

# Policies

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

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.<sup>1</sup>

#### **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 ~~custodial~~ parent, legal guardian, or other person authorized by law to act as a parent as the context requires.

#### **CHILDREN AND YOUTH WITH DISABILITIES**

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

## POWERS AND DUTIES OF THE BOARD

01.0  
(CONTINUED)

### **DEFINITIONS**

#### **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:**

<sup>1</sup>KRS 157.320

<sup>1</sup>102 KAR 1:036

<sup>1</sup>702 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.<sup>1</sup>

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.<sup>2</sup> 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.<sup>3</sup>

#### **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.<sup>4</sup>

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.<sup>5</sup>

#### **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.

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**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.<sup>6</sup>

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

**REFERENCES:**

<sup>1</sup>725 KAR 1:010

<sup>2</sup>KRS 171.710

<sup>3</sup>KRS 171.720

<sup>4</sup>725 KAR 1:030; KRS 171.420; KRS 171.570

<sup>5</sup>KRS 171.670; KRS 171.410; KRS 171.660; 725 KAR 1:020

<sup>6</sup>KRS 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

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**RELATED POLICIES:**

01.5; 04.41; 04.81

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**School Budget and Purchasing****BOARD ALLOCATIONS**

The Board shall appropriate to each school an amount of funds equal to or greater than that specified in 702 KAR 3:246 to purchase instructional materials, supplies, and equipment. School councils shall be provided notice of allocations for the next budget year in accordance with the timelines required by regulation.

An amount for professional development shall be allocated as required by Kentucky Administrative Regulation.

The Board shall allocate Section 7 funds according to the options provided in 702 KAR 3:246. Notice of the Section 7 allocation shall be provided in accordance with that regulation.

**SCHOOL RESPONSIBILITY**

The school shall, in expending appropriated funds, comply with all state and Board budgeting, purchasing and reporting laws, regulations, policies, procedures, and *Accounting Procedures for Kentucky School Activity Funds* published by the Kentucky Department of Education. Board purchasing procedures shall be followed in the expenditure of these funds. Expenditure of these funds shall be accomplished only by completing a Central Office purchase order.

The appropriation for instructional materials, supplies, and equipment is the total financial resource available to that school from the Board in those categories of purchase for the fiscal year. The school shall not expend or commit to expend any Board funds in excess of funds appropriated. Should this occur, the employee(s) responsible shall be subject to appropriate disciplinary action, and the Superintendent may require the school/council to present, for Board approval, a plan to reimburse the District for the amount spent in excess of the allocation.

The formula for school council budgets will include sixty-five percent (65%) of the District's per-pupil allocation for professional development for each student in average daily attendance in the school.

The school shall not carry forward more than ten percent (10%) of their initial allocation to the following year without approval by the Superintendent/designee.

**BOARD APPROPRIATION**

The council shall determine, within available resources, the instructional resources, travel, equipment, and student support services to be provided in the school.

**PURCHASING**

In order to comply with state accounting and bidding requirements, all purchases of goods and services shall be made in conformity with Board policy.

**SUPERINTENDENT'S RESPONSIBILITY**

The Superintendent and/or the Superintendent's designee shall prepare and send reports of allocations and appropriations to the school in a timely manner.

**School Budget and Purchasing****EXPENDITURE OF FUNDS**

In schools where SBDM has been implemented, the school council shall determine the expenditure of funds appropriated for purchasing instructional materials, supplies, and equipment. In schools not operating under SBDM, the Principal of the school shall determine the expenditure of these funds in consultation with the instructional committee of the school.

**CASH FLOW**

Release of funds to school councils shall be in accordance with the Board's receipt of major sources of revenue.

**REFERENCES:**

KRS 160.345  
702 KAR 3:246; 704 KAR 3:510  
OAG 91-10; OAG 91-206; OAG 92-59  
SBDM School Budget

**RELATED POLICY:**

04.1

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.

## 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 Chief State School Officer thirty (30) days before the position is to be filled.

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

##### 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.<sup>2</sup>

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.<sup>3</sup>

In filling positions, the District shall consider only those applicants who have not been terminated or nonrenewed for cause or removed from a position for cause as an employee of the District.

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**Hiring****CRIMINAL BACKGROUND CHECK AND TESTING**

Employees, and student teachers assigned within the District shall undergo records checks and any additional testing as required by applicable statutes, regulations,<sup>1</sup> and the District.

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.

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".<sup>1</sup>

**JOB REGISTER**

The Superintendent or the Superintendent's designee shall maintain in the Central Office through an online application system, 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 through an online application system and available through the District website, in the Central Office for public viewing 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 upon initial application. Applications shall be retained for three (3) years and shall remain active for one (1) year.

**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**

All certified nontenured personnel, excluding substitute teachers, shall enter into 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.



PERSONNEL

03.11  
(CONTINUED)

**Hiring**

**REFERENCES:**

<sup>1</sup>KRS 160.380

<sup>2</sup>~~KRS 161.605~~; 702 KAR ~~15:150~~~~080~~

<sup>3</sup>~~KRS 161.011~~

<sup>42</sup>~~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. 200.58-200.59; 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

OAG 91-10; OAG 91-149; OAG 91-206

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

16 KAR 9:080; ~~702 KAR 3:320~~; ~~704 KAR 7:130~~

~~Kentucky Local District Classification Plan;~~

~~Records Retention Schedule, Public School District~~

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**RELATED POLICIES:**

01.11; 02.4244; 03.132

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 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.<sup>1&2</sup>

#### **REQUIRED EXAM FOR PRESENT PERSONNEL**

When, in the opinion of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties because of health problems or when the employee poses a health threat to students or other employees, the Superintendent may, 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.<sup>1</sup>

#### **SCHOOL TO REPORT**

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

PERSONNEL

03.111  
(CONTINUED)

**Medical Examination**

**MEDICAL CONFIDENTIALITY**

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

**REFERENCES:**

<sup>2</sup>702 KAR 1:160, 902 KAR 2:020; KRS 214.181; KRS 214.625  
OAG 65-560  
Genetic Information Nondiscrimination Act of 2008  
Americans with Disabilities Act  
Family and Medical Leave Act of 1993

**RELATED POLICIES:**

<sup>1</sup>03.1234; 03.14-~~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 an official 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

Districts shall notify parents 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 the "Application for Elective Certification Determination" form. 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.

**PERSONNEL**

03.112  
(CONTINUED)

**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

**- CERTIFIED PERSONNEL -****Salaries****SINGLE-SALARY BASIS**

All salaries for certified personnel shall be based on a single-salary schedule providing for minimum number of working days as required by law. The hourly rate for teachers will be calculated by dividing the daily rate by seven (7) hours.

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.

Teachers transferring into the District may bring up to twenty-eight (28) years of teaching experience credit for salary purposes.

Certified personnel may receive up to two (2) years experience credit for active military service. The six-month training requirement for National Guard and Reserve service will not qualify an employee for the experience credit. A teacher who is employed by a Board for at least one hundred forty (140) days of a school year and who performs teaching duties for the equivalent of at least seventy (70) full school days during that school year, regardless of the schedule on which those duties were performed, shall be credited with one (1) year of experience. A teacher who is employed by a Board for at least one hundred forty (140) days during each of two (2) school years and who performs teaching duties for the equivalent of at least seventy (70) full school days during those years shall be credited with one (1) year of experience. No more than one (1) year of experience shall be credited for the performance of teaching duties during a single school year.

**DETERMINATION OF RANK AND EXPERIENCE**

The rank and experience of certified personnel shall be determined at time of hire. Upon initial employment, the Superintendent may grant Career Technical Education (CTE) Teachers up to ten (10) years of relevant work field experience for pay purposes when a person's specific work experience is determined to be of such importance as to make them the best-qualified candidate for the position. 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 by 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.

**CONTRACTED EMPLOYMENT**

Compensation for employment contracted, shall be prorated on the base pay for 187 days.

Contracted employment positions shall be established in the position job description, funded in the District budget, and specified in the Board policy.

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.

**Salaries****EXTENDED EMPLOYMENT**

The Principal or supervisor shall submit an annual plan of extended employment to Human Resources for all personnel who work less than two hundred forty (240) days, but more than the minimum number of working days required by law. This plan should denote the dates when extended days will be worked.

All Family Resource/Youth Service Center Coordinators will submit an annual work plan to their Principal and Central Office supervisor.

Extended employment days may be worked only in whole- or half-day increments. Extended employment days cannot be worked on a Saturday or Sunday. A rare exception may be granted if approval is made in advance by the employee's immediate supervisor and Human Resources. To qualify for this exception, the Saturday or Sunday work must be related to the employee's primary job duties. Extended days cannot be worked on a regular work day.

Employees whose positions include 1-45 extended days must work the days and submit documentation to Human Resources by June 23 unless an exception is designated on the extended employment work plan that is approved by the Principal/Supervisor.

All employees who are requesting to be paid all salary owed prior to the end of the fiscal year, as provided for in KRS 160.291, must work all extended days and submit documentation to Human Resources by June 23.

Sick and/or personal leave cannot be used for an extended day unless the day is designated on the extended employment work plan that is submitted to Human Resources.

**EXTRA SERVICES**

Payments for those services shall be made on the same date and at the same time as are regular salaries. A one (1) percent increase will be applied to administrative and extra-service increments annually. Extra-service increments can be split only once with prior approval of Human Resources. Any payment made to an employee must be processed through regular payroll procedures. As provided under law, teachers who attain certification from the National Board for Professional Teaching Standards shall be given an annual salary increment for the life of the certificate.

**EXCEPTION**

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

A compensation error/adjustment that needs to be corrected will be adjusted within the fiscal year that the discovery of such is made. Errors identified in previous fiscal years may be corrected if the employee had submitted the necessary paperwork within three (3) months of start date.



**Salaries****PAYROLL DISTRIBUTION**

Payments will be issued monthly (twelve [12] times annually) through Direct Deposit. New employees may be issued thirteen (13) payments the first year of employment. Payments will be issued on the 28th day of each month, unless the 28th falls on a Saturday, Sunday, or holiday in which case payment will be made on the preceding day.

The Board shall make all deferred salary payments on or before June 30 of the current fiscal year, and these deferred payments shall then be directly deposited at the regular pay periods in June, July and August, except that 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.

**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.

**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.

**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](#); [016 KAR 001:040](#); [OAG 97-25](#)  
[702 KAR 003:060](#), [702 KAR 003:070](#), [702 KAR 003:100](#), [702 KAR 003:310](#)  
29 C.F.R. Section 541.303, 29 C.F.R. Section 541.602, 29 C.F.R. Section 541.710

**RELATED POLICIES:**

03.114; 03.1211; 03.4

Adopted/Amended: 6/19/2014  
Order #: 10429

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 and/or 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. A copy of the Exposure Control Plan can be found in the District's administrative regulation manual. 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.

**Health and Safety****CLEANUP PROCEDURES**

The Superintendent shall develop procedures to ensure adequate and proper cleanup details and measures to aid in the prevention of infection and communicability of contagious diseases.

**LOCKOUT/TAGOUT**

The Superintendent/designee shall develop a lockout/tagout program to eliminate or minimize the unexpected startup or release of stored energy in mechanical or electrically powered equipment. The plan shall address:

1. Assignment of a District employee to be responsible for implementation and coordination of the lockout/tagout program;
2. A written program consisting of energy control procedures;
3. Development, documentation and utilization of energy control procedures for the control of potentially hazardous energy when employees are engaged in servicing and maintaining equipment;
4. Periodic review of the lockout/tagout program to assure authorized employees are properly controlling unexpected startup or release of stored energy; and
5. Upon initial employment, training of employees authorized to use lockout/tagout to emphasize program procedures and retraining whenever a periodic review reveals deficiencies in employee performance.

**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.

**Health and Safety****ASBESTOS MANAGEMENT**

The District shall conduct school inspection and re-inspection activities as required by state and federal law<sup>1</sup> 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.

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.

**COMPENSATION**

Employees may be compensated for work-related injuries under Workers' Compensation insurance provided by the Board.

**REFERENCES:**

1 401 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  
District Exposure Control Plan

**RELATED POLICY:**

03.124

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.

#### **HAZARD COMMUNICATION**

The Superintendent and/or 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;
2. An 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 and/or designee shall develop an Exposure Control Plan to eliminate or minimize District occupational exposure to bloodborne pathogens. A copy of the Exposure Control Plan can be found in the District's administrative regulation manual. 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.

**Health and Safety****CLEANUP PROCEDURES**

The Superintendent shall develop procedures to ensure adequate and proper cleanup details and measures to aid in the prevention of infection and communicability of contagious diseases.

**LOCKOUT/TAGOUT**

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1. Assignment of a District employee to be responsible for implementation and coordination of the lockout/tagout program;
2. A written program consisting of energy control procedures;
3. Development, documentation and utilization of energy control procedures for the control of potentially hazardous energy when employees are engaged in servicing and maintaining equipment;
4. Periodic review of the lockout/tagout program to assure authorized employees are properly controlling unexpected startup or release of stored energy; and
5. Upon initial employment, training of employees authorized to use lockout/tagout to emphasize program procedures and retraining whenever a periodic review reveals deficiencies in employee performance.

**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.

**Health and Safety****ASBESTOS MANAGEMENT**

The District shall conduct school inspection and re-inspection activities as required by state and federal law<sup>1</sup> 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.

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.

**COMPENSATION**

Employees may be compensated for work-related injuries under Workers' Compensation insurance provided by the Board.

**REFERENCES:**

- <sup>1</sup>401 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
- 147 Lockout/Tagout
- 1001 Asbestos - ACBM
- 1200 Hazard Communication
- 1030 Bloodborne Pathogens

**RELATED POLICY:**

03.14

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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

### Teachers' Assistants/Paraprofessionals

#### **SUPERINTENDENT MAY EMPLOY**

The Superintendent may employ teachers' assistants/paraprofessionals for supplementary instructional and non-instructional duties in the education program in positions authorized by the Board.<sup>1</sup>

#### **DEFINITION**

As used in this policy and in relation to required training and qualifications for instructional personnel, "teacher's assistant" and "paraprofessional" are interchangeable terms, which mean 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.<sup>2</sup>

#### **EDUCATIONAL REQUIREMENTS**

All paraprofessionals shall satisfy educational requirements specified by federal law.<sup>2</sup>

#### 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**

Teachers' assistants shall be under the direct supervision of certified personnel.<sup>1&2</sup>

#### **EVALUATION**

Work performance is evaluated by the immediate supervisor on a continuous daily basis using criteria established in Board Policy 03.28.

#### **REFERENCES:**

<sup>1</sup>KRS 161.044; OAG 76-555; OAG 86-43

<sup>2</sup>P. 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

#### **RELATED POLICIES:**

03.21 (Hiring)

03.232 (Job Description)

03.28 (Evaluation)

03.6 (Volunteers)

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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**

#### **BUS DRIVERS**

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

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

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

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

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

#### **REPORT REQUIREMENTS**

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

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

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

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

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

**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.<sup>3</sup>

**SCHOOL TO REPORT**

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

**MEDICAL CONFIDENTIALITY**

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

**REFERENCES:**

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

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

OAG 91-1

Genetic Information Nondiscrimination Act of 2008

Americans with Disabilities Act

Family Medical Leave Act of 1993

**RELATED POLICIES:**

<sup>3</sup>03.2234, 03.24

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 FACILITY

05.11

### **Alterations of Buildings and Grounds**

#### **APPROVAL NEEDED**

Any major 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, or the erection of lighting systems for such fields 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

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**Authority to Encumber and Expend Funds****FINANCIAL STATEMENT**

The daily administration of the budget shall be the responsibility of the Superintendent. The Superintendent shall provide the Board with a monthly financial statement. This shall include a report of receipts and disbursements by major budget category, the cash balance on hand, and the amount of invested funds at the end of the immediate preceding month.

**EXPENDITURE OF FUNDS**

Expenditures from any District fund shall be made in accordance with the budgets approved by the Board. All purchases shall require the prior approval of the Superintendent or the Superintendent's designee who is responsible for the expenditure of Board/program funds. The Board requires periodic monitoring of large purchases and expenses in the maintenance, operational, and food service areas.

Gift cards and prepaid cards must follow the guidelines for 702 KAR 3:310 for all Board funds. These are disallowed expenditures.

**AUTHORITY TO OBLIGATE**

Administrators designated by the Superintendent may initiate a purchase order, subject to the limits of their designated budgeted funds and approval by their supervisor.

The Board shall not be responsible for expenditures not properly authorized and not made according to the purchasing procedures developed by the Superintendent.

**REVIEW OF CREDIT CARD TRANSACTIONS**

The Superintendent shall establish a process consistent with Board policy to regulate use of credit cards and credit card accounts. This process will include procedures for recovery of District funds for any unauthorized purchases.

Application for all District/school credit cards/purchasing cards shall be approved by the Superintendent/designee.

Employees shall report immediately any District/school credit card that is lost. Personal purchases on District/school credit cards are prohibited. Unauthorized charges made by employees to District/school credit cards may result in disciplinary action.

**BOARD APPROVAL REQUIRED**

Prior Board approval shall be required in order for the District to participate in any cash management, bond issuance, tax revenue anticipation note, or other program involving commitment of District funds. The Board shall designate the fiscal agent and bond counsel.

**REFERENCES:**

KRS 160.340; KRS 160.370; KRS 160.390; KRS 160.470  
KRS 160.530; KRS 160.550  
702 KAR 3:050; 702 KAR 3:120  
702 KAR 3:246; 702 KAR 3:300  
School Council Allocation

**RELATED POLICIES:**

02.4242; 04.311; 04.3111

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 ~~may~~ shall pay the fee for the commercial driver's license required for all bus drivers and substitute bus drivers upon initial employment and after the completion of thirty (30) days of employment. Any license certification above a Class "B," "P" or passenger endorsement, with an "S" or school bus restriction must be paid for by the individual.

#### **INITIAL TRAINING**

The Board shall pay for two (2) days of initial training upon completion of thirty (30) days of employment and an additional two (2) days for training after sixty (60) days of employment for a total of four (4) days pay for initial training.

#### **PHYSICALS**

Drivers may be reimbursed for physicals in accordance with the Board-negotiated contract price with physicians. The Board, at its discretion, may require a school bus driver to pass a routine physical examination or a special type physical examination more often than annually. All physicals are to be signed by a licensed physician.

#### **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  
KRS 161.145

#### **RELATED POLICY:**

03.211



**School Nutrition Procurement****OPEN BIDDING**

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

**CONFLICT OF INTEREST**

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

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

~~5-6.~~ [See Child Nutrition Procurement Plan.](#)

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

**REFERENCES:**

2 C.F.R. 200.318; 2 C.F.R. 200.320  
KRS 160.290; KRS 424.260  
KRS 45A.345 – KRS 45A.460  
702 KAR 6:010

**RELATED POLICY:**

04.32

Delek

**Distance Learning Courses**

Students who have not received credit in any course offered by a state-accredited high school may enroll in any accredited online program from agencies and institutions recognized by the Board and receive credit for graduation upon successfully completing said course.

**MAXIMUM NUMBER OF UNITS TO BE EARNED BY ONLINE COURSES**

1. High school students may be permitted to earn, upon the recommendation and approval of the Principal/designee, online credit(s). All online work and final exams must be completed by May 1.
2. Any person who has reached twenty-one (21) years of age and has not completed school may earn, by online courses, a maximum of one-fourth ( $\frac{1}{4}$ ) of the number of units required for graduation at the time of entrance to high school. To be eligible to receive credit through online courses, a person will be required to make application to the Superintendent of the district in which credit is to be received. Upon recommendation and approval of the Principal/designee in the school in which the person will be enrolled, application may be made to take an online course.
3. Any person who has been out of school for a minimum of ten (10) years, from the close of school term during the last year of attendance, may earn by online courses a maximum of one-half ( $\frac{1}{2}$ ) of the number of units required for graduation at the time of entrance to high school. To be eligible to receive such credit through online courses, the person will be required to make application to the Superintendent of the district in which the credit will be received. The person may make application to take an online course upon the recommendation and approval of the Principal of the school for the balance of courses needed.
4. High school students may be permitted to earn credit(s) upon the recommendation and approval of the Principal/designee. All work and final exams must be completed by the timeline established. Online courses may be subject to review by the Superintendent/designee for conformance with Kentucky Core Academic Standards and District graduation requirements.

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

**REFERENCE:**

KRS 158.622

**RELATED POLICIES:**

08.113, 08.2323, 09.1221, 09.3, 09.435

Adopted/Amended: 6/21/12

Order #: 10288

**Alternative Credit Options**

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

**ONLINE COURSES**

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

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

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

As determined by school/council policy, students applying for permission to take an online course shall complete prerequisites and provide teacher/counselor recommendations to confirm the student possesses the maturity level needed to function effectively in an online learning environment. Online courses may be subject to review by the Superintendent/designee for conformance with Kentucky Academic Standards and District graduation requirements. In addition, the express approval of the Principal/designee shall be obtained before a student enrolls in an online course. The school must receive an official record of the final grade before credit toward graduation will be recognized.

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

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

**Alternative Credit Options****COLLEGE CREDIT/DUAL CREDIT**

High school students may earn units of academic credit to be applied toward graduation requirements by completing dual credit courses from an approved college or university through attendance on the college/university campus, through admission to an approved residence program, or through attendance of an approved college course taught at the high school by approved staff. Students will receive high school credit for each course.

**REFERENCES:**

KRS 158.622

**RELATED POLICIES:**

08.113, 08.2323, 09.1221, 09.3, 09.435

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

#### HOME/HOSPITAL INSTRUCTION

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.<sup>1</sup> 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

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 instruction 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/trimester 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/trimesters 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 outlined by the Kentucky ~~Core~~ Academic Standards.
4. 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.

**Home/Hospital Instruction**

**STUDENTS WITH DISABILITIES (CONTINUED)**

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:**

<sup>1</sup>KRS 157.270

<sup>2</sup>~~704 KAR 7:120; KRS 159.030~~

KRS 157.360; KRS 159.030

704 KAR 3:303

704 KAR 7:120

707 KAR 1:055

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.<sup>1</sup>

#### EXTENDED SCHOOL SERVICES

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

For students eligible to attend ESS, the District shall:

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

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

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

~~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

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

#### REFERENCES:

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



**Library Media Centers**

The Board shall establish, maintain and staff a library media center in every school in keeping with statutory requirements.

**SELECTION OF MEDIA MATERIALS AND EQUIPMENT**

The primary objective of selecting print and non-print media for the school library media center is to implement, enrich and support the educational program of the school system. The library media specialist and media personnel shall be responsible for coordinating the selection and recommending to the Principal and/or SBDM for the purchase of library print and non-print media based upon the existing collection, the curriculum, and needs of school.

General selection criteria will be:

- Materials implement, support, and are compatible with the educational goals of the District and the objectives of the individual, Board approved curricular offerings.
- Materials are selected for a reason and purpose. Materials are evaluated as to aesthetic, literary and social value, appropriateness to student age and emotional maturity, and relevance to the curriculum.
- Materials reflect sensitivity to the achievements, needs, and rights of males and females, various ethnic groups and other cultures.
- The selection of materials on political theories and ideologies, religion, public issues, and controversial topics is directed toward maintaining a balance representing various views.
- Materials are judged as a whole taking into account the author's/producer's intent rather than focusing solely upon individual words, phrases, pictures, or incidents taken out of context.

Gifts to the school library media center will be judged by the above criteria and accepted or rejected at the discretion of the school library media specialist, subject to review by the Principal and/or SBDM council.

**REVIEW**

The library media specialist will inventory and review the collection at least every two (2) years for wear and obsolescence and dispose of print/non-print media which are no longer suitable for use, subject to review by the Principal and/or SBDM council. Records as to the number of items, by category, shall be kept on file in each media center.

**REFERENCES:**

KRS 158.102  
KRS 160.345

Adopted/Amended: 3/15/07  
Order #: 9612

**Library Media Centers**

The Board shall establish, maintain and staff a library media center in every school in keeping with statutory requirements.

**SELECTION OF MEDIA MATERIALS AND EQUIPMENT**

In schools with SBDM school councils, the council shall consult with the school media librarian on the maintenance of the school library media center, including purchase of instructional materials, information technology, and equipment. In schools without SBDM school councils, the librarian and media personnel shall be responsible for coordinating the selection and recommending to the Principal for the purchase of materials and equipment based on the existing collection, the curriculum, and the needs of the school.

**GIFTS**

Gifts to the library shall be reviewed by and accepted or rejected at the discretion of the librarian, subject to review by the Principal. *and or SBDM council*

**REVIEW**

The librarian shall inventory and review the collection at least every two (2) years for wear and obsolescence and, with the approval of the Principal, dispose of materials which are no longer suitable for use for these reasons.

**REFERENCES:**

KRS 158.102

KRS 160.345

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

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. Kindergarten (entry level of the primary program) shall be provided the equivalent of one-half (1/2) day, five (5) days a week for a full school year for each kindergarten student (a minimum of 525 instructional hours each school year),
7. Any instructional time to be banked to make up for full days that may be missed due to an emergency,
8. Days in addition to the student instructional year for the make-up of instructional time missed due to emergency equal to the greatest number of days missed system-wide over the preceding five (5) school years, and
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.

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.

**EXCEPTIONS**

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

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

**SCHOOL TERM**

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

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

**EMERGENCY WAIVERS**

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

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

#### **CLASS ENROLLMENT MAXIMUMS**

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

#### **REQUESTS FOR TRANSFER**

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

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

- ~~1. Another school option exists;~~
- ~~2. The assigned school is identified for school improvement under federal guidelines (priority for transfer will be given to the lowest achieving children from low income families);\*~~
- ~~3.1. 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.<sup>2</sup>~~

~~\*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.~~

#### **IF FAMILIES MOVE**

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

STUDENTS

09.11  
(CONTINUED)

**School Attendance Areas**

**REFERENCES:**

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

<sup>2</sup>~~P. L. 107-110 (No Child Left Behind Act of 2001)~~ P. L. 114-95, (Every Student Succeeds Act of 2015)

34 C.F.R. 200.44

**RELATED POLICIES:**

03.127, 03.226

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.<sup>1</sup>

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

The Board shall exempt the following from compulsory attendance:

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

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

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

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

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

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



**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.<sup>4</sup>
5. Students having an individual education plan (IEP) that requires less than full-time instructional services shall not be required to be present for a full school day.<sup>4</sup>
6. In accordance with KRS 158.240, students who attend classes for moral instruction at the time specified and for the period fixed shall be credited with the time spent as if they had been in actual attendance in school, and the time shall be calculated as part of the actual school work required by law. Students shall not be penalized for any school work missed during the specified moral instruction time.<sup>5</sup>
7. Students participating as part of a school-sponsored interscholastic athletic team, who compete in a regional or state tournament sanctioned by the Kentucky Board of Education or KHSAA, that occurs on a regularly scheduled student attendance day shall be counted and recorded present at school on the date or dates of the competition, for a maximum of two (2) days per student per school year. Students shall be expected to complete any assignments missed on the date or dates of the competition.<sup>6</sup>
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.<sup>4 & 7</sup>
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.<sup>3</sup>

**REFERENCES:**<sup>1</sup>KRS 159.010; OAG 85-55<sup>2</sup>KRS 159.030<sup>3</sup>KRS 159.035<sup>4</sup>702 KAR 7:125<sup>5</sup>KRS 158.240<sup>6</sup>KRS 158.070<sup>7</sup>704 KAR 3:305

KRS 159.180; KRS 159.990

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

**RELATED POLICIES:**

08.131; 08.1312; 09.111; 09.123; 09.36



LEGAL: 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

09.123

### **Absences and Excuses**

Pupils are required to attend regularly and punctually the school in which they are enrolled. This requirement applies regardless of the number of Carnegie units of instruction necessary for graduation.

Teachers are required to keep an accurate attendance record for each of their classroom assignments. Recording of absences and tardies shall be made in compliance with the requirements of 702 KAR 7:125.<sup>1</sup>

#### **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.

Any student who has been reported as a truant two (2) or more times is an habitual truant.

Once a student under twenty-one (21) years of age is absent or tardy six (6) or more days without valid excuse, this student's name shall be forwarded to the Division of Student Services as a habitual truant for possible court action. Furthermore, a school hearing shall be conducted concerning the student's attendance record.

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.

#### **DEFINITIONS**

Definitions of terms used in this section:

**Full credit:** A Carnegie unit of instruction that a student earns by successfully maintaining a passing grade (70) without being absent more than twelve (12) regularly scheduled class periods per school year in that class.

#### **HIGH SCHOOL (GRADES 9-12)**

**Half-credit:** One-half (½) of a Carnegie unit of instruction that a student earns by successfully maintaining a passing grade (70) without being absent more than six (6) regularly scheduled class periods per semester in that class.

**Semester:** That period of the adopted school calendar determined on an annual basis by the Board. This amount of time is generally one-half (½) of the school year, but the ending may change due to unforeseen circumstances.

**Absences and Excuses****VALID EXCUSES**

1. Illness that is verified by a doctor or medical agency;
2. Orders of the court (this applies to summonses and subpoenas);
3. Death or severe illness in the immediate family verified by a written statement ("immediate family" shall mean: father; mother; brother; sister; grandfather; grandmother; blood-related aunt, uncle, niece, nephew; or anyone living under the same household roof with the student);
4. Illness that is verified by a doctor or medical agency;
5. Orders of the court (this applies to summonses and subpoenas);
6. Death or severe illness in the immediate family verified by a written statement ("immediate family" shall mean: father; mother; brother; sister; grandfather; grandmother; blood-related aunt, uncle, niece, nephew; or anyone living under the same household roof with the student);
7. Religious holidays and practices;
8. Documented military leave;
9. One (1) day prior to departure of parent/guardian called to active military duty;
10. One (1) day upon the return of parent/guardian from active military duty;
11. 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, or
12. Ten (10) days for students attending basic training required by a branch of the United States Armed Forces, or
- ~~12.~~ 13. Circumstances if approved by the Principal or his/her designee, 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.

Students receiving an excused absence under this section 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 due to the excused absence.

The Principal/designee shall determine the validity of each excuse presented.

Any excuse must be presented within five (5) days after the student returns to school. If the excuse is not presented in that time, the absence will remain unexcused. It is the student's responsibility to provide documentation to the appropriate school administrator in a timely manner.

**Absences and Excuses****STATEMENT OF POLICY—GRADES 9-12**

In order to be eligible to receive class credit(s) in Grades 9–12, a student shall not be absent without a valid excuse more than six (6) regularly scheduled class periods per class each semester while maintaining a passing grade. Any additional invalid absence(s) may be made up at a rate of one (1) hour make-up for each hour of class missed. It shall be the student's responsibility to schedule make-up time with the school administration. Make-up time should be scheduled two (2) days prior to the Saturday that the student wishes to attend.

**For Schools without SBDM Councils****PROCEDURES ADMINISTERING ATTENDANCE POLICY (GRADES 9-12)**

1. The classroom teacher will keep an accurate daily attendance record for each of his/her classroom assignments. All absences shall be recorded daily by the classroom teacher. All reports concerning attendance will be completed and forwarded to the proper persons as indicated and required by the attendance policy and the administering procedures.
2. When a student has been absent five (5) times per semester in a class period, notification will be sent to the parent/guardian. It will be the parent's/guardian's and student's responsibility to monitor additional absences.
3. Students may make up time by attending Saturday School and/or detention.
  - a. Should a student need additional make-up time to complete the first semester's attendance requirement, the school administration will schedule a maximum of thirty (30) additional hours of make-up time. Make-up time must be completed within three (3) weeks beyond the end of the first semester.
  - b. Should a student need additional make-up time to complete the second semester's attendance requirement, the school administration will schedule a maximum of thirty (30) additional hours of make-up time. Make-up time must be completed within one (1) week beyond the end of the second semester.
4. At the end of each quarter, attendance will be monitored. Any student who has exceeded six (6) invalid absences will have his/her school privileges (i.e., driving privileges, extracurricular activities, field trips, etc.) suspended until his/her make-up time is completed. In addition, a referral shall be made to the court system instituting proceedings for habitual truancy.
5. Failure to comply with the attendance policy will result in the loss of class credit(s) for students in Grades 9–12. The school administration will confer with the parent/guardian of any student not complying with the attendance policy.

**Absences and Excuses****For Schools without SBDM Councils****PROCEDURES FOR ADMINISTERING ATTENDANCE POLICY (MIDDLE SCHOOL)**

1. The classroom teacher will keep an accurate daily attendance record for each of his/her classroom assignments. All absences shall be recorded daily by the classroom teacher. All reports concerning attendance will be completed and forwarded to the proper persons as indicated and required by the attendance policy and the administering procedures.
2. When a student has been absent ten (10) days, notification will be sent to the parent/guardian. It will be the parent's/guardian's and student's responsibility to monitor additional absences.
3. Should a student need make-up time to complete the year's attendance requirement, the school administration will schedule a maximum of ten (10) additional days' make-up time. This make-up time must be completed within two (2) weeks beyond the end of the regular school term.
4. Any student who exceeds six (6) invalid absences in a semester will have his/her school privileges (i.e., extracurricular activities, field trips, etc.) suspended until make-up time is completed. In addition, a referral shall be made to the court system instituting proceedings for habitual truancy.
5. Middle school students who fail to comply with the attendance policy will be denied promotion. The school administration will confer with the parent/guardian of any student not complying with the attendance policy.

**For Schools without SBDM Councils****STATEMENT OF POLICY—ELEMENTARY SCHOOL (GRADES K-5)**

When a student has been absent without valid excuse for three (3) days, notification will be sent to the parent/guardian. After a student has been absent five (5) times without valid excuse, the parent/guardian will be notified that any additional absence without valid excuse will be forwarded to the Director of Student Services. Valid excuses will include:

1. Illness that is verified by a doctor or medical agency;
2. Orders of the court (this applies to summonses and subpoenas);
3. Death or severe illness in the immediate family verified by a written statement ("immediate family" shall mean: father; mother; brother; sister; grandfather; grandmother; blood-related aunt, uncle, niece, nephew; or anyone living under the same household roof with the student;
4. Religious holidays and practices;
5. One (1) day prior to departure of parent/guardian called to active military duty;
6. One (1) day upon the return of parent/guardian from active military duty;
7. 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, or
8. School activities or circumstances if approved by the Principal or his/her designee.

## STUDENTS

09.123  
(CONTINUED)

### Absences and Excuses

#### **MAKE-UP WORK**

Students having absences must make up work. It is the student's and/or parent's/guardian's responsibility to contact the teachers concerning make-up work during the teacher's planning periods or before or after school hours. For every day the student misses, the student will receive the same amount of days to complete the make-up work. The counting of days for make-up work starts the second day after the student has returned following the period of absence.

#### **STUDENTS WITH DISABILITIES**

In cases that involve students with disabilities, the procedures mandated by federal and state law for students with disabilities shall be followed.

#### **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, 09.1231, 09.4281, 09.4341  
09.126 (re requirements/exceptions for students from military families)

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 provide access to 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 eighteen (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.<sup>1</sup>

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, address, phone number, date and place of birth, student's school email address, major field of study, 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 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 such information is received, the Superintendent 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.<sup>2</sup>

**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:**

<sup>1</sup>Section 152 of the Internal Revenue Code of 1986

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

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

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

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

#### **WRITTEN REPORT**

The person reporting shall, if requested, in addition to the report required above, file with the local law enforcement agency or the Kentucky State Police or the Commonwealth's Attorney or County Attorney or the Cabinet for ~~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.<sup>3</sup>

STUDENTS

09.227  
(CONTINUED)

### 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.

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#### **REFERENCES:**

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

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

<sup>3</sup>OAG 85-134; OAG 92-138

KRS 17.160; KRS 17.165; KRS 17.545; KRS 17.580

KRS 156.095; KRS 199.990

KRS 209.020; KRS 620.050

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

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

#### **RELATED POLICIES:**

09.42811; 09.4361; 10.5

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

DRAFT (05/26/16) THE DRUG-TESTING LANGUAGE IS MOVING TO POLICY 09.423 SO THAT STUDENT DRIVERS CAN BE ADDED.

STUDENTS

09.313

### Eligibility (Athletics)

Determination of athletic eligibility shall be made in compliance with Kentucky High School Athletic Association requirements, District Policy 09.3/Student Activities, and Drug Testing for Athletics, Cheerleaders, and Team Managers who participate at the high school level.

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 supervision.<sup>1</sup>

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.

### DRUG-TESTING

#### STATEMENT OF PURPOSE

~~Today, drug abuse has grown to major proportions in our society. The high school setting is not exempt from this phenomenon. It is vital that educators and parents continually explore ways to institute programs that encourage a drug-free lifestyle for students/children. It is to that end that this program is created to provide the appropriate action plan to address and nurture a drug-free environment.~~

#### WHO WILL BE AFFECTED

~~All students who choose to participate on any Hardin County high school athletic team, cheerleading squad or serve as a team manager, each of which is a voluntary extracurricular activity, must abide by this policy. This includes players at the varsity or subvarsity level.~~

#### EDUCATION

~~At least once each semester, each Head Coach will review this policy with his/her respective team.~~



**Eligibility (Athletics)****TESTING PROGRAM**

In order to accomplish the purpose of this policy, each student participant on each high school team shall be required to participate in a program of substance abuse testing. Testing shall be accomplished by the analysis of urine specimens obtained from the student participants. Collection and testing procedures shall be established, maintained and administered to ensure (a) randomness of selection procedures, (b) proper student identification, (c) that each specimen is identified with the appropriate student participant, (d) maintenance of the unadulterated integrity of the specimen, and (e) the integrity of the collection and test process as well as the confidentiality of test results.

**SUBSTANCES TESTED**

Student participants' urine specimens shall be tested for the following:

- (a) amphetamines, (b) marijuana (THC), (c) cocaine and its derivatives, (d) opiates,
- (e) phenylclidine (PCP), (f) benzodiazepine, (g) barbiturates, (h) methadone,
- (i) methaqualone, (j) propoxyphene, and (k) such other abused, illegal, or banned substances.

**SANCTIONS/VIOLATIONS**

**First Violation**—If a sample tests positive, the athlete and his parents or guardians shall be notified, and the Principal shall convene a meeting with the student and his parents or guardians, at which time the student has one of the following options: (1) At the expense of the parents/guardians, the parents/guardians shall seek an evaluation of the student's drug use from a qualified chemical dependency counselor acceptable to the District. Additionally, at the expense of the parents/guardians, weekly urinalysis will be conducted during this time. At the expense of the Board, drug testing will be conducted every sixty (60) days thereafter as long as the student is a member of a sports team, cheerleading squad or serves as a team manager for the current school year. The student is also automatically suspended for ten (10) days from participating in any athletic event; however, the student may be allowed to practice.

(2) If a student who tests positive fails to abide by Option 1 then the violator will suffer suspension from all athletics, including practices, for the remainder of the current season and the next athletic season for all sports (sports teams, cheerleading squads or team managers).

**Second Violation**—A subsequent offense results in automatic imposition of suspension from all athletics (including practices) for all sports for a twelve (12) month period.

**Third Violation**—The student participant shall be excluded from participation in any athletic team for the remainder of the student's interscholastic eligibility.

**AMENDMENT OF POLICY**

This policy may be amended at any time by the Hardin County Board of Education.

STUDENTS

09.313  
(CONTINUED)

**Eligibility (Athletics)**

**REFERENCES:**

KRS 160.345  
KRS 156.070  
702 KAR 7:065; 702 KAR 7:070; 702 KAR 7:100  
OAG 90-8715-022  
Kentucky High School Athletic Association (KHSAA)

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**RELATED POLICIES:**

02.4241  
09.126 (re requirements/exceptions for students from military families)  
09.3; 09.423

### Drug Testing of Student Athletes

#### The testing program shall be conducted as follows:

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1. ~~Prior to attending tryouts for an athletic team, the student participant and a parent or legal guardian of the student participant must read this policy and must ACKNOWLEDGE, IN WRITING, THAT THEY HAVE READ THE POLICY AND PROCEDURES, UNDERSTAND THE CONDITIONS CONTAINED IN THE POLICY AND PROCEDURES. The student participant and a parent must also sign the "Student and Parent/Guardian Consent to Perform Urinalysis for Drug Testing" form BEFORE THE STUDENT WILL BE PERMITTED TO TRY OUT FOR ANY ATHLETIC TEAM.~~
2. ~~Testing shall be done at the following times:~~
  - a. ~~Fifty percent (50%) of the student participants shall be tested within four (4) weeks following selection of the athletic team. This shall be the only test that shall be announced prior to administration of the collection of the urine specimen. Any student that signs to participate, but refuses to abide by this policy, will be subject to 3<sup>rd</sup> violation offense and be excluded from participation on any athletic team for the remainder of the student's interscholastic eligibility.~~
  - b. ~~All student participants shall be subject to random testing at any time between the student's selection to the athletic team and the date of the last game of the season for the athletic team. Scheduled times for random tests shall be selected by the Principal/Designee of each athletic team. Random tests must be conducted no fewer than three (3) times during the team season.~~
3. ~~During each random test, no fewer than ten percent (10%) of the student participants in the athletic team, cheerleading squad or team managers shall be tested.~~
4. ~~The testing laboratory, as approved by the HCBE, shall determine which student participants are to be tested by a random drawing of names from among all student participants on the athletic team.~~
5. ~~The collection of urine specimens and the scientific analysis of the collected specimens shall be conducted by the agency as determined by the HCBE.~~
6. ~~Collection procedures for urine specimens shall be developed, maintained and administered by the testing laboratory in an effort to minimize any intrusion or embarrassment for each student, ensure the proper identification of students and the student's specimen, minimize the likelihood of the adulteration of a urine specimen and maintain complete confidentiality of test results. To that end, the procedures must require:~~
  - a. ~~the presence of the Principal or designee immediately prior to the collection process to ensure proper student identification;~~
  - b. ~~The presence of one or more representatives of the testing laboratory when the specimen is taken; and~~
  - c. ~~The testing laboratory shall provide each student present for the collection process a receptacle for the collection of urine. The student shall be permitted absolute privacy during the collection process.~~



### Drug Testing of Student Athletes

7. ~~THE COLLECTION OF URINE SPECIMENS FOR THE INITIAL TEST AND THE RANDOM TESTING SHALL BE CONDUCTED ON SCHOOL PREMISES.~~

8. ~~ALL SCIENTIFIC ANALYSES OF THE COLLECTED SPECIMENS SHALL BE CONDUCTED BY THE PROFESSIONAL TESTING LABORATORY. EACH SPECIMEN SHALL INITIALLY BE TESTED BY THE TESTING LABORATORY USING A HIGHLY ACCURATE IMMUNOASSAY TECHNIQUE ("EMIT"). INITIAL POSITIVE RESULTS MUST BE CONFIRMED BY GAS CHROMATOGRAPHY/MASS SPECTROMETRY ("GC/MS"). IF THE INITIAL PRESUMPTIVE POSITIVE RESULT IS NOT CONFIRMED BY THE GC/MS TECHNIQUE, THE TEST SHALL BE DEEMED TO BE NEGATIVE. ONLY AFTER THE GC/MS CONFIRMATION SHALL A TEST RESULT BE REPORTED AS POSITIVE.~~

9. ~~A PORTION OF EACH URINE SPECIMEN GIVEN BY EACH STUDENT PARTICIPANT SHALL BE PRESERVED BY THE TESTING LABORATORY FOR A MINIMUM OF SIX (6) MONTHS.~~

10. ~~WRITTEN CONFIRMATION OF ALL TEST RESULTS SHALL BE FORWARDED BY THE TESTING LABORATORY TO THE TITLE IV COORDINATOR WHO SHALL PROVIDE POSITIVE RESULTS TO THE PRINCIPAL. THE PRINCIPAL WILL NOTIFY ALL THE ATHLETIC COACHES OF TEAMS FOR WHICH THE STUDENT PARTICIPATES OR TRIES OUT. THE STUDENT'S PARENT(S) OR LEGAL GUARDIAN(S) WILL ALSO BE NOTIFIED. ALL TEST RESULTS ARE CONFIDENTIAL AND SHALL BE MAINTAINED IN THE TITLE IV COORDINATOR'S OFFICE UNDER THE STRICTEST SECURITY.~~

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STUDENTS \_\_\_\_\_

09.313 AP.1

(CONTINUED)

**Drug Testing of Student Athletes**

All student athletic participants and at least one parent or legal guardian are to sign the following:  
~~THE UNDERSIGNED STUDENT ATHLETE, CHEERLEADER OR TEAM MANAGER AND THE STUDENT'S PARENT OR LEGAL GUARDIAN HEREBY ACKNOWLEDGE THAT THEY HAVE READ AND UNDERSTAND THE FOREGOING POLICY AND AGREE TO BE BOUND BY THE TERMS AND CONDITIONS CONTAINED IN THE POLICY. THE UNDERSIGNED HEREBY PERMIT THE AGENCY AS DETERMINED BY THE HCBE TO PERFORM DRUG TESTING OF THE STUDENT'S URINE AND TO RELEASE THE RESULTS TO THE TITLE IV COORDINATOR. POSITIVE RESULTS WILL BE RELEASED TO THE PRINCIPAL AND TO ALL ATHLETIC COACHES OF TEAMS FOR WHICH THE STUDENT PARTICIPATES OR TRIES OUT. THE STUDENT'S PARENT(S) OR LEGAL GUARDIAN(S) WILL ALSO BE NOTIFIED~~

\_\_\_\_\_  
Print Student Name

\_\_\_\_\_  
School

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Grade

Date Signed \_\_\_\_\_

\_\_\_\_\_  
Print Parent or Guardian Name

\_\_\_\_\_  
Parent or Guardian Signature

Date Signed \_\_\_\_\_

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 (06/02/16)

STUDENTS

09.36

## **School-Related Student Trips**

### **COMPETITIVE AND ATHLETIC EVENTS**

The Principal shall have the authority to approve the use of school buses for transportation to competitive events.

### **CRITERIA FOR APPROVAL OF FIELD TRIPS AND FEES**

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

Board approval shall be required for all trips and associated fees that use commercial carrier.

The Board authorizes the Superintendent to approve field trips and associated fees for trips that cannot be completed during the instructional day.

The Board authorizes the Principal to approve field trips and the associated fees during the instructional day given the following requirements are met:

- 1) Curricular Trips-those student trips directly related to the classroom curriculum
  - a. Field trip must be educationally justifiable (not recreational in nature);
  - b. All students desiring to participate are permitted to do so; and
  - c. No student shall be denied the opportunity to participate because of finances.
  - d. The school shall secure the funding necessary to cover the trip cost for any student who qualifies for fee waiver.
- 2) Athletics/Extracurricular
  - a. For high schools, all athletic-related contests or extracurricular competitions must have the prior approval of the Principal at each school.
  - b. For middle and elementary schools, all athletic-related contests or extracurricular competition must have the prior approval of the Principal.
  - c. These field trip requests must meet the guidelines established by the Kentucky High School Athletic Association (KHSAA).
  - d. No school instructional time may be lost without prior approval from the Superintendent.

### **GUIDELINES**

Consideration for approving all overnight/in and out-of-state trips will use the following guidelines:

- 1) Trips should be scheduled to cause minimal disruption to the regular school day. Whenever possible, trips should occur when school is not in session.
- 2) Consideration in scheduling must have as a first priority the safety of students. For example, extended trips north should occur whenever possible, at a time when ice and snow is not a factor.
- 3) Prior to the trip, plans must be in place to ensure that missed classroom instruction will be made up.

**School-Related Student Trips****GUIDELINES (CONTINUED)**

- 4) Approval for subsequent trips will be based on educational value factors and/or problems encountered on previous trips.
- 5) All trips requiring Superintendent approval must be submitted in writing thirty (30) days prior to the trip. All trips using a commercial carrier (requiring Board approval) must be submitted in writing sixty (60) days prior to the trip. No reservations or deposits will be made prior to Board/Superintendent approval. Use of certified common carrier services 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.
- 6) The following written information must be attached to the request:
  - a. A short narrative describing the trip and reasons for the trip;
  - b. The educational objectives for the trip;
  - c. An itinerary listing of the schedule noting visitation sites and motels/hotels; and,
  - d. A list of all students, chaperones, parents and teachers going on the trip.
- 7) School nutrition, medication, and transportation policies must be followed.

When time constraints make it impossible to adhere to timelines, e.g., advancing in competitions, the Superintendent may approve the trip following the above guidelines.

**MEALS**

Any group of students participating in school-related activities away from school during normal meal times shall have meals provided by the school's school nutrition department. Exceptions can be made if ALL meals for ALL students are purchased by the school, parent group, or are in another manner donated to the students.

**FEES**

Groups shall pay bus drivers at rates determined by the Superintendent or the Superintendent's designee and approved by the Board. Mileage rates for field trips shall be determined by the Superintendent or the Superintendent's designee, and groups shall reimburse the Board at that rate.

If funding is not available, students may be charged an amount to cover travel expenses.

**INTERSCHOLASTIC/ATHLETIC COMPETITIONS (REIMBURSEMENT GUIDELINES)**

To encourage and facilitate student excellence in inter-school competition, some entry fees, meals, lodging, and necessary/actual expenses for transportation will be paid for students who have qualified to represent the school in higher level competition if the following criteria are met:

1. The activity is not itself revenue producing.
2. The student is representing the school at higher level competition, such as national or state competitions, that are not the initial level of competition.
3. Other sources of financial support will be utilized first whenever possible.
4. The event and support request is approved thirty (30) days in advance by the Principal and Superintendent.



**School-Related Student Trips****INTERSCHOLASTIC/ATHLETIC COMPETITIONS (REIMBURSEMENT GUIDELINES) [CONT.]**

5. All claims for reimbursement will be submitted on proper forms and substantiated by receipts. (The District cannot reimburse booster clubs or students/parents directly and cannot reimburse the school for expenditures paid by booster clubs or students/parents.)

**DRIVERS/VEHICLES**

Local < Buses and all other District-owned vehicles shall be driven by an adult employee duly qualified and licensed to operate the vehicle. The Transportation Coordinator shall select drivers for buses. ~~Any other driver must be approved by the Director of Transportation.~~ All drivers must submit an official driving record to the Director of Transportation and be approved prior to driving.

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 regulations.

**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.<sup>2</sup> There must be at least one (1) adult chaperone for every fifteen (15) students on the trip for students in grades six through twelve (6-12) and one (1) adult chaperone for every ten (10) students in grades pre-kindergarten through six (PreK-6). On overnight trips, there must be a least one (1) adult chaperone for every ten (10) students.

Principals are responsible to ensure proper supervision on all athletic trips. Head coaches and assistant coaches are expected to travel with, supervise, remain with (i.e. stay in same hotel), and be responsible for the actions of all student athletes at all times. Only during emergency situations, with prior Principal approval, may a coach ride separate from the team. All other coaches shall remain with the team.

**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.

**School-Related Student Trips**

**REFERENCES:**

<sup>1</sup>KRS 156.153

<sup>2</sup>KRS 161.185

<sup>3</sup>702 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; 04.31211

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.<sup>1</sup> 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.

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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.

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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.<sup>2</sup>

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#### **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)**

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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.

**OTHER CLAIMS**

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.426 and/or 09.42811. Harassment/discrimination allegations shall be governed by Policy 09.42811.

**REFERENCES:**

~~KRS 158.150;~~  
~~KRS 158.148;~~  
KRS 158.156  
KRS 160.290  
KRS 525.080

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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)

DRAFT (05/25/16) (06/02/16)

STUDENTS

09.423

**Use of Alcohol, Drugs, and Other Prohibited Substances****DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES**

No pupil shall purchase, possess, attempt to possess, use, be under the influence of, sell, or transfer any of the following on or about school property, at any location of a school-sponsored activity, or en route to or from school or a school-sponsored activity:

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and
3. Substances that "look like" a controlled substance. In instances involving look-alike substances, there must be evidence of the student's intent to pass off the item as a controlled substance.

In addition, students shall not possess prescription drugs for the purpose of sale or distribution.

**DEFINITIONS**

**Controlled substance** means any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by regulation under KRS 218A.010.

Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, prohibited volatile substances as defined in KRS 217.900 or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

**AUTHORIZED MEDICATION**

Use of a drug authorized by and administered in accordance with a prescription from a physician or dentist shall not be considered in violation of this policy.

**PENALTY**

Violation of this policy shall constitute reason for disciplinary action including suspension or expulsion from school and suspension or dismissal from athletic teams and/or other school-sponsored activities.

**REPORTING**

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school-sponsored or -sanctioned event. In addition, when they have reasonable belief that a violation has taken place, Principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves student possession of a controlled substance on school property in violation of the law.

**Use of Alcohol, Drugs, and Other Prohibited Substances****PREVENTION PROGRAM**

The Superintendent shall establish a comprehensive and ongoing drug-free/alcohol-free prevention program for all students that shall include notice to students and parents of the following:

1. The dangers of drug/alcohol/substance abuse in the schools;
2. The District's policies and related procedures on drug-free/alcohol-free schools;
3. The requirement for mandatory compliance with the District's established standards of conduct, including those that prohibit use of alcohol, drugs, and other controlled and prohibited substances;
4. Information about available drug/alcohol counseling programs and available rehabilitation/student assistance programs; and
5. Penalties that may be imposed upon students for violations of this policy.

**DRUG-TESTING****STATEMENT OF PURPOSE**

Today, drug abuse has grown to major proportions in our society. The high school setting is not exempt from this phenomenon. It is vital that educators and parents continually explore ways to institute programs that encourage a drug-free lifestyle for students/children. It is to that end that this program is created to provide the appropriate action plan to address and nurture a drug-free environment.

**WHO WILL BE AFFECTED**

All students who will be driving or parking on school property or who choose to participate on any Hardin County high school athletic team, cheerleading squad or serve as a team manager, each of which is a voluntary extracurricular activity, must abide by this policy. This includes players at the varsity or subvarsity level.

**EDUCATION**

At least once each semester, ~~each Head Coach will review this policy~~ shall be reviewed with high school athletes and students who will be driving or parking on school property with his/her respective team.

**TESTING PROGRAM**

In order to accomplish the purpose of this policy, each student participant on each high school team or who will be driving or parking on school property shall be required to participate in a program of substance abuse testing. Testing shall be accomplished by the analysis of urine specimens obtained from the student participants. Collection and testing procedures shall be established, maintained and administered to ensure (a) randomness of selection procedures, (b) proper student identification, (c) that each specimen is identified with the appropriate student participant, (d) maintenance of the unadulterated integrity of the specimen, and (e) the integrity of the collection and test process as well as the confidentiality of test results.

**Use of Alcohol, Drugs, and Other Prohibited Substances****SUBSTANCES TESTED**

Student participants' urine specimens shall be tested for the following:

- (a) amphetamines, (b) marijuana (THC), (c) cocaine and its derivatives, (d) opiates,
- (e) phencyclidine (PCP), (f) benzodiazepine, (g) barbiturates, (h) methadone,
- (i) methaqualone, (j) propoxyphene, and (k) such other abused, illegal, or banned substances.

**SANCTIONS/VIOLATIONS**

Any student chosen for random drug-testing, who signs out of school on the day their number is drawn, shall have forty-eight (48) hours to report to the designated testing facility to be tested. If the student does not report to be tested, they will be assumed in violation of the policy and sanctions shall take effect. The Principal may make exceptions based on valid excuses given by the student.

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**Sanctions for students who will be driving or parking on school property:**

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Refusal to participate shall result in a one (1) calendar year suspension of driving/parking on school property privileges to school.

**First Violation** - shall result in a twelve (12) school week suspension of driving/parking on school property privileges to school. Reinstatement will require a clean drug screen performed at the school.

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**Second Violation** - shall result in loss of driving/parking privileges to school for the remainder of the student's high school career. If a student is caught driving/parking on school property while driving privileges have been suspended, further sanctions could occur.

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**Sanctions for student athletes:**

**First Violation** – If a sample tests positive, the athlete and his parents or guardians shall be notified, and the Principal shall convene a meeting with the student and his parents or guardians, at which time the student has one of the following options: (1) At the expense of the parents/guardians, the parents/guardians shall seek an evaluation of the student's drug use from a qualified chemical dependency counselor acceptable to the District. Additionally, at the expense of the parents/guardians, weekly urinalysis will be conducted during this time. At the expense of the Board, drug testing will be conducted every sixty (60) days thereafter as long as the student is a member of a sports team, cheerleading squad or serves as a team manager for the current school year. The student is also automatically suspended for ten (10) days from participating in any athletic event; however, the student may be allowed to practice.

(2) If a student who tests positive fails to abide by Option 1 then the violator will suffer suspension from all athletics, including practices, for the remainder of the current season and the next athletic season for all sports (sports teams, cheerleading squads or team managers).

**Second Violation** – A subsequent offense results in automatic imposition of suspension from all athletics (including practices) for all sports for a twelve (12) month period.

**Third Violation** – The student participant shall be excluded from participation in any athletic team for the remainder of the student's interscholastic eligibility.

STUDENTS

09.423  
(CONTINUED)

**Use of Alcohol, Drugs, and Other Prohibited Substances**

**AMENDMENT OF POLICY**

This policy may be amended at any time by the Hardin County Board of Education.

**REFERENCES:**

KRS 158.150; KRS 158.154; KRS 158.155  
KRS 160.290; KRS 161.180  
KRS 217.900; KRS 218A.020; KRS 218A.1430; KRS 218A.1447  
OAG 82-633; OAG 93-32  
Clark County Board of Education vs. Jones, KY. App., 625 S. W. 2d 586 (1981).  
Board of Ed. of Tecumseh Public School District, Independent School Dist. No. 92 of  
Pottawatomie Cty. v. Earls, \_\_\_ U.S. \_\_\_, 242 F.3d 1264 (2002).  
Improving America's Schools Act of 1994 (IASA), Title IV: Safe and Drug-Free Schools  
and Communities

**RELATED POLICY:**

09.2241



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: REMOVING THE DISTRIBUTION SECTION 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 that shall be posted at each school, referenced in all school handbooks, and provided to school employees, parents, 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 co-curricular 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

~~Once reviewed and approved, the student discipline code shall be distributed to students and parents in the District, including those students who enroll during the school year.~~

#### REVIEW

The Board shall update the student discipline code at least every two (2) years.

#### 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.

#### 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

EXPLANATION: THE PROCEDURE HAS IN THE PAST INCLUDED A STATEMENT THAT MICHELLE P. WAIVER SERVICE PROVIDERS ARE NOT ALLOWED TO OBSERVE OR PERFORM SERVICES IN THE SCHOOL SETTING PURSUANT TO INSTRUCTIONS FROM THE KENTUCKY MEDICAID OFFICE. THE REGULATION HAS CHANGED SINCE THE KENTUCKY MEDICAID OFFICE GAVE THAT GUIDANCE A FEW YEARS AGO. ACCORDINGLY, DISTRICTS SHOULD REMOVE THE STATEMENT ABOUT THE STATE MEDICAID OFFICE NOT ALLOWING MICHELLE P. WAIVER PROGRAM PROVIDERS TO OBSERVE DURING THE SCHOOL DAY FROM THE PROCEDURE. THE KENTUCKY MEDICAID OFFICE REALIZES SCHOOL DISTRICTS DO NOT HAVE TO ALLOW THESE INDIVIDUALS INTO THE SCHOOLS, BUT MERELY DOES NOT WANT IT REFLECTED IN YOUR PROCEDURES THAT THE STATE MEDICAID OFFICE PROHIBITS SUCH WORKERS FROM MAKING ANY OBSERVATIONS IN THE SCHOOL SETTING.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## COMMUNITY RELATIONS

10.5 AP.1

### Observation by Outside Agencies

These procedures are established for the purposes of observation only.

NOTE: *Unless an outside provider has been sought out and contracted for a needed service by the District, no private therapy or service shall be provided to a student during the school day, within a Hardin County School.*

The following information/documentation is required by the District before a private, outside therapist/service provider can observe its private client within a Hardin County School. Information must be sent to the Director of Special Education (special education students) or to the Director of Health and Family Resource Youth Service Center (FRYSC) Services (regular education students):

- Background check clearance on file with Hardin County Schools Central Office;
- Individual liability insurance certificate or worker's compensation insurance certificate;
- A copy of credentials in the form of certification/license for the purpose of the observation; and
- A signed release (form can be requested from the school) by the parent/guardian noting that the therapist/outside service provider has been given permission to observe their child during the school day.

Once this information is received, the therapist/service provider may be allowed to come and observe the identified student as follows:

- **At a time/day designated and assigned by the Principal/designee** (to cause as little disruption to the class or school/learning environment as possible);
- The therapist is to observe only during these designated times, in an education setting (or activity such as lunch or social gathering) and only if confidentiality of other students/parents and disruption of the educational process in these settings can be adequately addressed by the Principal/designee;
- ~~Therapists or service providers who are billing for or through the Michelle P. Waiver program through the Medicaid program ARE NOT allowed to observe or perform services in the school setting/during the school day per instructions provided by the Kentucky Medicaid Office.~~
- At any time the school or District needs to cancel an appointment or not allow an outside agency/therapist/service provider to return to the school setting, the outside agency will be notified; and

COMMUNITY RELATIONS

10.5 AP.1  
(CONTINUED)

**Observation by Outside Agencies**

- The outside service providers **MUST** provide a photo I.D.; as well as; sign in and out at the school office any ~~daytime~~ they are ~~within the on~~ school property during a school day.



