



**FLOYD COUNTY BOARD OF EDUCATION**  
**Dr. Henry Webb, Superintendent**  
**106 North Front Avenue**  
**Prestonsburg, Kentucky 41653**  
**Telephone (606) 886-2354 Fax (606) 886-8862**  
**www.floyd.kyschools.us**

**Jeff Stumbo, Chair - District 3**  
**Linda Gearheart, Vice-Chair - District 1**  
**Dr. Chandra Varia, Member - District 2**  
**Rhonda Meade, Member - District 4**  
**Sherry Robinson, Member - District 5**

**Consent Agenda Item :** First reading for KSBA Policy Update # 39 and Procedure Update # 20.

**Applicable Statute or Regulation:** KRS 162.90 Powers and duties of the local board.


**Fiscal/Budgetary Impact:** As noted on individual policies.

**History/Background:** As part of the policy service to districts, KSBA provides an annual update for policy and procedure to districts. Additionally, the Floyd County District Leadership Team has done policy vetting at monthly meetings. The attached policies have been carefully chosen for revision. All policies and procedures will be reviewed with appropriate board staff and the attorney.

**Recommended Action:** No action required for first reading.

**Contact Person(s):** Ted George 886-4507

  
\_\_\_\_\_  
**Superintendent**

  
\_\_\_\_\_  
**Director**

**Date:** June 15, 2016

The Floyd County Board of Education does not discriminate on the basis of race, color, national origin, age, religion, marital status, sex, or disability in employment, educational programs, or activities as set forth in Title IX & VI, and in Section 504.



May 27, 2016

Dear Superintendent/Policy Contact:

We are enclosing your district's customized 2016 policy update (#39) and if applicable procedure update (#20) and the related checklists. Proposed changes reflect new legal requirements, as well as "best practice" recommendations from KSBA.

Please note the following:

- **KRS 160.340 requires that board policies be kept up to date by filing annual amendments thereto by August 15.**
- Senate Bill 228 amended KRS 158.148 to include a definition of bullying. We have replaced the previous definition with the statutory definition in Policy 09.422-Bullying/Hazing for compliance with that new language.
- At the top of each draft is the legal and/or recommended rationale for the proposed change. In the body of each draft, new language is underlined. Language with ~~strike through~~ is recommended for deletion.

***Please mark any indicated changes in edit mode or contact your district's KSBA consultant with the changes highlighted in some manner.*** Also, if you have been working with your consultant on a draft to revise any of the update areas, please contact him/her if you want to substitute that draft for the one enclosed with this update.

**The update checklist is the only document we need returned to us, unless there are drafts to be modified.** Please complete the checklist and return to the KSBA Policy Service by **September 1** so that final copies can be returned to you for use during the upcoming school year.

As we do each year, we request that your District review the introductory pages in your hard copy manual for changes to be made to any vision/mission statement and/or District goals found there.

If you have questions or comments about the updating process or need your consultant to prepare additional drafts, please call us immediately at 1-800-372-2962. If this will be your first experience with a policy update, we strongly recommend you contact your District's assigned Policy Consultant for help.

Please be aware that because your District's policies belong to your Board of Education, **the choice of language to be adopted rests solely with the Board**. The KSBA Policy Service appreciates the opportunity to serve your District and stands ready to assist the Board with this important task.

Please note the approved changes go into effect as of the date of Board approval, unless otherwise noted in your Board meeting minutes.

Sincerely,

*Carol Ann Jehnsen*

Carol Ann Jehnsen, Administrative Assistant II  
e-mail address: [carolann.jehnsen@ksba.org](mailto:carolann.jehnsen@ksba.org)  
Direct Fax: (502) 783-1444  
Enclosures

**KSBA POLICY SERVICE**  
**260 Democrat Drive**  
**Frankfort KY 40601**

EXPLANATION HB 5 IN THE 2014 GENERAL ASSEMBLY ESTABLISHED REQUIREMENTS FOR NOTIFICATION OF SECURITY BREACHES. FORMS TO PROVIDE NOTICE HAVE BEEN DEVELOPED AND ARE LOCATED ON THE KENTUCKY FINANCE & ADMINISTRATION CABINET WEBSITE.  
FINANCIAL IMPLICATIONS NONE ANTICIPATED  
EXPLANATION RECENTLY ENACTED 702 KAR 1:170 INCORPORATES THE KDE "DATA SECURITY AND BREACH NOTIFICATION BEST PRACTICE GUIDE." THIS PROCEDURE HAS BEEN UPDATED TO PROVIDE SUGGESTED INVESTIGATIVE STEPS.  
FINANCIAL IMPLICATIONS POSSIBLE COST OF INVESTIGATION

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.61 AP.11

### **Notice of Security Breach & Investigation Procedures**

#### **PROTECTION AND PREVENTION**

The District will take reasonable security measures in accordance with KRS 61.931 - KRS 61.933, to guard against the foreseeable loss or exposure of personal information that it maintains or possesses.

"Personal information" is defined as an individual's first and last name or first initial and last name; personal mark; or unique biometric or genetic print or image, along with any data element listed below:

- Account number, credit or debit card number, that, in combination with any required security code, access code, or password would permit access to an account;
- Social Security number;
- Taxpayer identification number that incorporates a Social Security number;
- Driver's license number, state identification card number, or other individual identification number issued by any agency;
- Passport number or other identification number issued by the United States government; or
- Individually identifiable health information as defined in 45 C.F.R. sec. 160.103 except for education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. sec. 1232g.

Personal information does not include information that is lawfully made available to the general public pursuant to state or federal law or regulation.

A "security breach" refers to:

- an unauthorized acquisition, distribution, disclosure, destruction, manipulation, or release of unencrypted or unredacted records or data that compromises or is reasonably believed to compromise the security, confidentiality, or integrity of personal information and results in the likelihood of harm to one (1) or more individuals; or
- an unauthorized acquisition, distribution, disclosure, destruction, manipulation, or release of encrypted records or data containing personal information along with the confidential process or key to unencrypt the records or data that compromises or is reasonably believed to compromise the security, confidentiality, or integrity of personal information and results in the likelihood of harm to one (1) or more individuals.

**Notice of Security Breach & Investigation Procedures****PROTECTION AND PREVENTION (CONTINUED)**

A security breach does not include the good-faith acquisition of personal information by an employee, agent, or nonaffiliated third party of the agency for the purposes of the agency if the personal information is used for a purpose related to the agency and is not disclosed to others without authorization.

**INITIAL ASSESSMENT/INVESTIGATION OF SECURITY INCIDENT AND NOTICE**

When the District receives information or notice prompting a reasonable belief that an event compromising the security of personal information maintained by the District or nonaffiliated third party on behalf of the District may have occurred, the District shall conduct a reasonable initial assessment or investigation to determine whether the event constitutes a "security breach" under the above definition.

Once it is determined that a security breach relating to personal information has occurred, the District shall within seventy-two (72) hours: 1) notify the Commissioner of the Kentucky State Police, the Auditor of Public Accounts, the Kentucky Attorney General and the Education Commissioner and 2) begin a reasonable and prompt investigation to determine whether the security breach has resulted or is likely to result in the misuse of personal information.

**FOLLOW-UP INVESTIGATION/ASSESSMENT IF SECURITY BREACH CONFIRMED**

If it is determined after initial investigation that a security breach has occurred, the District shall complete an investigation and assessment of the incident to determine whether the security breach has resulted or is likely to result in the misuse of personal information, which may include the following:

- Depending on the nature of the breach and sensitivity of information, take reasonable near-term steps to mitigate further unauthorized disclosure of personal information and risk of harm.
- Consider designating a lead investigator and investigative team with expertise keyed to the event (e.g. utilization of available District IT professionals if breach involves electronically maintained information, internet, or web resources).
- Interview relevant individuals to learn about the circumstances surrounding the incident and review logs, tapes or other resources.
- Identify individual(s) affected by the breach.
- Determine what personal information has been compromised and how disclosed.
- If applicable, identify affected machines, devices, and IT resources and preserve backups, images and hardware where possible.
- Estimate the likely impact of the compromised data's exposure.
- Utilize professional assistance and consultation as necessary, analyze the likely cause of the breach.

### **Notice of Security Breach & Investigation Procedures**

#### **FOLLOW-UP INVESTIGATION/ASSESSMENT IF SECURITY BREACH CONFIRMED (CONTINUED)**

- Coordinate internal and external communications related to the incident. Emphasize maintaining confidentiality during investigative stages of response activities.
- Seek involvement of law enforcement if there is reason to believe criminal activity has occurred.

#### **SECURITY PROCEDURES AND PRACTICES**

The District shall implement, maintain, and update security procedures and practices, including taking any appropriate corrective action, to protect and safeguard against security breaches.

Once it is determined by the District or the District is notified of a security breach relating to personal information the following shall take place as soon as possible, but within seventy-two (72) hours of the determination:

1. Notify the Commissioner of the Kentucky State Police, Auditor of Public Accounts, Attorney General and the Commissioner of Education; and
1. Begin conducting a reasonable and prompt investigation in accordance with the security and breach investigation and practices in accordance with state law.

#### **NOTIFICATION OF BREACH**

Upon conclusion of the investigation, if it is determined that a security breach has occurred and that misuse of personal information has occurred or is likely to occur, the District shall within forty-eight (48) hours notify the Commissioner of the Kentucky State Police, the Auditor of Public Accounts, the Attorney General, the Commissioner of Education, and the Commissioner of the Department of Libraries and Archives. Within thirty-five (35) days of providing these notices, the District shall notify all individuals impacted by the security breach as provided by law.<sup>1</sup>

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These notices shall be delayed upon written request of a law enforcement agency that the notices would impede an investigation. Security Breach Forms are located on the Kentucky Finance & Administration Cabinet website:

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<http://finance.ky.gov/SERVICES/FORMS/Pages/default.aspx>.

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If the investigation determines that misuse of personal information has not occurred or is not likely to occur, the above agency contacts shall be provided notice of the determination. In this case, notice to affected individuals is not required, but the District should maintain records reflecting and supporting the determination.

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#### **CONTRACTS WITH NONAFFILIATED THIRD PARTIES - INFORMATION SECURITY**

On or after January 1, 2015, agreements calling for the disclosure of "personal information" to nonaffiliated third parties shall require the third party contracting with the District to follow information breach and security standards at least as stringent as those applicable to the District.

Contracts with such third parties shall specify how costs of data breach investigations and notices are to be apportioned.



**Notice of Security Breach & Investigation Procedures****OTHER PRIVATE INFORMATION**

In the case of breach of information made private by law that does not fall within the definition of "personal information", the District may engage in similar investigative, response, or notification activities as provided above. Alternatively, the District may, after reasonable investigation, provide notice to the individual whose restricted personal information has been acquired by an unauthorized person. Notification will be made in the most expedient time frame possible and without unreasonable delay, except when a law enforcement agency advises the District that notification will impede criminal investigation. Notification should be provided to the individual within three (3) working days of discovery of the breach but no later than thirty (30) working days.

Depending on the number of people to be contacted, notification may be in the form of a face-to-face meeting, phone call, posting on a Web site or sending a written notice to each affected person's home. Notice should include the specific information involved and, when known, an estimate of how long it has been exposed, to whom the information has been released and how the breach occurred. In addition, the individual should be advised whether the information remains in the physical possession of an unauthorized person, if it has been downloaded or copied, and/or, if known, whether it was used by an unauthorized person for identify theft or fraud purposes.

**REFERENCES:**

<sup>1</sup>KRS 61.933

KRS 61.931; KRS 61.932

702 KAR 1:170

Data Security and Breach Notification Best Practice Guide

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EXPLANATION: 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) AND PARAPROFESSIONAL(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: COST OF REPRINTING FORMS

PERSONNEL

03.112 AP.22

- CERTIFIED PERSONNEL -

**NCLB Qualification Notifications**

**Notification Re: Highly-Qualified Teachers**

TO: _____	FROM: _____
Parent's Name	School Name
DATE: _____	RE: _____
	Student's Name
GRADE: _____	

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Dear Parent/Guardian:

Our school is dedicated to providing the best instructional staff we can to teach our students. However, because our school receives Title I federal funds, the federal No Child Left Behind Act (NCLB) requires us to inform you that your child has been assigned to a teacher not considered "highly-qualified" under NCLB to teach the subject at your child's grade level. Your child

☐ has been assigned to \_\_\_\_\_ for \_\_\_\_\_ for  
Name of Teacher Core Subject  
this school year.

☐ has been assigned to \_\_\_\_\_ for \_\_\_\_\_ for the  
Name of Teacher Core Subject  
past four (4) weeks (20 instructional days.)

Please let me know if you have questions about this information ( \_\_\_\_\_ ).  
Telephone #

Sincerely, \_\_\_\_\_  
Principal/designee

PERSONNEL

03.112 AP.22  
(CONTINUED)

**NCLBESSA Qualification Notifications**

**ANNUAL NOTIFICATION - OPTION TO REQUEST PROFESSIONAL TEACHER QUALIFICATIONS**

TO: _____ <i>Parent's Name</i>	FROM _____ <i>School Name</i>
DATE _____	RE _____ <i>Student's Name</i>
	GRADE _____

Dear Parent/Guardian,

Because our District receives federal funds for Title I programs as a part of the ~~No Child Left Behind~~ Every Student Succeeds Act (NCLB/ESSA), you may request information regarding the professional qualifications of your child's teacher(s) and paraprofessional(s), if applicable.

If you would like to request this information, please contact \_\_\_\_\_  
by phone at \_\_\_\_\_ or by e-mail at \_\_\_\_\_.

Sincerely, \_\_\_\_\_  
Principal/designee

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EXPLANATION THIS DIRECTIVE IS RECOMMENDED TO GUIDE THE DISTRICT TO THE NOTIFICATION FORM USED TO NOTIFY PARENTS THAT THEY MAY REQUEST THEIR CHILD'S PARAPROFESSIONAL(S) QUALIFICATIONS.  
FINANCIAL IMPLICATIONS NONE ANTICIPATED

PERSONNEL

\$03.5 AP.1

**ESSA Qualification Notification**

See procedure 03.112 AP.22/ESSA Qualification Notification form.

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EXPLANATION: RECENT REVISIONS TO 302 KAR CHAPTER 29 CHANGE THE REQUIREMENTS FOR NOTIFICATION OF PESTICIDE APPLICATION ON SCHOOL PROPERTY AND DEFINE WHEN CHILDREN ARE PRESENT. THE REVISIONS ALSO SET NOTIFICATION REQUIREMENTS IF/WHEN TREATMENT IS MADE WHILE CHILDREN ARE PRESENT.  
FINANCIAL IMPLICATION: NONE ANTICIPATED

SCHOOL FACILITIES

05.11 AP.11

### **Integrated Pest Management Application and Notification**

"Children are present" means the designated time period between two (2) hours before the start time and forty-five (45) minutes after the dismissal time of the regularly scheduled school day as determined by the school authority under the calendar set by the school Board.

Notification by the school to parents or guardians on the registry shall be required if the school authority, after consultation with the certified applicator, determines that a pesticide application is necessary when children are present in the school.

For pesticide applications made when children are present, the school authority shall provide the notification to persons listed on the registry at least one (1) hour prior to the making of the application.

Pesticides may be applied without notification indoors and to outside areas when children are not present.

The area where the point of application of a pesticide occurred shall be posted by the certified applicator regardless of the absence or presence of children

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EXPLANATION RECENT REVISIONS TO 302 KAR CHAPTER 29 CHANGE THE REQUIREMENTS FOR NOTIFICATION OF PESTICIDE APPLICATION ON SCHOOL PROPERTY AND DEFINE WHEN CHILDREN ARE PRESENT. THE REVISIONS ALSO SET NOTIFICATION REQUIREMENTS IF/WHEN TREATMENT IS MADE WHILE CHILDREN ARE PRESENT.  
FINANCIAL IMPLICATION: NONE ANTICIPATED

SCHOOL FACILITIES

05.11 AP.21

### Integrated Pest Management Notification

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**WRITTEN NOTICE IN THE FOLLOWING FORM SHALL BE SENT OR GIVEN AT THE BEGINNING OF THE SCHOOL YEAR. A COPY OF THE NOTIFICATION SHALL BE MAINTAINED BY THE SCHOOL AUTHORITY FOR TWENTY-FOUR (24) MONTHS AFTER THE NOTICE IS ISSUED AND SHALL BE SUBJECT TO INSPECTION UPON REQUEST BY KENTUCKY DEPARTMENT OF AGRICULTURE PERSONNEL.**

\_\_\_\_\_  
Date

Dear Parent or Guardian:

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Each school district in the Commonwealth is required to implement a program of "integrated pest management" with the primary goal of preventing and controlling pests through strategies that may include judicious use of pesticides. The application of pesticides in the school or on school grounds during times when children are present is limited by state regulation, but there may be occasions when, after consulting with a certified pesticide applicator, the school administration determines that a pesticide application is necessary when children are present in the school. As required by state regulation, we have created a registry for parents or guardians who wish to receive an electronic message or telephone call prior to the application of pesticides in the school when children are present. Please provide the school administration your email address or phone number if you wish to be placed on this registry.

Name: \_\_\_\_\_ School: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

For more information, please contact \_\_\_\_\_ at \_\_\_\_\_  
Name Phone Number

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EXPLANATION 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 AP.1

### **Extended School/Supplemental Educational Services**

Eligible students shall be provided extended school (ESS) ~~and/or supplemental educational services (SES)~~ in accordance with the following procedures.

#### **ELIGIBILITY FOR EXTENDED SCHOOL SERVICES**

One (1) or more of the following methods of documentation shall be used to determine which students shall be eligible for and in the greatest need of extended school services:

1. Teacher recommendation;
2. Academic performance data, including diagnostic, formative, interim, or summative assessments;
3. Student performance on high school, college, and workforce readiness assessments required by KRS 158.6459; or
4. Behavioral and developmental progress as documented in formal and informal assessments and reports.

#### **SELECTION FOR EXTENDED SCHOOL SERVICES**

Selection criteria for the extended school services program shall be in compliance with applicable administrative regulations.

#### **NOTIFICATION TO PARENTS OF EXTENDED SCHOOL SERVICES**

Parents of eligible students shall be notified using Procedure 08.133 AP.2.

The District will inform parents and guardians of the availability of extended school services, the rationale for offering extended school services, and consequences of not obtaining a high school diploma.

#### **STUDENTS ATTENDING PRIVATE, PAROCHIAL, OR HOME SCHOOLS**

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

Because the Kentucky request to the U. S. Dept. of Education for flexibility was granted, the following provision is waived through the 2018-2019 school year.

#### **SUPPLEMENTAL EDUCATIONAL SERVICES**

~~Eligible students shall be provided supplemental educational services (SES). "Eligible student" mean all students from low-income families who attend Title I schools that are in their second year of school improvement, in corrective action, or in restructuring. "Supplemental educational services" means additional academic instruction designed to increase students' academic achievement such as tutoring, remediation, distance learning technologies, or other educational interventions provided by state approved service providers outside of the regular school day.~~

**Extended School/Supplemental Educational Services****SUPPLEMENTAL EDUCATIONAL SERVICES (CONTINUED)**

In providing supplemental educational services, the District shall:

- 0. ~~Notify parents of eligible children about the availability of supplemental educational services in a manner that is clear and concise, as well as clearly distinguishable from other school-related information that parents receive.~~

~~The District shall post on the District school web site(s) information about available supplemental educational services to include:~~

- ~~— The number of students who were eligible for and who participated in supplemental educational services (SES), beginning with data from the 2007-08 school year and for each subsequent year; and~~
- ~~— A list of SES providers approved to serve the District, as well as the locations where services are provided for the current school year.~~
- 0. ~~Help parents, at their request, choose a provider;~~
- 0. ~~Determine which students should receive services, pursuant to criteria set forth in federal law, if not all students can be served;~~
- 0. ~~Enter into agreements with service providers whom the parents select;~~
- 0. ~~Assist the Kentucky Department of Education (KDE) in identifying potential providers within the District;~~
- 0. ~~Provide information KDE needs to monitor the quality and effectiveness of the services that providers offer; and~~
- 0. ~~Protect the privacy of students who receive supplemental educational services.~~

**REFERENCES:**

KRS 158.6459  
704 KAR 3:390

**RELATED PROCEDURE:**

08.133 AP.2

EXPLANATION 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. IN ADDITION, ESSA NO LONGER ADDRESSES SUPPLEMENTAL EDUCATIONAL SERVICES. FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.11 AP.23

### ESSA Transfer Notification Options

Because the Kentucky waiver request to the U. S. Dept. of Education for flexibility was granted, there will be no need to use school improvement/restructuring notification forms through the 2018-2019 school year.

#### SCHOOL IMPROVEMENT YEAR 1

TO: _____	FROM: _____
DATE: _____	RE: _____
_____	GRADE: _____
_____	

Dear Parent/Guardian:

Our school is dedicated to providing the best education possible for your child. We are notifying you because under the federal Every Student Succeeds Act (ESSA), our school has been identified for school improvement. This means the school did not make adequate yearly progress (AYP).

In terms of our academic achievement, here is how our school compares with other schools in the District and in the state (information may be attached): \_\_\_\_\_

Our school was identified for these reasons: \_\_\_\_\_

We are working to improve student achievement by: \_\_\_\_\_

The District and state of Kentucky will help us by: \_\_\_\_\_

Parents wanting to get involved in addressing the academic issues that caused the school to be identified for school improvement should refer to the District's Title I Parental Involvement policy.

Although we are committed to improving our school, as required by law, we are notifying you that you may request your child be transferred, at no expense to you, to the same grade level at another public school selected by the District that has not been identified for school improvement, corrective action, or restructuring. Your child may also be eligible for transportation to or from that school at no cost to you.

☐ However, no other school option is available at this time for these reasons: \_\_\_\_\_

☐ The following are District schools available to accept transfers. Attached to this notice is information concerning performance and quality of the school(s): \_\_\_\_\_

You may also check our District web site (\_\_\_\_\_) for a list of available school transfer options for your child for the upcoming school year.

Please contact us immediately, but no later than ten (10) school days following the date of this letter by calling \_\_\_\_\_ at \_\_\_\_\_ to request a transfer.

Contact \_\_\_\_\_ Telephone # \_\_\_\_\_

Failure to meet this deadline will result in loss of your option to request a transfer. You will be notified of the school assignment.

Please let me know if you have questions about this information.

Sincerely, \_\_\_\_\_

Principal/designee



STUDENTS \_\_\_\_\_ (09.11 AP.23)  
(CONTINUED)

**ESSA Transfer Notification Options**

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**SCHOOL IMPROVEMENT-RESTRUCTURING**

To: _____ <i>Parent's Name</i>	FROM: _____ <i>School Name</i>
DATE: _____	RE: _____ <i>Student's Name</i>
	GRADE: _____

Dear Parent/Guardian:

Our school is dedicated to providing the best education possible for your child. We are notifying you because under the federal Every Student Succeeds Act (ESSA), our school has been identified for

☐ second-year school improvement ☐ corrective action year 1 ☐ corrective action year 2  
☐ restructuring year 1 ☐ restructuring year 2 and beyond.

Being identified at any of these levels means the school did not make adequate yearly progress (AYP).

In terms of our academic achievement, here is how our school compares with other schools in the District and in the state (information may be attached): \_\_\_\_\_

Our school was identified for these reasons: \_\_\_\_\_

We are working to improve student achievement by: \_\_\_\_\_

The District and state of Kentucky will help us by: \_\_\_\_\_

Parents wanting to get involved in addressing the academic issues that caused the school to be identified for school improvement should refer to the District's Title I Parental Involvement policy.

Although we are committed to improving our school, as required by law, we are notifying you that you may request your child be transferred, at no expense to you, to the same grade level at another public school selected by the District that has not been identified for school improvement, corrective action, or restructuring. Your child may also be eligible for transportation to and from that school at no cost to you.

☐ However, no other school option is available at this time for these reasons: \_\_\_\_\_

☐ The following are District schools available to accept transfers. Attached to this notice is information concerning performance and quality of the school(s): \_\_\_\_\_

If you are a parent who falls under the designation "low-income" and you choose not to transfer your child to another school, your child may receive supplemental educational services (SES) before or after school. You may choose from a state-approved list of providers. The District shall pay the providers but you must provide transportation. The providers available to you are: \_\_\_\_\_

Included with this notification is a description of the services, qualifications and effectiveness for each available provider. Should the demand for supplemental education services exceed available funds, the amount of tutoring your child may receive will depend on the cost of the service selected. Should the number of students signing up for tutoring services exceed the ability of the District to fund the service, the District will give priority to students based on the following: \_\_\_\_\_

Please contact us immediately, but no later than ten (10) school days following the date of this letter by calling \_\_\_\_\_ (Contact) at \_\_\_\_\_ (Telephone #) to request a transfer or supplemental educational services. Failure to meet this deadline will result in the loss of your option to request a transfer or receive supplemental educational services (SES).

Please let me know if you have questions about this information.

Sincerely, \_\_\_\_\_

Principal/designee \_\_\_\_\_

RELATED PROCEDURE: 08.132 AP.1

STUDENTS

09.11 AP.23  
(CONTINUED)

**ESSA Transfer Notification Options**

TO: _____	FROM: _____
Parent's Name	School Name
DATE: _____	RE: _____
Student's Name	GRADE: _____

Our school is dedicated to providing the safest educational experience possible for your child. We are notifying you because under ESSA and state law, our school has been designated as "persistently dangerous." A Kentucky public school is considered persistently dangerous if conditions exist over a period of time that expose students to injury due to violent criminal acts.

Although we are committed to improving our school, as required by law, we are notifying you that you may request your child be transferred to the same grade level at a District school ~~that is making adequate yearly progress and that has not been identified as being persistently dangerous, or in school improvement, corrective action, or restructuring.~~ Your child would be entitled to free transportation services.

- ☐ However, no other school option is available at this time.
- ☐ The following are schools available to accept transfers: \_\_\_\_\_

Please contact us immediately, but no later than ten (10) school days following the date of this letter by calling \_\_\_\_\_ at \_\_\_\_\_ to request

\_\_\_\_\_ Contact Telephone #

a transfer. Failure to meet this deadline will result in loss of your option to request a transfer.

You will be notified of the school assignment.

Please let me know if you have questions about this information.

Sincerely, \_\_\_\_\_  
Principal/designee

STUDENTS

09.11 AP.23  
(CONTINUED)

**ESSA Transfer Notification Options**

TO: _____ <i>Parent's Name</i>	FROM: _____ <i>School Name</i>
DATE: _____	RE: _____ <i>Student's Name</i>
	GRADE: _____

Our school is dedicated to providing the safest educational experience possible for your child. We are notifying you because the Superintendent has determined that your child has been a victim of a violent criminal offense as defined under state law.

Although we are committed to improving our school as required by law, we are notifying you that you may request your child be transferred to the same grade level at a District school ~~that is making adequate yearly progress and that has not been identified as being persistently dangerous or in school improvement, corrective action, or restructuring,~~ if such a school is available within the District.

- ☐ However, no other school option is available at this time.
- ☐ The following are schools available to accept transfers: \_\_\_\_\_

Please contact us immediately, but no later than ten (10) school days following the date of this letter by calling \_\_\_\_\_ at \_\_\_\_\_ to request a

transfer. Failure to meet this deadline will result in loss of your option to request a transfer.

You will be notified of the school assignment.

Please let me know if you have questions about this information.

Sincerely, \_\_\_\_\_  
Principal/designee

NOTE: This parent was contacted by telephone by \_\_\_\_\_ on \_\_\_\_\_  
Staff Member

\_\_\_\_\_  
Date

**ESSA Transfer Notification Options**

Because the Kentucky ESSA waiver request was granted through the 2018-2019 school year, only those sections addressing persistently dangerous schools, victims of a violent criminal offense, and related deadlines will apply.

**TIMELINE INFORMATION****ESSA IMPROVEMENT SCHOOLS**

- ◆ When a school is identified for "school improvement, corrective action, or restructuring," the District shall notify parents of students attending the designated school of the option to transfer their child to another public school not identified for improvement and provide details about the available options as far in advance as possible, but no later than fourteen (14) days before the start of the school year.
- ◆ As required by federal regulations, the District shall post on the District/school web site(s) information about available public school choice options to include the number of students who were eligible for and who participated in public school choice, beginning with data from the 2007-08 school year and for each subsequent year, and a list of available schools to which students eligible for public school choice may transfer for the current school year.

**SUPPLEMENTAL EDUCATIONAL SERVICES**

- ◆ To assist parents of eligible students in requesting and selecting an SES provider, the District shall provide at least two (2) enrollment windows at separate points in the school year.

**PERSISTENTLY DANGEROUS SCHOOLS**

- ◆ Within ten (10) days of receiving notification of a school being designated as a "persistently dangerous school" (as defined by the Kentucky Board of Education), the District shall notify parents of students attending the designated school.
- ◆ Within twenty (20) school days from the date the District receives notice of being designated as "persistently dangerous," the District must notify students attending the school and their parents of the opportunity to transfer to a safe District school with transportation provided.

**VICTIM OF VIOLENT CRIMINAL OFFENSE**

- ◆ The District shall notify parents within twenty-four (24) hours, both in writing and by telephone, of a final determination that their child has been a victim of a violent criminal offense.
- ◆ The District shall offer the parent/guardian of the student the opportunity to transfer to a safe District school within ten (10) calendar days of such a determination.

**DEADLINE:**

- ◆ Transfers resulting from any of these designations must be completed within thirty (30) school days from the date the District receives notice of the designation. The District will make every effort to arrange for a requested transfer prior to the beginning of a school year.

◆ = time requirement designated by federal law

EXPLANATION: THIS CLARIFIES THAT PERSONS WITH LAWFUL AUTHORITY SUCH AS POLICE OFFICERS WITH A WARRANT OR THE PERSON AUTHORIZED BY THE CABINET FOR FAMILIES AND CHILDREN WHEN THE STUDENT IS COMMITTED TO THE CABINET BY A COURT ORDER MAY SIGN OUT STUDENTS  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.1231 AP.21

### Student Entry and Exit Log

SCHOOL: _____	DATE _____
---------------	------------

STUDENTS WHO ARE LATE IN ARRIVING AT SCHOOL OR WHO ARE DEPARTING EARLY SHALL SIGN THIS LOG.

When recognized by the Principal/designee or by presenting verification of identity, the following persons may sign out students:

- Custodial parent/guardian
- Noncustodial parent, unless the school has been provided with evidence that there is a state law or court order which provides instruction to the contrary
- Persons designated in writing by the custodial parent/guardian (must be an adult designee if an elementary student is involved)
- Persons designated by the Principal in the event of an emergency
- **Persons with lawful authority to take custody of the student**

<sup>1</sup>Those students who are not on record as being under the care or control of a parent/guardian may sign for their own dismissal

NAME OF STUDENT	GRADE/ HOMEROOM	TIME OF SIGN-IN	TIME OF SIGN-OUT	REASON	SIGNATURE OF AUTHORIZED PERSON/ELIGIBLE STUDENT	INITIALS OF EMPLOYEE VERIFYING IDENTITY

DAILY LOG SHEETS SHALL BE KEPT ON FILE FOR TWO (2) FULL SCHOOL YEARS.

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EXPLANATION 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 AND INSTITUTIONS OF HIGHER EDUCATION.

FINANCIAL IMPLICATIONS POSSIBLE COSTS OF REPRINTING OF FORMS

STUDENTS

09.14 AP.1

### **Family Educational Rights and Privacy Act Definitions**

Although this listing is not intended to take the place of the complete FERPA law and regulations, the following definitions shall apply when implementing Policy 09.14 and the procedures that follow.

**EDUCATION RECORDS** – Refers to records directly related to a student that are maintained by the District or by a party acting for the District.

A "record" shall include any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audiotape, film, microfilm, and microfiche. Student records shall include disciplinary records with regard to suspension and expulsion.

Staff should refer to federal regulations for examples of documents that are not considered education records.

**PERSONALLY IDENTIFIABLE INFORMATION** – Includes, but is not limited to, the following:

1. Student's name;
2. Name of the student's parent or other family member;
3. Address of the student or student's family;
4. Any personal identifier, such as the student's social security or student number;
5. Personal characteristics that would make the student's identity easily traceable, including biometric records (measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting); or
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

**NOTE:** Unless the parent/guardian or ~~secondary school student who has reached age 18,~~ requests in writing that the District not release 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.

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**STUDENT** - Except as otherwise specifically designated by law, "student" shall mean any individual who is or has been in attendance in the District and for whom the District maintains education records.

**ATTENDANCE** – District "attendance" includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom; and the period during which a person is working under a work-study program.



STUDENTS

09.14 AP.1  
(CONTINUED)

**Family Educational Rights and Privacy Act Definitions**

**DISCLOSURE** - Refers to permitting access to, or release or transfer of, personally identifiable information contained in a student's education record to any party, except the party identified as the provider or creator of the record, by any means, including oral, written, or electronic.

**EDUCATION PROGRAM** - Programs principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education and adult education, and any program that is administered by an educational agency or institution.

**EARLY CHILDHOOD EDUCATION PROGRAM** - A Head Start program, a state licensed or regulated child care program, or a program that serves children from birth through age six (6) that addresses the children's cognitive, social, emotional and physical development and is a (a) state prekindergarten program; (b) a program authorized under the Individuals with Disabilities Education Act; or (c) a program operated by a local education agency.

**REFERENCES:**

34 C.F.R. Part 99, 20 U.S.C. 1232g  
P. L. 114-95, (Every Student Succeeds Act of 2015)

EXPLANATION 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 AND INSTITUTIONS OF HIGHER EDUCATION

FINANCIAL IMPLICATIONS POSSIBLE COSTS OF REPRINTING OF FORMS

STUDENTS

09.14 AP.11

### **Family Educational Rights and Privacy Act**

The following rules and procedures shall be complied with relative to disclosure of student records:

1. The District shall annually notify parents of students currently in attendance, or eligible students currently in attendance, of their rights under the Family Educational Rights and Privacy Act (FERPA).

The notification also shall be furnished to parents of all new students and to all new eligible students by the Principal at the time of enrollment.

2. Unless the parent or ~~secondary school student who has reached age 18~~ requests in writing that the District not release 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.

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Subject to federal opt-out rights, directory information shall be made available to Armed Forces recruiters and institutions of higher education on the same basis as it is provided to the public.

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3. Parents or eligible students who wish to review educational records may make a request on the appropriate form. Forms are available at the school and in the Central Office. Access shall be provided within a reasonable time frame, not to exceed forty-five (45) calendar days of District receipt of the request. Because, a shorter timeline is required in certain situations involving IDEA students, staff shall adhere to the District's special education procedures for responding to such requests.

If circumstances effectively prevent a parent or eligible student from exercising inspection rights, copies of the requested records shall be provided within the above stated time frame.

Until any questions are resolved, no student record held by the District shall be discarded when the record is under an outstanding request to inspect or review.

4. School authorities shall make a documented effort to notify the parent or eligible student prior to complying with a court order or subpoena that directs the disclosure of information concerning the student. In compliance with FERPA, notice to the parent is not required when a court order directs that the parent/eligible student is not to be notified, or when the order is issued in the context of a dependency, neglect, or abuse proceeding in which the parent is a party.

As noted in the District's annual FERPA notice, parent consent/notification is not required to release student records to another school district or post-secondary institution in which a student seeks or intends to enroll or is already enrolled.

5. The District shall disclose personally identifiable student information to an organization designated to conduct a study for or on behalf of the District only when a written agreement has been established with the organization. Such disclosure does not require parent/eligible student consent.

STUDENTS

09.14 AP.11  
(CONTINUED)

**Family Educational Rights and Privacy Act**

6. The parent or eligible student must sign a request and consent form before a student's records are to be transferred to an agency or individual not authorized under law to receive them.
7. A log shall be maintained of student records requests and disclosures, including emergency disclosures in response to an actual, impending, or imminent articulable and significant health/safety threat. The log requirement does not apply to the following:
  - a. Disclosures made to parents or eligible students,
  - b. Records released pursuant to written consent,
  - c. Access by school officials and others having a legitimate educational interest under FERPA,
  - d. Disclosure to a party with written consent from a parent or eligible student,
  - e. Disclosures of directory information, or
  - f. Disclosures of records made pursuant to a subpoena or court order where a court order or other law provides that the parent or student are not to be notified.
8. A challenge to the records may take the form of an informal discussion among the parents, student, and school officials. Any agreement between these parties shall be reduced in writing, signed by all parties, and placed in the student's records.
9. Upon request, the Superintendent/designee shall, arrange for a record amendment hearing in compliance with 702 KAR 1:140.

**RELATED PROCEDURES:**

All 09.14 procedures

EXPLANATION 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 AND INSTITUTIONS OF HIGHER EDUCATION  
FINANCIAL IMPLICATIONS POSSIBLE COSTS OF REPRINTING OF FORMS

STUDENTS

09.14 AP.111

### **Notification of FERPA Rights**

Distribute this notice annually to parents and students.
--

The Family Educational Rights and Privacy Act (FERPA) affords parents and "eligible students" (students 18 years of age or older or students who are attending a postsecondary institution) certain rights with respect to the student's education records. They are:

1. *The right to inspect and review the student's education records within forty-five (45) days of the day the District receives a request for access.*

Parents or eligible students should submit to the school Principal/designee a written request that identifies the record(s) they wish to inspect. The Principal will make arrangements for access and notify the parent or eligible student of the time and place where the record(s) may be inspected.

2. *The right to inspect and review logs documenting disclosures of the student's education records.*

Except for disclosure to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosure to the parent or eligible student, FERPA regulations require the District to record the disclosure.

3. *The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or in violation of the student's privacy or other rights.*

Parents or eligible students may ask the District to amend a record that they believe is inaccurate, misleading, or in violation of privacy or other rights. They should write the school Principal, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or in violation of their privacy or other rights.

If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise him/her of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

**Notification of FERPA Rights**

4. *The right to provide written consent prior to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.*

Exceptions that permit disclosure without consent include:

- a. Disclosure to school officials with legitimate educational interests. A "school official" is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school Board; a volunteer, or an outside person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility to the District.

This may include contractors, consultants, volunteers, and other parties to whom the District has outsourced services or functions.

- b. Upon request, disclosure of education records without parent/eligible student notice or consent to officials of another school district or post-secondary institution in which a student seeks or intends to enroll or is already enrolled or to other entities authorized by law so long as the disclosure is for purposes related to the student's enrollment or transfer.
- c. Disclosure of information to those whose knowledge of such information is necessary to respond to an actual, impending, or imminent articulable and significant health/safety threat.
- d. Disclosure to state and local educational authorities and accrediting organizations, subject to requirements of FERPA regulations.

Designated Kentucky State agencies may be permitted access to student record information, which will depend on the authority granted to their particular agency.

5. *The right to notify the District in writing to withhold information the Board has designated as directory information as listed in the annual directory information notice the District provides to parents/eligible students.*

To exercise this right, parents/eligible students shall notify the District by the deadline designated by the District.

**Notification of FERPA Rights**

6. *The right to prohibit the disclosure of personally identifiable information concerning the student to recruiting representatives of the U. S. Armed Forces and its service academies, the Kentucky Air National Guard, ~~and~~ the Kentucky Army National Guard and institutions of higher education.*

Unless the parent or ~~secondary school~~ student who has reached age 18 requests in writing that the District not release 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.

7. *The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA.* The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605

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EXPLANATION EFFECTIVE WITH THE 2015 SCHOOL YEAR, THE ONLY MEDICAID CONSENT FORMS  
ACCEPTED FOR MONITORING ARE LOCATED ON KDE'S WEBSITE  
FINANCIAL IMPLICATIONS NONE ANTICIPATED  
EXPLANATION STUDENT RECORDS ARE OFTEN REQUESTED ELECTRONICALLY THIS ADDRESSES  
SUCH  
FINANCIAL IMPLICATIONS NONE ANTICIPATED

STUDENTS

09.14 AP.24

**Release/Inspection of Student Records/Medicaid Consent**  
**TO THIRD PARTY**

Date: \_\_\_\_\_

Name of School: \_\_\_\_\_

The \_\_\_\_\_ Schools are hereby authorized to:

☐ Release or copy

☐ Permit the inspection of

the records listed below for \_\_\_\_\_, who was born on

*Student's Name*

\_\_\_\_\_. The individual or agency to whom this information is to be released is \_\_\_\_\_.

I understand that the records affected are checked below, along with the reason(s) for the requested release or authorization to inspect.

<b>RECORDS (including electronic)</b>	<b>PURPOSE</b>
<input type="checkbox"/> All cumulative records	
<input type="checkbox"/> Attendance record only	
<input type="checkbox"/> Grade records only	
<input type="checkbox"/> Standardized test data only	
<input type="checkbox"/> Special education records only	
<input type="checkbox"/> Other: _____	

This release is effective only for the specified records or types of records (including electronic) on hand as of the date you sign below UNLESS you specifically authorize further release of the specified records or types of records as follows. (Check and initial ONE of the following)

☐ I authorize on-going release of the specified records or types of records to the entity/individual specified until student reaches age of 18 unless earlier revoked in writing. (Initials \_\_\_\_\_)

☐ I authorize release of the specified records or types of records until the end of the present school year (June 30th) unless earlier revoked in writing. (Initials \_\_\_\_\_)

Signature of Parent/Guardian or Individual Acting as Parent under FERPA\*

Date

Signature of Student, 18 or Older or Attending Post-secondary Institution

Date

\*Living in the student's home in the absence of the parent on a day-to-day basis

Not for use by schools

I have read and understand the contents of this form regarding the release of my child's records. I understand that the release of my child's records is for the purpose of monitoring and that I am not releasing the records to any other party. I understand that the release of my child's records is for the purpose of monitoring and that I am not releasing the records to any other party. I understand that the release of my child's records is for the purpose of monitoring and that I am not releasing the records to any other party.

Signature of Parent/Guardian

Date

EXPLANATION 702 KAR 3 220 PROVIDES GUIDELINES FOR WAIVER (NOT REDUCTION) OF SCHOOL FEES FOR INSTRUCTIONAL MATERIALS  
FINANCIAL IMPLICATIONS POSSIBLE INCREASED COSTS OF PROVIDING FULL PORTION OF INSTRUCTIONAL MATERIALS

STUDENTS

09.15 AP.21

**Application for Waiver of Fees**

Student's Name _____			
_____	_____	_____	_____
<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>	
Student's Address _____			
_____	_____	_____	_____
	<i>City</i>	<i>State</i>	<i>ZIP Code</i>
Student's Age _____	Date of Birth _____	Sex _____	Student's Phone Number _____
School _____	Grade _____	Homeroom/Classroom _____	

Name of Parent/Guardian \_\_\_\_\_

Address of Parent/Guardian \_\_\_\_\_

Home Telephone \_\_\_\_\_ If none, number of nearest neighbor \_\_\_\_\_

In the chart below, list the Name, Birthdate, School, and Grade for all other children in the home:

NAME	BIRTHDATE	GRADE	SCHOOL ATTENDING

**Employment Status of Parent/Guardian:**

**Mother:** ☐ Employed ☐ Unemployed

Employer's Name \_\_\_\_\_ Address \_\_\_\_\_

**Father:** ☐ Employed ☐ Unemployed

Employer's Name \_\_\_\_\_ Address \_\_\_\_\_

Gross Family Income from last Income Tax Return \_\_\_\_\_

1. Is the family presently receiving or eligible to receive any type of financial aid from the Kentucky Cabinet for Health & Family Services? ☐ YES ☐ NO

~~2. Are you financially able to partially pay the instructional resources fee now and continue to make payments until fully paid? ☐ YES ☐ NO~~

~~3. If your child is granted free/reduced price meal status, do you grant permission for school food service personnel to disclose that information to the following District personnel for the sole purpose of determining if your child is eligible for a fee waiver for such activities as textbook rental and school athletic and field trip fees, etc.?~~

- School administrators

STUDENTS

09.15 AP.21  
(CONTINUED)

**Application for Waiver of Fees**

- Other District personnel, such as activity sponsors, who do not otherwise have access to information in connection with the School Nutrition program.

☐ YES ☐ NO

4.3 If your child is eligible under the Community Eligibility Provision (CEP), do you grant permission for the FRAM coordinator to disclose that information to the following District personnel for the sole purpose of determining if your child is eligible for a fee waiver for such activities as textbook rental and school athletic and field trip fees, etc.?

- School administrators
- Other District personnel, such as activity sponsors, who do not otherwise have access to information in connection with the Community Eligibility Provision.

☐ YES ☐ NO

- Failure to sign this consent statement will not affect your child's eligibility or participation for the program.
- The recipient will be required to maintain confidentiality of the information.

Comments: \_\_\_\_\_

\_\_\_\_\_  
*Parent/Guardian's Signature*

\_\_\_\_\_  
*Date*

APPLICATION ☐ APPROVED ☐ DENIED

\_\_\_\_\_  
*Central Office Designee's Signature*

\_\_\_\_\_  
*Date*

EXPLANATION: THIS PROCEDURE MAY BE UTILIZED FOR SUPERVISION WHEN A REQUEST FOR SPECIAL TREATMENT IS MADE DUE TO TRANSGENDER IDENTITY OR OTHER ISSUES WHICH MIGHT REQUIRE SPECIAL SUPERVISION CONSIDERATIONS  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.221 AP.1

### **Supervision of Students**

#### **RESPONSIBILITY**

Principals shall develop and implement a plan of supervision for their schools to address the following areas:

1. Bus loading and unloading;
2. Meals;
3. Halls, restrooms, and playgrounds;
4. Time before and after the school day; and
5. Field trips and other school activities; and
6. Other issues.

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Prior to the opening of school each year, the Principal shall submit the plan to the Superintendent/designee for review and to the Board for its approval.

EXPLANATION: SCHOOL OFFICIALS SHALL FOLLOW DIRECTIONS PROVIDED BY THE INVESTIGATING OFFICER OR CABINET FOR HEALTH AND FAMILY SERVICES AS TO WHETHER TO CONTACT A PARENT REGARDLESS OF WHOM THE ALLEGED PERPETRATOR IS. FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.4361 AP.21

**Record of Student Arrest at School**

*This form shall be kept in the school office, and a duplicate copy shall be forwarded to the Central Office.*

Student's Name _____			
Last Name		First Name	Middle Initial
Student's Address _____			
City		State	ZIP Code
Student's Age _____	Date of Birth _____	Student's Phone Number _____	
School _____	Grade _____	Teacher/Classroom _____	
Date of Arrest _____			

LAW ENFORCEMENT AGENCY: (Check one)

☐ City Police ☐ County Sheriff ☐ Kentucky State Police ☐ Other: \_\_\_\_\_

ARRESTING OFFICER: \_\_\_\_\_

NATURE OF THE OFFENSE CHARGED: \_\_\_\_\_

ISSUING AUTHORITY OF ARREST WARRANT: \_\_\_\_\_

PLACE OF CUSTODY: \_\_\_\_\_

PARENTS NOTIFIED BY: \_\_\_\_\_ at: \_\_\_\_\_ on \_\_\_\_\_  
Employee Time Date

NOTE: If a student is an alleged victim of abuse or neglect ~~by a parent~~, school officials shall follow directions provided by the investigating officer or Cabinet for Health and Family Services/families and children representative as to whether to contact a parent.

PARENT/GUARDIAN NOTIFIED: \_\_\_\_\_

\_\_\_\_\_  
Principal/Designee's Signature

\_\_\_\_\_  
Date



EXPLANATION: 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

STUDENTS

09.438 AP.1

### **Reporting of Code Violations**

Students wishing to report bullying or other violation of the Code of Acceptable Behavior and Discipline may report it to a classroom teacher, who shall take appropriate action as defined by the code. The teacher shall refer the report to the Principal/designee for further action when the report involves an offense that may warrant suspension or expulsion of a student, any felony offense, or a report that may be required by law, including reports to law enforcement.

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#### **RETALIATION PROHIBITED**

Employees and other students shall not retaliate against a student because s/he reports a bullying or other violation of the code or assists or participates in any investigation, proceeding, or hearing regarding the violation. The Superintendent/designee shall take measures needed to protect students from such retaliation.

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EXPLANATION: THIS RECOMMENDATION DIRECTS SCHOOL STAFF THAT OUTSIDE SERVICE PROVIDERS ARE ALLOWED INTO THE SCHOOLS ONLY TO PROVIDE THERAPY OR DESIGNATED SERVICES TO STUDENTS IF THE OUTSIDE SERVICE PROVIDER HAS BEEN SOUGHT OUT AND CONTRACTED BY THE SCHOOL DISTRICT FOR SERVICES. OUTSIDE SERVICE PROVIDERS NOT SOUGHT OUT AND CONTRACTED BY THE DISTRICT WHO MEET SPECIFIED REQUIREMENTS MAY BE ALLOWED INTO SCHOOLS FOR OBSERVATION ONLY.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## COMMUNITY RELATIONS

10.5 AP.1

### Visitors to the Schools

#### CLASSROOM VISITATION

Requests for classroom observation by parents, educators, or other local citizens with legitimate educational interests pertaining to the District's public school program shall be made to the Principal with reasonable notification. The Principal may grant the request if:

1. The teacher involved is notified in advance of the arrangement.
2. The number in the group is small enough to be accommodated in the classroom without interfering with the class.
3. The frequency of the visits does not interfere with the scheduled instructional program in the classroom.

#### LUNCH WITH FAMILY MEMBER

Parents, guardians, grandparents, or other immediate family members as approved by the Principal/designee may request to have lunch with their child/grandchild. Otherwise, except for authorized District personnel, each school shall observe a closed campus at lunch.

#### SPECIAL INVITATION

A special invitation for parents and other interested persons to visit the schools may be extended during appropriate school programs or activities and special occasions.

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#### OBSERVATION BY OUTSIDE AGENCIES

These procedures are established for the purposes of observation only.

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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 District School.

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The following information/documentation is required by the District before a private, outside therapist/service provider can observe its private client within a District 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):

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- Background check clearance on file with District 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

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**Visitors to the Schools****OBSERVATION BY OUTSIDE AGENCIES (CONTINUED)**

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

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## KSBA Procedure Service

## 2016 Procedure Update (#20) Checklist

**District:** Floyd County Schools

To enable KSBA to track and store your District's administrative procedures in our procedure database, please indicate below what decision you have made on the proposed new/revised procedures enclosed for your review. We will forward printed or reproducible copies of the procedures when we receive this form and update your online manual if you belong to that service.

Procedure Number	Adopt as Written	Adopt with Modification*	Date of District/ Board Review	Keep Current Procedure	Delete Procedure
01.61 AP.11	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
03.112 AP.22	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
03.5 AP.1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
05.11 AP.11	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
05.11 AP.21	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
08.133 AP.1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
09.11 AP.23	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
09.1231 AP.21	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
09.14 AP.1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
09.14 AP.11	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
09.14 AP.111	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
09.14 AP.12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
09.14 AP.24	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
09.15 AP.21	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
09.221 AP.1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
09.4361 AP.21	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
09.438 AP.1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.5 AP.1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

_____			_____		
_____			_____		

\*Please attach a copy of the modified policy. DO NOT RETYPE A DRAFT - simply indicate the district-initiated changes by writing in colored ink, circling, highlighting, etc.

\_\_\_\_\_  
Superintendent's Signature

\_\_\_\_\_  
Date

**Please return this completed form to KSBA at your earliest opportunity.  
Please contact your KSBA Consultant IF you need KSBA to completely reprint all policy pages or to order additional new manuals, instead of just getting copies of the updated 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 OF EDUCATION

01.0

### DEFINITIONS

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

#### **POLICIES**

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

#### **ADMINISTRATIVE PROCEDURES**

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

#### **ADMINISTRATIVE REGULATIONS**

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

#### **FULL-TIME, PART-TIME STATUS**

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

#### **SUPERINTENDENT**

Policies that charge the Superintendent with preparing and/or implementing 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.

#### **PRINCIPAL/HEAD TEACHER**

In those schools without a Principal, the duties of the Principal as prescribed by this ~~MANUAL~~-manual are assumed by the person designated as head teacher by the Board.

#### **GENDER**

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

#### **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.

**DEFINITIONS****PARENT OR GUARDIAN**

Parent, as used in the ~~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/special education/exceptional" shall refer to children and youth with disabilities.

**SCHOOL NUTRITION PROGRAM**

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

**STUDENT ATTENDANCE DAY**

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

**HEALTH PROVIDER**

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

**RELATED POLICIES**

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

**REFERENCES**

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

**REFERENCES:**

<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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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 and, if a school-based position is to be filled, shall be submitted with a certified statement reflecting the school's entitlement, current staffing, the reason(s) why the position was vacant, and the financial impact of the employment.

When a vacancy occurs, the Superintendent shall notify the Commissioner of Education thirty (30) days before the position is to be filled.

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

##### EFFECTIVE DATE

Personnel actions shall not be effective until the employee receives written notice of such action from the Superintendent. Certified employees may be appointed by the Superintendent for any school year at any time after February 1 next preceding the beginning of the school year.

##### QUALIFICATIONS

The Superintendent shall employ only individuals who are certified for the positions they will hold and who possess qualifications established by 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.

A "qualified applicant" is an individual who:

1. Holds proper certification for the position sought;
2. Has no actions pending or sanctions applied against his/her administrative and/or teaching certificate;
3. Is not currently under contractual agreement with another board of education and said agreement cannot be terminated without violating KRS 161.780(1); and
4. Has not been formally placed at another school within this District no later than thirty (30) days before the first student attendance day of the school year unless released from placement by the Superintendent pursuant to Policy 03.1311 (Transfer).

### **Hiring**

#### **QUALIFICATIONS (CONTINUED)**

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>~~

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#### **CRIMINAL BACKGROUND CHECK AND TESTING**

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

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>

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

#### **JOB REGISTER**

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

#### **VACANCIES POSTED**

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

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

#### **REVIEW OF APPLICATIONS**

The District Position Screening Committee shall review and screen all applications for District positions. ("District positions" are positions that serve two (2) or more schools or that provide services to the District at large.) This Committee shall represent five (5) groups of employees, consisting of one (1) building Principal, who shall serve as chair, one (1) member of the local teachers' organization, one (1) bus driver, one (1) member of the Central Office certified staff, and one (1) member of the Central Office classified staff. Selection of a representative of the local teachers' organization shall be made to minimize disruption to student learning. A majority of Committee members present shall be deemed as sufficient to conduct business. The Screening Committee shall rank applicants using the adopted point system. The Committee shall then recommend the highest ranking applicants to the Superintendent for interviews.

**Hiring****REVIEW OF APPLICATIONS (CONTINUED)**

The Superintendent shall waive the District Position Screening Committee if five (5) or fewer qualified applications have been received for a position. The Superintendent shall appoint members of an Interview Committee. The Interview Committee, which may include the Superintendent, shall be composed of at least three (3) members, one (1) of whom shall be a building Principal. All applicant interviews shall be arranged through the Office of Human Resources.

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

To be considered an applicant for a position, the person must have the following information on file in the District Office of Human Resources:

1. Completed application form;
2. Copy of valid Kentucky teaching certificate or Intern Statement of Eligibility, if required;
3. Official transcript of all college work and/or a copy of the person's high school diploma or GED certificate; and
4. Three (3) letters of recommendation on the required form.

**RELEASE OF APPLICATIONS**

Only complete applications shall be released to schools or to the District Position Screening Committee. The Office of Human Resources shall accept all applications for positions but shall release applications to school councils and interview committees beginning with applications submitted by individuals who are certified in terms of subject matter and grade range and who are currently employed by the District. If no hiring selection results from the initial release of applications, the District shall forward all remaining applications to the council or interview committee. A school council may receive all available applications with the initial release if such a request is made to the Superintendent.

**BEST-QUALIFIED APPLICANT**

Floyd County Schools is committed to hiring the best-qualified applicant for a certified vacancy as outlined in KRS 161.100 and 16 KAR 2:120. If a recommendation or selection is made to employ an applicant who is not the best qualified, then documentation shall be provided and shall support why the better qualified applicant(s) were not recommended or selected. The documentation shall be based on references, evaluations, attendance patterns, communications regarding past performance according to previous supervisors, and notes from personal interviews.

**RELATIONSHIPS**

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

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

**CONTRACT**

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

PERSONNEL

03.11  
(CONTINUED)

**Hiring**

**JOB DESCRIPTION**

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

**REFERENCES:**

<sup>1</sup>KRS 160.380

<sup>2</sup>KRS 161.605; 702 KAR 1:150

<sup>3</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. 200.55-200.56

KRS 17.160; KRS 17.165

KRS 156.106; KRS 160.345; KRS 160.390

KRS 161.042; KRS 161.611; KRS 161.750

KRS 335B.020; KRS 405.435

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

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

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

Records Retention Schedule, Public School District

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**RELATED POLICIES:**

01.11; 02.4244; 03.1311; 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 licensed physician designated by the Board. Should an employee wish to use his/her own personal physician for this medical exam, the Board will reimburse employees only up to an amount equal to that charged by the Board-designated physician for a medical exam.

#### **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>

#### **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**

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

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

**REFERENCES:**

<sup>2</sup>702 KAR 1:160, 902 KAR 2:020; KRS 214.181; KRS 214.625  
OAG 65-560  
Genetic Information Nondiscrimination Act of 2008  
Americans with Disabilities Act  
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 a copy of the required certificate prior to assuming the duties of the position.

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

#### NOTICE TO PARENTS OF TEACHER'S QUALIFICATIONS/CERTIFICATION

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

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

#### CERTIFICATION FOR TEACHING ELECTIVE COURSES

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

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

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



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)~~

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**RELATED POLICIES:**

02.4241; 03.11; 03.5

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

FINANCIAL IMPLICATIONS: COST OF TRAINING

PERSONNEL

03.14

- CERTIFIED PERSONNEL -

### **Health and Safety**

#### **SAFETY**

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

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

#### **HAZARD COMMUNICATION PLAN**

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

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

#### **BLOODBORNE PATHOGEN CONTROL**

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

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

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

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

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

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

**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. Annual 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;

**Health and Safety****PERSONAL PROTECTIVE EQUIPMENT (PPE) (CONTINUED)**

3. A training program to be conducted to educate employees about the need for PPE and when it must be worn;
4. Training of employees on the use and care of PPE, how to recognize deterioration and failure and the need for replacement; and
5. Requiring employees to wear designated PPE as deemed necessary by the hazard assessment.

**ASBESTOS MANAGEMENT**

The District shall conduct school inspection and re-inspection activities as required by state and federal 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.

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**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

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RECOMMENDED REPLACE THE TERMS "HUSBAND" AND "WIFE" WITH "SPOUSE" DUE TO RECENT UNITED STATES SUPREME COURT AUTHORITY (OBERGEFELL DECISION). THIS CHANGE IS NOT REQUIRED BY LAW.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.18

~~-CERTIFIED PERSONNEL-~~

### **Evaluation**

#### **DEVELOPMENT OF SYSTEM**

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

#### **PURPOSE**

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

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

#### **REPORTING**

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

#### **NOTIFICATION**

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

#### **CONFIDENTIALITY**

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

#### **REVIEW**

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

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

#### **APPEAL PANEL**

The District shall establish a panel to hear appeals from summative evaluations as required by law.<sup>4</sup>

#### **ELECTION**

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

**Evaluation****TERMS**

All terms of panel members and alternates shall be for a period not to exceed three (3) years. Term of office shall be from July 1 to June 30. Members may be reappointed or reelected.

**CHAIRPERSON**

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

**APPEAL TO PANEL**

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

**APPEAL FORM**

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

**CONFLICTS OF INTEREST**

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

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

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

**BURDEN OF PROOF**

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

**HEARING**

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

**PANEL DECISION**

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

PERSONNEL

03.18  
(CONTINUED)

**Evaluation**

**SUPERINTENDENT**

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

**REVISIONS**

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

**REFERENCES:**

<sup>1</sup>KRS 156.557; 704 KAR 3:370  
703 KAR 5:225  
OAG 92-135, Thompson v. Board of Educ., Ky., 838 S.W.2d 390 (1992)

**RELATED POLICIES:**

<sup>2</sup>03.15  
02.14; 03.16

LEGAL 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 702 KAR 5:080. The Board shall contract with a medical practitioner to perform the examinations at no cost to the drivers.

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

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

As a condition of initial employment, all classified employees (except bus drivers), including substitute employees, shall pass a medical examination as indicated in 702 KAR 1:160. The examination shall be provided by a licensed physician designated by the Board. Should an employee wish to use his/her own personal physician, the Board will reimburse employees only up to an amount equal to that charged by the Board-designated physician for a medical exam<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>

#### **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>



**Medical Examination****SCHOOL TO REPORT**

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

**MEDICAL CONFIDENTIALITY**

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

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

**REFERENCES:**

<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: 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 PLAN**

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

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

#### **BLOODBORNE PATHOGEN CONTROL**

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

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

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

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

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

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

**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. Annual 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)**

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;

**Health and Safety****PERSONAL PROTECTIVE EQUIPMENT (PPE) (CONTINUED)**

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

**ASBESTOS MANAGEMENT**

The District shall conduct school inspection and re-inspection activities as required by state and federal 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.

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**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

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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

### Paraprofessionals

#### SUPERINTENDENT MAY EMPLOY

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

#### DEFINITION

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

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#### SUPERVISION

Paraprofessionals shall be under the direct supervision of certified teachers.<sup>1&2</sup> Each paraprofessional shall have a job description that limits assigned duties to the scope of the individual's competencies.

#### EVALUATION

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

#### REFERENCES:

<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

PERSONNEL

03.5  
(CONTINUED)

**Paraprofessionals**

**RELATED POLICIES:**

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

|

LEGAL: A NEW REGULATION, 702 KAR 3.320, STATES THE QUALIFICATIONS NOW NEEDED FOR EMPLOYEES TO SERVE AS A DISTRICT FINANCE OFFICER. THIS NEW POLICY REFLECTS THE NEW REGULATION.

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

FISCAL MANAGEMENT

04.0

### Finance Officer Qualifications

All finance officers shall meet the qualifications of and be in compliance with the certification requirements noted in 702 KAR 3.320.

#### REFERENCES:

KRS 160.341

702 KAR 3.320

LEGAL RECENT REVISIONS TO 302 KAR CHAPTER 29 CHANGE THE REQUIREMENTS FOR NOTIFICATION OF PESTICIDE APPLICATION ON SCHOOL PROPERTY AND DEFINE WHEN CHILDREN ARE PRESENT  
FINANCIAL IMPLICATIONS NONE ANTICIPATED

## SCHOOL FACILITIES

05.11

### Alterations of Buildings and Grounds

#### APPROVAL NEEDED

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

#### INTEGRATED PEST MANAGEMENT

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

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

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

#### REFERENCES:

KRS 158.447

KRS 160.290

KRS 162.060

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

702 KAR 4:180

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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**

#### **RESPONSIBILITY**

The Transportation Director 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 ~~excluding the cost of obtaining a regular driver's license~~. Any license certification beyond what is required to drive school buses must be paid for by the individual.

#### **REFERENCES:**

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

RECOMMENDED 13 KAR 2:020 CURRENTLY ALLOWS SOME FLEXIBILITY ON THE COLLEGE READINESS ASSESSMENT REQUIRED TO QUALIFY FOR INITIAL COLLEGE ADMISSION AND DOES NOT ABSOLUTELY MANDATE THE USE OF THE "ACT" EXAM. THE POLICY HAS BEEN AMENDED TO REFLECT THAT FLEXIBILITY.  
FINANCIAL IMPLICATIONS NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.1121

### **Pre-College Curriculum**

In order to be admitted unconditionally to baccalaureate degree programs at a Kentucky public university, students shall be required to complete the Pre-College Curriculum established by the Kentucky Council on Higher Education, graduate from high school, and take ~~the ACT~~ an authorized college admissions assessment.

A pre-college curriculum course may be waived by the Superintendent/designee for a student who cannot complete the course due to a physical handicap. In such instances, the student shall complete a course substituted by the District in accordance with 704 KAR 3:305.

#### **ADDITIONAL**

Each university may require additional preparation for its entering students. High school students may attend course(s) away from their high school of attendance to obtain certain courses required for graduation and/or to take advantage of post-secondary class/credit opportunities verified by the institution, the high school of attendance, and the District.

#### **REFERENCES:**

13 KAR 2:020  
704 KAR 3:305

#### **RELATED POLICY:**

08.113

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

FINANCIAL IMPLICATION NONE ANTICIPATED

LEGAL RECENT REVISIONS TO 704 KAR 3 303 REMOVED REFERENCE TO "CORE" ACADEMIC STANDARDS

FINANCIAL IMPLICATION NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.1312

### **Home/Hospital Instruction**

#### **PURPOSE**

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

Home/hospital instruction will be a minimum of two (2) visits per week with one (1) hour of instruction per visit, which is equivalent to one (1) child's attendance in school for five (5) days.<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**

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

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

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

#### **PROGRAMS FOR HOME/HOSPITAL INSTRUCTION**

Students applying for home/hospital instruction shall supply satisfactory evidence of need, verified by a signed statement by a licensed physician, advanced registered nurse practitioner, psychologist or psychiatrist, or public health official that the student's condition prevents or renders inadvisable attendance at school. Some conditions that warrant home/hospital instruction are: fractures; surgical recuperation; other physical, health, or mental conditions; and certain communicable diseases, etc.

In cases where pregnant students need home/hospital services because the students are nearly full-term and subject to deliver or have already delivered their babies and need home/hospital services during recovery, services will be provided two (2) weeks prior to delivery and six (6) weeks after delivery. Medical complications may extend the amount of time needed in the program. In such cases, the application must describe what is abnormal about the pregnancy and the complication present that prevents school attendance.

While in home/hospital instruction, elementary students may be promoted or retained by the home/hospital teacher, based on the student's academic progress in all the basic skills areas.

**Home/Hospital Instruction****PROGRAMS FOR HOME/HOSPITAL INSTRUCTION (CONTINUED)**

The home/hospital teacher shall determine the final grade for each class exceeding twelve (12) weeks. The grade shall be determined by the student's academic progress evaluated by the home/hospital teacher. Students enrolled in home/hospital instruction for less than a twelve (12)-week period shall be assigned a final grade in each class by the student's school-based teacher.

**SECONDARY STUDENTS**

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

1. The student's ability to work independently during extended periods without direct assistance.
2. The student's capacity to complete assignments within a reasonable time frame.
3. The likelihood that the student will be able to complete course criteria required for graduation, as required by the Kentucky Core Academic Standards.
4. When considering the student's condition, should s/he take a full or reduced course load? If a reduced course load is appropriate, the committee shall determine the number of courses the student may take.

Only core courses will be offered through home/hospital instruction.

**STUDENTS WITH DISABILITIES**

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

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

**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 1.320](#)

[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:**

08.22

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**

A plan for diagnosing and addressing student academic deficiencies shall be developed to provide extended school services (ESS) ~~and supplemental educational services (SES)~~ as required by federal ~~or~~ state law.

#### **ADMINISTRATIVE PROCEDURE**

An appropriate administrative procedure shall be formulated for implementation of this policy.

#### **EXTENDED SCHOOL SERVICES**

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

For students eligible to attend ESS, the District shall:

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

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

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

Because the Kentucky request to the U. S. Dept. of Education for flexibility was granted, the following section is waived through the 2018-2019 school year.

#### **SUPPLEMENTAL EDUCATIONAL SERVICES**

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

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

**Extended School/Supplemental Educational Services**

**REFERENCES:**

- ~~1 P.L. 107-110 (No Child Left Behind Act of 2001)~~
- ~~34 C.F.R. 200.15-200.48~~
- ~~-704 KAR 3:390~~
- ~~-KRS 158.070~~

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

## CURRICULUM AND INSTRUCTION

08.3

### School Calendar

#### DEVELOPMENT OF CALENDAR

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

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

1. Opening and closing dates of the school term,
2. Beginning and ending dates of each school month,
3. Days on which students are scheduled to receive instruction at school within designated start and dismissal times (student attendance days) and the length of each student attendance day in accordance with KRS 158.060,
4. A minimum school term of not less than one hundred eight-five (185) days composed of student attendance days, teacher professional days, and holidays,
5. A student instructional year of at least one thousand sixty-two (1062) hours of instructional time or not less than one-hundred seventy (170) student attendance days,
6. Instructional time required for kindergarten per KRS 157.320,
7. Any instructional time to be banked to make up for full days that may be missed due to an emergency,
8. Days in addition to the student instructional year for the make-up of instructional time missed due to emergency equal to the greatest number of days missed system-wide over the preceding five (5) school years, and
9. Days on which schools shall be dismissed.

#### ADDITIONAL REQUIREMENTS

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

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

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

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

If any school in the District is used as a polling place, the Schools District shall be closed on the day of a regular or primary election, and those days may be used for professional development activities, professional meetings, or parent-teacher conferences. Subject to the requirement that schools shall be closed on Presidential Election Day, the District may be open on the day of an election if no school in the District is used as a polling place.



**School Calendar****AMENDING THE CALENDAR**

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

**EMERGENCY WAIVERS**

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

**REFERENCES:**

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

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

STUDENTS

09.11

### **School Attendance Areas**

#### **ASSIGNED ZONES**

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

#### **IF FAMILIES MOVE**

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

#### **REQUESTS FOR TRANSFER**

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

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

- ~~1. Another school option exists;~~
- ~~2. The assigned school is identified for school improvement under federal guidelines (priority for transfer will be given to the lowest-achieving children from low-income families);\*~~
- ~~3. 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.~~

#### **REFERENCES:**

<sup>1</sup>KRS 159.070

<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

OAG 80-394

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

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

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

1. Students shall be counted in attendance when they are receiving home/hospital, institutional,<sup>2</sup> or court-ordered instruction in another setting.
2. Participation of a pupil in 4-H activities that are regularly scheduled and under the supervision of a county extension agent or the designated 4-H club leader shall be considered school attendance.<sup>3</sup>

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

3. Students may participate in cocurricular activities and be counted as being in attendance during the instructional school day, provided the Principal/designee has given prior approval to the scheduling of the activities. Approval shall be granted only when cocurricular activities and trips are instructional in nature, directly related to the instructional program, and scheduled to minimize absences from classroom instruction.<sup>4</sup>
4. Students participating in an off-site virtual high school class or block may be counted in attendance in accordance with requirements set out in Kentucky Administration Regulation.<sup>4</sup>
5. Students having an individual education plan (IEP) that requires less than full-time instructional services shall not be required to be present for a full school day.<sup>4</sup>
6. Students who attend classes for moral instruction at the time specified and for the period fixed shall be credited with the time spent as if they had been in actual attendance in school, and the time shall be calculated as part of the actual school work required by law. Students shall not be penalized for any school work missed during the specified moral instruction time.<sup>5</sup>
7. Students participating as part of a school-sponsored interscholastic athletic team, who compete in a regional or state tournament sanctioned by the Kentucky Board of Education or KHSAA, that occurs on a regularly scheduled student attendance day shall be counted and recorded present at school on the date or dates of the competition, for a maximum of two (2) days per student per school year. Students shall be expected to complete any assignments missed on the date or dates of the competition.<sup>6</sup>
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>

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**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

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STUDENTS

09.122  
(CONTINUED)

**Attendance Requirements**

**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. 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.

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.

#### **EXCUSED ABSENCES**

An excused absence or tardiness is one for which work may be made up, such as:

1. Illness of the pupil;
2. Death or severe illness in the pupil's immediate family;
3. Medical or dental appointments with written verification by the doctor or dentist;
4. Court summons and subpoenas;
5. Religious holidays and practices;
6. Driver's license test or examination;
7. One (1) day for attendance at the Kentucky State Fair;
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. Other valid reasons as determined by the Principal, including trips qualifying as educational enhancement opportunities.

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

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.

**VERIFICATION REQUIRED**

Students who have been absent or tardy are required to bring, upon their return to school, written and dated notes signed by the parent or guardian to explain the absence or tardy or otherwise satisfy the Principal as to the validity of the excuse.

Even though a student may have parental consent to stay away from classes, the school authorities reserve the right to decide the validity of the absence.

**MAKE-UP WORK**

Requesting make-up work is the responsibility of the student.

Make-up work shall be required for students with unexcused absences. All credit for make-up work will be reduced by twenty percent (20%) for students with unexcused absences.

**PERFECT ATTENDANCE**

A student has perfect attendance if s/he has zero (0) absences and zero (0) tardies. Absences due to school-sponsored/approved events shall not be considered when calculating absences for the purposes of determining perfect attendance.

**REFERENCES:**

1702 KAR 7:125

KRS 36.396, KRS 38.470, KRS 40.366

KRS 158.070, KRS 158.183, KRS 158.293, KRS 158.294

KRS 159.035, KRS 159.140, KRS 159.150, KRS 159.180

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

**RELATED POLICIES:**

09.111, 09.122, 09.4281

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

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

STUDENTS

09.1231

### **Dismissal from School**

#### **RELEASE OF STUDENTS**

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

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

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

#### **RELEASE PROCESS**

No student will be excused on a regular basis for reasons not pertaining to school.

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

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

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

#### **EXCEPTIONS**

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

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

#### **REFERENCE:**

702 KAR 7:125

#### **RELATED POLICIES:**

09.12311, 09.1232, 09.1233, 09.432, 09.434, 10.5



RECOMMENDED THIS CLARIFIES THAT RELEASE OF THE STUDENT AND RELEASE OF RECORDS ARE HANDLED SEPARATELY. RELEASE OF RECORDS IS COVERED UNDER ACCESS TO STUDENT RECORDS (FERPA) POLICY 09.14.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.12311

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

The Board shall release the student ~~or information concerning the student~~ to ~~either~~ a 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:~~

~~0. Both parents shall have equal access to any information concerning the student;~~

~~0. Both parents shall have the right to release of the student under their care;~~

~~0. Provided a request has been filed by the parent with whom the child does not reside, when the school mails information about the student, it shall be sent to both parents;~~

Schools shall comply with directions provided by court orders concerning release of the student and information about the student.

**REFERENCES:**

20 U.S.C. 1232g, 34 C.F.R. 99.1 - 99-67  
OAG 85-130, OAG 90-52

**RELATED POLICIES:**

01.0

09.1231

09.14

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

FINANCIAL IMPLICATIONS NONE ANTICIPATED

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

FINANCIAL IMPLICATIONS NONE ANTICIPATED

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

FINANCIAL IMPLICATIONS POSSIBLE COSTS OF REPRINTING OF FORMS

STUDENTS

09.14

### Student Records

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

#### **PROCEDURE TO BE ESTABLISHED**

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

#### **DISCLOSURE OF RECORDS**

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

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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:

**Student Records****DISCLOSURE OF RECORDS (CONTINUED)**

- 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;
- 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.

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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.

**Student Records****DIRECTORY INFORMATION (CONTINUED)**

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.

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**SURVEYS OF PROTECTED INFORMATION**

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

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

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

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

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

**STUDENTS WITH DISABILITIES**

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

**RECORDS RELEASE TO JUVENILE JUSTICE SYSTEM**

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

**Student Records****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>

**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)~~

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**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 ~~Families and Children~~ Health and Family Services, or its designated representative, the Commonwealth's Attorney or the County Attorney in accordance with KRS 620.030.<sup>2</sup>

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

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

#### **WRITTEN REPORT**

The person reporting shall, if requested, in addition to the report required above, file with the local law enforcement agency or the Kentucky State Police or the Commonwealth's or County's Attorney or the Cabinet for ~~Families and Children~~ Health and Family Services 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.

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#### **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 ~~Families and Children~~ Health and Family Services representative as to whether to contact a parent.<sup>3</sup>

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**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

STUDENTS

09.313

### **Eligibility (Athletics)**

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.

The SBDM Councils shall establish eligibility requirements for participation in practices and competitions. High school requirements shall be no less rigorous than specified by KHSAA.

#### **REFERENCES:**

<sup>1</sup>KRS 160.345

KRS 156.070

702 KAR 7:065; 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)

09.423



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  
LEGAL: RECENT REVISIONS TO 704 KAR 3:303 REMOVED REFERENCE TO "CORE" ACADEMIC STANDARDS.  
FINANCIAL IMPLICATION: NONE ANTICIPATED

STUDENTS

09.36

### School-Related Student Trips

#### EXTENSION OF CLASSROOM

The Board endorses school-related curricular and co-curricular trips of significant educational value and aligned to the state and local courses of study and the Comprehensive Improvement Plan. Such trips are to be an extension of the regular classroom work and an integral part of the educational program.

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

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#### PURPOSE

Field trips make students appreciate the relevance and important of what they learn in the classroom. The purpose of these trips may include, but not be limited to:

- Content
- Socialization
- Community Involvement/Instruction

#### FIELD TRIP

A field trip is a visit to a place outside the regular classroom designed to achieve certain objectives which cannot be achieved as well by using other means and is any trip away from the campus by a group of students supervised by a faculty member/school personnel.

#### CATEGORIES OF FIELD TRIPS/CRITERIA

Curricular Trips-Curricula field trips provide students the opportunity to deepen, broaden, and integrate their knowledge of Kentucky's ~~Core~~ Academic Standards. Out-of-classroom experiences should provide rich opportunities for students to establish differences as well as connections/relationships among various core concepts. As a result of the field trip experience, students will be able to analyze and synthesize content knowledge at higher performance levels- specifically performance descriptors that can be found in the proficient and distinguished range of assessment. These field trips should provide classroom teachers the opportunity to engage students in higher levels of thinking as well as an interdisciplinary approach to content.

1. Select the concepts of objectives to be taught on the trip.
2. Identify a site which will help students achieve the desired objectives. Principals, SBDM councils and trip planners need to take into consideration the economic/financial means of the families and communities when making decisions about the proposed sites for these trips. If the same objectives can be achieved at closer or less expensive sites, consideration should be given to these alternatives.

**School-Related Student Trips****CATEGORIES OF FIELD TRIPS/CRITERIA (CONTINUED)**

3. Prepare lesson plans and assessments that will implement objectives as well as measure the effectiveness of student learning. Identify core content to be covered and performance descriptors to be targeted.
4. Plan an agenda.
5. Identify funding source.

**CATEGORIES OF FIELD TRIPS/CRITERIA**

1. Obtain school approval: discuss with Principal and other school staff.
2. Acquire parental approval.
3. Seek Board approval if needed.
4. Prepare students for the experience of the trip: laying necessary groundwork, reviewing necessary objectives and outcomes.
5. Arrange for logistics of trip: food, chaperones, transportation, and equipment.
6. Engage in student assessments after field trip has been completed/share results with other interested staff.
7. A feedback form shall be completed on-line at the end of each trip in order to facilitate other planning of future trips.

**Co-curricular**—those student trips that are related to the classroom curriculum

1. All co-curricular (academic related) field trips, contests or competitions must be approved by the SBDM council, Principal and the Director of Instruction (i.e. speech and debate, drama club, future problem solving, Beta Club, newspaper/yearbook, etc.)
2. No school instructional time may be lost for travel to or from a co-curricular field trip, contest, or competition without approval of the school Superintendent.

**Athletics/Extracurricular**

1. For high schools, all athletic-related contests or extracurricular competitions must have the prior approval of the athletic director/Principal at each school.
2. For middle and elementary schools, all athletic-related contests or extracurricular competitions must have the prior approval of the Principal.
3. The field trips must meet the guidelines established by the Kentucky High School Athletic Association (KHSAA) and/or the Floyd County Schools policy and the criteria within the policy.
4. No instructional time may be lost for travel to or from any regular interscholastic athletic contest unless a “special” circumstance arises in which the school Superintendent/district designee can grant permission.
5. Out-of-state and trips that require the use of commercial carriers require Superintendent/Board approval.

**School-Related Student Trips****FIELD TRIP REQUESTS**

Field trip requests shall be approved by the Principal prior to forwarding the request to the Central Office for approval by the Director of Instruction for the school. If the trip is to be out-of-state, requests shall be submitted to the Central Office by the Principal at least ten (10) calendar days prior to the Board meeting.

Field trips should not be requested during the period of ten (10) instructional days prior to the school's state assessment period.

All trips that require approval by the Superintendent and the Board of Education shall be submitted and approved before fund-raising/planning begins for that trip.

**TRANSPORTATION ARRANGEMENTS**

Arrangements for school system transportation shall be made by the Director of Transportation after the trip request receives approval of the Director of Instruction. Out-of-state trips must be approved by the Board.

The transportation of students on regular daily routes shall receive first priority before the assignment of buses for school-related trips.

**DRIVERS/VEHICLES**

All District-owned vehicles shall be driven by an adult duly qualified and licensed to operate the vehicle. Drivers of school vehicles and operation of District-owned passenger vehicles transporting students shall be in compliance with requirements specified in applicable statutes and administrative regulations.<sup>1</sup>

The Board recognizes that while participation in co-curricular or extra-curricular activities is a privilege and not a right for students, it is not the desire of the Board to place an undue burden on either the student or the parent/guardian of the student who participates in such activities. The Board fully accepts responsibility for the supervision and safety of students participating in Board sponsored events or activities and believes that responsibility begins when students enter the grounds of a Board owned facility to participate or when the student boards transportation provided by or approved by the Board to an off-campus or "away" game or event or when the school coach or sponsor receives the student from the parent or guardian at any event site that is not controlled by the Board.

Where the Board provides transportation to and from off-campus or "away" games or for other school- or District-sponsored activities or events, participating students must use Board-provided or -approved transportation, unless they are released from the requirement by the Superintendent or designee due to circumstances that can reasonably be regarded as placing an undue burden for participation on the student or the parent/guardian of the student. It is the expectation of the Board that release from the student transportation requirement shall not conflict with the authority of a coach to require members of a school team to travel together to a competition. In no instance shall the release be considered or granted for a student traveling to an event with any individual other than the parent/guardian of the student.

If there is one (1) child that is attending an event, then the parent has the option of transporting the child. The parent must sign a waiver before this can occur.

**School-Related Student Trips****SUPERVISION**

A certified or classified staff member must accompany students on each vehicle and/or bus 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>

The staff member accompanying students on the trip shall supervise students upon return until all students are picked up by a parent or guardian.

The Principal shall approve all chaperones who will be responsible for the behavior of the passengers. The number of chaperones, each of whom shall possess a satisfactory crime check and be approved by the Principal, shall be sufficient to supervise the number and maturity level of students in comparison to the purpose and location of the trip.

**MEDICATION**

If prescribed medications must be taken during the trip, the student shall place such medications (along with a card on which the student's name, instructions for dosage, and emergency information/contacts are written) in a see-through bag and shall give this bag to the person in charge of the trip.

Administering of medications during field trips shall be in accordance with Board policy 09.2241 and associated procedures and 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.

**REMOVAL OF STUDENT FROM A TRIP**

If it is determined that a student should be removed from a school-related trip for disciplinary reasons, the student's parent shall be contacted. The parent shall be given the following options from which to choose:

- Have the student returned home accompanied by a chaperone;
- Having the student remain on the trip, but not participate in any activities and be under close supervision of a faculty member/chaperone; or
- Picking up the student at the location of the trip.

**INSURANCE**

Only Board-insured vehicles or appropriately certificated common carriers shall be used for transporting students.<sup>3</sup>

**School-Related Student Trips****CERTIFICATED COMMON CARRIER SERVICE**

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

Verification of the certification and insurance standards of a certificated common carrier shall be determined by the Director of Transportation before a request for approval is made to the Board.

**PARENTS' APPROVAL**

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

**REIMBURSEMENT**

The individual schools shall reimburse the Board at the rate required by the Kentucky Department of Education for the Board-approved use of vehicles by athletic teams or other student groups representing the school system.

**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

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 group of students directed against another student to ridicule, humiliate, or intimidate the other student while on school grounds, or at a school-sponsored activity, which acts are repeated against the same student over time.~~

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

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

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

#### **PROGRAM TO ADDRESS**

Each school, with assistance from the Superintendent/designee, shall implement a comprehensive program with the following goals to address bullying and hazing:

1. To send a clear message to students, staff, parents, and community members that such behavior will not be tolerated.
2. To train staff and students in taking pro-active steps to prevent such behaviors from occurring.
3. To implement procedures for immediate intervention, investigation, and confrontation to students engaged in prohibited behavior.
4. To initiate efforts to change the prohibited behavior of students through education on acceptable behavior, discussions, counseling, and appropriate negative consequences.

**Bullying/Hazing****PROGRAM TO ADDRESS (CONTINUED)**

5. To foster a productive partnership with parents and community members in order to help maintain a safe and civil environment.
6. To help develop peer support networks, social skills, and confidence for all students.
7. To recognize and praise positive, supportive behaviors of students toward one another on a regular basis.

**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.

The District Code shall specify that reports of alleged instances of bullying or hazing shall be made to the Principal/ designee. 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.

As directed by the Superintendent/designee, each Principal shall report on a periodic basis the number of bullying/hazing incidents and progress made toward reducing reoccurrence.

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.

**NOTIFICATION**

Within forty-eight (48) hours of receiving a serious allegation of bullying, District personnel shall attempt to notify parents by phone or registered mail of both student victims and students who have been accused of bullying.

**Bullying/Hazing****PROHIBITION**

Bullying is prohibited at all times on school property and off school grounds during school-sponsored activities or on school transportation. School staff shall provide for a prompt and equitable resolution of complaints concerning bullying. This policy extends to any/all student language or behavior including, but not limited to, the use of electronic or online methods and interferes with the ability of other students to take advantage of the educational opportunities offered. The provisions of this policy shall not be interpreted as applying to speech otherwise protected under the state or federal constitutions where the speech does not otherwise materially or substantially disrupt the education process, as defined by policy 09.426, or where it does not violate provisions of this policy.

**DISCIPLINARY ACTION**

Students who engage in bullying of an employee or another student on the basis of any of the areas mentioned above shall be subject to disciplinary action, up to and including, but not limited to, suspension and expulsion.

**GUIDELINES**

Students who believe they have been a victim of an act of bullying or who have observed incidents involving other students that they believe to be an act of bullying shall report it. In each school building, the Principal/designee is the person responsible for receiving reports of bullying. The Principal/designee then shall provide the following:

1. Investigation of allegations of bullying to commence as soon as circumstances allow, but not later than twenty-four (24) hours of the original written complaint. A written report of all findings of the investigation shall be completed within ten (10) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency. The Principal/designee may take interim measures to protect complainants during the investigation.
2. A process to identify and implement, within three (3) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the bullying. If corrective action is not required, an explanation shall be included in the report.
2. A process to be developed and implemented to communicate requirements of this policy to all students, which may include, but not be limited to, the following:
  - Written notice provided in publications such as handbooks, codes, and/or pamphlets.
  - Such other measures as determined by the School Principal/designee.

**CONFIDENTIALITY**

District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of both victim and the person accused of violations.



STUDENTS

09.422  
(CONTINUED)

### **Bullying/Hazing**

#### **APPEAL**

Upon the completion of the investigation and correction of the conditions leading to the bullying, any party may appeal in writing any part of the findings and corrective actions to the Superintendent. (Reference the appeal process in the Floyd County Schools Student Handbook & Code of Conduct.)

#### **RETALIATION PROHIBITED**

No one shall retaliate against an employee or student because s/he files a written grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of bullying of an individual or because s/he has opposed language or conduct that violates this policy. Upon the resolution of allegations, the Superintendent shall take steps to protect employees and students against retaliation.

#### **FALSE COMPLAINTS**

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

#### **REFERENCES:**

<sup>1</sup>KRS 158.150

<sup>2</sup>KRS 158.148

KRS 158.156; KRS 160.290, KRS 525.080

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

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

#### **RELATED POLICIES:**

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

LEGAL: SB 228 AMENDED KRS 158.148 TO REQUIRE THE STUDENT DISCIPLINE CODE TO SPECIFICALLY PROHIBIT BULLYING  
FINANCIAL IMPLICATIONS: REPRINTING DISTRICT CODE OF ACCEPTABLE BEHAVIOR AND DISCIPLINE  
RECOMMENDED: 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