 157.075; KRS 157.320; KRS 157.350; KRS 157.360
KRS 157.390; KRS 157.395; KRS 157.397; KRS 157.420
KRS 160.290; KRS 160.291
KRS 161.1211; KRS 161.134; KRS 161.168; KRS 161.760
KRS 424.120; KRS 424.220; 16 KAR 1:040; OAG 97-25
702 KAR 3:060; 702 KAR 3:070; 702 KAR 3:100; 702 KAR 3:310
29 C.F.R. Section 541.303, 29 C.F.R. Section 541.602, 29 C.F.R. Section 541.710

RELATED POLICIES:

03.1211, 03.4

- CLASSIFIED PERSONNEL -**Salaries****HOURLY OR SALARY BASIS**

All regular and substitute classified personnel shall be paid on an hourly or salary basis as established by the Board. The workweek of all employees shall run from Monday to Sunday.

LENGTH OF WORK DAY

The length of the work day shall be established for each position by the Board.

QUALIFICATIONS

Employees shall be responsible for providing the Superintendent with all required certificates, other credentials, health examinations, and verifications of experience prior to beginning work.

DETERMINATION OF EXPERIENCE

Upon initial employment or transfer of a classified employee, the Superintendent shall determine experience credit to be granted from any previous employment consistent with applicable salary schedules adopted by the Board and, in the absence of the issue being addressed in such schedules, experience credit shall be determined as follows:

1. Previous experience in the District.

Credit for years of experience in one (1) classified position with the District will transfer with the employee when assuming another classified position within the District, if there is no break in employment.

2. Previous experience in an equivalent position in another school district.

Years of experience in an equivalent position may be transferred from another school district.

3. Previous private sector experience in a job of a similar nature.

In determining whether previous experience is applicable to a District position, similar experience shall refer to the essential functions, licensing/training requirements, and/or daily job responsibilities of the positions being similar.

4. Classified personnel may receive one (1) year of experience credit for every two (2) years of active military service.

LIST OF SALARIES

The Board shall maintain for public scrutiny a factual list of individual salaries of its employees for the fiscal year just closed and shall furnish that list by mail to a newspaper qualified under KRS 424.120 to publish advertisements for the District.

PAYROLL DISTRIBUTION

District employees shall participate in direct deposit of payroll. Direct deposits ~~Cheeks~~ will be issued according to a schedule approved by the Board.

At the close of the school year, employees who have completed all responsibilities and duties may request to be paid their remaining salary prior to the end of the fiscal year.

Salaries**PAYROLL DEDUCTION**

The Board shall approve all payroll deductions as specified by KRS 161.158 and Board policy 03.2211.

OVERTIME

Except in cases of emergency, all overtime shall be approved in advance by the Superintendent or designee. Hourly employees required to work in excess of forty (40) hours per week will be paid at the rate of 1 1/2 times the regular rate for all hours beyond 40 as provided by law for overtime work. Compensatory time shall not be granted.

REFERENCES:

KRS 78.615; KRS 160.291; KRS 161.011
KRS 337.285; KRS 424.120; KRS 424.220
702 KAR 3:320; 803 KAR 1:06; 803 KAR 1:070
Fair Labor Standards Act

RELATED POLICY:

03.2211

- CERTIFIED PERSONNEL -

Personal Leave

NUMBER OF DAYS

Full-time certified employees shall be entitled to three (3) days of personal leave with pay each school year.

Persons employed for less than a full-year contract shall receive a prorata part of the authorized personal leave days calculated to the nearest 1/2 day.

Persons employed on a full-year contract but scheduled for less than a full work day shall receive the authorized personal leave days equivalent to their normal working day.

APPROVAL

The Superintendent or designee must approve the leave date, but no reasons shall be required for the leave.

Approval shall be contingent upon the availability of qualified substitute employees. Those employees making earliest application shall be given preference.

PROHIBITION

Unless otherwise approved by the Superintendent, personal leave shall not be taken on the day before or after a holiday, [fall break or spring break](#), on a professional development day, during the testing window, unscheduled day, or during the first or last two (2) weeks of the school year.

AFFIDAVIT

Employees taking personal leave must file a personal affidavit on their return to work stating that the leave was personal in nature.

ACCUMULATION

On June 30, personal leave days not taken during the current school shall be transferred and credited to the employee's accumulated sick leave account for the purposes of retirement.

REFERENCE:

KRS 161.154

RELATED POLICIES:

03.1232

03.175

- CLASSIFIED PERSONNEL -**Personal Leave****NUMBER OF DAYS**

Full-time classified employees shall be entitled to three (3) days of personal leave with pay each school year.

Persons employed for less than a full-year contract shall receive a prorata part of the authorized personal leave days calculated to the nearest 1/2 day.

Persons employed on a full-year contract but scheduled for less than a full work day shall receive the authorized personal leave days equivalent to their normal working day.

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AFFIDAVIT

Employees taking personal leave must file a personal affidavit on their return to work stating that the leave was personal in nature.

ACCUMULATION

On June 30, personal leave days not taken during the current school year shall be transferred and credited to the employee's accumulated sick leave account for purposes of retirement.

REFERENCE:

OAG 77-115

RELATED POLICIES:

03.2232

03.273

- Clarifies planning time for full-time teachers.

DRAFT (05/02/16) SEND WITH UPDATE PER DISTRICT

PERSONNEL

03.126

- CERTIFIED PERSONNEL -

Planning Time

PROVISION OF PLANNING TIME

In schools not operating under SBDM, the Principal shall cause class schedules to be developed that will provide planning time for [full-time](#) teachers. In other schools, the council shall provide for planning time through its policies for assignment of instructional and non-instructional staff time and determination of the schedule of the school day.

Due to emergencies [such as](#) lack of substitutes or other unusual situations, [full-time](#) teachers may be required to supervise classes or activities during their planning period.

USE OF PLANNING PERIODS

The planning period shall be used for appropriate duties, such as: instructional preparation; conferring with parents, students, supervisors and administrators; studying and maintaining records; embedded professional development; and other duties as specified by the Principal. It may not be used for personal business or teacher organization activities.

PERSONNEL

03.1321

- CERTIFIED PERSONNEL -

Use of School Property

All personnel shall be responsible for the school equipment, supplies, books, furniture, and apparatus under their care and use. Any damaged, lost, stolen, or vandalized property shall be reported to the employee's immediate supervisor, who shall then report it to the Superintendent/designee once it is confirmed that the item cannot be recovered.

In addition, employees shall not perform personal services for themselves or for others for pay or profit during work time and/or using District property or facilities. District property being used for unauthorized purposes shall be reported to that employee's immediate supervisor.

OUTSIDE WORK

An employee shall not use any District facility, vehicle, electronic communication system, equipment or materials in performing outside work. These items (including security codes and electronic records, such as E-mail) are property of the District and shall be used solely for job-related purposes.

ELECTRONIC COMMUNICATIONS

Employees shall not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. Employees cannot expect confidentiality or privacy as to information entered or stored in their E-mail accounts. Authorized District personnel may monitor the use of electronic equipment from time to time.

DRIVING RECORD

Employees who have occasion to drive any Board-owned vehicle and/or transport students shall annually provide the Superintendent with a copy of their driving record from the Kentucky Department of Transportation. Any traffic citation received during the year shall be reported to the Superintendent prior to driving a Board-owned vehicle or transporting students.

BOARD-OWNED VEHICLES

Employees in the following positions shall be assigned use of a Board-owned vehicle on a full-time basis:

1. Superintendent
2. Director of Maintenance and Transportation
3. Lead Maintenance and Computer Technicians

Use of these vehicles must comply with IRS requirements, including implications for reporting taxable income. Board vehicles shall not be used for private purposes other than for de minimus personal use (such as stop for a personal errand on the way between a business delivery and the employee's home). Only employees who are required to commute for bona fide noncompensatory business reasons may use a Board vehicle to commute.

Use of School Property**USE OF ASSIGNED TELECOMMUNICATION DEVICES**

The Board authorizes the purchase and employee use of telecommunication devices, as deemed appropriate by the Superintendent. These devices shall include, but are not limited to, pagers and digital or cell phones.

Telecommunication devices may be assigned or made available on a temporary or on-going basis when it is determined that:

1. Assignment of a device to an employee is a prudent use of District resources.
2. The employee's job responsibilities require the ability to communicate frequently and access to a District or public telephone is not readily available.
3. The employee's job involves situations where immediate communication is necessary to ensure the security of District property or safety of students, staff or others while on District property or engaged in District-sponsored activities.

District-owned telecommunication devices shall be used primarily for authorized District business purposes. However, occasional personal use of such equipment is permitted.

REFERENCES:

KRS 160.290; KRS 189.292
KRS 281A.205
702 KAR 5:080
15-ORD-190

- CLASSIFIED PERSONNEL -**Use of School Property**

All personnel shall be responsible for the school equipment, supplies, books, furniture, and apparatus under their care and use. Any damaged, lost, stolen, or vandalized property shall be reported to the employee's immediate supervisor, who shall then report it to the Superintendent/designee once it is confirmed that the item cannot be recovered.

In addition, employees shall not perform personal services for themselves or for others for pay or profit during work time and/or using District property or facilities. District property being used for unauthorized purposes shall be reported to that employee's immediate supervisor.

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REFERENCES:

KRS 160.290; KRS 189.292
KRS 281A.205; 702 KAR 5:080
15-ORD-190

LEGAL: FEDERAL REGULATION 40 C.F.R. 763.92 REQUIRES MAINTENANCE AND CUSTODIAL PERSONNEL WHO MAY WORK WITH ASBESTOS-CONTAINING BUILDING MATERIALS (ACBM) TO RECEIVE TWO (2) HRS. OF ASBESTOS AWARENESS TRAINING. IN ADDITION, FEDERAL REGULATION 40 C.F.R. 763.93 REQUIRES CUSTODIANS AND MAINTENANCE PERSONNEL WHO ARE GOING TO BE DISTURBING ANY ACBM TO HAVE AN ADDITIONAL FOURTEEN (14) HRS. OF TRAINING.
FINANCIAL IMPLICATIONS: COST OF TRAINING

PERSONNEL

03.14

- CERTIFIED PERSONNEL -

Health and Safety

SAFETY

It is the intent of the Board to provide a safe and healthful working environment for all employees. Employees shall report any conditions they believe to be unsafe to their immediate supervisor, who shall examine the situation and take appropriate action.

The District shall develop, maintain and implement health and safety plans in compliance with state and federal law.

HAZARD COMMUNICATION PLAN

The Superintendent/designee shall develop a District Hazard Communication Plan. The plan shall include:

1. The assignment of a District employee to be responsible for the implementation and coordination of the Hazard Communication Plan;
2. The inventory of all chemicals used at each school and worksite;
3. The identification of each chemical in the inventory that is covered by the OSHA Hazard Communication Standard;
4. Maintenance of a Safety Data Sheet (SDS) for each substance on the chemical inventory list for as long as the District uses the substance, plus thirty (30) years;
5. Labeling of all containers of each chemical identified as required by the Hazard Communication Standard;
6. The development of an employee Hazard Communication Information and Training Program; and
7. The development, implementation, and maintenance of a written Hazard Communication Program.

BLOODBORNE PATHOGEN CONTROL

The Superintendent/designee shall develop an Exposure Control Plan to eliminate or minimize District occupational exposure to bloodborne pathogens. The plan shall address:

1. Identification of employees at-risk of occupational exposure and their assigned tasks and procedures which could lead to such exposure;
2. Communication of hazards to employees;
3. Vaccinations of at-risk employees for Hepatitis B at no cost to these employees;
4. Determination of universal precautions to be observed, including adequate engineering controls and housekeeping procedures;
5. Appropriate training of employees;

Health and Safety**BLOODBORNE PATHOGEN CONTROL (CONTINUED)**

6. Provision of personal protective equipment including an opportunity provided annually for employees who use medical sharps in performance of their duties to identify, evaluate and select engineering and work practice controls to be implemented by the District, as appropriate;
7. Maintenance of a sharps injury log;
8. Medical follow-up and counseling for employees after a work-site exposure;
9. Maintenance of confidential records of each exposure incident; and
10. A schedule for implementing all provisions required by the OSHA standard.

The Superintendent/designee shall review and update the Exposure Control Plan at least once each year and when needed to reflect new or modified tasks and procedures that affect occupational exposure or new or revised employee positions with occupational exposure. The review and update shall also address:

1. Changes in technology that eliminate or reduce exposure to bloodborne pathogens; and
2. Annual documentation that appropriate, commercially available and effective safer medical devices that are designed to eliminate or minimize occupational exposure have been obtained and are in use.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Each year, the Superintendent/designee shall conduct a hazard assessment to determine when and where the use of personal protective equipment (PPE) is necessary. The hazard assessment shall address:

1. Assignment of a District employee responsible for assessing the workplace for hazards;
2. Selection of appropriate PPE to safeguard employees from hazards that cannot be eliminated;
3. A training program to be conducted to educate employees about the need for PPE and when it must be worn;
4. Training of employees on the use and care of PPE, how to recognize deterioration and failure and the need for replacement; and
5. Requiring employees to wear designated PPE, as deemed necessary by the hazard assessment.

ASBESTOS MANAGEMENT

The District shall conduct school inspection and re-inspection activities as required by state and federal law¹ to identify the status of asbestos. The District shall maintain an updated asbestos management plan that shall include, but not be limited to, applicable current and/or future inspection activities, response actions and surveillance activities and a description of steps taken to inform staff and parents about any such activities. Each school shall maintain in its administrative office an updated copy of the management plan for that school. Annual written notice of the availability of the plan shall be provided to parent, teacher, and employee organizations. In the absence of any such organizations, the District shall provide written notice of plan availability to parents, teachers, or employees, as applicable.

Health and Safety**ASBESTOS MANAGEMENT (CONTINUED)**

Any custodial or maintenance personnel who may work in a building with asbestos-containing building materials (ACBM) shall have a minimum of two (2) hours of asbestos awareness training. New custodial or maintenance staff who may work in the areas above shall be trained within sixty (60) days of hire. Maintenance and custodians who will be involved in activities that will involve a disturbance of ACBM shall receive an additional fourteen (14) hours of asbestos training.

REFERENCES:

¹401 KAR 58:010, 40 C.F.R. Part 763
Kentucky Department for Public Health
Centers for Disease Control and Prevention
Kentucky Labor Cabinet, 803 KAR 2:308, 803 KAR 2:404
OSHA 29 C.F.R. 1910
132 PPE Hazard Assessment
1001 Asbestos-ACBM
1200 Hazard Communication;
1030 Bloodborne Pathogens

LEGAL: FEDERAL REGULATION 40 C.F.R. 763.92 REQUIRES MAINTENANCE AND CUSTODIAL PERSONNEL WHO MAY WORK WITH ASBESTOS-CONTAINING BUILDING MATERIALS (ACBM) TO RECEIVE TWO (2) HRS. OF ASBESTOS AWARENESS TRAINING. IN ADDITION, FEDERAL REGULATION 40 C.F.R. 763.93 REQUIRES CUSTODIANS AND MAINTENANCE PERSONNEL WHO ARE GOING TO BE DISTURBING ANY ACBM TO HAVE AN ADDITIONAL FOURTEEN (14) HRS. OF TRAINING.
FINANCIAL IMPLICATIONS: COST OF TRAINING

PERSONNEL

03.24

- CLASSIFIED PERSONNEL -

Health and Safety

SAFETY

It is the intent of the Board to provide a safe and healthful working environment for all employees. Employees shall report any conditions they believe to be unsafe to their immediate supervisor, who shall examine the situation and take appropriate action.

The District shall develop, maintain and implement health and safety plans in compliance with state and federal law.

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The Superintendent/designee shall develop a District Hazard Communication Plan. The plan shall include:

1. The assignment of a District employee to be responsible for the implementation and coordination of the Hazard Communications Plan;
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4. Determination of universal precautions to be observed, including adequate engineering controls and housekeeping procedures;
5. Appropriate training of employees;

Health and Safety

BLOODBORNE PATHOGEN CONTROL (CONTINUED)

6. Provision of personal protective equipment including an opportunity provided annually for employees who use medical sharps in performance of their duties to identify, evaluate and select engineering and work practice controls to be implemented by the District, as appropriate;
7. Maintenance of a sharps injury log;
8. Medical follow-up and counseling for employees after a work-site exposure;
9. Maintenance of confidential records of each exposure incident; and
10. A schedule for implementing all provisions required by the OSHA standard.

The Superintendent or designee shall review and update the Exposure Control Plan at least once each year and when needed to reflect new or modified tasks and procedures that affect occupational exposure or new or revised employee positions with occupational exposure. The review and update shall also address:

1. Changes in technology that eliminate or reduce exposure to bloodborne pathogens; and
2. Annual documentation that appropriate, commercially available and effective safer medical devices that are designed to eliminate or minimize occupational exposure have been obtained and are now in use.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Each year, the Superintendent/designee shall conduct a hazard assessment to determine when and where the use of personal protective equipment (PPE) is necessary. The hazard assessment shall address:

1. Assignment of a District employee responsible for assessing the workplace for hazards;
2. Selection of appropriate PPE to safeguard employees from hazards that cannot be eliminated;
3. A training program to be conducted to educate employees about the need for PPE and when it must be worn;
4. Training of employees on the use and care of PPE, how to recognize deterioration and failure and the need for replacement; and
5. Requiring employees to wear designated PPE, as deemed necessary by the hazard assessment.

ASBESTOS MANAGEMENT

The District shall conduct school inspection and re-inspection activities as required by state and federal law¹ to identify the status of asbestos. The District shall maintain an updated asbestos management plan that shall include, but not be limited to, applicable current and/or future inspection activities, response actions and surveillance activities and a description of steps taken to inform staff and parents about any such activities. Each school shall maintain in its administrative office an updated copy of the management plan for that school. Annual written notice of the availability of the plan shall be provided to parent, teacher, and employee organizations. In the absence of any such organizations, the District shall provide written notice of plan availability to parents, teachers, or employees, as applicable.

Health and Safety**ASBESTOS MANAGEMENT (CONTINUED)**

Any custodial or maintenance personnel who may work in a building with asbestos-containing building materials (ACBM) shall have a minimum of two (2) hours of asbestos awareness training. New custodial or maintenance staff who may work in the areas above shall be trained within sixty (60) days of hire. Maintenance and custodians who will be involved in activities that will involve a disturbance of ACBM shall receive an additional fourteen (14) hours of asbestos training.

REFERENCES:

¹401 KAR 58:010, 40 C.F.R. Part 763

Kentucky Department for Public Health, Centers for Disease Control and Prevention

Kentucky Labor Cabinet, 803 KAR 2:308, 803 KAR 2:404

OSHA 29 C.F.R. 1910

132 PPE Hazard Assessment

1001 Asbestos - ACBM

1200 Hazard Communication

1030 Bloodborne Pathogens

- Adds 2 week notice to complete retirement paperwork.

DRAFT (05/03/16) SEND WITH UPDATE PER DISTRICT

PERSONNEL

03.273

- CLASSIFIED PERSONNEL -

Retirement

NOTICE

Persons retiring should give the Superintendent notice as far in advance as possible but not less than two (2) weeks prior to retirement.

[Employees shall give the payroll department a two \(2\) week notice for completion of the retirement packet.](#)

UNUSED SICK DAYS

At the time of initial retirement and under provisions of KRS 161.155 (10), the Board shall compensate classified employees, or their estate, for unused sick days at the rate of thirty per cent (30%) of the daily salary rate for each unused sick day. For personnel who begin employment with a local school district on or after July 1, 2008, unused sick leave days to be recognized in calculating reimbursement under KRS 161.155 shall not exceed 300 days.¹ This calculation shall be based on the employee's last annual salary. In addition, the remaining seventy percent (70%) shall be forwarded to the retirement system for use in calculating service credit. The cost of this additional service credit will be paid for by the Board.

Upon death of an employee in active contributing status who was eligible by reason of service, the District shall compensate the estate of the employee.

Retirement shall mean retirement from the County Employees' Retirement System.

ESCROW ACCOUNT

The Board shall create an escrow account to maintain the funds necessary to reimburse employees who qualify for the retirement benefit.

REFERENCES:

¹KRS 161.155
29 U.S.C. 631
KRS 61.545; KRS 78.616; KRS 157.420
OAG 81-72; OAG 83-191; OAG 97-28

RELATED POLICY:

03.2232

RECOMMENDED: REPLACE THE TERMS "HUSBAND" AND "WIFE" WITH "SPOUSE" DUE TO RECENT UNITED STATES SUPREME COURT AUTHORITY (OBERGEFELL DECISION). THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.18

- CERTIFIED PERSONNEL -

Evaluation

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

PURPOSE

The purpose of the professional growth and effectiveness system shall be to: support and improve performance of all certified school personnel and to inform individual personnel decisions.

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

REPORTING

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

NOTIFICATION

The evaluation 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 of the school year as provided in regulation.

CONFIDENTIALITY

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

REVIEW

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

All evaluations shall be maintained in the building level Principal's office with a copy to be placed in the Central Office.²

APPEAL PANEL

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

ELECTION

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

Evaluation

TERMS

All terms of panel members and alternates shall be for one (1) year and run from July 1 to June 30. Members may be reappointed or reelected.

CHAIRPERSON

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

APPEAL TO PANEL

Any certified employee who believes that he or she was not fairly evaluated on the summative evaluation may appeal to the panel within five (5) working days of the receipt of the summative evaluation. The certified employee may review any evaluation material related to him/her.

Both the evaluator and the evaluatee shall be given the opportunity to review documents to be given to the hearing committee reasonably in advance of the hearing and may have representation of their choosing.

APPEAL FORM

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

CONFLICTS OF 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~~, wifespouse, 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 PANEL

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

SUPERINTENDENT

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

Evaluation**HEARING PROCEDURES**

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

REVISIONS

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

REFERENCES:

¹KRS 156.557; 704 KAR 3:370

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

- Added language to clarify that use of vacation time must be preapproved by a supervisor.

SAMPLE (05/16/16)

PERSONNEL

03.222

- CLASSIFIED PERSONNEL -

Holidays and Vacations

Classified personnel shall be paid for four (4) holidays which shall be designated in the official school calendar. These are part of the school year required by state law.¹

In addition, full-time certified employees who work more than 185 days annually shall be paid one (1) additional holiday, July 4th.

Employees will be notified one week prior to any additional paid holidays determined by the Superintendent.

EXCEPTION

The Superintendent may require, for security or other reasons, certain classified personnel to work on holidays. In this case, the employee shall be granted the holiday on another day.

VACATION DAYS

Full-time, twelve-month employees shall be granted ten (10) days of annual vacation leave. Use of vacation leave shall be approved in advance by the employee's immediate supervisor.

REFERENCES:

¹KRS 158.070
KRS 160.291
KRS 161.154
KRS 2.110
KRS 2.190

LEGAL: UNDER THE “EVERY STUDENT SUCCEEDS ACT OF 2015 (P. L. 114-95)” PARENTS CONTINUE TO HAVE THE RIGHT TO REQUEST INFORMATION ON QUALIFICATIONS OF THEIR CHILD’S PARAPROFESSIONAL(S). THIS CHANGE COMPORTS WITH THOSE REQUIREMENTS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.5

Paraprofessionals

SUPERINTENDENT MAY EMPLOY

The Superintendent may employ paraprofessionals for supplementary instructional and non-instructional duties in the education program in positions authorized by the Board.¹

DEFINITION

As used in this policy and in relation to required training and qualifications for instructional personnel, the term “paraprofessional” is interchangeable with the term “paraeducator,” which means an adult school employee who works under the direction of the professional administrative and teaching staff in performing, within the limitations of training and competency, certain instructional and non-instructional functions in the school program.²

QUALIFICATIONS

All paraprofessionals shall make a passing score on the *Kentucky Paraeducator Assessment* test given by the Kentucky Department of Education as stipulated in the “The Every Student Succeeds Act.”²

NOTICE TO PARENTS OF PARAPROFESSIONAL’S QUALIFICATIONS/CERTIFICATION

If the school receives Title I funds, the District shall notify parents of students attending the school annually that they may request the District to provide information regarding the professional qualifications of their child’s paraprofessionals, if applicable.

SUPERVISION

Paraprofessionals shall be under the direct supervision of certified teachers.^{1&2} Each paraprofessional shall have a job description which limits assigned duties to the scope of the individual's competencies.

EVALUATION

The Superintendent shall develop and implement procedures for an annual evaluation and professional development of paraprofessionals. Evaluation results shall be a factor in future employment decisions.

REFERENCES:

¹KRS 161.044; OAG 76-555; OAG 86-43

²P. L. 114-95, (Every Student Succeeds Act of 2015); KRS 161.010

34 C.F.R. 200.58-200.59

Kentucky High School Athletic Association (KHSAA)

KRS 17.160; KRS 17.165

KRS 156.095; KRS 160.380; KRS 161.180

OAG 73-206

Paraprofessionals

RELATED POLICIES:

03.21 (Hiring)
03.232 (Job Description)
03.28 (Evaluation)
03.6

LEGAL: A NEW REGULATION, 702 KAR 3:320, STATES THE QUALIFICATIONS NOW NEEDED FOR EMPLOYEES TO SERVE AS A DISTRICT FINANCE OFFICER. THIS NEW POLICY REFLECTS THE NEW REGULATION.

FINANCIAL IMPLICATIONS: POSSIBLE COST OF FINDING QUALIFIED PERSONS FOR THE POSITION

FISCAL MANAGEMENT

04.0

Finance Officer Qualifications

All finance officers shall meet the qualifications of and be in compliance with the certification requirements noted in 702 KAR 3:320.

REFERENCES:

KRS 160.341

702 KAR 3:320

LEGAL: RECENT REVISIONS TO 302 KAR CHAPTER 29 CHANGE THE REQUIREMENTS FOR NOTIFICATION OF PESTICIDE APPLICATION ON SCHOOL PROPERTY AND DEFINE WHEN CHILDREN ARE PRESENT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

SCHOOL FACILITIES

05.11

Alterations of Buildings and Grounds

APPROVAL NEEDED

Any change or modification to be made in the landscape of school grounds, construction of driveways or roads across such grounds; renovation of the school buildings or the alteration of any part thereof; or the construction of buildings, playing fields, tennis courts, or the erection of lighting systems for such fields or courts shall be done only after the approval of the project by the Board and appropriate state agencies.

INTEGRATED PEST MANAGEMENT

In compliance with applicable Kentucky Administrative Regulation (302 KAR Chapter 29), the District shall implement a program of Integrated Pest Management (IPM) with the primary goal of controlling pests, general pests, and wood-destroying organisms with judicious use of pesticides.

The IPM program shall include, but not be limited to, the following components:

- Persons who apply pesticides in any District school building shall be certified in keeping with applicable statutes and regulations.
- Notification in compliance with Kentucky Administrative Regulation.

REFERENCES:

KRS 158.447

KRS 160.290

KRS 162.060

302 KAR 29:010; 302 KAR 29:020; 302 KAR 29:050; 302 KAR 29:060

702 KAR 4:180

RECOMMENDED: THIS CHANGE CLARIFIES THAT THERE IS NO LEGAL REQUIREMENT FOR THE BOARD TO PAY FOR BUS DRIVERS AND SUBSTITUTE BUS DRIVERS TO GET THEIR CDL.
FINANCIAL IMPLICATION: POSSIBLE SAVINGS OF THE COST OF CDL'S

TRANSPORTATION

06.23

Driver and Substitute Driver Training

SUPERINTENDENT RESPONSIBILITY

The Superintendent shall be responsible for providing the annual required in-service school bus driver training in accordance with 702 KAR 5:030 and 702 KAR 5:080.

All training requirements include both regular and substitute drivers.

COMMERCIAL DRIVER'S LICENSE

The Board ~~shall~~ may pay the fee for the commercial driver's license required for all bus drivers and substitute bus drivers ~~excluding the cost of obtaining a regular driver's license~~. Any license certification beyond what is required to drive school buses must be paid for by the individual.

REFERENCES:

702 KAR 5:030
702 KAR 5:080
702 KAR 5:010
KRS 189.370
KRS 189.375
KRS 189.380
KRS 189.450
KRS 189.540
KRS 189.550
KRS 189.580
KRS 189.635

LEGAL: THIS CLARIFIES THAT THE ARC OR 504 TEAM DETERMINES EDUCATIONAL PLACEMENT IN HOME/HOSPITAL FOR ELEMENTARY AND SECONDARY STUDENTS WITH DISABILITIES AS WELL AS DETERMINING THE NUMBER OF CREDITS A SECONDARY STUDENT MAY TAKE WHILE RECEIVING HOME/HOSPITAL INSTRUCTION.

FINANCIAL IMPLICATION: NONE ANTICIPATED

LEGAL: RECENT REVISIONS TO 704 KAR 3:303 REMOVED REFERENCE TO “CORE” ACADEMIC STANDARDS.

FINANCIAL IMPLICATION: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.1312

Home/Hospital Instruction

PURPOSE

Home/hospital instruction provides educational services to students who cannot attend school for extended periods due to temporary or recurring conditions, including fractures, surgical recuperation, or other physical, health, or mental conditions. An “extended period” refers to an absence for more than five (5) consecutive school days.

Home/hospital instruction will be a minimum of two (2) visits per week with one (1) hour of instruction per visit, which is equivalent to one (1) child’s attendance in school for five (5) days. Students on extended placement in home/hospital instruction may receive virtual/online instruction, which would be in addition to the minimum two (2) one (1)-hour visits per week. A parent or responsible adult must be present in the home/hospital room during the time the home/hospital teacher is present.

ELIGIBILITY

Determination of a student’s eligibility and provision of services for home/hospital instruction shall be made in compliance with applicable statutes and regulations. In accordance with KRS 159.030(2), the Board shall require evidence for students exempted from school attendance more than six (6) months. An exemption shall be reviewed annually.

At any time based on changes in the student’s condition, the home/hospital review committee may schedule a review of the student’s continued eligibility for home/hospital instruction.

The Admissions and Release Committee (ARC) shall determine homebound placement for a student with disabilities. The 504 Team for a student may facilitate submission of an application to the review committee.

SECONDARY STUDENTS

A high school student placed on home/hospital instruction for extended periods may carry all appropriate credits during the first semester of placement. Except for students with an Individual Education Plan (IEP) or a 504 plan, the number of credits to be carried during all subsequent semesters of placement shall be determined on a case-by-case basis by the review committee, based on the following criteria:

1. The student's ability to work independently during extended periods without direct assistance.
2. The student's capacity to complete assignments within a reasonable time frame.
3. The likelihood that the student will be able to complete course criteria required for graduation, as required by the Kentucky’s Core Academic Standards.

Home/Hospital Instruction**SECONDARY STUDENTS (CONTINUED)**

4. When considering the student's condition, should s/he take a full or reduced course load?
(If a reduced course load is appropriate, the committee shall determine the number of courses the student may take.)

STUDENTS WITH DISABILITIES

Based on documentation of student need, including medical or mental health evaluation information, a student with disabilities may be placed in the home/hospital instructional program if his/her individual education plan (IEP) specifies such placement is the least restrictive environment for providing services. The ARC Chair shall provide written notice of eligibility and documentation to the District Director of Pupil Personnel for purposes of program enrollment.

The Admissions and Release Committee (ARC) or 504 Team shall determine on a case-by-case basis the type and extent of homebound services for a student. including the number of credits a student at the secondary level ~~and the number of credits the student~~ will be permitted to earn while on home/hospital instruction.

REFERENCES:

KRS 157.270; KRS 157.360

KRS 159.030

[704 KAR 3:303](#)

704 KAR 7:120

[707 KAR 1:320](#)

[707 KAR 1:350](#)

Individuals with Disabilities Education Improvement Act (IDEA)

[Section 504 of the Rehabilitation Act of 1973](#)

[34 C.F.R. 104.35](#)

RELATED POLICIES:

09.122

09.123

LEGAL: UNDER THE "EVERY STUDENT SUCCEEDS ACT OF 2015 (P. L. 114-95)", THE NCLB ACT WAIVER EXPIRES AUGUST 1, 2016 AND ESSA NO LONGER ADDRESSES SUPPLEMENTAL EDUCATIONAL SERVICES.

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.

~~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.~~

~~SUPPLEMENTAL EDUCATIONAL SERVICES~~

~~Eligible students shall be provided supplemental educational services as required by federal law.[†]~~

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

REFERENCES:

[†]~~P. L. 107-110 (No Child Left Behind Act of 2001)~~

~~34 C.F.R. 200.45—200.48~~

~~KRS 158.070~~

~~704 KAR 3:390~~

LEGAL: HB 80 AMENDED KRS 158.070 TO ALLOW DISTRICTS TO BE OPEN ON ELECTION DAY IF NO SCHOOL IN THE DISTRICT IS USED AS A POLLING PLACE.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.3

School Calendar

DEVELOPMENT OF CALENDAR

The Superintendent may appoint a committee to recommend a school calendar.

On or before May 15, the Board, upon recommendation of the Superintendent, shall adopt a school calendar prior to each upcoming school year that establishes or includes:

1. Opening and closing dates of the school term,
2. Beginning and ending dates of each school month,
3. Days on which students are scheduled to receive instruction at school within designated start and dismissal times (student attendance days) and the length of each student attendance day in accordance with KRS 158.060,
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,
6. Instructional time required for kindergarten per KRS 157.320,
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
9. Days on which schools shall be dismissed.

ADDITIONAL REQUIREMENTS

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

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

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

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

If any school in the District is used as a polling place, the Schools District 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. Subject to the requirement that schools shall be closed on Presidential Election Day, the District may be open on the day of an election if no school in the District is used as a polling place.

School Calendar**AMENDING THE CALENDAR**

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

EMERGENCY WAIVERS

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

REFERENCES:

KRS 2.190; KRS 118.035
KRS 157.320; KRS 157.360
KRS 158.070; KRS 158.6453
702 KAR 7:130; 702 KAR 7:140

LEGAL: UNDER THE “EVERY STUDENT SUCCEEDS ACT OF 2015 (P. L. 114-95)”, THE NCLB ACT WAIVER EXPIRES AUGUST 1, 2016 AND ESSA NO LONGER REQUIRES DISTRICTS TO OFFER A TRANSFER TO STUDENTS ATTENDING A SCHOOL IDENTIFIED FOR SCHOOL IMPROVEMENT.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.11

School Attendance Areas

ASSIGNED DISTRICT

All pupils shall be assigned by geographic attendance areas and shall attend the school designated to serve their area of residence. Specific areas served by each attendance area shall 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

IF FAMILIES MOVE

If a family moves from one attendance area to another within the school system, the parent may select for his/her child to finish the school year in the school in which the child was last enrolled (at no cost or service by the Board). The pupil must, however, enroll the following year in the school in the attendance area of his/her legal residence. Students in grades 4, 7 or 11 whose families move mid-year may elect to complete their following (final year) at their current school of enrollment. Seniors whose parents or guardians move out of the school District anytime following the end of the student's junior year may continue for one (1) full year without paying tuition provided the district of residence agrees to exchange ADA.

REQUESTS FOR TRANSFER

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

Students living within the District shall not be permitted to enroll in a school outside their geographic attendance zone/area if the school in which they would enroll meets or exceeds the ninety percent (90%) of its enrollment capacity. **Applications must be submitted by January 31st in order to be considered for the following school year.**

All students approved for out-of-area placements must provide their own transportation and must maintain good attendance. While in most cases placements shall be continued year to year, an annual review of student attendance, behavior and academic progress might lead to revocation.

When other factors are equal, date of enrollment shall determine order of assignment and reassignment.

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 shall be given to the lowest achieving children from low income families);*~~
- 3.1. The assigned school is designated by the state as being “persistently dangerous”; or
- 4.2. The student becomes a victim of a violent criminal offense, as determined by state law, while attending school.²

~~*Because the Kentucky request to the U. S. Dept. of Education for flexibility was granted, reason #2 above is waived through the 2018-2019 school year.~~

School Attendance Areas**APPEAL**

A parent/legal guardian or adult student who disagrees with the denial of an out-of-area request may file a written appeal with the Director of Pupil Personnel (DPP) within five (5) days of receipt of the decision or the right to appeal the decisions is waived. A review of the decision shall be conducted by the Director of Pupil Personnel who shall either uphold or deny the decision. The parent/legal guardian and the Principal shall be notified of the decision in writing. The decision of the DPP as the Superintendent's designee, is final.

REFERENCES:

¹KRS 159.070; OAG 80-394

²[P. L. 114-95, \(Every Student Succeeds Act of 2015\)](#)

[P.L. 107-110 \(No Child Left Behind Act of 2001\)](#)

34 C.F.R. 200.44

LEGAL: 702 KAR 7:125 PROVIDES THAT A STUDENT PARTICIPATING IN STANDARDS-BASED, PERFORMANCE-BASED CREDIT AWARDED PER 704 KAR 3:305 MAY BE AN EXCEPTION TO PHYSICAL PRESENCE AT SCHOOL.

FINANCIAL IMPLICATION: NONE ANTICIPATED

LEGAL: HB 87 AND SB 256 AMENDED KRS 159.035 TO ALLOW STUDENTS ATTENDING BASIC TRAINING REQUIRED BY A BRANCH OF THE UNITED STATES ARMED FORCES TO BE CONSIDERED PRESENT AT SCHOOL FOR UP TO TEN (10) DAYS.

FINANCIAL IMPLICATION: NONE ANTICIPATED

STUDENTS

09.122

Attendance Requirements

COMPULSORY ATTENDANCE

All children in the district who have entered kindergarten or who are between the ages of six (6), as of October 1, and eighteen (18), except those specifically exempted by statute, shall enroll and be in regular attendance in the schools to which they are assigned.¹

EXEMPTIONS FROM COMPULSORY ATTENDANCE

The Board shall exempt the following from compulsory attendance:

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

PHYSICIAN'S STATEMENT REQUIRED

The Board, before granting an exemption 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

EXCEPTIONS TO PRESENCE AT SCHOOL

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

1. Students shall be counted in attendance when they are receiving home/hospital, institutional,² or court-ordered instruction in another setting.
2. Participation of a pupil in 4-H activities that are regularly scheduled and under the supervision of a county extension agent or the designated 4-H club leader shall be considered school attendance.³
3. Students may participate in cocurricular activities and be counted as being in attendance during the instructional school day, provided the Principal/designee has given prior approval to the scheduling of the activities. Approval shall be granted only when cocurricular activities and trips are instructional in nature, directly related to the instructional program, and scheduled to minimize absences from classroom instruction.⁴

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

4. Students participating in an off-site virtual high school class or block may be counted in attendance in accordance with requirements set out in Kentucky Administration Regulation.⁴
5. Students having an individual education plan (IEP) that requires less than full-time instructional services shall not be required to be present for a full school day.⁴
6. Students who attend classes for moral instruction at the time specified and for the period fixed shall be credited with the time spent as if they had been in actual attendance in school, and the time shall be calculated as part of the actual school work required by law. Students shall not be penalized for any school work missed during the specified moral instruction time.⁵
7. Students participating as part of a school-sponsored interscholastic athletic team, who compete in a regional or state tournament sanctioned by the Kentucky Board of Education or KHSAA, that occurs on a regularly scheduled student attendance day shall be counted and recorded present at school on the date or dates of the competition, for a maximum of two (2) days per student per school year. Students shall be expected to complete any assignments missed on the date or dates of the competition.⁶
8. The pupil is participating in standards-based, performance-based credit that is awarded in accordance with 704 KAR 3:305, and that falls within one (1) or more of the categories of standards-based course work. A pupil may be counted in attendance for performance-based credit for a class or block for the year or semester in which the pupil initially enrolled in the class or block if the pupil demonstrates proficiency in accordance with local policies.^{4 & 7}
9. Students attending basic training required by a branch of the United States Armed Forces shall be considered present for all purposes for up to ten (10) days.³

REFERENCES:¹KRS 159.010; OAG 85-55²KRS 159.030³KRS 159.035⁴702 KAR 7:125⁵KRS 158.240⁶KRS 158.070⁷704 KAR 3:305

KRS 159.180; KRS 159.990

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

RELATED POLICIES:

08.131; 08.1312

09.111; 09.123; 09.36

LEGAL: HB 87 AND SB 256 AMENDED KRS 159.035 TO ALLOW STUDENTS ATTENDING BASIC TRAINING REQUIRED BY A BRANCH OF THE UNITED STATES ARMED FORCES TO BE CONSIDERED PRESENT AT SCHOOL FOR UP TO TEN (10) DAYS.

FINANCIAL IMPLICATION: NONE ANTICIPATED

DRAFT (05/03/16) SEND WITH UPDATE PER DISTRICT

STUDENTS

09.123

Absences and Excuses

Pupils are required to attend regularly and punctually the school in which they are enrolled. Recording of absences and tardies shall be made in compliance with the requirements of 702 KAR 7:125.¹

TRUANCY DEFINED

Any student who has attained the age of six (6), but has not reached his/her eighteenth (18th) birthday, who has been absent from school without valid excuse for three (3) days or more, or tardy without valid excuse on three (3) days or more, is a truant.

Any student enrolled in a public school who has attained the age of eighteen (18) years, but has not reached his/her twenty-first (21st) birthday, who has been absent from school without valid excuse for three (3) or more days, or tardy without valid excuse on three (3) or more days, is a truant.

A student who has been reported as a truant two (2) or more times is an habitual truant. The class attendance requirements stated below do not in any way supersede or change the compulsory school attendance laws stated in KRS 159.010. When a student is declared a habitual truant, the parent may be notified by a certified letter and/or by a personal visit. If truancy continues, both parent(s) and student may be required to attend the Truancy Mediation Program. As a final recourse, court proceeding will be instituted if truancy continues.

For the purposes of establishing a student's status as a truant, a student's attendance record is cumulative for an entire school year. When students transfer from one Kentucky district to another, attendance information from the previous district shall become part of their official attendance record for that school year.

TARDINESS

A tardy shall be recorded for a pupil who is absent less than thirty-five (35%) percent of the regularly scheduled school day for the pupil's grade level. Late arrivals or early dismissals shall be counted as an absence or tardy according to the arrival/departure time.

The process for determining whether tardiness to school is excused or unexcused is identical to that for excused and unexcused absences.

EXCUSED ABSENCES

An excused absence or tardiness is one such as:

1. Death or severe illness in the pupil's immediate family;
2. Illness of the pupil. (Parent notes are accepted for five (5) all day or part of the day per semester for students in grades Kindergarten through fifth (k-5) and for three (3) all day or part of the day per semester for student in grades six through twelve (6-12) for illness or other excusable reason that is listed. One (1) parent note may be written to excuses only one-two (2+) days or tardytardies. All other student absences due to illness require a note from health professional, court officials, etc.);

Absences and Excuses**EXCUSED ABSENCES (CONTINUED)**

3. Medical, dental, or legal appointments that cannot be scheduled outside of school hours. (Times and dates shall be verified by the health professional or court officials);

Students will be excused only for the length of time of a scheduled doctor's appointment and a reasonable amount of travel time. Doctor's excuses shall state the date(s) and/or number of days for which the student will be excused

When a student must miss more than five (5) consecutive school days due to illness or surgery, the parent/guardian is to contact the attendance office or the Director of Pupil Personnel who will explore the possibility of home/hospital instruction.;

4. Court appearances requiring the student's attendance. (Students will be excused only for the length of time of the scheduled court appearance and a reasonable amount of travel time);
5. Religious holidays and practices;
6. One (1) day for attendance at the Kentucky State Fair (per state law). (Proof of attendance must be provided);
7. Two (2) visits to colleges or universities; (Visit shall be approved at least three (3) school days in advance by the Principal and restricted to seniors. Documentation from the college visited shall be required);
8. Drivers test for permit or license. (A half (1/2) day may be allowed twice during the school year);
9. One (1) day for students with lice.- If the student is sent home, he/she will be excused for the remainder of that day;
10. Failure of bus transportation (missing the bus is not excused);
11. Documented military leave;
12. One (1) day prior to departure of parent/guardian called to active military duty;
13. One (1) day upon the return of parent/guardian from active military duty;
14. [Ten \(10\) days for students attending basic training required by a branch of the United States Armed Forces; or](#)
- 14.15. Visitation for up to ten (10) days with the student's parent, de facto custodian, or person with legal custody who, while on active military duty stationed outside of the country, is granted rest and recuperation leave;

Absences and Excuses

EXCUSED ABSENCES (CONTINUED)

~~15.~~ 16. Other valid reasons as determined by the Principal, including trips qualifying as educational enhancement opportunities.

Students shall be granted an excused absence for up to ten (10) school days to pursue an educational enhancement opportunity determined by the Principal to be of significant educational value. This opportunity may include, but not be limited to, participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts.

Unless the Principal determines that extenuating circumstances exist, requests for date(s) falling within State or District testing periods shall not be granted. The Principal's determination may be appealed to the Superintendent/designee whose decision may then be appealed to the Board under its grievance policy and procedures.

~~16. Other valid reasons as determined by the Principal.~~ (The Principal's determination may be appealed to the Superintendent/designee whose decision may then be appealed to the Board under its grievance policy and procedures.)

NOTES REQUIRED

Upon returning to school following an absence or tardy, a student has three (3) school days to turn in a note to the attendance office. One parent note may be written for two days absences or tardies. The note must be a signed and dated parent note, physician statement or court statement explaining the reason for every day the student was absent or tardy and a return to school date. If a written statement verifying a valid reason for each day of absence or tardy is not received within three (3) schools days after the student returns to school, the absence or tardy will be recorded as unexcused. Students presenting false or altered verification shall be subject to disciplinary action.

MAKE-UP WORK

Students shall have the opportunity to make up school work missed and shall not have their class grades adversely affected for lack of class attendance or class participation.

Requesting and completing work missed during any absence is the responsibility of the student/parent. Students are expected to make up all work assigned to or completed by the class during any absence. Students shall have time to complete the make-up work equal to the number of days/class periods missed.

If a student is excusably absent for only one (1) day, he or she may secure a make-up assignment when he or she returns to school. Parents who feel they have special circumstances may request assignments on the first day of absence.

If a student is excusably absent for more than one (1) day and there is a desire to secure make-up assignments before the student returns to school, parents may request the assignments by calling the Principal's office or counseling office within one (1) hour of the beginning of the school day on the day the student's parents wish to pick up the assignments. Personnel will endeavor to have the assignment available for pick up by the end of the school day.

If there is a special need during the instructional day, a message for a teacher to call the parent may be left on the teacher's voicemail.

Absences and Excuses

REFERENCES:

¹702 KAR 7:125

KRS 36.396, KRS 38.470, KRS 40.366

KRS 158.070, KRS 158.183, KRS 158.293, KRS 158.294

KRS 159.035, KRS 159.140, KRS 159.150, KRS 159.180

OAG 76-566, OAG 79-68, OAG 79-539, OAG 91-79, OAG 96-28

RELATED POLICIES:

09.111, 09.122, 09.4281

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

LEGAL: THIS CLARIFIES THAT A SCHOOL FOLLOWS THE DIRECTION OF THE CABINET FOR HEALTH AND FAMILY SERVICES AS TO WHO MAY PICK UP A CHILD FROM SCHOOL ONLY AFTER A COURT HAS ISSUED AN ORDER COMMITTING THE CHILD TO THE CABINET.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.1231

Dismissal from School

RELEASE OF STUDENTS

At any time students are dismissed from school, they shall be released according to the written instructions provided by the custodial parent/guardian. The instructions, which shall be requested at the time the student registers/enrolls for the school year, shall include the student's regular mode of transportation at the end of the day and a list of persons, in addition to the custodial parent/guardian, who are authorized to pick up the child from school. Any deviation from the authorized release process must be approved by the Principal/designee prior to the student departing school in another manner.

It shall be the responsibility of the custodial parent/guardian to notify the school in writing if release instructions are to be revised. If written instructions are not provided to the school, the student shall only be released to ride home on the assigned bus or with the custodial parent/guardian.

Any student who leaves the school grounds at any time without proper authorization shall be subject to appropriate disciplinary action.

RELEASE PROCESS

If the student is to be picked up early, the custodial parent/guardian or designee shall report to the Principal's office and sign for the student's release.

Each school shall maintain a daily entry and exit log of students signing in late or signing out early and shall require proof of identification from individuals (visual identification by an employee, driver's license, picture identification, etc.) to assure that they are authorized to pick up the student.

Those students who are not on record as being under the care or control of a parent/guardian may sign for their own dismissal.

EXCEPTIONS

A student may be released to a person with lawful authority to take custody of the student, e.g., a police officer with a warrant or the person authorized by the Cabinet for Health and Family Services when the student is committed to the Cabinet by a court order. In such case, the student's parent shall be notified at the earliest opportunity.

In addition, the Board authorizes emergency release of students for illness or other bona fide reasons, as determined by the Principal.

REFERENCE:

702 KAR 7:125

RELATED POLICIES:

09.12311; 09.432
09.434; 10.5

RECOMMENDED: THIS CLARIFIES THAT RELEASE OF THE STUDENT AND RELEASE OF RECORDS ARE HANDLED SEPARATELY. RELEASE OF RECORDS IS COVERED UNDER ACCESS TO STUDENT RECORDS (FERPA) POLICY 09.14.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.12311

**Release of Students ~~and Student Information~~ to
Divorced, Separated, or Single Parents**

The Board shall release the student ~~or information concerning the student~~ to ~~either~~ parent, guardian, or ~~legal custodian individual acting as a parent of a student in the absence of a parent or guardian~~ unless the school has been ~~informed and~~ provided with evidence that there is a state law or court order governing such matters as divorce, separation or custody, or a legally binding document which provides instruction to the contrary.

~~Release of the student or information concerning the student to a single parent or a divorced/separated parent will be accomplished according to the following procedures:-~~

~~Unless the school has been informed and given evidence of state law or court order concerning the status of the student:~~

~~1. Both parents shall have equal access to any information concerning the students.~~

~~2. Both parents shall have the right to release of the student under their care.~~

REFERENCES:

20 U.S.C. 1232g, 34 C.F.R. 99.1 – 99.67

OAG 85-130, OAG 90-52

RELATED POLICIES:

01.0

09.1231

09.14

LEGAL: THIS CLARIFIES THAT PARENTS ARE ENTITLED TO STUDENT EDUCATIONAL RECORDS REGARDLESS OF A LEGAL SEPARATION OR DIVORCE UNLESS THE PARENT'S RIGHTS HAVE BEEN TERMINATED.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: THIS CLARIFIES THAT DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION TO SCHOOL OFFICIALS WITH A LEGITIMATE EDUCATIONAL INTEREST MAY INCLUDE MEDICAL STAFF AND/OR LAW ENFORCEMENT IF EMPLOYED BY THE DISTRICT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: THE "EVERY STUDENT SUCCEEDS ACT OF 2015 (P. L. 114-95)" ONLY ALLOWS PARENTS/GUARDIANS OF STUDENTS OR STUDENTS WHO HAVE REACHED AGE 18 TO OPT-OUT OF RELEASE OF INFORMATION TO MILITARY RECRUITERS. IN ADDITION, CHANGES TO THIS ACT INCLUDE OPT OUT TO INSTITUTIONS OF HIGHER LEARNING.

FINANCIAL IMPLICATIONS: POSSIBLE COSTS OF REPRINTING OF FORMS

STUDENTS

09.14

Student Records

Data and information about students shall be gathered to provide a sound basis for educational decisions and to enable preparation of necessary reports.

PROCEDURE TO BE ESTABLISHED

The Superintendent shall establish procedures to promote effective notification of parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) and to ensure District compliance with applicable state and federal student record requirements.

DISCLOSURE OF RECORDS

Student records shall be made available for inspection and review to the parent(s) of a student or to an eligible student on request. Legal separation or divorce alone does not terminate a parent's record access rights. Eligible students are those 18 years of age or older or those duly enrolled in a post-secondary school program. In general, FERPA rights pass to the eligible student upon either of those events. Parents may be provided access to the educational records of an eligible student 18 years old or older if the student is dependent under federal tax laws.¹

Upon written request, parents or eligible students may be provided copies of their educational records, including those maintained in electronic format, when necessary to reasonably permit inspection. Such copies shall be provided in a manner that protects the confidentiality of other students. A reasonable fee may be charged for copies.

District personnel must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the District discloses personally identifiable information from education records.

In addition, considering the totality of the circumstances, the District may disclose information from education records to appropriate parties, including parents of eligible students, whose knowledge of the information is necessary to protect the health or safety of a student or another individual, if there is an actual, impending, or imminent articulable and significant threat to the health or safety of a student or other individual. In such instances, the basis for a decision that a health or safety emergency existed shall be recorded in the student's education records.

Authorized District personnel also may disclose personally identifiable information to the following without written parental consent:

- Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer;

Student Records

DISCLOSURE OF RECORDS (CONTINUED)

- Authorized representatives of a Kentucky state child welfare agency if such agency presents to the District an official court order placing the student whose records are requested under the care and protection of said agency. The state welfare agency representative receiving such records must be authorized to access the child's case plan.
- School officials (such as teachers, instructional aides, administrators, including health or medical staff and law enforcement unit personnel) and other service providers (such as contractors, consultants, and volunteers used by the District to perform institutional services and functions) having a legitimate educational interest in the information.

District and school officials/staff may only access student record information in which they have a legitimate educational interest.

Contractors, consultants, volunteers, and other parties to whom the District has outsourced services or functions may access student records provided they are:

- Under the District's direct control with respect to the use and maintenance of education records; and
- Prohibited from disclosing the information to any other party without the prior written consent of the parent/eligible student, or as otherwise authorized by law.

DISCLOSURE TO REPRESENTATIVES FOR FEDERAL OR STATE PROGRAM PURPOSES

Personally identifiable student information may be released to those other than employees who are designated by the Superintendent in connection with audit, evaluation, enforcement, or compliance activities regarding Federal or State programs. Such designation must be executed in writing with the authorized representative and specify information as required by 34 C.F.R. Part 99.35.

DUTY TO REPORT

If it is determined that the District cannot comply with any part of FERPA or its implementing regulations due to a conflict with state or local law, the District must notify the Family Policy Compliance Office (FPCO) within forty-five (45) days of the determination and provide the text and citation of the conflicting law.

DIRECTORY INFORMATION

The Superintendent/designee is authorized to release Board-approved student directory information. Approved "directory information" shall be: name, student's school email address, participation in officially recognized activities and sports, photograph/picture, grade level, weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, and most recent educational institution attended. Any eligible student or parent/guardian who does not wish to have directory information released shall notify the Superintendent/designee in writing within thirty (30) calendar days after receiving notification of FERPA rights.

The District allows for disclosure of directory information only to specific parties for specific purposes. Such limitations are specified in the student directory information notification.

Unless the parent/guardian or ~~secondary-school~~ student who has reached age 18 requests in writing that the District not release such information, the student's name, address, and telephone number (if listed) shall be released to Armed Forces recruiters and institutions of higher education upon their request.

Student Records

SURVEYS OF PROTECTED INFORMATION

The District shall provide direct notice to parents/guardian to obtain prior written consent for their minor child(ren) to participate in any protected information survey, analysis, or evaluation, if the survey is funded in whole or in part by a program of the U.S. Department of Education.

Parents/eligible students also shall be notified of and given opportunity to opt their child(ren) out of participation in the following activities:

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Parents/eligible students may inspect, upon written request and prior to administration or use, materials or instruments used for the collection, disclosure, or use of protected information.

PPRA requirements do not apply to evaluations administered to students in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA).

STUDENTS WITH DISABILITIES

The District's special education policy and procedures manual shall include information concerning records of students with disabilities.

RECORDS RELEASE TO JUVENILE JUSTICE SYSTEM

Once a complaint is filed with a court-designated worker alleging that a child has committed a status offense or public offense, schools shall provide all records specifically requested in writing, and pertaining to that child to any agency that is listed as part of Kentucky's juvenile justice system in KRS 17.125 if the purpose of the release is to provide the juvenile justice system with the ability to effectively serve, prior to adjudication, the needs of the student whose records are sought. The authorities to which the data are released shall certify that any educational records obtained pursuant to this section shall only be released to persons authorized by statute and shall not be released to any other person without the written consent of the parent of the child. The request, certification, and a record of the release shall be maintained in the student's file.

JUVENILE COURT RECORDS

Records or information received on youthful or violent offenders shall not be disclosed except as permitted by law. When the Superintendent receives such information, s/he shall notify the Principal of the school in which the child is enrolled. The Principal shall then release the information as permitted by law. Only the Superintendent and school administrative, transportation, and counseling personnel or teachers or other school employees with whom the student may come in contact, shall be privy to this information, which shall be kept in a locked file when not in use and opened only with permission of the administrator. Notification in writing of the nature of offenses committed by the student and any probation requirements shall not become a part of the child's student record.²

Student Records**RECORDS OF MISSING CHILDREN**

Upon notification by the Commissioner of Education of a child's disappearance, the District in which the child is currently or was previously enrolled shall flag the record of such child in a manner that whenever a copy of or information regarding the child's record is requested, the District shall be alerted to the fact that the record is that of a missing child. Instead of forwarding the records of a child who has been reported missing to the agency, institution, or individual making the request, the District shall notify the Justice Cabinet.

COURT ORDER/SUBPOENA

Prior to complying with a lawfully issued court order or subpoena requiring disclosure of personally identifiable student information, school authorities shall make a documented effort to notify the parent or eligible student. In compliance with FERPA, notice to the parent is not required when a court order directs that disclosure be made without notification of the student or parent, or when the order is issued in the context of a dependency, neglect, or abuse proceeding in which the parent is a party. If the District receives such orders, the matter(s) may be referred to local counsel for advice.

REFERENCES:

¹Section 152 of the Internal Revenue Code of 1986

²KRS 158.153; KRS 610.320; KRS 610.340; KRS 610.345

KRS 7.110; KRS 15A.067; KRS 17.125; KRS 158.032; KRS 159.160; KRS 159.250

KRS 160.990; KRS 161.200; KRS 161.210

KRS 365.732; KRS 365.734; KRS 600.070

702 KAR 1:140; 702 KAR 3:220

20 U.S.C. 1232g et seq., 34 C.F.R. 99.1 - 99.67

20 U.S.C. 1232h (Protection of Pupil Rights Amendment); 34 C.F.R. 98

OAG 80-33; OAG 85-130; OAG 85-140; OAG 86-2; OAG 93-35

Kentucky Family Educational Rights and Privacy Act (KRS 160.700; KRS 160.705

KRS 160.710; KRS 160.715; KRS 160.720; KRS 160.725; KRS 160.730)

Individuals with Disabilities Education Improvement Act of 2004

Kentucky Education Technology System (KETS)

~~P. L. 107-110, Sections 1061 and 9528 (No Child Left Behind Act of 2001)~~

P. L. 114-95, (Every Student Succeeds Act of 2015)

RELATED POLICIES:

09.111, 09.12311, 09.43

LEGAL: HB 111 AMENDED KRS 156.095 TO REQUIRE EACH SCHOOL TO PROMINENTLY DISPLAY THE STATEWIDE CHILD ABUSE HOTLINE NUMBER ADMINISTERED BY THE CABINET FOR HEALTH AND FAMILY SERVICES.

FINANCIAL IMPLICATIONS: COST OF SIGNAGE

STUDENTS

09.227

Child Abuse

REPORT REQUIRED

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

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

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

WRITTEN REPORT

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

WRITTEN RECORDS

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

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 Health and Family Services ~~Families and Children~~ representative as to whether to contact a parent.³

Child Abuse**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.

OTHER

Each school shall prominently display the statewide child abuse hotline number administered by the Cabinet for Health and Family Services.

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

- See below

DRAFT (05/03/16) SEND WITH UPDATE PER DISTRICT

STUDENTS

09.1222

Nonresident Students

DEFINITION OF LEGAL RESIDENCE

Except for emancipated pupils, the legal residence of a pupil is determined by the address of the legal residence of the parent or guardian and not by the address at which the pupil is living.

BOARD APPROVAL

The Board reserves the right to admit and assign all nonresident pupils. Once attending school in the District, non-resident students are subject to disciplinary action under the District Code of Acceptable Behavior and Discipline, up to and including expulsion. Acceptance for enrollment in subsequent years may be reviewed at the end of each school year. Due to inappropriate behavior and/or other circumstances, the Board may withdraw any nonresident pupil.

Contingent upon the recommendation of the Superintendent and approval of the Board, nonresident pupils may attend District schools upon written request and payment of tuition.

REFERENCES:

OAG 79-327

KRS 158.120

OAG 66-550

OAG 80-47

RELATED POLICY:

09.124

1. Change of language on nonresident student removal. The Sixth Circuit Court of Appeals (our circuit) has determined that once a nonresident student is accepted to attend school in your district, revocation of that student's acceptance must be based on a violation of your local code of acceptable behavior and discipline and treated like an expulsion and associated due process hearing rights -- although re-admittance can be considered on a year-to-year basis. The Sixth Circuit Court of Appeals agreed with the reasoning of OAG 79-327 that once a nonresident student begins attending school, revocation of attendance based on behavior code violations is like an expulsion, which, in turn, triggers expulsion-type due process hearing rights. This does not override the ability to take disciplinary records into account in determining whether to admit the student at the start of the following school year, but the court indicated that a termination of attendance in mid-year should be treated like an expulsion.

- Updated language to continue to give flexibility to principals on this issue.

DRAFT (05/03/16) SEND WITH UPDATE PER DISTRICT

STUDENTS

09.124

Tuition

TUITION TO BE CHARGED

According to a schedule adopted by the Board, a nonresident student shall be charged a tuition fee equal to or less than the current state SEEK allocation unless the student's district has signed a reciprocal agreement.¹

BASED ON CLASS SIZES

Nonresident students will be accepted only when class loads are below class size maximums.² Admission will be reviewed annually to determine if class sizes remain small enough to accommodate nonresident students.

ENROLLMENT

A tuition student must have the permission of the building Principal to enroll.

TUITION PAYMENT PROCESSING FEE

The \$90.00 tuition-processing fee must be paid by August 1, for first semester, January 1, for second semester or at the time of enrollment. Refunds will be prorated.

Nonresident students whose parents are moving into the District shall not be charged tuition a processing fee, provided residency is established before the end of the semester in which the tuition processing fee is due.

Children of full-time employees and retired employees may attend any school in the District as long as permission is granted by the Principal. Children of full-time employees who have been reduced from their position with the School District may continue to attend tuition-free for one (1) year or until the employee turns down another position with the System, whichever comes first.

GOOD STANDING

Students will be considered for admission by the Board only if the previous district of attendance confirms that the student is in good standing.

REFERENCES:

¹KRS 158.120

²KRS 157.360

KRS 158.135

OAG 80-47; OAG 91-75

702 KAR 7:125

237 S.W. 2d 65 (1951)

RELATED POLICIES:

09.111; 09.12; 09.125

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

RECOMMENDED: THE DISTRICT MAY APPROVE STANDARDS COVERING “PLAYING UP” FROM MIDDLE SCHOOL TO HIGH SCHOOL AND RELATED MATTERS PER RECENT OAG OPINION OAG-15-022 EXCEPT THAT ANY PROHIBITIONS RELATING TO SUCH PRACTICE COVERING SOCCER AND FOOTBALL ENACTED BY THE KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION (“KHSAA”) CONTINUE TO APPLY.

THIS CHANGE NOT REQUIRED BY LAW

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.313

Eligibility (Athletics)

Determination of athletic eligibility shall be made in compliance with applicable administrative regulations and Kentucky High School Athletic Association requirements.

District standards for playing up from middle school (grades seven and eight [7 & 8]) to high school in sports other than football and soccer may include, but are not limited to, considerations related to safety, physical readiness, use of school space after the school day, transportation, funding, the student’s disciplinary status and record, any substance testing restrictions, equitable opportunities for participation, and harmonizing any conflicting school-based decision making (“SBDM”) requirements. SBDM Council policies apply to the selection of sports activities, and student participation based on academic qualifications and attendance requirements, program evaluation, and supervision¹.

To be eligible to try out and participate at the high school level, middle school students must meet all applicable KHSAA, District, and SBDM requirements. The Superintendent/Designee in cooperation with principals, SBDM councils, coaches, and athletic directors, as deemed appropriate, may develop guidelines for Board approval addressing playing up standards.

REFERENCES:

¹KRS 160.345

KRS 156.070

702 KAR 7:065; ~~OAG-90-87~~ OAG 15-022

Kentucky High School Athletic Association (KHSAA)

RELATED POLICIES:

02.4241

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

09.423

- Travel Distance updated to a limit of 75 for regular day trips and 100-mile radius for athletic trips.

LEGAL: THIS CLARIFIES THAT PER 702 KAR 7:125, FOR STUDENTS TO BE COUNTED PRESENT, SCHOOL-RELATED TRIPS TAKEN DURING THE SCHOOL DAY MUST BE INSTRUCTIONAL IN NATURE. FINANCIAL IMPLICATIONS: POSSIBLE REDUCTION IN THE NUMBER OF TRIPS TAKEN DURING THE SCHOOL DAY THAT ARE NON-INSTRUCTIONAL IN NATURE

DRAFT (05/03/16) SEND WITH UPDATE PER DISTRICT

STUDENTS

09.36

School-Related Student Trips

PRINCIPAL TO APPROVE

The school Principal shall have the authority to approve school-related trips which fall into the following categories:

1. All regularly scheduled athletic events;
2. All athletic trips which are part of a tournament or play-off in which the school is a participant; and
3. All day-long, in-state field trips. Day-long, in state fields trips also require pre-approval by the Executive Director of Instruction and Director of Transportation.

In order for students to be counted present during school-related trips during the school day, the activity must be co-curricular or instructional.

TRAVEL DISTANCE

Field trips during regular school hours, when the majority of buses are available (8:30 AM – 2:30 PM), are limited to a seventy-five (75) mile radius from school. Requests for field trips aboard school buses extending beyond 2:30 PM on a regular school day must be approved by the appropriate level Director of Instruction in consultation with the Office of Transportation Services and based on the availability of resources. If the trip is approved by the Director of Instruction and the Director of Transportation and school buses/drivers are not available, the school may use a Board approved charter company for the trip. Extended-day and non-school-day field and athletic trips shall not exceed a 100-mile radius.

SCHEDULING

Scheduling of all trips shall be done by the Director of Transportation after the Principal's approval for the trip is received.

EXCEPTION

Prior Board approval is required for all overnight and out-of-state trips.

Use of certificated common carrier service shall be authorized by the Board on a case-by-case basis, and the reasons to justify such use shall be cited in Board minutes.³

BOARD REGULARLY INFORMED

The Board shall be regularly informed of any trip falling within these guidelines.

DRIVERS/VEHICLES

All District-owned vehicles shall be driven by an adult duly qualified and licensed to operate the vehicle. Drivers of school vehicles and operation of District-owned passenger vehicles transporting students shall be in compliance with requirements specified in applicable statutes and administrative regulations¹ and shall not exceed two-thirds (2/3) of bus seating capacity for out-of-District trips unless otherwise approved.

School-Related Student Trips**PARENTS ON FIELD TRIPS**

Qualified parents, who have completed required background checks and are approved as chaperones, may accompany students on field trip buses as long as overcrowding is not an issue. For the calculation of seating space, all adults (teachers and parents) should be counted as 1.5 seating spaces. For example, 40 students and 10 adults would be calculated as 55 occupied spaces. Field trip buses will be assigned based on the number of students and teachers. Other adults may fill any unoccupied seats to the point of capacity.

SUPERVISION

A certified or classified staff member must accompany students on all school-sponsored or school-endorsed trips. For athletic trips, a nonfaculty coach or a nonfaculty assistant may accompany students as provided in statute. Persons designated to accompany students shall be at least twenty-one (21) years old.²

INSURANCE

Only Board insured vehicles or appropriately certificated common carriers shall be used for transporting students.³

PRIVATE VEHICLES

Students shall be allowed to travel to or from school-related activities in properly insured private vehicles when the vehicle belongs to a parent/legal guardian, the group sponsor or a duly authorized District employee and in accordance with the following requirements:

1. Group sponsors shall obtain prior approval from the Superintendent or designee;
2. Parents of students shall be notified that their children are to be transported in private vehicles and in addition are notified of the person who will operate/drive that vehicle;
3. Drivers/owners of privately owned vehicles transporting students shall be required to show evidence of insurance coverage;
4. The Superintendent or designee shall give written notification to drivers, including employees, that their personal insurance will provide primary liability coverage in case of an accident; and
5. If a school-related trip is to terminate for any student prior to the point of designated return, the student shall only be released to his/her parent/legal guardian or other adult as designated prior to the trip in writing by the parent/legal guardian on a District approved release form.

School-Related Student Trips**MEDICATION**

Administration of medication to students during field trips shall comply with applicable law, regulation and medication administration training developed by the Kentucky Department of Education.

When students will be travelling outside the state, the Superintendent's designee shall do the following:

1. Determine applicable legal requirements concerning delegation of student medication responsibilities in states through which students will be travelling; and
2. Assign staff to accompany students on the field trip to address student medication needs.

PARENTS' APPROVAL

Parents are to be informed of the nature of the trip, the approximate departure and return times, means of transportation, and any other relevant information. Parents must give written approval for students to participate in school-sponsored trips.

REIMBURSEMENT

Groups using District-owned vehicles, whether for educational or non-educational trips, shall reimburse for the Board for the expenses of the trip at a Board-approved rate. This shall include the cost of insurance if the trip is not covered by the Board's insurance.

REFERENCES:

¹KRS 156.153

²KRS 161.185

³702 KAR 5:060

KRS 158.110, KRS 158.838, KRS 160.340, KRS 189.125, KRS 189.540

702 KAR 1:160, 702 KAR 3:220, 702 KAR 5:030; 702 KAR 5:080, 702 KAR 5:130

[702 KAR 7:125](#)

RELATED POLICIES:

03.1321; 03.2321; 09.15; [09.122](#); 09.221; 09.2241

Bullying/Hazing

In order to effectively participate in the democratic process as adults, students must learn to respect the rights of others and to interact with them in a civil manner. Therefore, students are required to speak and behave in a civil manner toward students, staff and visitors to the schools.

ACTIONS NOT TOLERATED

The use of lewd, profane or vulgar language is prohibited. In addition, students shall not engage in behaviors such as hazing, bullying, menacing, taunting, intimidating, verbal or physical abuse of others or other threatening behavior.¹ This policy extends to any/all student language or behavior including, but not limited to, the use of electronic or online methods. Such behavior is disruptive of the educational process and interferes with the ability of other students to take advantage of the educational opportunities offered.

These provisions shall not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions where the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.

Students who violate this policy shall be subject to appropriate disciplinary action.

BULLYING DEFINED

~~Bullying refers to any intentional act by a student or groups of students directed against another student to ridicule, humiliate, or intimidate the other student while on school grounds, or at a school sponsored activity, which acts are repeated against the same student over time.~~

Bullying means any unwanted verbal, physical, or social behavior among students that involves a real or perceived power imbalance and is repeated or has the potential to be repeated:

1. That occurs on school premises, on school-sponsored transportation, or at a school-sponsored event; or
2. That disrupts the education process.

This definition shall not be interpreted to prohibit civil exchange of opinions or debate or cultural practices protected under the state or federal Constitution where the opinion expressed does not otherwise materially or substantially disrupt the education process.²

REPORTS

As provided in the District Code of Acceptable Behavior and Discipline, students that believe they are victims of bullying/hazing shall be provided with a process to enable them to report such incidents to District personnel for appropriate action.

Employees are expected to take reasonable and prudent action in situations involving student welfare and safety, including following District policy requirements for intervening and reporting to the Principal or to their immediate supervisor those situations that threaten, harass, or endanger the safety of students, other staff members, or visitors to the school or District. Such instances shall include, but are not limited to, bullying or hazing of students and harassment/discrimination of staff, students or visitors by any party.

Students who believe they have been a victim of bullying or who have observed other students being bullied shall, as soon as reasonably practicable, report it.

Bullying/Hazing**REPORTS (CONTINUED)**

The District Code shall specify to whom reports of alleged instances of bullying or hazing shall be made. In serious instances of peer-to-peer bullying/hazing/harassment, employees must report to the alleged victim's Principal, as directed by Board policy 09.42811. The Principal/designee shall investigate and address alleged incidents of such misbehavior.

In certain cases, employees must do the following:

1. Report bullying and hazing to appropriate law enforcement authorities as required by policy 09.2211; and
2. Investigate and complete documentation as required by policy 09.42811 covering federally protected areas.

REFERENCES:

¹KRS 158.150

²KRS 158.148

KRS 158.156

KRS 160.290; KRS 525.080

Bethel School District No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549 (1986)

Tinker v. Des Moines Independent School District, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)

RELATED POLICIES:

03.162; 03.262; 09.13; 09.421; 09.425; 09.426; 09.4281; 09.42811; 09.438
09.2211 (re reports required by law)

LEGAL: SB 228 AMENDED KRS 158.148 TO REQUIRE THE STUDENT DISCIPLINE CODE TO SPECIFICALLY PROHIBIT BULLYING.

FINANCIAL IMPLICATIONS: REPRINTING DISTRICT CODE OF ACCEPTABLE BEHAVIOR AND DISCIPLINE

RECOMMENDED: RECOMMENDED: REMOVING DISTRIBUTION CLARIFIES THE POLICY TO CONFORM WITH STATUTORY LANGUAGE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.438

Student Discipline Code

DEVELOPMENT

In accordance with KRS 158.148 and 704 KAR 7:050, the Board shall develop a student discipline code which shall be posted at each school, referenced in all school handbooks, and provided to school employees, legal guardians, or other persons exercising custodial control or supervision. As required by KRS 158.148, a process shall be developed to provide information to those parties and to train employees.

The code shall prohibit bullying and establish standards of acceptable student behavior and discipline and may include District-wide standards of behavior for students who participate in extracurricular and cocurricular activities.

The code also shall include a process addressing how students can report code violations and incidents of bullying to District personnel for appropriate action and information regarding the consequences of bullying and violating the code and violations reportable under KRS 158.154, KRS 158.156, or KRS 158.444.

DISTRIBUTION~~COMMUNICATION~~

At the beginning of the school year, students shall receive orientation to the Code. Orientation may include, but not be limited to, assembly programs and classroom instruction. When they initially enroll, new students shall receive a copy of the Code as well as an explanation of its contents.

Copies of the Code shall be forwarded to parents by the students.

Teachers shall receive orientation to the Code before students enter schools.

REVIEW

At least every two (2) years, the Board shall appoint a committee to review the Code and to propose revisions as needed. The committee shall present its recommendations to the Board.

Any revisions to the Code shall be annually distributed as specified above to students, parents, and teachers.

REPORTING OF DATA

As directed by the Kentucky Department of Education (KDE), the District shall report to the Center for School Safety when a student has been disciplined by the school for a serious incident, as defined by KDE; charged criminally for conduct constituting a violation under KRS Chapter 508; or charged criminally under KRS 525.070 or KRS 525.080 in relation to a serious incident.

Data collected on an individual student committing a reportable incident shall be placed in the student's disciplinary record.

Student Discipline Code

REFERENCES:

KRS 158.148; KRS 158.153; KRS 158.154; KRS 158.156

KRS 158.165; KRS 158.444; KRS 160.295

KRS 525.070, KRS 525.080

704 KAR 7:050, *Student Discipline Guidelines*, Kentucky Department of Education

RELATED POLICIES:

09.2211, 09.3, 09.42, 09.421, 09.422, 09.426, 09.42811