

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

POWERS AND DUTIES OF THE BOARD

01.0

DEFINITIONS

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

NKCES

An educational service agency providing high quality, cost-effective support programs and services to local public schools and districts within the northern Kentucky area.

POLICIES

An expression of the will of the Board of Directors

ADMINISTRATIVE PROCEDURES

Statements of the Executive Director or the Board of Directors that serve as administrative instruments to implement Board policy and other legal mandates.

EXECUTIVE DIRECTOR

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

PRINCIPAL/HEAD TEACHER

In this manual the term principal refers to principal or head teacher as appropriate and includes any other employee to whom the principal or head teacher may delegate responsibility for a specific task.

GENDER

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

HUSBAND AND WIFE

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

PARENT OR GUARDIAN

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

CHILDREN AND YOUTH WITH DISABILITIES

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

STUDENT ATTENDANCE DAY

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

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DEFINITIONS

HEALTH PROVIDER

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

LEGAL: RECENTLY ENACTED 702 KAR 1:170 REQUIRES THE NKCES 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

DRAFT ALL NEW LANGUAGE 5/4/16

POWERS AND DUTIES OF THE BOARD OF EDUCATION 01.61

Records Management

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 NKCES shall notify the Commissioner of the Kentucky State Police, the Auditor of Public Accounts, the Attorney General, and the Education Commissioner.

The NKCES shall acknowledge to the Board in a public meeting prior to August 31 of each year, that the NKCES 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 NKCES.

REFERENCES:

KRS 61.931; KRS 61.932; KRS 61.933

725 KAR 1:025; 702 KAR 1:170

Data Security and Breach Notification Best Practice Guide

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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

03.14

- CERTIFIED PERSONNEL -

Health and Safety

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

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

HAZARD COMMUNICATION PLAN

The Executive Director shall develop a NKCES Hazard Communication Plan. The plan shall include:

1. The assignment of a NKCES employee to be responsible for the implementation and coordination of the Hazard Communication Plan;
2. The inventory of all chemicals used at each NKCES-owned 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 NKCES uses the substance, plus thirty (30) years;
5. Labeling of all containers of each chemical identified as required by the Hazard Communication Standard;
6. The development of an employee Hazard Communication Information and Training Program; and
7. The development, implementation and maintenance of a written Hazard Communication Program.

BLOODBORNE PATHOGEN CONTROL

The Executive Director shall develop an Exposure Control Plan to eliminate or minimize NKCES occupational exposure to bloodborne pathogens. The plan shall address:

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

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

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

The Executive Director 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:

- Changes in technology that eliminate or reduce exposure to bloodborne pathogens; and
- 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 Executive Director/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 an NKCES 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 Executive Director /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 an NKCES 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 Executive Director /designee shall conduct facility inspection and re-inspection activities as required by state and federal law¹ to identify the status of asbestos. The Executive Director/designee 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. The school shall maintain in its administrative office an updated copy of the management plan for the 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 Executive Director/designee shall provide written notice of plan availability to parents, employees, and others 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

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FINANCIAL IMPLICATIONS: COST OF TRAINING

PERSONNEL

03.24

- CLASSIFIED PERSONNEL -

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14. Determination of universal precautions to be observed, including adequate engineering controls and housekeeping procedures;
15. Appropriate training of employees;

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

16. 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 NKCES, as appropriate;
17. Maintenance of a sharps injury log;
18. Medical follow-up and counseling for employees after a work-site exposure;
19. Maintenance of confidential records of each exposure incident; and
20. A schedule for implementing all provisions required by the OSHA standard.

The Executive Director 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:

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

7. Selection of appropriate PPE to safeguard employees from hazards that cannot be eliminated;
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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

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

PERSONNEL

03.5

Paraprofessionals

SUPERINTENDENT MAY EMPLOY

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

DEFINITION

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

EDUCATIONAL REQUIREMENTS

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

NOTICE TO PARENTS OF PARAPROFESSIONAL’S QUALIFICATIONS/CERTIFICATION

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

SUPERVISION

Paraprofessionals shall be under the direct supervision of certified teachers.¹ & ² Each employee shall have a job description which limits assigned duties to the scope of the individual’s competencies. The supervisory teacher shall utilize the evaluation process to assure the opportunities for professional growth of the paraprofessional.

EVALUATION

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

REFERENCES:

¹KRS 161.044; OAG 76-555; OAG 86-43

²P. L. 114-95, (Every Student Succeeds Act of 2015); KRS 161.010
34 C.F.R. 200.58-200.59
Kentucky High School Athletic Association (KHSAA)
KRS 17.160; KRS 17.165
KRS 156.095; KRS 160.380; KRS 161.180
OAG 73-206

PERSONNEL

03.5
(CONTINUED)

Paraprofessionals

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 160.341
702 KAR 3:320

School Calendar

DEVELOPMENT OF CALENDAR

The Executive Director/designee shall annually develop and present to the NKCES Board for adoption a school calendar for the upcoming school year on or before May 15 of each year. The calendar shall establish the following:

1. 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,
2. A minimum school term of not less than one hundred eight-five (185) days composed of student attendance days, teacher professional days, and holidays,
3. 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,
4. Instructional time required for kindergarten per KRS 157.320,
5. Any instructional time to be banked to make up for full days that may be missed due to an emergency,
6. 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
7. 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.

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

School 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.

AMENDING THE CALENDAR

The NKCES Board may amend the school calendar after it is adopted due to an emergency. The NKCES 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.

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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

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

All students are held accountable for attendance by their sending district. NKCES collaborates with the sending district for attendance issues.

TRUANCY DEFINED

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

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

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

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 or severe illness in the pupil's immediate family,
2. Illness of the pupil,
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,

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

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

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

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

Unless the Principal determines that extenuating circumstances exist, requests for date(s) falling within State or NKCES testing periods shall not be granted.

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

EXCUSED ABSENCES (CONTINUED)

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.

UNEXCUSED ABSENCES

Work may be made up for unexcused absences at the discretion of the teacher involved.

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

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

REFERENCE:

702 KAR 7:125

RELATED POLICIES:

09.434; 10.5

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 Executive Director 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 NKCES compliance with applicable state and federal student record requirements.

DISCLOSURE OF RECORDS

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

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

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

In addition, considering the totality of the circumstances, NKCES 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 NKCES 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 NKCES 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 NKCES to perform institutional services and functions) having a legitimate educational interest in the information.

NKCES 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 NKCES has outsourced services or functions may access student records provided they are:

- Under NKCES' 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 Executive Director 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 NKCES cannot comply with any part of FERPA or its implementing regulations due to a conflict with state or local law, NKCES 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 Executive Director/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 Executive Director/designee in writing within thirty (30) calendar days after receiving notification of FERPA rights.

NKCES 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 NKCES 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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Student Records**SURVEYS OF PROTECTED INFORMATION**

NKCES 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 NKCES special education policy and procedures manual shall include information concerning records of students with disabilities.

RECORDS RELEASE TO JUVENILE JUSTICE SYSTEM

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

JUVENILE COURT RECORDS

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

Student Records

RECORDS OF MISSING CHILDREN

Upon notification by the Commissioner of Education of a child's disappearance, the District in which the child is currently or was previously enrolled shall flag the record of such child in a manner that whenever a copy of or information regarding the child's record is requested, NKCES 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, NKCES 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. If NKCES receives 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, \(Every Student Succeeds Act of 2015\)](#)

RELATED POLICY:

09.43

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

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

FINANCIAL IMPLICATIONS: COST OF SIGNAGE

STUDENTS

09.227

Child Abuse

REPORT REQUIRED

Any teacher, school administrator, or other school personnel who knows or has reasonable cause to believe that a child under age eighteen (18) is dependent, abused or neglected¹ shall immediately make a report to a local law enforcement agency or the Kentucky State Police, the Cabinet for [Health and Family Services](#), 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 Executive Director/designee who shall also promptly report to the proper authorities for investigation.

Only agencies designated by law are authorized to conduct an investigation of a report of alleged child abuse. Therefore, NKCES 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 NKCES, after making the required report, to conduct an independent investigation of the allegations in order to determine appropriate personnel action.

WRITTEN REPORT

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

WRITTEN RECORDS

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

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

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Child Abuse**REQUIRED TRAINING**

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

OTHER

EACH SCHOOL SHALL PROMINENTLY DISPLAY THE STATEWIDE CHILD ABUSE HOTLINE NUMBER ADMINISTERED BY THE CABINET FOR HEALTH AND FAMILY SERVICES.

REFERENCES:

- ¹KRS 600.020 (1)(15)
- ²KRS 620.030; KRS 620.040
- ³OAG 85-134; OAG 92-138
- KRS 17.160; KRS 17.165; KRS 17.545; KRS 17.580
- KRS 156.095; KRS 199.990
- KRS 209.020; KRS 620.050
- OAG 77-407; OAG 77-506; OAG 80-50; OAG 85-134
- 34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights
Regulations Implementing Title IX

RELATED POLICIES:

09.42811; 09.4361; 10.5

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Bullying/Hazing

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

ACTIONS NOT TOLERATED

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

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

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

BULLYING DEFINED

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

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

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

REPORTS

As provided in the 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 school personnel for appropriate action.

Employees are expected to take reasonable and prudent action in situations involving student welfare and safety, including following NKCES 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 NKCES. 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.

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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.

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Bullying/Hazing**REPORTS (CONTINUED)**

The NKCES 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 NKCES policy 09.42811. The Principal/designee shall investigate and address alleged incidents of such misbehavior.

In certain cases, employees must do the following:

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

OTHER CLAIMS

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

REFERENCES:

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; 09.421; 09.425; 09.426; 09.42811; 09.438
09.2211 (re reports required by law)

LEGAL: SB 228 AMENDED KRS 158.148 TO REQUIRE THE STUDENT DISCIPLINE CODE TO SPECIFICALLY PROHIBIT BULLYING.
FINANCIAL IMPLICATIONS: REPRINTING DISTRICT CODE OF ACCEPTABLE BEHAVIOR AND DISCIPLINE
RECOMMENDED: REMOVING THE DISTRIBUTION SECTION CLARIFIES THE POLICY TO CONFORM WITH STATUTORY LANGUAGE.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.438

Student Discipline Code

DEVELOPMENT

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

The code shall [prohibit bullying and](#) establish standards of acceptable student behavior and discipline and may include standards of behavior for students who participate in extracurricular and co-curricular activities.

The code also shall include a process addressing how students can report code violations [and incidents of bullying](#) to NKCES 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

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

REPORTING OF DATA

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

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

REFERENCES:

KRS 158.148; KRS 158.153; KRS 158.154; KRS 158.156
KRS 158.165; KRS 158.444; KRS 160.295
KRS 525.070, KRS 525.080
704 KAR 7:050, *Student Discipline Guidelines*, Kentucky Department of Education

RELATED POLICIES:

09.2211, 09.42, 09.421, 09.422, 09.426, 09.42811

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