

RECOMMENDED: SOME STATUTES USE THE TERMS “HUSBAND” AND “WIFE” WHILE OTHERS USE THE TERM “SPOUSE” INTERCHANGEABLY. THIS IS TO CLARIFY THAT IN THIS MANUAL THE TWO TERMS HAVE THE SAME MEANING.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD

01.0

DEFINITIONS

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

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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.¹ Full-time/part-time status for classified employees is established by Policy 03.2332.

BOARD

Unless prohibited by state/federal law or regulation, whenever “Board” or “Board of Education” is referred to in policy or procedure, that reference shall not prohibit the Board from delegating responsibility for policy implementation to the Superintendent. However, ultimate oversight for evaluation of implementation of the policy and for the control of District policy remains with the Board.

SUPERINTENDENT

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

IAK SUPPORT SERVICES

References in this manual to “Central Office” refer to "It’s About Kids” Support Services.

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TEACHER

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

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DEFINITIONS**HUSBAND AND WIFE**

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

PARENT OR GUARDIAN

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

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GENDER

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

CHILDREN AND YOUTH WITH DISABILITIES

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

CALENDAR DAY

Each day appearing on a standard calendar.

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.

REFERENCES

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

REFERENCES:

¹KRS 157.320; ¹102 KAR 1:036; ¹702 KAR 1:035

KRS 158.144

KRS 160.290, KRS 160.340, KRS 160.345; KRS 405.028

702 KAR 6:010, 702 KAR 6:020, 702 KAR 6:040

702 KAR 6:045, 702 KAR 6:075, 702 KAR 6:090

RELATED POLICY:

03.2332

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

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.61

Records Management

RECORDS OFFICER

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

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

SUPERINTENDENT'S RESPONSIBILITIES

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

RETENTION AND DISPOSAL OF RECORDS

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

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

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

LITIGATION

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

INFORMATION SECURITY BREACH

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

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

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

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

RETENTION OF RECORDINGS

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

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

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

REFERENCES:

¹725 KAR 1:010

²KRS 171.710

³KRS 171.720

⁴725 KAR 1:030; KRS 171.420; KRS 171.570

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

⁶KRS 160.705

KRS 61.931; KRS 61.932; KRS 61.933

702 KAR 1:025; 725 KAR 1:025; [702 KAR 1:170](#)

[Records Retention Schedule, Public School District](#)
[Data Security and Breach Notification Best Practice Guide](#)

FCPS Confidentiality Handbook

RELATED POLICY:

01.5; [04.41](#)

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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.

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PERSONNEL

03.11

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- CERTIFIED PERSONNEL -

Hiring

SUPERINTENDENT'S RESPONSIBILITIES

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

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

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

QUALIFICATIONS

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

All teachers shall meet applicable certification or licensure requirements as defined by state and federal regulation.³

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ELIGIBILITY

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

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

Hiring**CRIMINAL BACKGROUND CHECK AND TESTING**

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

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

1. Those who have been convicted of violent offenses or sex crimes as defined by KRS 17.165;
2. Those who have been convicted of other crimes which bear a reasonable relationship to the position for which the individual is applying, or to which the individual may transfer within the District at a later time as determined by the Superintendent; or
3. Those who materially misrepresent their criminal history, credentials, or any other fact when applying for a position in the District.

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

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

HIRING OF RETIRED PERSONNEL

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

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

JOB REGISTER

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

VACANCIES POSTED

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

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

Hiring

APPLICATIONS

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

RELATIONSHIPS

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

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

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

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JOB DESCRIPTION

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

AFFIRMATIVE ACTION PLAN

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

REFERENCES:

¹KRS 160.380

²KRS 161.605; 702 KAR 1:150

³P. L. 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

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

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RELATED POLICIES:

01.11; 02.4244; 03.132

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

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

PERSONNEL

03.111

- CERTIFIED PERSONNEL -

Medical Examination/Health Information

NEWLY EMPLOYED PERSONNEL

All newly employed certified personnel, including substitute teachers, shall present documentation of a medical examination performed by a designated licensed physician, physician assistant (PA), or Advanced Practice Registered Nurse or by a licensed medical practitioner of the employee's choice. Through appropriate personnel documents, such as handbooks and/or job applications, employees shall be notified as to who will pay for medical examinations required for initial employment. If the exam is performed by a private practitioner of the employee's choice, the cost must be borne by the employee.¹ The examination must be performed within a ninety (90)-day period prior to initial employment.

REPORT

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

TUBERCULOSIS SCREENING/TESTING

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

REQUIRED EXAMINATION FOR PRESENT PERSONNEL

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

The Board shall bear the cost of this examination.¹

SCHOOL TO REPORT

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

Medical Examination/Health Information**MEDICAL CONFIDENTIALITY**

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

ALCOHOL/DRUG TESTING

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

PRIVACY FOR PROTECTED HEALTH INFORMATION

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

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

REFERENCES:

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

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

Public Law 104-191

⁴45 C.F.R. 164.530(a)

20 U.S.C. 1232g

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

45 C.F.R. 164.501

45 C.F.R. 160.501

45 C.F.R. 160.203

45 C.F.R. 164.530(e)

45 C.F.R. 164.530(g)

45 C.F.R. 164.530(h)

Genetic Information Nondiscrimination Act of 2008

Americans with Disabilities Act

[Family and Medical Leave Act of 1993](#)

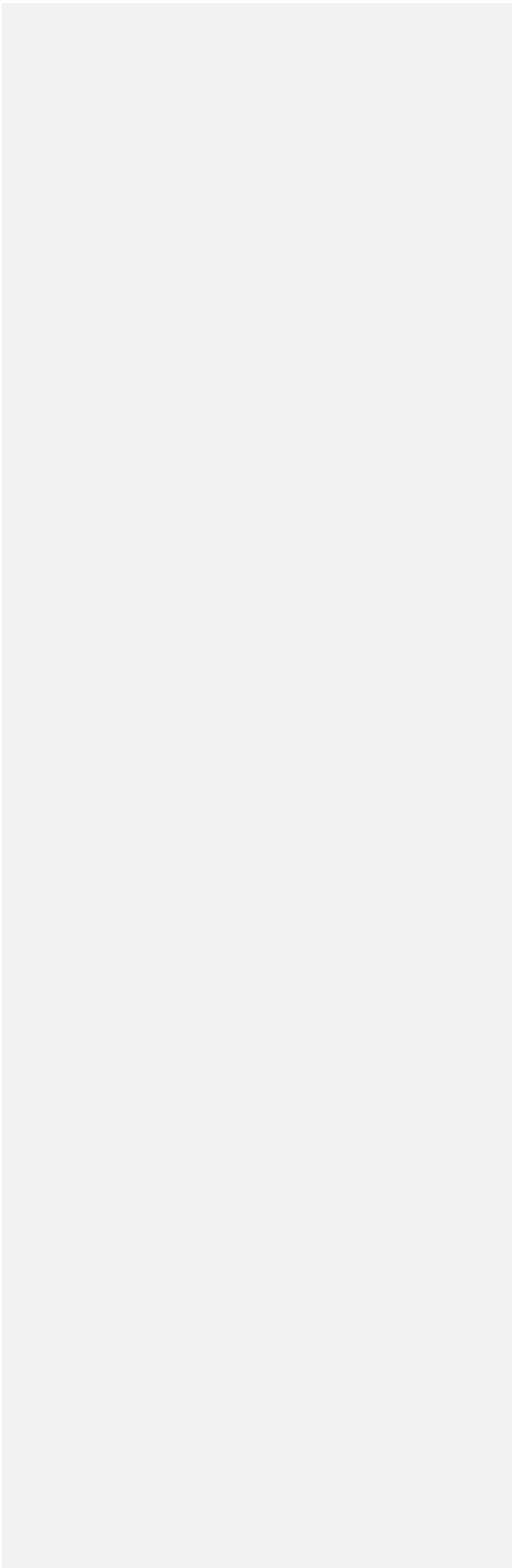
PERSONNEL

03.111
(CONTINUED)

Medical Examination/Health Information

RELATED POLICIES:

¹03.1234, 03.14



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.

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.

Deleted: 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.¶

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

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

RELATED POLICIES:

02.4241; 03.11; 03.5

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

PERSONNEL

-CERTIFIED PERSONNEL-

Holidays and Vacations

HOLIDAYS

All certified or classified salaried employees shall be paid for four (4) holidays, which shall be designated in the official school calendar.¹

HOLIDAY RESTRICTIONS

Employees who do not work both the day before and the day after a holiday and who are not on paid leave authorized by their supervisor shall not receive pay for the holiday.

VACATIONS

Twelve-month certified and salaried classified employees shall be eligible for twelve (12) days paid vacation annually.

Twelve-month certified and salaried classified employees whose base salaries are paid from the teachers' salary schedule shall be eligible for vacation leave as specified.

<u>Years of Experience*</u>	<u>Number of Days</u>
0 - 5 years	12 days
6 - 10 years	13 days
11 - 15 years	14 days
16+ years	15 days

*Based upon years of experience credit as determined by the Director of Human Resources at time of employment.

Vacations must be scheduled in advance by the immediate supervisor for staff members under their supervision.

Eighteen (18) days of unused vacation time shall be the maximum carried over to the next fiscal year.

VACATION RESTRICTIONS

Twelve-month employees who have been on duty less than twelve (12) months shall earn vacation on a prorated basis. Employees who start the first work day of the month shall earn vacation for the entire month. Employees who start after the first work day but prior to the 16th day of the month shall earn one-half (½) vacation leave for the month. Employees who start on the 16th day of the month or after shall not earn vacation for that month.

Recognition of annual leave for KTRS purposes shall be governed by applicable statutes and regulations. For an individual who became a member of KTRS on or after July 1, 2008, payment for annual or compensatory leave shall not be included in determining the member's last annual compensation.

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Holidays and Vacations

REFERENCES:

¹KRS 158.070
KRS 160.291
KRS 161.220; KRS 161.540
KRS 2.110; KRS 2.190

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

FINANCIAL IMPLICATIONS: COST OF TRAINING

PERSONNEL

03.14

- CERTIFIED PERSONNEL -

Health and Safety

SAFETY

It is the intent of the Board to provide a safe and healthful working environment for all employees. The employee shall report any conditions he/she believes to be unsafe to his/her immediate supervisor, who shall evaluate 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/CHEMICAL LABORATORY HYGIENE

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/Chemical Laboratory Hygiene Information and Training Program; and
7. The development, implementation and maintenance of a written Hazard Communication/Chemical Laboratory Program.

BLOODBORNE PATHOGEN CONTROL

The Superintendent/designee shall appoint a Compliance Officer who 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. Medical follow-up and counseling for employees after a work-site exposure;
7. Maintenance of confidential records of each exposure incident;
8. A schedule for implementing all provisions required by the OSHA standard.
9. 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; and
10. Maintenance of a sharps injury log;

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. Annually document 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;

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

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

REFERENCES:

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

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

RELATED POLICIES:

03.111; 03.1234

- CERTIFIED PERSONNEL -**Grievances****GRIEVANCE**

Certified employees shall follow the District's specific grievance procedures as developed by the Superintendent and reviewed by the Board which include, but are not limited to, the opportunity for grievances to be addressed and resolved at each level of the chain of command from the point of origin, time limitations for the filing and appeal of a grievance, and procedures for the orderly review and appeal of each individual grievance. No reprisal shall be taken against any employee filing a grievance in accordance with this policy and the related procedures, nor shall any record of the proceedings be placed in the employee's personnel file.

The Board shall take action only on those grievances that fall within the authority of the Board.

GRIEVANCES AND APPEALS CHANNELS

The Board shall hear employee grievances only after unsuccessful resolution by the employee's supervisors.

The Board shall not, however, consider any grievance concerning personnel actions, unless the grievance is based on an alleged violation of constitutional, statutory, regulatory or policy provisions.

Before accepting a grievance appeal, the Board may seek legal advice as to whether the appeal falls within the requirements of this policy. Any personnel grievance not falling within those requirements shall be appealed only to the level of the Superintendent.

The Board shall not hear grievances concerning simple disagreement or dissatisfaction with a personnel action.

The proper channel for grievances and appeals is as follows:

1. Principal or immediate supervisor,
2. [Appropriate Director,](#)
3. [Appropriate Senior Director](#)
4. Superintendent, and
5. Board of Education (as appropriate).

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Employees are free to confer with the Superintendent whenever they so desire.

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INDIVIDUAL IN NATURE

Grievances are individual in nature and must be brought by the individual grievant. If several employees file separate grievances or initiate separate appeals over the same issue, such grievances or appeals may be combined into a single grievance or appeal at the discretion of the Superintendent.

Grievances

HUMAN RIGHTS COMPLAINTS

When an employee has not filed a grievance under this policy and a discrimination complaint is referred back to the schools by the Human Rights Commission to be addressed in accordance with this policy, the employee shall be granted an additional five (5) days to file the grievance. The five (5) day grace period shall begin on the day after the referral.

EXCEPTION

Harassment/Discrimination allegations shall be governed by policy 03.162.

REFERENCE:

OAG 78-204

RELATED POLICY:

03.162

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

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

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 given a copy 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.

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

APPEAL PANEL

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

Evaluation**ELECTION**

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

TERMS

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

CHAIRPERSON

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

APPEAL TO PANEL

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

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

APPEAL FORM

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

CONFLICTS OF INTEREST

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

Whenever a panel member or a panel member's immediate family appeals to the panel, the member shall not serve for that appeal. Immediate family shall include father, mother, brother, sister, 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.

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Evaluation**HEARING**

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

PANEL FINDINGS

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

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

REVISIONS

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

REFERENCES:

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

RELATED POLICIES:

²03.15
02.14, 03.16

PERSONNEL

03.21

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- CLASSIFIED PERSONNEL -

Hiring

SUPERINTENDENT'S RESPONSIBILITIES

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

ELIGIBILITY

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

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

EFFECTIVE DATE

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

CRIMINAL BACKGROUND CHECK AND TESTING

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

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

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

HIRING OF RETIRED PERSONNEL

Except for cases involving disability retirement, persons who have previously retired from the District and who subsequently are rehired shall be considered first-year employees for the purposes of sick leave. (See Policy 03.2232.) Classified retirees are eligible to be hired in a permanent position working four (4) hours or more each day. Classified retirees may work as substitutes up to seventy (70) days per school year. Exemptions may be granted by the Senior Director of Administrative Services.

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Hiring

EDUCATIONAL REQUIREMENTS

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

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

JOB REGISTER

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

VACANCIES POSTED

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

APPLICATION

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

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

REVIEW OF APPLICATIONS

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

RELATIONSHIPS

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

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

The Superintendent shall not employ a relative of any employee to work under the direct supervision of that employee. "Relative" means father, mother, brother, sister, spouse, son, daughter, aunt, uncle, son-in-law, and daughter-in-law (including subcategories of in-law, half and step relatives).

Deleted: husband, wife

EMERGENCY HIRING

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

Hiring**JOB DESCRIPTION**

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

AFFIRMATIVE ACTION PLAN

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

CONTRACT

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

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT FOR TEMPORARY EMPLOYEES

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

REFERENCES:

¹KRS 160.380

²702 KAR 5:080

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

⁴P. L. 114-95, (Every Student Succeeds Act of 2015)

34 C.F.R. 200.58-200.59; KRS 17.160; KRS 17.165

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

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

OAG 92-78; OAG 92-131; OAG 97-6; 702 KAR 3:320

Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221

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

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

PERSONNEL

03.211

- CLASSIFIED PERSONNEL -

Medical Examination/Health Information

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

BUS DRIVERS

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

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

OTHER NEWLY EMPLOYED CLASSIFIED PERSONNEL

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

REPORT REQUIREMENTS

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

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

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

TUBERCULOSIS SCREENING/TESTING

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

Medical Examination/Health Information**REQUIRED EXAMINATION**

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

SCHOOL TO REPORT

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

MEDICAL CONFIDENTIALITY

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

ALCOHOL/DRUG TESTING

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

PRIVACY FOR PROTECTED HEALTH INFORMATION

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

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

Medical Examination/Health Information

REFERENCES:

¹KRS 161.145
²702 KAR 1:160; OAG 65-560; 902 KAR 2:020; KRS 214.181; KRS 214.625
Further references to pertinent case law, federal statute and Board policy are located in administrative procedures; Public Law 104-191
45 C.F.R. 164.530(a); 20 U.S.C. 1232g; 20 U.S.C. 1232g(a)(4)(B)(iv)
45 C.F.R. 164.501;45 C.F.R 160.501
45 C.F.R. 160.203; 45 C.F.R. 164.530(e); 45 C.F.R. 164.530(g); 45 C.F.R. 164.530(h)
Genetic Information Nondiscrimination Act of 2008; Americans with Disabilities Act

FAMILY MEDICAL LEAVE ACT OF 1993RELATED POLICIES:

³03.2234, 03.24

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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. The employee shall report any conditions he/she believes to be unsafe to his/her immediate supervisor, who shall evaluate 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/CHEMICAL LABORATORY HYGIENE

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/Chemical Laboratory Hygiene Information and Training Program; and
7. The development, implementation and maintenance of a written Hazard Communication/Chemical Laboratory Program.

BLOODBORNE PATHOGEN CONTROL

The Superintendent/designee shall appoint a Compliance Officer who 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. Medical follow-up and counseling for employees after a work-site exposure;
7. Maintenance of confidential records of each exposure incident;
8. A schedule for implementing all provisions required by the OSHA standard;
9. 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; and
10. Maintenance of a sharps injury log.

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)

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

1. Assignment of a District employee responsible for assessing the workplace for hazards;
2. Selection of appropriate PPE to safeguard employees from hazards that cannot be eliminated;
3. A training program to be conducted to educate employees about the need for PPE and when it must be worn;

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

4. Training of employees on the use and care of PPE, how to recognize deterioration and failure and the need for replacement; and
5. Requiring employees to wear designated PPE, as deemed necessary by the hazard assessment.

ASBESTOS MANAGEMENT

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

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

REFERENCES:

- ¹401 KAR 58:010, 40 C.F.R. Part 763
 - Kentucky Department for Public Health
 - Centers for Disease Control and Prevention
 - Kentucky Labor Cabinet, 803 KAR 2:308, 803 KAR 2:404
 - OSHA 29 C.F.R. 1910
 - 132 PPE Hazard Assessment
 - 147 Lockout/Tagout
 - 1001 Asbestos – ACBM
 - 1200 Hazard Communication
 - 1030 Bloodborne Pathogens
 - 1410 Chemical Laboratory Hygiene
- Further references to pertinent case law, federal statute and Board policy are located in administrative procedures.

RELATED POLICIES:

- 03.211
- 03.2234

PERSONNEL

- CLASSIFIED PERSONNEL -

Grievances

GRIEVANCE

Classified employees shall follow the District's specific grievance procedures as developed by the Superintendent and reviewed by the Board which include, but are not limited to, the opportunity for grievances to be addressed and resolved at each level of the chain of command from the point of origin, time limitations for the filing and appeal of a grievance, and procedures for the orderly review and appeal of each individual grievance. No reprisal shall be taken against any employee filing a grievance in accordance with this policy and the related procedures, nor shall any record of the proceedings be placed in the employee's personnel file.

The Board shall take action only on those grievances that fall within the authority of the Board.

GRIEVANCES AND APPEALS CHANNELS

The Board shall hear grievances only after unsuccessful resolution by the employee's supervisors.

The Board shall not, however, consider any grievance concerning personnel actions, unless the grievance is based on an alleged violation of constitutional, statutory, regulatory or policy provisions.

Before accepting a grievance appeal, the Board may seek legal advice as to whether the appeal falls within the requirements of this policy. Any personnel grievance not falling within those requirements shall be appealed only to the level of the Superintendent.

The Board shall not hear grievances concerning simple disagreement or dissatisfaction with a personnel action.

The proper channel for grievances and appeals is as follows:

1. Principal or immediate supervisor,
2. Appropriate Director,
3. Appropriate Senior Director
4. Superintendent, and
5. Board of Education (if the grievance does not concern a personnel action).

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Employees are free to confer with the Superintendent whenever they so desire.

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INDIVIDUAL IN NATURE

Grievances are individual in nature and must be brought by the individual grievant. If several employees file separate grievances or initiate separate appeals over the same issue, such grievances or appeals may be combined into a single grievance or appeal at the discretion of the Superintendent.

Grievances

HUMAN RIGHTS COMPLAINTS

When an employee has not filed a grievance under this policy and a discrimination complaint is referred back to the schools by the Human Rights Commission to be addressed in accordance with this policy, the employee shall be granted an additional five (5) days to file the grievance. The five (5) day grace period shall begin on the day after the referral.

EXCEPTION

Harassment/Discrimination allegations shall be governed by policy 03.262.

REFERENCE:

OAG 78-204

RELATED POLICY:

03.262

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 PARAEDUCATOR(S). THIS CHANGE COMPORTS WITH THOSE REQUIREMENTS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.5

Paraeducators

SUPERINTENDENT MAY EMPLOY

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

DEFINITION

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

EDUCATIONAL REQUIREMENTS

All paraeducators shall satisfy educational requirements specified by federal law.²

NOTICE TO PARENTS OF PARAEDUCATOR’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 paraeducators, if applicable.

SUPERVISION

Paraeducators shall be under the direct supervision of certified teachers.^{1&2} Each Paraeducators 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 paraeducators. Evaluation results shall be a factor in future employment decisions.

REFERENCES:

¹KRS 161.044; OAG 76-555; OAG 86-43

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

34 C.F.R. 200.58-200.59

Kentucky High School Athletic Association (KHSAA)

KRS 17.160; KRS 17.165

KRS 156.095; KRS 160.380; KRS 161.180

OAG 73-206

PERSONNEL

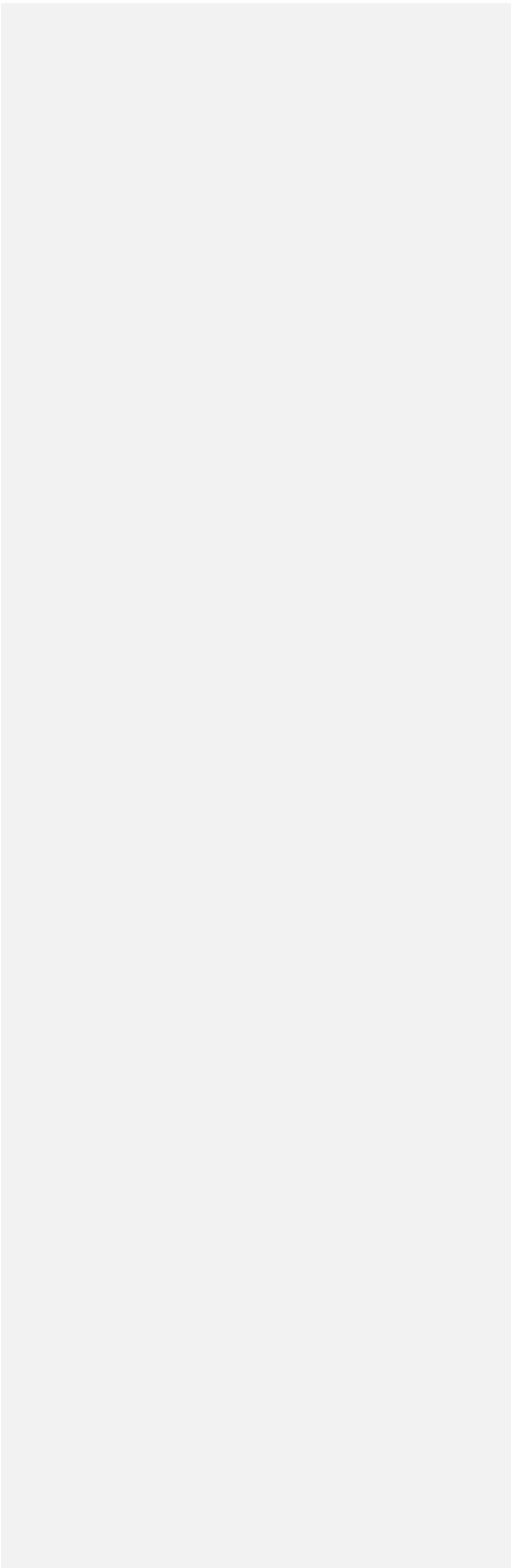
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Paraeducators

RELATED POLICIES:

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

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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 160.431

702 KAR 3:320

Budget Planning and Adoption

PLANNING

The Superintendent shall establish procedures to provide for community and professional input in the development of recommendations to be considered for the District budget. These procedures shall include a process to identify and prioritize recommendations for establishing District goals and financial priorities.

PREPARATION OF BUDGETS

As part of the annual budget process, the Board shall determine priorities to guide the Superintendent in developing draft budgets for the next fiscal year. Prior to the Board setting budget priorities, the Superintendent shall provide the Board with the estimated amounts that will be received from available sources, including tax rate(s) necessary to generate such amounts. In setting budget priorities, the Board shall consider the following:

1. Results of the current needs assessment, recommendations resulting from that process, and current District/school improvement and/or long-range plans.
2. Revenue projections for the coming year.

After receiving the Board's budget priorities, the Superintendent shall prepare for Board consideration and action proposed District budgets for all active MUNIS fund accounts. Budgets shall address the educational needs of the District as reflected by priorities established by the Board and shall show the amount of money needed and source of funds for the upcoming school year.

Each year, school councils shall review the budgets for all categorical programs and provide comments to the Board prior to the adoption of the budgets.

The Superintendent shall have the responsibility to assure that procedures are established for budget control and reporting throughout the District.

NEW/ADDITIONAL BUDGET ALLOCATIONS

No new discretionary programs or new/additional budget allocations shall be made without prior written documentation, for presentation to the Superintendent/designee/Board of the following information:

1. Statement of measurable goal(s)/objective(s) relative to improved District operations, including direct indicators of student academic performance;
2. Description of how the goal(s)/objective(s) will be measured and tracked over time;
3. Implementation and accountability check timelines;
4. Responsibility for the program; and
5. Impact on staffing, facilities, and other District programs.

Budget Planning and Adoption**BUDGET TRANSFERS**

Once a Working Budget has been approved by the Board in September, budget transfers within the general fund, in excess of \$100,000 between function codes shall be reported monthly to the Board for informational purposes. The reporting period shall be from October 1st through June 30th of each year, with the first report being provided to the Board in November for the month of October. In addition, any budgetary transfers between funds, regardless of the dollar amount, shall be reported to the Board during this same period.

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BUDGET DEFICIT PROHIBITED

The Superintendent shall not recommend and a Board member shall not knowingly vote for an expenditure in excess of the revenue and income of any year as shown by the approved budget.

TIMELINE

On or before January 31, the Board shall formally and publicly examine a detailed estimate of revenues and proposed expenditures by line item for the following fiscal year. On or before May 30, the Board shall adopt a tentative working budget which includes a minimum reserve of two percent (2%) of the total budget.

Within thirty (30) days of receipt of the District's certified property assessment data and maximum permissible tax rates from the Department of Education, the District upon authorization by the Board shall levy tax rates for the District and forward them to the Kentucky Board of Education for approval or disapproval. The Fayette County Board of Education shall adopt a close estimate or working budget for the District by September 30.

REFERENCES:

KRS 156.160, KRS 157.330, KRS 157.350, KRS 157.360
KRS 157.440, KRS 160.370, KRS 160.390
KRS 160.460, KRS 160.470, KRS 160.530, KRS 160.550, KRS 424.250
702 KAR 3:100, 702 KAR 3:110, 702 KAR 3:246, OAG 67-510

RELATED POLICIES:

01.11
02.4242
02.4331
08.5

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

Construction and Alteration Priorities

APPROVAL NEEDED

Construction of driveways or roads across school grounds; renovation of the school buildings; 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. Administrative procedure shall clarify specification limits and parameters for all construction of buildings, playing fields and tennis courts, and the erection of lighting systems for such buildings, fields or courts. These specification limits and parameters will include the amount and/or number of buildings, fields, courts, or lighting systems that may be constructed or erected respectively at high schools, middle schools, and elementary schools.

Alterations to buildings and grounds other than those listed above shall require prior approval by the Superintendent or his designee.

BUILDING AND RENOVATION PRIORITIES

Renovation funds shall be apportioned in an equitable fashion. Buildings in greatest need of repair shall be dealt with first. Although the age of the building will be considered, it shall not necessarily be the sole, determining factor in deciding which building or renovation project is scheduled first.

Priorities shall be established as follows:

- 1) Highest priority for renovation, restoration and maintenance or improvement shall be given to addressing health, safety and code compliance issues. This priority shall address any hazards that could cause inhabitants to become ill or experience injury. Although programs and services must be accessible to students on all levels, the District is not obligated to provide all buildings with certain programs, such as those for gifted students and students with disabilities. However, when such programs are provided, they shall be accessible to all students assigned to the building who qualify.
- 2) The second priority shall be the structural integrity of the building. Buildings must be whole, without leaks, with sound walls and foundations and wiring, heating, ventilation and air conditioning systems that function appropriately. Renovations assigned this priority will prolong the life of the building.
- 3) The third priority shall be educational function. This priority shall address renovations or alterations of buildings to enable the use of teams at middle schools or the location of certain subject areas in proximity to others. Projects assigned this priority shall add to the efficiency and/or effectiveness of the building.
- 4) The fourth level of priority shall be building enhancement. This priority shall include modifying decorative elements or basic structure to improve the aesthetic qualities of the building. This priority level shall involve improvements which are not necessary to carry out basic services of the building.

Construction and Alteration Priorities**DONATIONS FOR CONSTRUCTION OR ALTERATION**

Donations of money, materials and/or services for construction on or alteration of school property shall meet the following criteria:

1. Proposals shall be directly related to school purposes and involve proper expenditures of school funds.
2. The Principal and Director shall recommend the project proposal before it is submitted to the Board for approval.
3. All plans shall comply with Board policies and administrative procedures pertaining to construction.

Donated funds for proposals not approved by the Board shall be returned to the appropriate organization/individual.

DONATIONS OF EQUIPMENT

A donation or loan of new or used equipment which is electrical and/or mechanical shall meet the following criteria:

1. The Principal and Director shall certify that the equipment is needed.
2. All equipment shall meet applicable safety standards as verified by the Supervisor of Accident Prevention and Safety Training.

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.

Deleted: Because both structural and landscape pests and pesticides to control them can pose significant problems and risks to people, property, and the environment, the Fayette County Public Schools will incorporate Integrated Pest Management (IPM) into its procedures for control of structural and landscape pests.

SCHOOL FACILITIES

05.11
(CONTINUED)

Construction and Alteration Priorities

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 4:010; 702 KAR 4:020; 702 KAR 4:030
702 KAR 4:180

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

FINANCIAL IMPLICATION: NONE ANTICIPATED

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

FINANCIAL IMPLICATION: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.1312

Home/Hospital Instruction

PURPOSE

Home/hospital instruction provides educational services to students who cannot attend school for extended periods, due to temporary or recurring conditions, including fractures, surgical recuperation, or other physical, health, or mental conditions. An extended period refers to an absence greater 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.¹ A parent or responsible adult must be present in the home/hospital room during the scheduled time of instruction.

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.

Before granting an exemption for homebound instruction, a signed statement from a licensed physician, psychologist or psychiatrist, or public health official must be submitted verifying the condition of the child that prevents or renders inadvisable attendance at school or application of study for an extended time of five (5) or more consecutive school days.

EXTENDED PLACEMENT

Students exempted from school attendance more than six (6) months shall provide two (2) signed statements of support from health personnel, as permitted by law and Kentucky Administrative Regulation.²

An exemption shall be reviewed annually. At any time based on changes in the student's condition, the home/hospital review committee appointed in keeping with the requirements of Kentucky Administrative Regulations shall review the student's placement in home/hospital instruction.¹

In accordance with medical documentation, the home/hospital review committee shall develop a plan and timeline for returning the student to regular classroom instruction, or documentation verifying why a return to the regular school setting is not feasible. More frequent evaluations may be made if deemed necessary.

Home/Hospital Instruction**EXTENDED PLACEMENT (CONTINUED)**

A high school student placed on home/hospital instruction may carry all appropriate credits during the first semester of placement.¹ Classes that require laboratory facilities shall not be taught during home/hospital instruction.¹ 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 Academic Standards.
4. When considering the student's condition, should s/he take a full or reduced course load?¹ If a reduced course load is appropriate, the committee shall determine the number of courses to be taken .

Deleted: 's Core

Exemptions of students based on these provisions shall be reviewed annually, and the required evidence shall be updated accordingly.

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, will be permitted to earn while on home/hospital instruction.

Deleted: and the number of credits the student

REFERENCES:

¹KRS 157.270

²704 KAR 7:120

KRS 157.360, KRS 159.030

704 KAR 3:303

707 KAR 1:320; 707 KAR 1:350

Individuals with Disabilities Education Improvement Act (IDEA)

Section 504 of the Rehabilitation Act of 1973

34 C.F.R. 104.35

RELATED POLICIES:

09.122, 09.123

LEGAL: UNDER THE "EVERY STUDENT SUCCEEDS ACT OF 2015 (P. L. 114-95)", THE NCLB ACT WAIVER EXPIRES AUGUST 1, 2016 AND ESSA NO LONGER ADDRESSES SUPPLEMENTAL EDUCATIONAL SERVICES.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.133

Extended School Services

Deleted: /Supplemental Educational

PLAN FOR DIAGNOSING

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

Deleted: and supplemental educational services (SES)

EXTENDED SCHOOL SERVICES

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

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For students eligible to attend ESS, the District shall:

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

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

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

STUDENTS ATTENDING PRIVATE, PAROCHIAL, OR HOME SCHOOLS

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

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

SUPPLEMENTAL EDUCATIONAL SERVICES¶

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

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

Extended School Services

REFERENCES:

- ✓ KRS 158.070
- ✓ 704 KAR 3:390

Deleted: /Supplemental Educational

Deleted: ¹P. L. 107-110 (No Child Left Behind Act of 2001)[¶]
34 C.F.R. 200.45 – 200.48[¶]

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

CURRICULUM AND INSTRUCTION

08.3

School Calendar

DEVELOPMENT OF CALENDAR

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

1. Opening and closing dates of the school term,
2. Beginning and ending dates of each school month,
3. Days on which students are scheduled to receive instruction at school within designated start and dismissal times (student attendance days) and the length of each student attendance day in accordance with KRS 158.060,
4. A minimum school term of not less than one hundred eight-five (185) days composed of student attendance days, teacher professional days, and holidays,
5. A student instructional year of at least one thousand sixty-two (1062) hours of instructional time or not less than one-hundred seventy (170) student attendance days,
6. Instructional time required for kindergarten per KRS 157.320 (provided no less than the equivalent of one-half (1/2) day, five (5) days a week for a full school year for each kindergarten pupil);,
7. Any instructional time to be banked to make up for full days that may be missed due to an emergency,
8. Days in addition to the student instructional year for the make-up of instructional time missed due to emergency equal to the greatest number of days missed system-wide over the preceding five (5) school years, and
9. Days on which schools shall be dismissed.

ADDITIONAL REQUIREMENTS

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

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

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

If any school in the District is used as a polling place, the school District shall be closed on the day of the 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.

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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 AREAS

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

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

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

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

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

PROOF OF RESIDENCE

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

School Attendance Areas**REQUESTS FOR TRANSFER**

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

1. The assigned school is designated by the state as being “persistently dangerous”; or
2. The student becomes a victim of a violent criminal offense, as determined by state law, while attending school.³

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

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

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

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

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

REDISTRICTING PROPOSALS

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

Deleted: <#>Another school option exists;¶
<#>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);*¶

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

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

Out-of-area requests for specific schools shall not be approved if the projected or actual enrollment in the school requested is above 90% of capacity with attendance area children and other special units assigned to the school, such as [Every Student Succeeds Act](#) school choice, Early Start, Five Day Quest, and others.

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

A. SCHOOL DEMOGRAPHICS

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

B. IF FAMILIES MOVE

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

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

C. REDISTRICTING

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

Deleted: No Child Left Behind

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

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

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

E. HIGH SCHOOLS

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

SCHOOL DIRECTOR REQUESTS FOR CHANGE - PROVISIONS TO APPLY

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

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

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

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

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

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

REFERENCES:

¹KRS 159-070

²OAG 77-311

³[P. L. 114-95, \(Every Student Succeeds Act of 2015\)](#)

34 C.F.R. 200.44; OAG 80-394

RELATED POLICY:

08.13452, 09.12

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Magnet Schools/Programs and Gifted/Talented Programs Enrollment

ATTENDANCE AREA STUDENTS

In accordance with policy 09.11, students living in a magnet school's attendance area shall attend that magnet school. For a magnet school having an attendance area and requiring entrance criteria, the attendance area student shall not be required to meet entry criteria.

DEFINITIONS

Magnet School/Programs

A magnet school/program means a school/program organized around an area of interest (*i.e.*, a theme or focus area), draws students from an entire community, and has no specific entrance standards beyond interest in the focus of the school.

Magnet School/Program with Criteria

A magnet school/program with criteria means a school/program organized around an area of interest (*i.e.*, a theme or focus area), draws students from an entire community, and has entrance standards beyond interest in the focus of the school for students who live outside the school's attendance area.

The International Baccalaureate Program at Bates Creek High School and Maxwell Spanish Immersion Magnet School do not have attendance areas. Magnet schools (Bryan Station Middle School Spanish Immersion Magnet and Bryan Station High School Spanish Immersion Magnet) do not have attendance areas.

Gifted/Talented School/Program

A gifted/talented school/program means a specialized school program designed to serve formally identified gifted and talented students in grades 4-12 in specific academic areas (such as science and math, language arts, or social studies) or specific areas of giftedness (such as creativity, leadership, or the visual and performing arts) and takes only students who meet the criteria as formally identified gifted students according to State regulation 704 KAR 3:285.

Gifted and Talented programs within schools (Math, Science, and Technology Center at Paul L. Dunbar High School; School for the Creative and Performing Arts (SCAPA) at Bluegrass and Lafayette High School, and the Liberal Arts Academy at Henry Clay High School) do not have attendance areas.

The Gifted and Talented Accelerated Elementary and Middle Schools Programs at Ashland, Meadowthorpe, and Bates Creek Elementary Schools and Bates Creek and Winburn Middle Schools are bound by feeder systems based upon the student's primary home address and the elementary school for which he/she is slated to attend.

Deleted: Maxwell Spanish Immersion Magnet and the School for the Creative and Performing Arts (SCAPA) Bluegrass schools do not have attendance areas. Magnet schools and gifted/talented programs within schools (Elementary Gifted Accelerated Programs; Math, Science, and Technology Center; SCAPA, Grades 9 – 12; Liberal Arts Academy; Bryan Station Middle School Spanish Immersion Magnet; Bryan Station High School Spanish Immersion Magnet; and Middle School Gifted Accelerated Program) do not have attendance areas.¶
OUT OF AREA¶
All out of area placements to Magnet Schools/Programs (not available to Magnet Special Schools/Programs) must have the approval of the School Director.¶

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**Magnet Schools/Programs and
Gifted/Talented Programs Enrollment**

MAGNET SLOTS

The total number of slots in a magnet school or program are based on the building capacity and the projected enrollment of attendance area students. Calculating the total number of slots shall be the responsibility of the Office of Pupil Personnel.

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The number of magnet slots offered in the magnet selection process are based on the following criteria:

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- Currently enrolled students who are expected to remain
- Projected attendance area students
- Building capacity

OUT OF AREA

All out of area placements to Magnet Schools/Programs (not available to Magnet Special Schools/Programs) must have the approval of the School Director, Director of Pupil Personnel, and the Associate Director of Federal, State, and Magnet Programs.

In situations where one (1) or two (2) grade levels become significantly larger than the others, the number of slots offered at the entering grade level may be adjusted up or down to balance possible long term impacts on the school against the need to keep the whole school within capacity. The Associate Director of State and Federal Programs (ADSFP) shall make these adjustments in consultation with the Principal with review by the Director of Pupil Personnel.

Deleted: MAGNET SLOTS (CONTINUED)*

The number of magnet slots in magnet schools/programs without attendance areas, e.g., Maxwell shall be based on their building capacity minus any non-magnet District programs placed in the building. The number of slots per grade will be determined by agreement among the School Director, the Principal, and the Office of Pupil Personnel.

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APPLICATION PROCESS

The application process for magnet schools/programs shall be managed by the Support Services staff in accordance administrative procedures.

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MAGNET ADMISSIONS REVIEW COMMITTEE

Except for the gifted/talented programs, the Magnet Admissions Review Committee (MARC) reviews student documents to determine student eligibility based on criteria. Students meeting criteria will be eligible for the selection process or lottery (Lexington Traditional Magnet School ONLY).

The MARC is composed of the following members:

Deleted: Magnet Admissions Review Committee

- Guidance Counselors School Representative from participating schools
- Language Arts Content Specialists
- Special Education Specialist

MAGNET LOTTERY

Lotteries are used as part of the magnet selection process for Magnet Schools/Programs and shall be conducted in accordance with administrative procedures.

**Magnet Schools/Programs and
Gifted/Talented Programs Enrollment**

MAGNET LOTTERY (CONTINUED)

Magnet offers for available slots shall be made by April 30th.

Placement after April 30th of the school calendar for magnet programs shall be considered by the School Director in conjunction with the school principal(s) and the ADSFP when appropriate.

STUDENT ENROLLMENT STATUS

An attendance area student who moves out of the magnet school/program attendance area may complete the magnet school/program.

A magnet or gifted student who withdraws from the District during a school year and who returns to the District during the same school year may be permitted to re-enroll in the program pending space availability and evaluation of staff/school personnel.

If any student wishes to leave the magnet program or gifted/talented program mid-year, the ADSFP shall make the final decision in consultation with parents and school principals. Newly enrolled students into the District who enter during the school year must wait and apply for a gifted or magnet program the following application period.

SELECTION PROCESS FOR MAGNET SELECTED STUDENTS

The selection process for magnet selected students shall be as follows:

Magnet School Application and Lottery

Dixie Individually Prescribed Education Magnet

Maxwell Spanish Immersion Magnet (K-P1)

International Baccalaureate Program at Tates Creek High School

Magnet Schools with Criteria: Application, Meet Criteria and Lottery

Maxwell Spanish Immersion Magnet (Grades 2-5)

Bryan Station Middle School (Spanish Immersion Program)

Lexington Traditional Magnet School

Bryan Station High School (Spanish Immersion Program)

ENTRANCE CRITERIA

Entrance criteria to magnet programs shall not apply to attendance area students.

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STUDENTS

09.112
(CONTINUED)

**Magnet Schools/Programs and
Gifted/Talented Programs Enrollment**

GIFTED/TALENTED PROGRAMS

Gifted/Talented program applicants must meet the gifted education criteria outlined in the state regulation 704 KAR 3:285.

- Elementary Gifted Accelerated Program [Grades 4-5](#)
- School for the Creative and Performing Arts Grades 4-8
- School for the Creative and Performing Arts Grades 9-12
- Liberal Arts Academy Grades 9-12
- Middle School Accelerated Cluster Program Grades 6-8
- Math, Science, and Technology Center Grades 9-12

MAGNET AND GIFTED APPEALS AND GRIEVANCES

The process to appeal decisions related to magnet schools or gifted/talented programs shall be addressed in administrative procedures 08.132 AP.1/Gifted and Talented Students and 09.112 AP.1/Gifted/Talented and Magnet School/Program Procedures Gifted/Talented and Magnet School/Program Procedures.

RELATED POLICY:

09.11

RELATED PROCEDURES:

08.132 AP.1; 09.112 AP.1

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

STUDENTS OLDER THAN EIGHTEEN

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

EXEMPTIONS FROM COMPULSORY ATTENDANCE

The Board shall exempt the following from compulsory attendance:

1. A graduate from an accredited or approved 4-year high school,
2. A pupil who is enrolled in a private or parochial school,
3. A pupil who is less than seven (7) years old and in regular attendance in a private kindergarten- nursery school,
4. A pupil whose physical or mental condition prevents or renders inadvisable, attendance at school or application to study,
5. A pupil who is enrolled and in regular attendance in private, parochial, or church school programs for exceptional children,
6. A pupil who is enrolled and in regular attendance in a state supported program for exceptional children, or²
7. A student who has been expelled or who is under suspension from school.

PHYSICIAN'S STATEMENT REQUIRED

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

Attendance Requirements**EXCEPTIONS TO PRESENCE AT SCHOOL**

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

1. Students shall be counted in attendance when they are receiving home/hospital, institutional,² or court-ordered instruction in another setting.
2. Participation of a pupil in 4-H activities that are regularly scheduled and under the supervision of a county extension agent or the designated 4-H club leader shall be considered school attendance.³
3. Students may participate in cocurricular activities and be counted as being in attendance during the instructional school day, provided the Principal/designee has given prior approval to the scheduling of the activities. Approval shall be granted only when cocurricular activities and trips are instructional in nature, directly related to the instructional program, and scheduled to minimize absences from classroom instruction.⁴
4. Students participating in an off-site virtual high school class or block may be counted in attendance in accordance with requirements set out in Kentucky Administration Regulation.⁴
5. Students having an individual education plan (IEP) that requires less than full-time instructional services shall not be required to be present for a full school day.⁴
6. Students who attend classes for moral instruction at the time specified and for the period fixed shall be credited with the time spent as if they had been in actual attendance in school, and the time shall be calculated as part of the actual school work required by law. Students shall not be penalized for any school work missed during the specified moral instruction time.⁵
7. Students participating as part of a school-sponsored interscholastic athletic team, who compete in a regional or state tournament sanctioned by the Kentucky Board of Education or KHSAA, that occurs on a regularly scheduled student attendance day shall be counted and recorded present at school on the date or dates of the competition, for a maximum of two (2) days per student per school year. Students shall be expected to complete any assignments missed on the date or dates of the competition.⁶
8. The pupil is participating in standards-based, performance-based credit that is awarded in accordance with 704 KAR 3:305, and that falls within one (1) or more of the categories of standards-based course work. A pupil may be counted in attendance for performance-based credit for a class or block for the year or semester in which the pupil initially enrolled in the class or block if the pupil demonstrates proficiency in accordance with local policies.^{4 & 7}
9. Students attending basic training required by a branch of the United States Armed Forces shall be considered present for all purposes for up to ten (10) days.³

STUDENTS

09.122
(CONTINUED)

Attendance Requirements

REFERENCES:

¹KRS 159.010; OAG 85-55

²KRS 159.030

³KRS 159.035

⁴702 KAR 7:125

⁵KRS 158.240

⁶KRS 158.070

⁷[704 KAR 3:305](#)

KRS 159.180; KRS 159.990

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

RELATED POLICIES:

08.131, 08.1312; 09.111, 09.123, 09.36

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 7:125.¹

TRUANCY DEFINED

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

Any student who has been reported as a truant two (2) or more times is an habitual truant. Habitual truancy is defined as having six (6) unexcused absences.

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

TARDINESS

A student is considered tardy if he or she arrives after the designated school start time or leaves before the end of the instructional day. Students must be checked in or out of school by a parent, guardian, or authorized adult. Late arrivals or early dismissals will be counted as an absence or tardy according to the arrival/departure time.

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

EXCUSED ABSENCES

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

1. Funerals;
2. Illness of the pupil;

After a total of ten (10) cumulative full-day absences due to illness, students are required to present a written statement from a medical professional (doctor, dentist, psychologist, etc.) for each additional absence for the school year in order to be excused.

After a total of ten (10) cumulative tardies due to illness, students are required to present a written statement from a medical professional (doctor, dentist, psychologist, etc.) for each additional tardy for the school year in order to be excused.

3. Religious holidays and practices (documentation required by the parent or guardian);
4. Medical and dental appointments (times and dates shall be verified by the physician's signed statement);

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

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

5. Family emergencies requiring immediate attention, such as severe illness of a student's immediate family, are limited to three (3) cumulative absent events* per school year. Additional absent events must have the approval of the Principal to be excused.
6. One (1) day for attendance at the Kentucky State Fair per Kentucky State Law;
7. Documented military leave per KRS 159.035 (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),
8. One (1) day prior to departure of parent/guardian called to active military duty,
9. One (1) day upon the return of parent/guardian from active military duty,
10. Three (3) visits to colleges or universities and restricted to juniors and seniors. Documentation from the college visited will be required;
11. Court appearance requiring the student's attendance. Students will be excused only for the length of time of the scheduled court appearance;
12. Educational Enhancement Opportunity. Up to ten (10) school days to pursue an educational enhancement opportunity determined by the Director of Pupil Personnel 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 there are extenuating circumstances, requests for date(s) falling within State or District testing periods shall not be granted.

The Director of Pupil Personnel's determination may be appealed to the Superintendent/designee whose decision may then be appealed to the Board through its grievance policy.

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.

13. Ten (10) days for students attending basic training required by a branch of the United States Armed Forces, or

14. Other valid reasons as determined by the Principal.

***An absent event is defined as being tardy or absent for any percentage of the school day.**

Absences and Excuses**UNEXCUSED ABSENCES**

All other absences shall be considered unexcused.

NOTES REQUIRED

Within three (3) days of students' return to school, they shall present notes signed by their parents/guardians or medial professional to designated school personnel. If notes are not received within three (3) days, the absence shall be deemed unexcused.

MAKE-UP WORK

It is the students' or parents' responsibility to contact the school for make-up work. Students shall be allowed the same number of days to complete make-up work, as they were absent, plus one (1).

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

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

If there is a special need, a message for a teacher to call the parent may be left with the Principal or counselor.

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. Unless an exception is granted as noted below, 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.

RELEASE PROCESS

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

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.¹

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/designee.

REFERENCES:

¹KRS 2.015
702 KAR 7:125

RELATED POLICIES:

09.12311; 09.43; 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 to
Divorced, Separated, or Single Parents**

The Board shall release the student to either parent, guardian, or legal custodian 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.

REFERENCES:

20 U.S.C. 1232g, 34 Code of Federal Regulations 99.1 - 99.67
OAG 85-130, OAG 90-52

RELATED POLICIES:

[09.1231](#)
09.14

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Deleted: Requests for release of students or information concerning students from single parents or divorced/separated parents will be handled according to the following procedures. Unless the school has been informed and given evidence of state laws or court orders concerning the status of students:¶<#>Both parents shall have equal access to any information concerning the student. As long as the student is under eighteen (18) years of age, both natural parents may review, inspect or receive copies of their child's records without prior written permission of the student.¶<#>Both parents shall have the right to release of the student.¶

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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

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STUDENTS

09.14

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Student Records

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

PROCEDURE TO BE ESTABLISHED

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

DISCLOSURE OF RECORDS

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

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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.

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.

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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 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.²

RECORDS OF MISSING CHILDREN

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

COURT ORDER/SUBPOENA

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

REFERENCES:

¹Section 152 of the Internal Revenue Code of 1986

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

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

KRS 160.990; KRS 161.200; KRS 161.210; KRS 365.732; KRS 365.734; KRS 600.070

702 KAR 1:140; 702 KAR 3:220

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

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

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

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

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

Individuals with Disabilities Education Improvement Act of 2004

Kentucky Education Technology System (KETS)

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

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

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Student Records

RELATED POLICIES:

- 09.111
- 09.12311
- 09.43

Deleted: LEGAL OBLIGATIONS¶
The Board shall handle student records in compliance with the Family Education Rights and Privacy Act and other applicable federal and state laws.¶
Data and information concerning the handling of student records is contained in the Confidentiality Handbook.¶
REFERENCES:¶
¹Section 152 of the Internal Revenue Code of 1986¶
²KRS 158.153, KRS 610.345¶
KRS 7.110, KRS 158.032, KRS 159.160, KRS 159.250, KRS 160.990¶
KRS 161.200, KRS 161.210¶
702 KAR 1:140; 702 KAR 3:220¶
20 U.S.C. 1232g, 34 C.F.R. 99.1 - 99.67¶
20 U.S.C. 1232h (Protection of Pupil Rights Amendment)¶
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)¶
Kentucky Education Technology System (KETS)¶
Individuals with Disabilities Education Improvement Act of 2004¶
P. L 107-110, Section 9528¶

RECOMMENDED: THIS PROPOSED NEW POLICY IS SUGGESTED TO CENTRALLY LOCATE THE REPORTS RELATED TO STUDENT SAFETY THAT STATE LAW REQUIRES EMPLOYEES TO MAKE. IT WAS PROMPTED BY A NEW CHAPTER OF KRS 158 (KRS 158.156) ENACTED BY THE 2008 GENERAL ASSEMBLY CONCERNING REPORTING OF CERTAIN FELONY VIOLATIONS BY STUDENTS. FINANCIAL IMPLICATIONS: TRAINING OF SCHOOL STAFF IS RECOMMENDED. THIS CHANGE IS NOT REQUIRED BY LAW.

DRAFT ALL NEW LANGUAGE 5/3/16

STUDENTS

09.2211

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Employee Reports of Criminal Activity

To promote the safety and well-being of students, the District requires employees to make reports required by state law in a timely manner. Supervisors and administrators shall inform employees of the following required reporting duties:

KRS 158.154

When the Principal has a reasonable belief that an act has occurred on school property or at a school-sponsored function involving assault resulting in serious physical injury, a sexual offense, kidnapping, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a controlled substance in violation of the law, or damage to the property, the Principal shall immediately report the act to the appropriate local law enforcement agency. For purposes of this section, "school property" means any public school building, bus, public school campus, grounds, recreational area, or athletic field, in the charge of the Principal.

KRS 158.155

An administrator, teacher, or other employee shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if:

- 1 The person knows or has reasonable cause to believe that conduct has occurred which constitutes:
 - a. A misdemeanor or violation offense under the laws of this Commonwealth and relates to:
 - i Carrying, possession, or use of a deadly weapon; or
 - ii Use, possession, or sale of controlled substances; or
 - b. Any felony offense under the laws of this Commonwealth; and
- 2 The conduct occurred on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school-sponsored or sanctioned event.

KRS 158.156

Any employee of a school or a local board of education who knows or has reasonable cause to believe that a school student has been the victim of a violation of any felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event shall immediately cause an oral or written report to be made to the Principal of the school attended by the victim. The Principal shall notify the parents, legal guardians, or other persons exercising custodial control or supervision of the student when the student is involved in an incident reportable under this section. The Principal shall file a written report with the local school board and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the original report.

Employee Reports of Criminal Activity**KRS 620.030**

Any person who knows or has reasonable cause to believe that a child is dependent, neglected, or abused shall immediately cause an oral or written report to be made to a local law enforcement agency or the Department of Kentucky State Police; the cabinet or its designated representative; the Commonwealth's Attorney or the County Attorney; by telephone or otherwise. Any supervisor who receives from an employee a report of suspected dependency, neglect, or abuse shall promptly make a report to the proper authorities for investigation.

REFERENCES:

KRS 158.154

KRS 158.155

KRS 158.156

KRS 525.070, KRS 525.080

KRS 527.070, KRS 527.080

KRS 620.030

RELATED POLICIES:

03.13251/03.23251

05.48

09.227

09.422

09.423

09.425

09.426

09.438

Student Medication

School personnel authorized to give medications must be trained in accordance with KRS 158.838, KRS 156.502 and 702 KAR 1:160.

AUTHORITY TO DISPENSE

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

PARENT PERMISSION

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

STORAGE

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

SELF-ADMINISTRATION

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

Deleted: controlled and non-controlled

Deleted: emergency

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

In accordance with KRS 158.836, students with a documented life-threatening allergy or designated staff shall be permitted to carry an epinephrine auto-injector in all school environments. The auto-injector shall be provided by the student's parent/guardian, and a written individual health care plan shall be in place for the student.²

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

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

STUDENTS

09.2241
(CONTINUED)

Student Medication

REFERENCES:

¹OAG 73-768

²KRS 158.834; KRS 158.838

³KRS 158.836

KRS 156.502; KRS 158.832

702 KAR 1:160

Americans with Disabilities Act

Section 504 of the Rehabilitation Act of 1973

OAG 77-530

OAG 83-115

RELATED POLICIES:

09.22

09.224

09.423

LEGAL: 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 a dependent, abused or neglected child¹ shall immediately make a report to a local law enforcement agency or the Kentucky State Police, the Cabinet for [Health and Family Services](#), or its designated representative, the Commonwealth's Attorney or the County Attorney in accordance with KRS 620.030.² The school employee shall also inform the child guidance specialist or guidance counselor designated by the Principal of the suspected dependency, abuse, or neglect within two (2) school days of making the report. If the Principal is suspected of child abuse, the employee shall notify the Superintendent/designee who shall also promptly report to the proper authorities for investigation.

Deleted: Families and Children

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

INTERVIEWS

If the student is an alleged victim of abuse or neglect, school officials shall follow directions provided by the investigating officer or Cabinet for [Health and Family Services](#), representative as to whether to contact a parent.³

Deleted: Families and Children

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.

STUDENTS

09.227
(CONTINUED)

Child Abuse

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:

¹KRS 600.020 (1)(15)

²KRS 620.030; KRS 620.040

³OAG 85-134; OAG 92-138

KRS 17.160; KRS 17.165; KRS 17.545; KRS 17.580

KRS 156.095; KRS 199.990

KRS 209.020; KRS 620.050

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

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

Regulations Implementing Title IX

RELATED POLICIES:

09.42811; 09.4361; 10.5

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

THIS CHANGE NOT REQUIRED BY LAW

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.313

Eligibility (Athletics)

Determination of athletic eligibility shall be made in compliance with applicable administrative regulations and Kentucky High School Athletic Association requirements.¹

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.²

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.

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PARTICIPATION BY ATTENDANCE AREAS

Unless excepted by administrative procedures, students are to participate in athletics at the school serving the attendance area of their parents' residence.

Any student in grades six through twelve (6-12) who attends a school other than his/her assigned school shall be ineligible for all interscholastic sports for one (1) calendar year following enrollment. If for any reason other than an exception granted pursuant to administrative procedure, the student does not serve the one (1) calendar year of ineligibility upon enrollment, then upon discovery by the coach, assistant coach, or District administrator, the student's improper participation shall immediately be reported to the District Athletic Director. The District athletic director shall report to the Director of Middle Schools for a middle school student and/or to the Director of High Schools for a high school student and facts and circumstances shall be reviewed. The student shall be notified that he/she is ineligible for participation in any interscholastic sport at any school within the District for a period of one (1) calendar year from the date of discovery of the student's ineligibility. In addition, all games in which the ineligible student played shall be subject to forfeiture.

Any student requesting a transfer back to his/her school-of-residence and who has represented the out-of-District school will be ineligible for one (1) calendar year from date of transfer.

WAIVER FOR ATHLETIC ELIGIBILITY

Requests for a waiver of ineligibility for all interscholastic sports for the calendar year following approval should be made to either the Director of High Schools if a high school athletic sport is in question or to the Director of Middle Schools if a middle school athletic sport is in question.

Decisions will be made by the Director to whom the request is submitted. Appeals of the School Director's decision may be made to the Superintendent, whose decision will be final.

Eligibility (Athletics)**ELIGIBILITY GUIDELINES**

May need to cross-reference with KHSAA Bylaws for applicability.

Students who have previously participated in secondary athletics at one District school and have transferred to another District school shall have athletic eligibility determined according to the following guidelines:

(1) REDISTRICTING

Students in grades seven through twelve (7-12) whose area assignment is changed by the Board due to redistricting shall be eligible for participation in all sports at the new schools without any period of ineligibility. If required, the Board will apply to the Commissioner of the KHSAA for a waiver of the ineligibility period for such pupils who are redistricted.

Such students shall be ineligible to participate at their former schools unless they are seniors who qualify under guideline number three (3) below or who have been granted a waiver in conjunction with a change in area assignment.

(2) CHANGE OF SCHOOLS FOR OTHER REASONS

After enrolling in grades seven through twelve (7-12), students who represent a secondary school and who then change schools within the District for reasons other than redistricting by the Board, shall be ineligible for participation in all sports for the following one (1) calendar year after enrollment. If for any reason other than an exception granted pursuant to administrative procedure, the student does not serve the one (1) calendar year of ineligibility upon enrollment, then upon discovery by the coach, assistant coach, or District administrator, the student's improper participation shall immediately be reported to the District Athletic Director. The District Athletic Director shall report to the Director of Middle Schools for a middle school student or to the Director of High Schools for a high school student and facts and circumstances shall be reviewed. The student shall be notified that he/she is ineligible for participation in any interscholastic sport at any school within the District for a period of one (1) calendar year from the date of discovery of the student's ineligibility. In addition, all games in which the ineligible student played shall be subject to forfeiture.

Students who change schools because of a change in residence of their parents may participate in sports at the new schools, provided the Commissioner of the KHSAA waives the period of ineligibility or if such students are seniors who qualify under guideline number three (3) below.

Students who are to change schools because of a change in the residence of their parents and who are members of an athletic team whose season has started have the option of requesting out-of-district placement at the former school and, if permission is granted, are eligible to complete the remainder of the athletic season in that particular sport at the former school. That student, however, is ineligible for any additional sports at the former school.

Students who change schools because of a change in guardianship, regardless of the reason, shall be ineligible for participation in all sports for the following one (1) calendar year following enrollment, except for a change in schools brought about by the following:

- a. A change in guardianship between parents pursuant to a proper court order granting custody of a student to only one (1) of the parents; or
- b. A change in guardianship due to the death of a student's sole guardian.

However, the foregoing exceptions will not apply if there is evidence that the change in guardianship is the result of the recruitment of the student or there is evidence that the change in guardianship is for athletic advantage which is defined as, but not limited to the following:

Eligibility (Athletics)**(2) CHANGE OF SCHOOLS FOR OTHER REASONS (CONTINUED)**

- a. Seeking a superior athletic team;
- b. Seeking relief due to conflict with the philosophy or action of an administrator, teacher or coach relating to sports;
- c. Seeking a team consistent with a student's athletic abilities; or
- d. Seeking a means to nullify punitive action by the previous school.

If the student is subject to, but does not serve, the one (1) calendar year of ineligibility following the change of schools, then upon discovery of the student's improper participation in sports by the coach, assistant coach, or District administrator, the student's improper participation shall immediately be reported to the District Athletic Director. The District Athletic Director shall report to the Director of Middle Schools for a middle school student or to the Director of High Schools for a high school student and facts and circumstances shall be reviewed. The student shall be notified that he/she is ineligible for participation in any interscholastic sport at any school within the District for a period of one (1) calendar year from the date of discovery of the student's ineligibility. In addition, all games in which the ineligible student played shall be subject to forfeiture.

(3) WAIVER FOR SENIORS

When students in grade twelve (12) would be otherwise required to attend high schools different than the ones where they participated in sports the previous year, due to a change in residence of their parents, they may elect to continue to attend their former school during their senior year. Should they so elect, they or their parents shall furnish the students' transportation to and from school unless regular school bus service can be utilized without causing problems with routing and overcrowding.

REFERENCES:

- ¹KRS 156.070; Athletic Guidelines for Middle/Senior High Schools
²[KRS 160.345](#)
Kentucky High School Athletic Association (KHSAA) Handbook
702 KAR 7:065; OAG [15-022](#)

RELATED POLICIES:

- [02.4241](#)
09.126 (re requirements/exceptions for students from military families)
09.423

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LEGAL: THIS CLARIFIES THAT PER 702 KAR 7:125, FOR STUDENTS TO BE COUNTED PRESENT, SCHOOL-RELATED TRIPS TAKEN DURING THE SCHOOL DAY MUST BE INSTRUCTIONAL IN NATURE.

FINANCIAL IMPLICATIONS: POSSIBLE REDUCTION IN THE NUMBER OF TRIPS TAKEN DURING THE SCHOOL DAY THAT ARE NON-INSTRUCTIONAL IN NATURE

DRAFT (06/24/16)

STUDENTS

09.36

School-Related Student Trips

PRINCIPAL TO APPROVE

The school Principal shall have the authority to give prior approval to in-state and one (1) day school-related trips which fall into the following categories as long as school bus or private vehicle transportation is used:

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1. All regularly scheduled athletic or band events.
2. All athletic, academic team, or music program trips which are part of a tournament play-off or competition in which the school is a participant.
3. All other in-state school-related trips made within a one hundred fifty (150) mile radius of the school.

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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Note: All field trips must be reviewed by the SBDM Council and reflected as SBDM Council agenda items and recorded in SBDM Council minutes.

PRIOR APPROVAL FOR EXTENDED TRIPS

Any school-related trips not falling within the guidelines above shall require prior Board approval. Specifically, the following student trips must have the prior approval of both the Superintendent and the Board:

- All overnight trips;
- All out-of-state and international trips; and
- Trips using District approved commercial carriers.

Approval shall be contingent on submission of a complete Extended Field Trip Request Form (see 09.36 AP.21) from the Principal.

Deleted: <#>All in-state trips exceeding a 150 mile radius that are not regularly scheduled events or are competitions for an athletic, academic or music group; and¶

INTERNATIONAL TRIPS

In addition, no deposits or reservations shall be made for such trips prior to the trip being approved by the Board.

Deleted: Prior approval of the appropriate Director also is required for trips to destinations outside the continental United States.

At least one (1) administrator employed by the District shall serve as a chaperone on each international trip.

School-Related Student Trips**SECURITY CONCERNS**

Board-approved trips shall be subject to change when the Department of Homeland Security issues a security advisory of conditions that warrant reconsideration. When this occurs, the Board will no longer sponsor or endorse the trip. The parent/guardian must then determine whether their student will still participate in the trip and, if so, the parent/guardian must assume complete financial and full personal responsibility.

TRANSPORTATION DRIVERS/VEHICLES**District-owned 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.¹

Private Vehicles

Students shall be allowed to travel to or from school-related activities in properly insured private vehicles operated by a duly authorized District employee or approved volunteer in accordance with the following requirements:

1. Employee drivers shall obtain prior approval from the Superintendent or designee to transport children for school-related activities in a private vehicle. Parents of students shall be notified that their children may be transported in private vehicles by an authorized school employee or volunteer.
2. No vehicle, to include rental vans, designed by the manufacturer to carry more than ten (10) passengers in addition to the driver, shall be used for school-related student trips. Use of taxi cabs and airport limousine services is permissible.
3. Employee or volunteer privately-owned vehicles transporting students must show evidence of insurance coverage to the Superintendent/designee for bodily injury;
4. Private vehicles are not covered by Board fleet insurance. Employee or volunteer drivers' personal insurance shall provide coverage in case of an accident.

CERTIFICATED COMMON CARRIERS

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

SUPERVISION

A certified or classified staff member must accompany students on all school-sponsored or school-endorsed trips. Persons designated to accompany students shall be at least twenty-five (25) years old, an employee of the District, or the parent/legal guardian of a student on the trip.

For athletic trips, a nonfaculty coach or a nonfaculty assistant may accompany students as provided in statute.²

School-Related Student Trips**PRIVATELY ORGANIZED OR OPERATED TRIPS**

Privately organized or operated trips for students shall not be considered a school-sponsored or school-endorsed trip. Planning/organization meetings for such trips shall take place off school property. No District, school, or booster funds may be used to finance any part of a privately organized or operated trip.

REMOVAL OF STUDENTS FROM TRIP

If it is determined that a student should be removed from a school-related student trip for disciplinary reasons, the student's parent shall be contacted by a faculty or administrative staff member that one of the following actions will be taken:

- Having the student returned home accompanied by a chaperone, if feasible;
- Having the student remain on the trip but not participate in any activities and be under close supervision of a chaperone;
- Notifying the parent to pick up the student at the location of the trip; or
- Upon other arrangements mutually agreed upon with the parent/guardian.

Deleted: faculty member;

If a student must be returned home, it shall be at the expense of the parent/guardian.

The faculty member shall notify the Principal of the incident involving the student and discuss appropriate disciplinary action to be taken.

POST-APPROVAL BY BOARD

In cases involving extenuating circumstances which prevent obtaining prior Board approval for overnight, out-of-state, or trips involving certificated common carriers, the Superintendent is authorized to give approval, provided full details are made available to the Board at the regular Board meeting immediately following such trips.

Deleted: or in-state trips exceeding one hundred fifty (150) miles

MEDICATION

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

Field trip coordinators must provide thirty (30) days notice to their school nurse for out of state field trips. 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. Contract with a duly licensed nurse, medical provider or assign staff to accompany students on the field trip to address student medication needs.

PARENTS'/LEGAL GUARDIAN'S APPROVAL

Parents/legal guardians are to be informed of the nature of the trip, the approximate departure and return times, means of transportation, and any other relevant information to include:

- Contact information, and
- Procedures that will be followed in the event of an emergency.

Parents must give written approval for students to participate in school-sponsored trips.

STUDENTS

09.36
(CONTINUED)

School-Related Student Trips

REFERENCES:

¹KRS 156.153
²KRS 161.185
³702 KAR 5:060
KRS 158.110, KRS 158.838; KRS 160.340, KRS 189.125; KRS 189.540
702 KAR 1:160; 702 KAR 3:220, 702 KAR 5:030, 702 KAR 5:080, 702 KAR 5:130
702 KAR 7:125

RELATED POLICIES:

03.1321; 03.2321
09.15; 09.122; 09.221; 09.2241

LEGAL: SB 228 AMENDED KRS 158.148 TO INCLUDE THE STATEWIDE DEFINITION OF BULLYING.
FINANCIAL IMPLICATIONS: REPRINTING DISTRICT CODE OF ACCEPTABLE BEHAVIOR AND DISCIPLINE

STUDENTS

09.422

Bullying

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.

BULLYING DEFINED

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

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

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

These may include, but are not limited to, name calling, teasing, threatening, social exclusion, and cyberbullying. Bullying may be physical, verbal, emotional or sexual in nature.

ACTIONS NOT TOLERATED

The use of lewd, profane or vulgar language is prohibited. In addition to bullying, students shall not engage in behaviors such as hazing, menacing, taunting, intimidating, verbal or physical abuse of others, or other behavior that disrupts a student's access to an education or is harmful to his/her well-being.¹ This policy extends to any/all student language or behavior including, but not limited to, the use of online or electronic 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.

Harassment/Discrimination allegations shall be governed by policy 09.42811.

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.

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

Bullying**REPORTS (CONTINUED)**

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

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

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

In certain cases, employees must do the following:

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

REFERENCES:

¹KRS 158.150

²KRS 158.148

KRS 158.156

KRS 160.290; KRS 525.080

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

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

RELATED POLICIES:

03.162; 03.262

09.13; 09.421; 09.425; 09.426; 09.4281; 09.42811; 09.438

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 which shall be posted at each school, referenced in all school handbooks, and made available 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 cocurricular activities.

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

REVIEW

The student discipline code shall be reviewed at least every two (2) years by the discipline code committee with all amendments to be submitted for Board review.

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:

09.3, 09.42, 09.421, 09.422, 09.426, 09.42811

Deleted: 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.¶

Public Information Program

RIGHT TO BE INFORMED

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

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

DISTRICT WEBSITE

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

Deleted: Posting and/or distribution of announcements and informational materials that are outside District initiatives, school or youth-related programming announcements and educational materials that assist families and support public education may be approved on a case-by-case basis. Such information may be denied based on any of the following criteria:¶
<#>It is from a for-profit organization/individual (there is monetary benefit for this organization/individual);¶
<#>Its sole function is for fundraising for an activity which is not a school-supported activity;¶

REFERENCES:

KRS 61.805
KRS 61.850

RELATED POLICIES:

01.4
01.421
01.44
10.12
[10.4](#)

Deleted: COMMUNICATIONS/COMMUNITY
RELATIONS 10.1¶
. (CONTINUED)

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

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Citizen Involvement

SUGGESTIONS

The Board believes that clear and consistent two-way communication between the District and the public is necessary. It shall be the policy of the Board to give consideration to suggestions posed to the Board by citizens of the District. Citizens wishing to make suggestions should submit them in writing to the appropriate Principal for school-related matters or to the Superintendent or Chairperson of the Board for District level concerns.

COMMITTEES

From time to time, the Board may appoint committees composed of citizens to advise the Board on specific matters. The Superintendent shall appoint District employees to serve on these committees as necessary. Such committees shall be ad hoc in nature and will serve at the pleasure of the Board. Committees, whether Board-appointed or otherwise, shall include citizen/parent/Equity Council representation whenever possible and appropriate, with the number of representatives to be determined by the originator of the committee and/or at the discretion of the Superintendent or Board.

Membership for committees addressing issues that will directly impact families and students shall reflect the make-up of, and diversity within, the school system and community as a whole. Care shall be taken to include representation from all segments of the school system's stakeholders. To promote full participation by committee members, every effort shall be made to schedule meetings at times convenient for parents and other community members and to develop and adhere to a meeting schedule that is time-efficient for members.

Committees appointed by the Board shall comply with requirements of the Open Meetings and Open Records Laws.

PUBLIC HEARINGS

The Board will arrange for public hearings when the consideration of important issues requires a public forum. These shall be for the dual purpose of informing the public about the issue(s) and for receiving information from the public about the issue(s). The Board shall give prior notice for public hearings.

COMPLAINTS

Complaints regarding Board and SBDM Council actions and policy matters should be directed to the Board or the SBDM Council, as appropriate. Concerns regarding SBDM Council actions and policy matters also may be directed to the Department of School, Community and Government Support (SBDM Office). All other complaints should be directed to the administrator of the school or department in which the problem arises.

APPEALS

Complaints appealed to the Board must be in writing and must contain a detailed description of the problem and the redress desired. The Board reserves the right to defer and redirect complaints that have not been explored to the appropriate administrative level.

Citizen Involvement

PARENT AND FAMILY INVOLVEMENT

Each school or school council, as appropriate, shall develop a parent and family involvement process as set out in Policy 10.31.

REFERENCES:

KRS 61.800; KRS 61.805; KRS 61.810
KRS 61.815; KRS 61.820; KRS 61.823
KRS 61.826; KRS 61.835; KRS 61.840
KRS 61.846; KRS 61.848; KRS 61.850
OAG 75-3

RELATED POLICIES:

01.421, 10.31

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Advertising in the Schools

DEFINITIONS

Commercial advertising - Includes any communication describing a business or service other than the legal name of the business.

Advertising materials - Include coupons, buy-one/get-one-free offers, descriptive brochures or printed materials, discounts or any other promotional items that do not benefit the holder without cost.

COMMERCIAL ADVERTISING

Commercial advertising to promote products or services in the facilities or on the grounds of school property may be allowed only with prior written approval of the Principal/site administrator, who shall forward a copy of each approval/denial to the appropriate school director.

In considering each request, the Principal/site administrator shall determine if the advertisement detracts from the use of instructional time and is age-appropriate for students. Such determination shall follow review standards that prohibit language or depictions that:

- Contain profanity or obscenity;
- Are political advertisements;
- Promote violence or substances or activities illegal for minors; and/or
- Contain racial, ethnic, religious, sexual or handicap slurs, or any gang-associated affiliation.

Placement of commercial advertisements on school property, such as banners and signage, shall be in keeping with Policy 05.11 and accompanying procedures.

Funds received for approved projects involving advertising on school property shall be deposited to the school's internal account or may be retained by a school-related booster group that is sponsoring the activity as a fund-raising event.

EXCEPTION

Nothing herein shall be construed to prevent advertising in publications which are published by student organizations, PTA/~~PTSA~~, booster club, or other parent groups.

Deleted: PTO

SOLICITATIONS

Salesmen, representatives, or agents shall not solicit or contact pupils, teachers, or other employees in the school buildings or on school grounds without prior approval. (Please refer to Policy 10.5.)

Deleted: However, a personal message from a parent, other individual or group offering best wishes, congratulations, etc., to a student, student group or school shall be limited to a pre-determined set of statement options, for District-sponsored or school-related group sponsored publications

Advertising in the Schools**EXCEPTIONS FOR BENEFIT MATERIALS**

Provided they are approved by the Financial Services Department of Employee Benefits materials that promote Board-sponsored employee benefits and educate employees concerning them may be distributed in school facilities and on the grounds of school property, and advertised through Fayette County Public Schools' internal communications channels. Approved materials will always come through the Financial Services Department of Employee Benefits; schools and departments should not distribute materials received directly from vendors.

FUND-RAISING PROGRAMS

Sales representatives promoting fund-raising projects shall complete a form provided by the Superintendent's designee. Information pertaining to approved vendors and their product(s) shall be posted on the District's fund-raising site. Should principals or school groups become interested in a fund-raising program, they may contact the appropriate sales representative directly. Schools may only conduct fundraisers with approved vendors who have registered with the District.

DISTRIBUTION OF NON-SCHOOL MATERIALS

Distribution of announcements and informational materials that are outside District initiatives, school or youth-related programming announcements and educational materials that assist families and support public education to all students in the District may be approved on a case-by-case basis by the Superintendent/designee.

Such information may be denied based on any of the following criteria:

1. It is from a for-profit organization/individual (there is monetary benefit for this organization/individual);
2. Its sole function is for fundraising for an activity which is not a school- supported activity;
3. It is for political campaigning purposes;
4. It is lobbying;
5. It is advertising anything that is non-compliant with Board policy;
6. Its content interferes with or undermines the instructional goals and mission of the District;
7. It threatens serious disruption or interference with a school or school- sponsored activity;
8. It does not promote a youth-related activity or event serving the students of the District;
9. It promotes the use of illegal drugs, alcohol or tobacco;
10. It promotes illegal activity for minors or violation of school rules;
11. It is obscene or pornographic;

Advertising in the Schools

DISTRIBUTION OF NON-SCHOOL MATERIALS (CONTINUED)

- 12. It contains words, symbols or images that are lewd, obscene or indecent;
- 13. It promotes hostility, disorder or violence;
- 14. It attacks or denigrates ethnic, racial, religious or gender groups;
- 15. It promotes illegal discrimination;
- 16. It is libelous or defames any person or organization;
- 17. It violates a copyright;
- 18. It uses any District or school logo without prior approval;
- 19. It fails to clearly identify the sponsoring organization or agency and provide a means of contact (i.e., telephone number, email, web address) for interested parties to obtain further information directly from the sponsor;
- 20. It fails to clearly include the following disclaimer, which must be in no smaller than 18 point boldface type. "Fayette County Public Schools neither endorses nor sponsors the organization or activity promoted in this document."

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REFERENCES:

KRS 158.190
OAG 68-452

RELATED POLICIES:

04.312
05.11
09.33
10.1
10.5