

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

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

FISCAL MANAGEMENT

04.0

Finance Officer Qualifications

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

REFERENCES:

KRS 160.341

702 KAR 3:320

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

SCHOOL FACILITIES

05.11

Alterations of Buildings and Grounds

APPROVAL NEEDED

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

INTEGRATED PEST MANAGEMENT

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

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

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

REFERENCES:

KRS 158.447

KRS 160.290

KRS 162.060

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

702 KAR 4:180

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

TRANSPORTATION

06.23

Driver and Substitute Driver Training

SUPERINTENDENT RESPONSIBILITY

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

All training requirements include both regular and substitute drivers.

COMMERCIAL DRIVER'S LICENSE

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

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REFERENCES:

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

RECOMMENDED: 13 KAR 2:020 CURRENTLY ALLOWS SOME FLEXIBILITY ON THE COLLEGE READINESS ASSESSMENT REQUIRED TO QUALIFY FOR INITIAL COLLEGE ADMISSION AND DOES NOT ABSOLUTELY MANDATE THE USE OF THE "ACT" EXAM. THE POLICY HAS BEEN AMENDED TO REFLECT THAT FLEXIBILITY.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.1121

Pre-College Curriculum

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

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

ADDITIONAL

Each university may require additional preparation for its entering students.

REFERENCES:

13 KAR 2:020
704 KAR 3:305

RELATED POLICY:

08.113

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

FINANCIAL IMPLICATION: NONE ANTICIPATED

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

FINANCIAL IMPLICATION: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.1312

Home/Hospital Instruction

PURPOSE

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

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

ELIGIBILITY

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

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

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

SECONDARY STUDENTS

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

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

Home/Hospital Instruction**STUDENTS WITH DISABILITIES**

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

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

REFERENCES:

KRS 157.270; KRS 157.360

KRS 159.030

704 KAR 3:303

704 KAR 7:120

707 KAR 1:320

707 KAR 1:350

Individuals with Disabilities Education Improvement Act (IDEA)

Section 504 of the Rehabilitation Act of 1973

34 C.F.R. 104.35

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RELATED POLICIES:

09.122

09.123

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

CURRICULUM AND INSTRUCTION

08.133

Extended School/~~Supplemental Educational~~ Services

PLAN FOR DIAGNOSING

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

EXTENDED SCHOOL SERVICES

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

For students eligible to attend ESS, the District shall:

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

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

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

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

~~SUPPLEMENTAL EDUCATIONAL SERVICES~~

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

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

REFERENCES:

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

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

CURRICULUM AND INSTRUCTION

08.3

School Calendar

DEVELOPMENT OF CALENDAR

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

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

ADDITIONAL REQUIREMENTS

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

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

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

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

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.

School Calendar

EMERGENCY WAIVERS

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

REFERENCES:

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

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

STUDENTS

09.11

School Attendance Areas

ASSIGNED ZONES

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

IF FAMILIES MOVE

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

REQUESTS FOR TRANSFER

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

- ~~1. Another school option exists;~~
- ~~2. The assigned school is identified for school improvement under federal guidelines (priority for transfer will be given to the lowest achieving children from low income families);*~~
- ~~3.1~~ The assigned school is designated by the state as being "persistently dangerous";
- ~~4.2~~ The student becomes a victim of a violent criminal offense, as determined by state law, while attending school.²

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

REFERENCES:

~~¹P. L. 107-110 (No Child Left Behind Act of 2001)P. L. 114-95, (Every Student Succeeds Act of 2015)~~
34 C.F.R. 200.44
KRS 159.070
OAG 80-394

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

FINANCIAL IMPLICATION: NONE ANTICIPATED

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

FINANCIAL IMPLICATION: NONE ANTICIPATED

STUDENTS

09.122

Attendance Requirements

COMPULSORY ATTENDANCE

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

EXEMPTIONS FROM COMPULSORY ATTENDANCE

The Board shall exempt the following from compulsory attendance:

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

PHYSICIAN'S STATEMENT REQUIRED

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

EXCEPTIONS TO PRESENCE AT SCHOOL

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

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

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

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

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

KRS 159.180; KRS 159.990

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

STUDENTS

09.122
(CONTINUED)

Attendance Requirements

RELATED POLICIES:

08.131; 08.1312
09.111; 09.123; 09.36

LEGAL: HB 87 AND SB 256 AMENDED KRS 159.035 TO ALLOW STUDENTS ATTENDING BASIC TRAINING REQUIRED BY A BRANCH OF THE UNITED STATES ARMED FORCES TO BE CONSIDERED PRESENT AT SCHOOL FOR UP TO TEN (10) DAYS.
FINANCIAL IMPLICATION: NONE ANTICIPATED

STUDENTS

09.123

Absences and Excuses

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

TRUANCY DEFINED

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

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

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

A student who is absent for thirty-five percent (35%) or less of the regularly scheduled school day is tardy.

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

EXCUSED ABSENCES

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

1. Death in the pupil's immediate family,
2. Illness of the pupil as verified by a signed statement from a health professional for days in excess of five (5) parent's notes. One absence equals one day/event. All absences require a parent's note or a doctor's note.
3. Religious holidays and practices,
4. One (1) day for attendance at the Kentucky State Fair,
5. Documented military leave,
6. One (1) day prior to departure of parent/guardian called to active military duty,
7. One (1) day upon the return of parent/guardian from active military duty,
8. Visitation for up to ten (10) days with the student's parent, de facto custodian, or person with legal custody who, while on active military duty stationed outside of the country, is granted rest and recuperation leave, ~~or~~

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

9-10. Other valid reasons as determined by the Principal, including trips qualifying as educational enhancement opportunities.

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

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

Permission for an enhanced educational opportunity must be requested and granted prior to the date of the absence. Unless the Principal determines that extenuating circumstances exist, requests for date(s) falling within State or District testing periods shall not be granted.

The Principal's determination may be appealed to the Superintendent/designee whose decision may then be appealed to the Board under its grievance policy and procedures.

Students receiving an excused absence under this section shall have the opportunity to make up school work missed and shall not have their class grades adversely affected for lack of class attendance or class participation due to the excused absence.

Any absence for reasons not stated above shall be considered an unexcused absence.

MAKE-UP WORK

Students shall have the number of days absent, plus one, to make up work missed, unless additional time is allowed by the teacher. It is the responsibility of the student to request the work/assignments. Teachers shall provide make-up work to elementary students.

SUSPENSION

Projects or homework assigned prior to suspension shall be accepted for credit. Students shall be responsible for submitting assignments upon return to school following suspension.

Long-term projects assigned during the suspension and due at a later date shall be accepted. It is the student's responsibility to get those assignments from the teacher.

Work assigned and due during suspension will be accepted. Students have the number of days of the suspension, plus one (1), to make up the work missed, unless additional time is allowed by the teacher. It is the responsibility of the student to request the work/assignments. Teachers shall provide make-up work to elementary students.

SCHOOL HANDBOOKS

Each school handbook shall include specific attendance requirements.

STUDENTS

09.123
(CONTINUED)

Absences and Excuses

REFERENCES:

¹702 KAR 7:125
KRS 36.396, KRS 38.470, KRS 40.366
KRS 158.070, KRS 158.183, KRS 158.293, KRS 158.294
KRS 159.035, KRS 159.140, KRS 159.150, KRS 159.180
OAG 76-566, OAG 79-68, OAG 79-539, OAG 91-79, OAG 96-28

RELATED POLICIES:

09.111, 09.122, 09.4281
09.126 (re requirements/exceptions for students from military families)

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

STUDENTS

09.1231

Dismissal from School

RELEASE OF STUDENTS

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

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

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

RELEASE PROCESS

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

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

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

EXCEPTIONS

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

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

REFERENCE:

702 KAR 7:125

RELATED POLICIES:

09.12311; 09.432

09.434; 10.5

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

STUDENTS

09.12311

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

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

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

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

- ~~1. Both parents shall have equal access to any information concerning the students.~~
- ~~2. Both parents shall have the right to release of the student under their care.~~

REFERENCES:

20 U.S.C. 1232g, 34 C.F.R. 99.1 – 99.67
OAG 85-130, OAG 90-52

RELATED POLICIES:

01.0

09.1231

09.14

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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

STUDENTS

09.14

Student Records

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

PROCEDURE TO BE ESTABLISHED

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

DISCLOSURE OF RECORDS

Student records shall be made available for inspection and review to the parent/guardian(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 or parents serve as joint custody.¹

Upon written request, parents, guardians, 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 of student records.

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

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

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

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

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

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

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

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

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

DISCLOSURE TO REPRESENTATIVES FOR FEDERAL OR STATE PROGRAM PURPOSES

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

DUTY TO REPORT

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

STUDENT DIRECTORY INFORMATION

The Superintendent or the Superintendent's designee is authorized to release Board approved directory information.

Approved "directory information" shall be: student names and addresses, telephone numbers, 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 by student.

Any eligible student, parent, or guardian who does not wish to have directory information released shall notify the Superintendent in writing within thirty (30) calendar days after receiving notification of FERPA rights.

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

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

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

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 hearing, or vision, or 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 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 as missing to the agency, institution, or individual making the request, the District shall notify the Justice Cabinet.

COURT ORDER/SUBPOENA

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

REFERENCES:

¹Section 152 of the Internal Revenue Code of 1986

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

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

KRS 160.990; KRS 161.200; KRS 161.210

KRS 365.732; KRS 365.734; KRS 600.070

702 KAR 1:140; 702 KAR 3:220; 20 U.S.C. 1232g et seq., 34 C.F.R. 99.1 - 99.67

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

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

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

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

Individuals with Disabilities Education Improvement Act of 2004

Kentucky Education Technology System (KETS)

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

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

RELATED POLICIES:

09.111; 09.12311; 09.43

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

FINANCIAL IMPLICATIONS: COST OF SIGNAGE

STUDENTS

09.227

Child Abuse

REPORT REQUIRED

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

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

WRITTEN REPORT

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

INTERVIEWS

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

REQUIRED TRAINING

All current school administrators, certified personnel, office staff, instructional assistants, coaches, and extracurricular sponsors shall complete Board selected training on child abuse and neglect prevention, recognition, and reporting by January 31, 2017, and every two (2) years thereafter. School administrators, certified personnel, office staff, instructional assistants, coaches, and extracurricular sponsors hired after January 31, 2017, shall complete the training within ninety (90) days of being hired, and every two (2) years thereafter.

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.

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

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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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REFERENCES:

¹KRS 160.345

KRS 156.070

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

Kentucky High School Athletic Association (KHSAA)

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RELATED POLICIES:

02.4241

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

09.423

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