

**For January 10, 2017 Meeting – 2nd Reading and Approval**

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LEGAL: REVISIONS TO 702 KAR 1:160 REQUIRE INDIVIDUALS IDENTIFIED AS HIGH RISK FOR TB TO UNDERGO EITHER A TB SKIN TEST OR A BLOOD TEST FOR MYCOBACTERIUM TUBERCULOSIS (BAMT). ALSO, MEDICAL EXAMINATIONS MAY BE REPORTED ELECTRONICALLY IF THE ELECTRONIC MEDICAL RECORD INCLUDES ALL DATA EQUIVALENT TO THAT ON THE MEDICAL EXAMINATION OF SCHOOL EMPLOYEES FORM.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.111

- CERTIFIED PERSONNEL -

### **Medical Examination**

#### **NEWLY EMPLOYED PERSONNEL**

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

#### **REPORT**

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

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

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

#### **PRESENT PERSONNEL**

When, in the opinion of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties because of health problems or when the employee poses a health threat to students or other employees, the Superintendent may, consistent with the Americans with Disabilities Act and the Family Medical Leave Act, require the employee to provide evidence of fitness in the form of an examination and report by a physician of the Superintendent's choosing.

The Board shall bear the cost of this examination.<sup>1</sup>

#### **SCHOOL TO REPORT**

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

## **Medical Examination**

### **MEDICAL CONFIDENTIALITY**

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

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

### **REFERENCES:**

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

### **RELATED POLICIES:**

<sup>1</sup>03.1234, 03.14, 03.24

LEGAL: THE U.S. LABOR DEPARTMENT CHANGED THE FMLA REGULATION IN KEEPING WITH THE U.S. SUPREME COURT RULING IN UNITED STATES V. WINDSOR. THE NEW REGULATION USES THE "PLACE OF CELEBRATION" RULE FOR THE DEFINITION OF "SPOUSE". THIS RULE ALLOWS ALL COUPLES WHO ARE LEGALLY MARRIED IN THE PLACE OF CELEBRATION (WHETHER SAME SEX OR OPPOSITE SEX) TO QUALIFY AS SPOUSES FOR FMLA PURPOSES EVEN IF THEIR STATE OF RESIDENCE DOES NOT RECOGNIZE SAME SEX OR COMMON LAW MARRIAGES. THIS REGULATION WENT INTO EFFECT MARCH 27, 2015.

FINANCIAL IMPLICATIONS: POSSIBLE NEED FOR SUBSTITUTES AS THIS WILL BROADEN THE NUMBER OF EMPLOYEES WHO MAY QUALIFY FOR FMLA LEAVE

PERSONNEL

03.12322

- CERTIFIED PERSONNEL -

### **Family and Medical Leave**

#### **REASONS**

In compliance with the Family and Medical Leave Act of 1993, as amended (FMLA), and under procedures developed by the Superintendent eligible employees may take up to twelve (12) workweeks of unpaid family and medical leave each rolling 12 month period for the following reasons:

1. For the birth and care of an employee's newborn child within twelve (12) months of the birth or for the placement of a child with the employee for adoption or foster care within twelve (12) months of the placement;
2. To care for the employee's spouse, child, or parent who has a serious health condition, as defined by federal law;
3. For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the functions of his/her job;
4. To address a qualifying exigency (need) defined by federal regulation arising from the covered active duty or call to active duty involving deployment to a foreign country of the employee's spouse, son, daughter, or parent who serves in a reserve component or as an active or retired member of the Regular Armed Forces or Reserve in support of a contingency operation; and
5. To care for a service family member (spouse, son, daughter, parent or next of kin) who has incurred or aggravated a serious injury or illness in the line of duty while on active duty in the Armed Forces that has rendered or may render the family member medically unfit to perform his/her duties or to care for a covered veteran with a serious injury or illness as defined by federal regulations.

#### **NOTICES AND DEADLINES**

- Employees who may be eligible for or who request leave for any of the above reasons shall be provided an FMLA notice of eligibility and rights and responsibilities. Requests for family and medical leave should be made in writing but verbal requests may be made to the immediate supervisor or other designated administrator who shall then document the request. The District may require that a request for leave be supported by a certification for health care or military-related situations as permitted by federal law, but such requirements must be set out in the required notice.

*Deadline for Notice to be Provided:* Absent extenuating circumstances, within five (5) business days of District receipt of a request or the District being made aware of a potentially qualifying reason.

**Family and Medical Leave****NOTICES AND DEADLINES (CONTINUED)**

NOTE: Only the District's human resources professional, leave administrator, or personnel director may contact an employee's health care provider to clarify or authenticate a certification of healthcare provider form submitted in support of a family and medical leave request about which there are questions. The employee's direct supervisor shall not contact the provider.

- The District shall designate an employee's leave, paid or unpaid, as FMLA-qualifying and shall provide a designation notice indicating whether the request is approved or if additional information is needed. Leave may be delayed if the employee does not provide proper notice (30 days advance notice for a foreseeable leave); otherwise, notice as soon as the need becomes known). When leave is needed for planned medical treatment, the employee must consult with the District about the leave schedule.

*Deadline for Notice to be Provided:* Absent extenuating circumstances, within five (5) business days of learning that an FMLA reason supports the leave.

**ELIGIBILITY**

Employees are eligible for FMLA leave if they have been employed by the District for twelve (12) months, have worked at least 1,250 hours during the twelve (12) months preceding the start of the leave, and otherwise qualify for family and medical leave.

Full-time teachers are deemed to meet the 1,250 hour test. In determining whether returning veterans meet the minimum 1,250 hour standard, hours actually worked for the District during the twelve-month period are to be combined with hours they would have worked for the District had they not been called for military service.

When family and medical military caregiver leave is taken based on a serious illness or injury of a covered service member, an eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve-month period. This provision also applies to covered service members/veterans that have been on active duty within the past five (5) years as defined by federal regulation.

In situations involving both the Americans with Disabilities Act (ADA) and FMLA, the District shall apply the law affording the employee the greater benefit.

**RESTRICTIONS**

Leave that is taken by an eligible employee for any of the designated reasons shall be counted as family and medical leave, even if the employee does not request leave under the FMLA. If an employee is entitled to paid leave under any Kentucky statute, other District policy, or collective bargaining agreement, the employee may elect to substitute the paid leave for unpaid FMLA leave, and the paid leave shall run concurrently with the FMLA leave.

When an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with family and medical leave entitlement.

Paid leave used by the employee under this policy shall count, as applicable, against the twelve (12) or twenty-six (26) FMLA workweek entitlement.

Entitlement to family and medical leave for the birth and care of a newborn child or placement of a child shall expire twelve (12) months after the date of such birth or placement.

**Family and Medical Leave****RESTRICTIONS (CONTINUED)**

When both ~~husband and wife~~ spouses are employed by the District, the combined amount of family and medical leave for reasons other than personal illness or illness of a child shall be limited to twelve (12) workweeks. In cases of personal illness or illness of a child, each spouse is entitled to twelve (12) workweeks of family and medical leave.

Exception: The limit on the combined amount of family and medical leave shall be twenty-six (26) workweeks when both an eligible ~~husband and wife~~ spouses are employed by the District and are eligible for leave that involves a covered Armed Forces service member/veteran.

Depending on the date family and medical leave is to begin, instructional employees as designated by federal regulation may be required to continue on leave until the end of the school term to avoid disruption.

Unused family and medical leave shall not accumulate from year to year.

**INTERMITTENT LEAVE/REDUCED HOURS**

Family and medical leave may be taken intermittently (when medically necessary) or on a reduced hours basis for a serious health condition of the employee or a family member. Intermittent leave or a reduced leave schedule may be taken for other reasons only at the District's discretion. The District may temporarily transfer an employee to an available alternative position or may alter an existing job to better accommodate intermittent or reduced schedule leave. If intermittent leave or reduced schedule leave is requested for planned medical treatment, and if the leave would cover more than twenty (20) percent of the working days in the period of leave, the District may require the employee either to take leave for a period or periods not greater than the duration of the treatment, or to transfer temporarily to an alternative equivalent position which better accommodates such leave.

**CONTINUATION OF BENEFITS**

While on family and medical leave, employees shall be entitled to all employment benefits accrued before the leave began. Health insurance for an employee on family and medical leave shall continue to be provided by the state on the same basis had the employee not taken leave. Employees on leave shall pay their portion of health insurance premiums unless they choose to terminate health insurance. If an employee substitutes paid leave for family and medical leave, the employee's portion of health insurance premiums will be paid by payroll deduction during the period of paid leave.

Other employment benefits and seniority shall not accrue during unpaid family and medical leave.

**Family and Medical Leave****RETURN TO WORK**

As noted by the required notice of eligibility and rights and responsibilities when family and medical leave is taken due to an employee's own serious health condition, the employee shall provide fitness-for-duty certification before returning to work.

Upon return to work, the employee shall be entitled to his/her same position (or a position with equivalent pay, benefits, and terms and conditions of employment) as determined by established District policies, practices and collective bargaining agreements. However, the employee has no greater right to reinstatement or benefits than if the employee had not taken any leave.

**NOTICE**

The District shall notify employees of family and medical leave provisions by posting appropriate notices in conspicuous places in the Central Office and each worksite and distributing notices as required by law.

**MISCELLANEOUS**

Except as set forth in this policy, the District reserves the right to exercise all discretion afforded to it under the FMLA and federal regulations. This policy shall not expand eligibility for leave beyond what is required by federal law. To the extent that this policy fails to state any limitations or requirements set forth in the FMLA and federal regulations, such limitations or requirements shall apply. If greater rights are provided under any collective bargaining agreement, such rights shall apply.

**REFERENCES:**

Family and Medical Leave Act of 1993, 29 U.S.C. 2601-2654  
Title I of the FMLA, as amended by the National Defense Authorization Act  
Code of Federal Regulations, Title 29, Part 825

**RELATED POLICIES:**

03.123, 03.1232, 03.1233, 03.1234, 03.1238, 03.124

LEGAL: THE KENTUCKY BOARD OF EDUCATION RESCINDED 704 KAR 3:345 AND CREATED A NEW REGULATION 704 KAR 3:370 TO ESTABLISH A STATEWIDE PROFESSIONAL GROWTH AND EFFECTIVENESS SYSTEM (PGES) FOR ALL CERTIFIED PERSONNEL. THIS REVISED POLICY CONTAINS CHANGES IN CONFORMITY WITH THE NEW REGULATION.  
FINANCIAL IMPLICATIONS: POTENTIAL INCREASED TRAINING COSTS

PERSONNEL

03.18

**- CERTIFIED PERSONNEL -**

**Evaluation**

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

The Superintendent shall delegate the responsibility of supervision for improvement of instruction to those persons who have been identified for the task within the organizational structure. All staff shall be informed of the name of their immediate supervisor. The goal of supervision shall be to maximize employee capabilities in the pursuit of educational excellence.

~~The performance of teachers who have attained continuing contract status shall be evaluated at least once every three (3) years. Non-tenured teachers and all administrators shall be evaluated annually. Evaluations shall recognize the individual contributions of employees and shall address the need for accountability within the district.~~

The purposes of the professional growth and effectiveness evaluation system shall be to: support and improve instruction, provide a measure of performance of all certified school personnel accountability to citizens, provide encouragement and incentive for employees to improve performance, and to support inform individual personnel decisions.

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

**REPORTING**

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

**NOTIFICATION**

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

**CONFIDENTIALITY**

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

The procedures for such evaluations shall be established and implemented by the Superintendent in accordance with state statute/regulations. Evaluations, along with any response materials an individual employee wishes to submit, will become a part of the employee's personnel record.



## **Evaluation**

### **REVIEW**

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

### **REFERENCES:**

<sup>1</sup> KRS 156.557; 704 KAR 3:370 ~~704 KAR 3:345~~  
703 KAR 5:225

OAG 92-135, Thompson v. Board of Educ., Ky., 838 S.W.2d 390 (1992)

### **RELATED POLICIES:**

02.14

03.15

03.16

LEGAL: REVISIONS TO 702 KAR 1:160 REQUIRE INDIVIDUALS IDENTIFIED AS HIGH RISK FOR TB TO UNDERGO EITHER A TB SKIN TEST OR A BLOOD TEST FOR MYCOBACTERIUM TUBERCULOSIS (BAMT). ALSO, MEDICAL EXAMINATIONS MAY BE REPORTED ELECTRONICALLY IF THE ELECTRONIC MEDICAL RECORD INCLUDES ALL DATA EQUIVALENT TO THAT ON THE MEDICAL EXAMINATION OF SCHOOL EMPLOYEES FORM.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.211

- CLASSIFIED PERSONNEL -

### **Medical Examination**

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

#### **BUS DRIVERS**

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

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

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

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

#### **REPORT REQUIREMENTS**

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

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

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

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

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

**Medical Examination****REQUIRED EXAMINATION FOR PRESENT PERSONNEL**

When, in the opinion of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties because of health problems or when the employee poses a health threat to students or other employees, the Superintendent may, consistent with the Americans with Disabilities Act and the Family Medical Leave Act, require the employee to provide evidence of fitness in the form of an examination and report by a physician of the Superintendent's choosing. The Board shall bear the cost of this examination.<sup>3</sup>

**SCHOOL TO REPORT**

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

**MEDICAL CONFIDENTIALITY**

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

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

**REFERENCES:**

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

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

OAG 91-1; ~~OAG 92-131~~

Genetic Information Nondiscrimination Act of 2008

Americans with Disabilities Act

**RELATED POLICIES:**

<sup>3</sup>03.2234

03.24

LEGAL: THE U.S. LABOR DEPARTMENT CHANGED THE FMLA REGULATION IN KEEPING WITH THE U.S. SUPREME COURT RULING IN UNITED STATES V. WINDSOR. THE NEW REGULATION USES THE "PLACE OF CELEBRATION" RULE FOR THE DEFINITION OF "SPOUSE". THIS RULE ALLOWS ALL COUPLES WHO ARE LEGALLY MARRIED IN THE PLACE OF CELEBRATION (WHETHER SAME SEX OR OPPOSITE SEX) TO QUALIFY AS SPOUSES FOR FMLA PURPOSES EVEN IF THEIR STATE OF RESIDENCE DOES NOT RECOGNIZE SAME SEX OR COMMON LAW MARRIAGES. THIS REGULATION WENT INTO EFFECT MARCH 27, 2015.

FINANCIAL IMPLICATIONS: POSSIBLE NEED FOR SUBSTITUTES AS THIS WILL BROADEN THE NUMBER OF EMPLOYEES WHO MAY QUALIFY FOR FMLA LEAVE

PERSONNEL

03.22322

- CLASSIFIED PERSONNEL -

### **Family and Medical Leave**

#### **REASONS**

In compliance with the Family and Medical Leave Act of 1993, as amended (FMLA), and under procedures developed by the Superintendent, eligible employees may take up to twelve (12) workweeks of unpaid family and medical leave each rolling 12 month period for the following reasons:

1. For the birth and care of an employee's newborn child within twelve (12) months of the birth or for the placement of a child with the employee for adoption or foster care within twelve (12) months of the placement;
2. To care for the employee's spouse, child, or parent who has a serious health condition, as defined by federal law;
3. For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the functions of his/her job;
4. To address a qualifying exigency (need) defined by federal regulation arising from the covered active duty or call to active duty involving deployment to a foreign county of the employee's spouse, son, daughter, or parent who serves in a reserve component or as an active or retired member of the Regular Armed Forces or Reserve in support of a contingency operation; and
5. To care for a covered service member (spouse, son, daughter, parent or next of kin) who has incurred or aggravated a serious injury or illness in the line of duty while on active duty in the Armed Forces that has rendered or may render the family member medically unfit to perform his/her duties or to care for a covered veteran with a serious injury or illness as defined by federal regulations.

#### **NOTICES AND DEADLINES**

- Employees who may be eligible for or who request leave for any of the above reasons shall be provided an FMLA notice of eligibility and rights and responsibilities. Requests for family and medical leave should be made in writing but verbal requests may be made to the immediate supervisor or other designated administrator who shall then document the request. The District may require that a request for leave be supported by a certification for health care or military-related situations as permitted by federal law, but such requirements must be set out in the required notice.

*Deadline for Notice to be Provided:* Absent extenuating circumstances, within five (5) business days of District receipt of a request or the District being made aware of a potentially qualifying reason.

**Family and Medical Leave****NOTICES AND DEADLINES (CONTINUED)**

NOTE: Only the District's human resources professional, leave administrator, or personnel director may contact an employee's health care provider to clarify or authenticate a certification of healthcare provider form submitted in support of a family and medical leave request about which there are questions. The employee's direct supervisor shall not contact the provider.

- The District shall designate an employee's leave, paid or unpaid, as FMLA-qualifying and shall provide a designation notice indicating whether the request is approved or if additional information is needed. Leave may be delayed if the employee does not provide proper notice (30 days advance notice for a foreseeable leave); otherwise, notice as soon as the need becomes known). When leave is needed for planned medical treatment, the employee must consult with the District about the leave schedule.

*Deadline for Notice to be Provided:* Absent extenuating circumstances, within five (5) business days of learning that an FMLA reason supports the leave.

**ELIGIBILITY**

Employees are eligible for FMLA leave if they have been employed by the District for twelve (12) months, have worked at least 1,250 hours during the twelve (12) months preceding the start of the leave, and otherwise qualify for family and medical leave.

In determining whether returning veterans meet the minimum 1,250 hour standard, hours actually worked for the District during the twelve-month period are to be combined with hours they would have worked for the District had they not been called for military service.

When family and medical military caregiver leave is taken based on a serious illness or injury of a covered service member, an eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve-month period. This provision also applies to covered service members/veterans that have been on active duty within the past five (5) years as defined by federal regulation.

In situations involving both the Americans with Disabilities Act (ADA) and FMLA, the District shall apply the law affording the employee the greater benefit.

**RESTRICTIONS**

Leave that is taken by an eligible employee for any of the designated reasons shall be counted as family and medical leave, even if the employee does not request leave under the FMLA. If an employee is entitled to paid leave under any Kentucky statute, other District policy, or collective bargaining agreement, the employee may elect to substitute the paid leave for unpaid FMLA leave, and the paid leave shall run concurrently with the FMLA leave.

When an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with the family and medical leave entitlement.

Paid leave used by the employee under this policy shall count, as applicable, against the twelve (12) or twenty-six (26) FMLA workweek entitlement.

Entitlement to family and medical leave for the birth and care of a newborn child or placement of a child shall expire twelve (12) months after the date of such birth or placement.

**Family and Medical Leave****RESTRICTIONS (CONTINUED)**

When both ~~husband and wife~~spouses are employed by the District, the combined amount of family and medical leave for reasons other than personal illness or illness of a child shall be limited to twelve (12) workweeks. In cases of personal illness or illness of a child, each spouse is entitled to twelve (12) workweeks of family and medical leave.

Exception: The limit on the combined amount of family and medical leave shall be twenty-six (26) workweeks when both ~~an~~-eligible ~~husband and wife~~spouses are employed by the District and are eligible for leave that involves a covered Armed Forces service member/veteran.

Depending on the date family and medical leave is to begin, instructional employees as designated by federal regulation may be required to continue on leave until the end of the school term to avoid disruption.

Unused family and medical leave shall not accumulate from year to year.

**INTERMITTENT LEAVE/REDUCED HOURS**

Family and medical leave may be taken intermittently (when medically necessary) or on a reduced hours basis for a serious health condition of the employee or a family member. Intermittent leave or a reduced leave schedule may be taken for other reasons only at the District's discretion. The District may temporarily transfer an employee to an available alternative position or may alter an existing job to better accommodate intermittent or reduced schedule leave. If intermittent leave or reduced schedule leave is requested for planned medical treatment, and if the leave would cover more than twenty (20) percent of the working days in the period of leave, the District may require the employee either to take leave for a period or periods not greater than the duration of the treatment, or to transfer temporarily to an alternative equivalent position which better accommodates such leave.

**CONTINUATION OF BENEFITS**

While on family and medical leave, employees shall be entitled to all employment benefits accrued before the leave began. Health insurance for an employee on family and medical leave shall continue to be provided by the state on the same basis had the employee not taken leave. Employees on leave shall pay their portion of health insurance premiums unless they choose to terminate health insurance. If an employee substitutes paid leave for family and medical leave, the employee's portion of health insurance premiums will be paid by payroll deduction during the period of paid leave.

Other employment benefits and seniority shall not accrue during unpaid family and medical leave.

**RETURN TO WORK**

As noted by the required notice of eligibility and rights and responsibilities when family and medical leave is taken due to an employee's own serious health condition, the employee shall provide fitness-for-duty certification before returning to work.

**Family and Medical Leave****RETURN TO WORK (CONTINUED)**

Upon return to work, the employee shall be entitled to his/her same position (or a position with equivalent pay, benefits, and terms and conditions of employment) as determined by established District policies, practices and collective bargaining agreements. However, the employee has no greater right to reinstatement or benefits than if the employee had not taken any leave.

**NOTICE**

The District shall notify employees of family and medical leave provisions by posting appropriate notices in conspicuous places in the Central Office and each worksite and distributing notices as required by law.

**MISCELLANEOUS**

Except as set forth in this policy, the District reserves the right to exercise all discretion afforded to it under the FMLA and federal regulations. This policy shall not expand eligibility for leave beyond what is required by federal law. To the extent that this policy fails to state any limitations or requirements set forth in the FMLA and federal regulations, such limitations or requirements shall apply. If greater rights are provided under any collective bargaining agreement, such rights shall apply.

**REFERENCES:**

Family and Medical Leave Act of 1993, 29 U.S.C. 2601-2654  
Title I of the FMLA, as amended by the National Defense Authorization Act  
Code of Federal Regulations, Title 29, Part 825

**RELATED POLICIES:**

03.223; 03.2232; 03.2233; 03.2234; 03.2238; 03.224

LEGAL: SB 39 REQUIRES THE BEST AVAILABLE SEVERE WEATHER SAFE ZONES TO BE DETERMINED IN CONSULTATION WITH STATE AND LOCAL SAFETY OFFICIALS AND GUIDED BY PRINCIPLES SET FORTH BY THE NATIONAL WEATHER SERVICE AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## SCHOOL FACILITIES

05.4

### Safety

#### **BOARD TO ADOPT PLAN**

The Board shall adopt a plan for immediate and long-term strategies to address school safety and discipline, which shall be reviewed annually and revised, as needed. This plan shall utilize information gathered from the District assessment of school safety and student discipline required by law and shall include the Board's code of acceptable behavior and discipline and a description of instructional placement options for threatening or violent students. The committee that develops the plan for Board consideration shall include at least one (1) representative from each school in the District, as well as representatives from the community as required by law.

The plan shall identify measures to be taken in protecting students, staff, visitors, and property. Areas addressed by the plan shall include, but not be limited to, the following:

1. School facility design, maintenance, and usage;
2. Safety and security procedures, orientation and training in use and management of equipment and facilities;
3. Supervision of students;
4. Compliance with state and federal safety requirements;
5. Periodic reports to the Board concerning implementation of the plan and its effects on District students, personnel, and operations.

#### **SCHOOL EMERGENCY PLANNING**

The school council or, if none exists, the Principal charged with the responsibility of operating a building site, shall have a plan of action to provide for any natural or man-made disaster which affects the safety of students and employees housed in that facility. That plan shall include procedures to be followed in cases of fire, severe weather, earthquake or a building lockdown as defined in KRS 158.164. A copy of all emergency plans, including a diagram of the facilities, shall be given to first responders, including local fire, police, and emergency medical personnel and shall be made available to all occupants of the building. A master copy shall be sent to the Security Unit for evaluation and permanent filing. Following the end of each school year, the school council, or if none exists, the Principal, and first responders shall review the emergency plan and revise it as needed.

The school emergency plan shall address staff responsibilities for safely evacuating students needing special assistance during safety drills and actual emergency situations, including students with disabilities and those with 504 plans. The Principal shall discuss the emergency plan with all school staff prior to the first instructional day annually and shall document the date and time. Whenever possible, first responders shall be invited to observe emergency response drills.

In addition, the school council or, if none exists, the Principal shall:

- a. Establish and post primary and secondary evacuation routes in each room by any doorway used for evacuation;



**Safety****BOARD TO ADOPT PLAN (CONTINUED)**

- b. Identify the best available severe weather safe zones, in consultation with local and state safety officials and informed by guiding principles set forth by the National Weather Service and the Federal Emergency Management Agency, and post the location of the safe zones in each room. ~~These safe zones are to be reviewed by the local fire marshal or fire chief;~~
- c. Develop school procedures to follow during an earthquake; and
- d. Develop and adhere to practices to control access to the school.

No later than November 1 of each school year, the Superintendent shall send verification to the Kentucky Department of Education that all schools are in compliance with school emergency planning requirements.

- 6. Community involvement.

**PRECAUTIONS**

Precautions will be taken for the safety of the students, employees, and visitors.

**REPORTING HAZARDS**

Each employee observing a potential safety or security hazard shall report such hazard in writing to building administrators who shall then report the physical hazard using the work order system to the Department of Facilities/Transportation who, in turn, shall make a prompt inspection and initiate steps to remedy the condition.

**COMMUNICATION SYSTEM**

The Board shall establish a process for a two-way communication system for employees to notify the Principal, supervisor or other administrator of an existing emergency. The process may include, but is not limited to, use of intercoms, telephones, and two-way radios.

**REFERENCES:**

KRS 158.148; KRS 158.162; KRS 158.164; KRS 158.445  
KRS 160.290; KRS 160.445  
KRS 311.667; KRS 411.148

**RELATED POLICIES:**

03.14/03.24  
05.2; 05.21; 05.41; 05.411; 05.42; 05.45; 05.47  
09.22; 09.221; 09.4 (entire section)

LEGAL: SB 39 REQUIRES THE BEST AVAILABLE SEVERE WEATHER SAFE ZONES TO BE DETERMINED IN CONSULTATION WITH STATE AND LOCAL SAFETY OFFICIALS AND GUIDED BY PRINCIPLES SET FORTH BY THE NATIONAL WEATHER SERVICE AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

SCHOOL FACILITIES

05.42

### **Severe Weather/Tornado Drills**

#### **PROCEDURE SYSTEM**

To maintain the safety and care of students and employees, a severe weather/tornado emergency procedure system shall be established to include, but not be limited to, the following components:

1. A school building disaster plan that provides for a shelter procedure and safe area evacuation practices;
2. Designation of the best available safe zones for each facility, in consultation with local and state safety officials and informed by guiding principles set forth by the national Weather Service and the Federal Emergency Management Agency ~~that have been reviewed by local fire marshal or fire chief~~ as part of the school emergency planning process and posted in each room of the school;
3. Protective measures to be taken before, during, and following severe weather/ tornado; and
4. Training of staff and students in the emergency procedure system.

#### **TIMES FOR DRILLS**

Each school location shall conduct a minimum of two (2) severe weather/tornado and safe area evacuation drills per school year. A severe weather/tornado and safe area evacuation drill shall be held during the first thirty (30) instructional days of the school year and again in January. Designated school primary and secondary evacuation routes shall be posted by any doorway used for evacuation.

#### **REQUIRED REPORT**

The appropriate reporting form, detailing the date and time of each severe weather/tornado drill, shall be kept on the premises.

#### **IMPLEMENTATION**

The Principal is responsible for implementing this policy.

#### **REFERENCES:**

KRS 158.162

KRS 158.163

#### **RELATED POLICY:**

05.4

LEGAL: HB 315-THE 2015 GENERAL ASSEMBLY AMENDED KRS 189.125 TO REQUIRE THAT CHILDREN UNDER AGE 8 AND BETWEEN 40 AND 57 INCHES TALL BE PROPERLY SECURED IN CHILD BOOSTER SEATS WHEN BEING TRANSPORTED IN CERTAIN VEHICLES. ANY CHILD 57 INCHES OR TALLER DOES NOT HAVE TO BE SECURED IN A BOOSTER SEAT, NO MATTER THE AGE OF THE CHILD.

FINANCIAL IMPLICATIONS: COST OF ADDITIONAL BOOSTER SEATS

TRANSPORTATION

06.2

## **Safety**

### **DEVELOPMENT OF PROGRAM**

The Superintendent shall develop a transportation safety program as required by applicable law and administrative regulation. Appropriate safety information shall be disseminated annually in writing to District employees, parents, and pupils.

### **BOOSTER SEATS**

When students who are under ~~seven-eight~~ (78) years old and between forty (40) and fifty ~~seven~~ (5057) inches in height are transported in District-owned or leased vehicles designed for ~~ten-nine~~ (409) or fewer passengers, they shall be properly secured in a child booster seat. Per KRS 189.125, a child of any age who is greater than fifty-seven (57) inches in height is not required to be secured in a booster seat.

### **REFERENCES:**

KRS 158.110

KRS 189.125

702 KAR 5:030

702 KAR 5:060

702 KAR 5:080

### **RELATED POLICY:**

06.12

LEGAL: THIS CHANGE IS TO CLARIFY THAT A SERVICE ANIMAL MUST BE ALLOWED ON DISTRICT TRANSPORTATION WITHOUT MEDICAL DOCUMENTATION.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TRANSPORTATION

06.342

### **Hazards in and on Bus**

#### **PROHIBITED ITEMS**

Passengers shall not bring an object on the school bus that may block the bus aisles or exits.

A driver shall not knowingly permit any of the following to be transported on the bus:

1. Firearms or weapons, either operative, look-alike or ceremonial;
2. Fireworks or other explosive materials of any type;
3. Live animals; ~~Note: except for an animal~~ s that are not a risk to other bus riders and that are is necessary to enable a person to safely utilize the bus transportation as documented by adequate medical evidence, or required by a student's Individual Education or Section 504 Plan, or a service animal and that is not a risk to other bus riders; shall be allowed on the bus.
4. Preserved specimens that would likely frighten a pupil or cause a commotion on the bus; or
5. Glass objects or helium balloons.

Bus drivers shall promptly report the possession of a prohibited item to the compound coordinator and the Principal. The Principal shall determine if the student should be disciplined pursuant to the Student Support and Behavior Intervention Handbook.

#### **REFERENCES:**

KRS 158.110

702 KAR 5:080

702 KAR 5:150

Individuals with Disabilities Education Improvement Act of 2004

Section 504 of Rehabilitation Act of 1973

Americans with Disabilities Act

RECOMMENDED: THIS LANGUAGE IS BEING MOVED TO THE BOARD WELLNESS POLICY 09.2 SO THAT IT IS EASIER TO LOCATE WHEN FOOD SERVICE AUDITS TAKE PLACE.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

SUPPORT SERVICES

07.111

## **Competitive Foods**

### **MINIMAL NUTRITIONAL VALUE**

The sale of competitive foods and beverages to students during the school day shall be in compliance with current federal and state regulations.

### **DEFINITIONS**

“Competitive Food” shall mean all food and beverages sold to students on the school campus during the school day, other than those meals reimbursable under the programs authorized by the National School Lunch Act and the Child Nutrition Act.

"School-day" means the period of time from midnight before to thirty (30) minutes after the end of the official school day.

“School Campus” shall mean all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

### **NUTRITIONAL STANDARDS**

No school may sell competitive foods or beverages, whether from vending machines, school stores or canteens, classrooms, teacher or parent groups, from midnight before until thirty (30) minutes after the last school lunch period of the school day. From thirty (30) minutes after the last lunch period closes until thirty (30) minutes after the school day, food and beverages sold must conform with nutritional standards specified in state and federal regulations.

Fund-raising activities held off of the school campus or not during the school day are not subject to regulatory requirements of 702 KAR 6:090 or federal competitive food limitations.

### **FOOD/BEVERAGES AS REWARDS**

~~When possible, rewards given to students shall be other than food/beverages items. When food/beverage items are used as rewards, items shall comply with nutritional guidelines set out in Kentucky Administrative Regulation.~~

### **REFERENCES:**

7 C.F.R. 210.11b; 7 C.F.R. 220.12

KRS 156.160; KRS 158.850; KRS 158.854; 702 KAR 6:090

U. S. Dept. of Agriculture's *Dietary Guidelines for Americans*

### **RELATED POLICIES:**

07.12

09.2

LEGAL: 2 C.F.R. 200.318 REQUIRES THAT SCHOOL DISTRICTS HAVE A CODE OF CONDUCT FOR  
LEGAL: THE HEALTHY, HUNGER-FREE KIDS ACT OF 2010 PUTS IN PLACE PROFESSIONAL  
STANDARDS FOR STATE AND LOCAL SCHOOL NUTRITION PERSONNEL. THESE GO INTO EFFECT  
JULY 1, 2015.  
FINANCIAL IMPLICATIONS: POSSIBLE SALARY IMPLICATIONS

SUPPORT SERVICES

07.16

### **Food Service/School Nutrition Employees**

#### **FOOD SERVICE/SCHOOL NUTRITION EMPLOYEES**

All food service/school nutrition employees shall meet the qualifications of and be in compliance with the responsibilities noted in federal regulation or 702 KAR 006:045, whichever is most stringent.<sup>1</sup> In addition, food service/school nutrition program directors and school cafeteria managers shall meet training and credential requirements specified in state law.<sup>2</sup>

#### **REFERENCES:**

<sup>1</sup>702 KAR 6:045; 7 C.F.R. §210.30

<sup>2</sup>KRS 158.852

KRS 156.160

KRS 161.011

#### **RELATED POLICIES:**

See Section 03.2

07.1

LEGAL: THE FEDERAL COMMUNICATIONS COMMISSION (FCC) ISSUED “E-RATE MODERNIZATION ORDERS” AND MADE REGULATORY CHANGES INCREASING THE RETENTION REQUIREMENTS FOR E-RATE DOCUMENTS RELATED TO THE APPLICATION FOR, RECEIPT, AND DELIVERY OF SUPPORTED SERVICES FROM FIVE (5) YEARS TO TEN (10) YEARS EFFECTIVE JULY 1, 2015.

FINANCIAL IMPLICATIONS: ADDITIONAL RECORDS STORAGE COSTS; NOTE TO DISTRICT: THERE MAY BE POTENTIAL FUNDING IMPLICATIONS AS SUPPORTS FOR E-RATE SERVICES ARE PHASED OUT.

CURRICULUM AND INSTRUCTION

08.2323

### **Access to Electronic Media**

(Acceptable Use Policy)

The Board supports reasonable access to various information formats for students, employees and the community and believes it is incumbent upon users to utilize this privilege in an appropriate and responsible manner as required by this policy and related procedures, which apply to all parties who use District technology. The District offers students and employees access to electronic information through the JCPS Networks.

Communications through the JCPS Networks are not private and may be reviewed by JCPS personnel, or by someone appointed by them, to ensure that all guidelines are followed. Violation of this policy will result in a loss of access to the JCPS Networks and may result in other disciplinary action.

#### **STUDENT SAFETY PROCEDURES AND GUIDELINES**

The Superintendent/designee shall develop and implement appropriate information technology department procedures to provide guidance for access to electronic media. Procedures shall address teacher supervision of student computer use, ethical use of electronic media (including, but not limited to, the Internet, e-mail, and other District technological resources), and issues of privacy versus administrative review of electronic files and communications.

Students shall be provided instruction about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms and cyberbullying awareness and response.

Internet safety measures, which shall apply to all District-owned devices with Internet access or personal devices that are permitted to access the District’s networks, shall be implemented and shall effectively address the following:

- Controlling access by minors to inappropriate matter on the Internet and World Wide Web;
- Safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
- Preventing unauthorized access, including “hacking” and other unlawful activities by minors online;
- Unauthorized disclosure, use and dissemination of personal information regarding minors; and
- Restricting minors’ access to materials harmful to them.

Specific expectations for appropriate Internet use shall be reflected in the Student Support and Behavior Intervention Handbook including appropriate orientation for staff and students.

A technology protection measure may be disabled by the Board’s designee during use by an adult to enable access for bona fide research or other lawful purpose.

**Access is a privilege, not a right.**

**Access to Electronic Media**

(Acceptable Use Policy)

**STUDENT SAFETY PROCEDURES AND GUIDELINES (CONTINUED)**

Students are responsible for appropriate behavior when using the JCPS Networks, just as they are in classrooms and school hallways. Therefore, general school rules for behavior apply. Access to network services is offered to students who agree to act in a considerate and responsible manner, and parent permission is required. Based on the acceptable use guidelines outlined in this policy, the system administrators will deem what is inappropriate use, and their decisions are final.

The administration and staff may revoke or suspend user access when these terms are violated.

**Students will:**

- Use the JCPS Networks for educational purposes, such as conducting research for assignments consistent with the JCPS academic expectations; and
- Use appropriate language, avoiding swearing, vulgarities, and abusive language.

**Students will NOT:**

- Transmit or receive materials in violation of federal or state laws or regulations pertaining to copyrighted or threatening materials, or transmit or receive obscene or sexually explicit materials;
- Use the JCPS Networks for personal or commercial activities, product promotion, political lobbying, or illegal activities;
- Break into/Attempt to break into another computer network;
- Damage/Attempt to damage, move, or remove software, hardware, or files;
- Use unauthorized multiuser games;
- Send or forward chain letters;
- Download or use unauthorized software products;
- Create or share computer viruses;
- Share access to their JCPS Network account or use another person's account;
- Maliciously attempt to harm or destroy data of another user;
- Use the JCPS Network to otherwise violate the JCPS Student Support and Behavior Intervention Handbook;
- Use the JCPS Network to disrupt the efficient operation and/or educational programs of the District.

**EMPLOYEE USE**

The JCPS Networks are provided to assist employees in carrying out the educational business of the District, conducting research, and communicating with others in regard to school work. Along with this access comes the availability of materials that may not be considered appropriate for use in the workplace. Because it is impossible to control all materials available through the Internet, each employee is ultimately responsible for observing the JCPS standards outlined below, as well as other applicable school and District rules for behavior and communications.



**Access to Electronic Media**

(Acceptable Use Policy)

**EMPLOYEE USE (CONTINUED)****Access is a privilege, not a right.**

Access to this shared resource is given to employees who agree to utilize the JCPS Networks to support the educational business of JCPS and to act in a considerate and responsible manner.

Employees will:

- Use the JCPS Networks for the educational business of JCPS such as conducting research and communicating with others in regard to school business; and
- Use appropriate language, avoiding swearing, vulgarities, or abusive language.

**Employees will NOT:**

- Transmit or receive materials in violation of federal or state laws or regulations pertaining to copyrighted or threatening materials or transmit or receive obscene or sexually explicit materials;
- Use the JCPS Networks for personal or commercial activities, product promotion, political lobbying, or illegal activities;
- Break into/attempt to break into another computer network;
- Damage/attempt to damage, move, or remove software, hardware or files;
- Use unauthorized multi-user games;
- Send or forward chain letters;
- Download or use unauthorized software products;
- Create or share computer viruses;
- Share access to their JCPS Network account, fail to reasonably protect their JCPS Network account, share passwords provided to access District information, or use another person's account; or,
- Use the JCPS Networks to disrupt the efficient operation and/or educational programs of the District.

**USE OF TECHNOLOGY IN THE CLASSROOM**

Employees are encouraged to use electronic mail and other District technology resources to promote student learning and for communication with parents and education-related entities. If those resources are used, they shall be used for purposes directly related to work-related activities.

Technology-based materials, activities and communication tools shall be appropriate for and within the range of the knowledge, understanding, age and maturity of students with whom they are used.

**Access to Electronic Media**

(Acceptable Use Policy)

**SOCIAL NETWORKING SITES**

Employees and activity sponsors may set up social networking accounts using District resources and following District procedures to promote communications with students, parents, and the community concerning school-related activities and for the purpose of supplementing classroom instruction.

Networking, communication and other options offering instructional benefits may be used for the purpose of supplementing classroom instruction and to promote communications with students and parents concerning school-related activities.

In order for employees and activity sponsors to utilize a social networking site for instructional, administrative or other work-related communication purposes, they shall comply with the following:

1. They shall request prior permission from the Superintendent/designee.
2. If permission is granted, staff members shall set up the site following District guidelines developed by the Superintendent/designee.
3. Guidelines may specify whether access to the site must be given to school/District technology staff.
4. Employees shall notify parents of the site and obtain written permission for students to become “friends” prior to the students being granted access. This permission shall be kept on file at the school as determined by the Principal.
5. Once the site has been created, the sponsoring employee shall be responsible for the following:
  - a. Monitoring and managing the site to promote safe and acceptable use; and
  - b. Observing confidentiality restrictions concerning release of student information under state and federal law.

Employees are discouraged from creating personal social networking sites to which they invite students to be friends. Employees taking such action do so at their own risk.

All employees shall be subject to disciplinary action if their conduct relating to use of technology or online resources violates this policy or other applicable policy, statutory or regulatory provisions governing employee conduct. The Professional Code of Ethics for Kentucky School Certified Personnel requires certified staff to protect the health, safety, and emotional well-being of students and confidentiality of student information. Conduct in violation of that Code, including, but not limited to, such conduct relating to the use of technology or online resources, must be reported to the Education Professional Standards Board (EPSB) as required by law and may form the basis for disciplinary action up to and including termination.

**Access to Electronic Media**

(Acceptable Use Policy)

**PARENTAL AUTHORIZATION**

Written parental authorization shall be required prior to a student being granted independent access to electronic media involving District technological resources.

The required authorization, which shall specify acceptable uses, rules of on-line behavior, access privileges, and penalties for policy/procedural violations, must be signed by the parent or legal guardian of minor students (those under 18 years of age) and also by the student. That document shall be kept on file as a legal, binding document. In order to modify or rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the Principal with a written request.

**COMMUNITY USE**

On recommendation of the Superintendent/designee, the Board shall determine when and which computer equipment, software, and information access systems will be available to the community.

Upon request to the Principal/designee, community members may have access to the Internet and other electronic information sources and programs available through the District's technology system, provided they attend any required training and abide by the rules of usage established by the Superintendent/designee.

**DISREGARD OF RULES**

Individuals who refuse to sign required acceptable use documents or who violate District rules governing the use of District technology shall be subject to loss or restriction of the privilege of using equipment, software, information access systems, or other computing and telecommunications technologies.

Employees and students shall be subject to disciplinary action, up to and including termination (employees) and expulsion (students) for violating this policy and acceptable use rules and regulations established by the school or District.

**RESPONSIBILITY FOR DAMAGES**

Individuals shall reimburse the Board for repair or replacement of District property lost, stolen, damaged, or vandalized while under their care. Students or staff members who deface a District web site or otherwise make unauthorized changes to a web site shall be subject to disciplinary action, up to and including expulsion and termination, as appropriate.

**RESPONDING TO CONCERNS**

School officials shall apply the same criterion of educational suitability used to review other educational resources when questions arise concerning access to specific databases or other electronic media.

**Access to Electronic Media**

(Acceptable Use Policy)

**AUDIT OF USE**

Users with network access shall not utilize District resources to establish electronic mail accounts through third-party providers or any other nonstandard electronic mail system.

The Superintendent/designee shall establish a process to determine whether the District's education technology is being used for purposes prohibited by law or for accessing sexually explicit materials. The process shall include, but not be limited to:

1. Utilizing technology that meets requirements of Kentucky Administrative Regulations and that blocks or filters internet access for both minors and adults to certain visual depictions that are obscene, child pornography, or, with respect to computers with Internet access by minors, harmful to minors;
2. Maintaining and securing a usage log; and
3. Monitoring online activities of minors.

**RETENTION OF RECORDS FOR E-RATE PARTICIPANTS**

Following initial adoption, this policy and documentation of implementation shall be retained for at least five ten (510) years after the last day of service in a particular funding year.

**REFERENCES:**

KRS 156.675; KRS 365.732; KRS 365.734  
701 KAR 5:120  
16 KAR 1:020 (Code of Ethics)  
47 U.S.C. 254/Children's Internet Protection Act; 45 C.F.R. 54.520  
Kentucky Education Technology System (KETS)  
47 C.F.R. 54.516

**RELATED POLICIES:**

03.13214/03.23214; 03.1325/03.2325; 03.17/03.27  
08.1353; 08.2322  
09.14; 09.421; 09.422; 09.425; 09.426; 09.4261  
10.5

LEGAL: 702 KAR 7:140 HAS BEEN REVISED TO REQUIRE UP-TO-DATE MASTER (BELL) SCHEDULES FOR EACH SCHOOL IN THE DISTRICT TO BE ON FILE IN THE CENTRAL OFFICE.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.31

### **Student Attendance Day**

The length of the student attendance day designated by the Board shall provide students with no less than the minimum number of student attendance days/hours required by law. The Board may request approval of an alternative school calendar based on procedures set out in Kentucky Administrative Regulation.

#### **EXCEPTIONS**

Kindergarten (entry level of the primary program) shall be provided no less than the equivalent of one-half (1/2) day, five (5) days a week for a full school year for each kindergarten student. An exception also may be made for preschool classes and classes for students with disabilities, or alternatives approved by the Board and Kentucky Department of Education.<sup>1</sup>

#### **MASTER SCHEDULE**

An up-to-date master (bell) schedule shall be on file in each school and up-to-date master (bell) schedules for each school shall be on file in the District's central office.

#### **REFERENCES:**

- <sup>1</sup>KRS 158.060
- KRS 157.320
- KRS 157.360
- KRS 158.030; KRS 158.070
- 702 KAR 7:125
- 702 KAR 7:140

LEGAL: THE 2013 GENERAL ASSEMBLY AMENDED KRS 159.010 TO ALLOW DISTRICTS TO SET THE DROP-OUT AGE AT 18 EFFECTIVE WITH THE 2015-2016 SCHOOL YEAR.

FINANCIAL IMPLICATIONS: ADDITIONAL STUDENTS MAY REQUIRE ADDITIONAL STAFFING AND RESOURCES

STUDENTS

09.122

## **Attendance Requirements**

### **COMPULSORY ATTENDANCE**

Except as provided in KRS 159.030, each parent, guardian, or other person residing in the District and having custody or charge of any child subject to the compulsory attendance law shall send the child to a regular public day school for the full term that the public school of the District in which the child resides is in session, or to the public school that the Board makes provision for the child to attend. Every child actually residing in this District is subject to the laws relating to compulsory attendance and neither he/she nor the person in charge of him/her shall be excused from the operation of those laws or penalties under them on the grounds that the child's residence is seasonable or that his/her parent is a resident of another state. Once enrolled in school, a student shall be expected to be in daily attendance. ~~Beginning with the 2015-2016 school year, students~~ 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 ~~and shall be subject to compulsory attendance.~~<sup>1</sup>

### **EXEMPTIONS FROM COMPULSORY ATTENDANCE**

The Board shall exempt the following from compulsory attendance:

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

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

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

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

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

1. Students shall be counted in attendance when they are receiving home/hospital, institutional,<sup>2</sup> or court-ordered instruction in another setting.

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

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

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

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: REVISIONS TO 702 KAR 1:160 ALLOW STUDENT HEALTH CARE EXAMINATIONS TO BE REPORTED ELECTRONICALLY IF THE ELECTRONIC MEDICAL RECORD INCLUDES ALL DATA EQUIVALENT TO THAT ON THE APPROPRIATE FORM.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.211

## **School Health Requirements**

### **IMMUNIZATIONS**

A valid immunization certificate shall be on file within two (2) weeks of a student's enrollment in school.<sup>1, 2 & 4</sup> Forms relating to exemptions from immunization requirements shall be available at each school. Immunizations/exemptions shall be reported on the state-required forms. Students enrolling in Head Start or State Funded Pre-K programs will not be placed without a current immunization certificate.

Immunization certificates shall be kept current.<sup>1</sup>

As required by Kentucky Administrative Regulation, all pupils shall undergo preventive student health care examinations within one (1) year prior to the student's initial admission to school and again upon entry into sixth grade. The results shall be submitted to the school within two (2) months of enrollment. Results of the examinations shall be reported on the state-required form or an electronic medical record that includes all of the data equivalent to that on the Preventive Student Health Care form.

### **DENTAL EXAM**

A dental screening or examination shall be required for five (5) and six (6) year old students enrolling in the District and shall be submitted no later than January 1 of the first year that the student is enrolled in the District. This is a one-time requirement. Results of the examination shall be reported on the state-required form or an electronic medical record that includes all of the data equivalent to that on the Dental Screening/Examination Form for School Entry.

### **VISION EXAM**

A vision examination performed by an optometrist or ophthalmologist shall be required for three (3), four (4), five (5) or six (6) year old students enrolling in the District and shall be submitted no later than January 1 of the first year that the student is enrolled in the District. This is a one-time requirement. Results of the examination shall be reported on the state-required form or an electronic medical record that includes all of the data equivalent to that on the Kentucky Eye Examination Form for School Entry.

**School Health Requirements**

**REFERENCES:**

<sup>1</sup>KRS 156.160; 702 KAR 1:160

<sup>2</sup>KRS 214.036; KRS 214.034

<sup>3</sup>902 KAR 2:090

<sup>4</sup>KRS 158.035

902 KAR 2:060;

OAG 82-131

Health Services Reference Guide, Kentucky Department of Education

**RELATED POLICIES:**

09.121

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

LEGAL: REVISIONS TO 702 KAR 1:160 REQUIRE A BOARD TO MAINTAIN PROOF THAT ALL UNLICENSED SCHOOL PERSONNEL WHO HAVE ACCEPTED DELEGATION TO PERFORM MEDICATION ADMINISTRATION HAVE BEEN TRAINED AS ALLOWED BY KRS 158.838.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.22

## **Student Health and Safety**

### **PRIORITY**

Student health, welfare and safety shall receive priority consideration by the Board.

Rules and regulations on health and safety promulgated by the Kentucky Board of Education under Kentucky statute and by local and state regulatory agencies relating to student safety and sanitary conditions shall be implemented in each school.

### **HEALTH SERVICES TO BE PROVIDED**

In keeping with applicable legal requirements, only licensed medical professionals or school employees who have been appropriately trained and authorized to do so shall provide health services to students.

Employees to whom health service responsibilities have been delegated must be approved in writing by the delegating physician, nurse practitioner or registered nurse. The approval form shall state the employee consents to perform the health service when the employee does not have the administration of health services in his/her contract or job description as a job responsibility, possesses sufficient training and skills, and has demonstrated competency to safely and effectively perform the health service. The approval form shall be maintained as required by law. Delegation of health service responsibilities shall be valid only for the current school year.<sup>1</sup>

If the delegation involves administration of medication, the District will maintain proof that the employee has completed the required training provided by Health Services in accordance with the Kentucky Department of Education (KDE) requirements **or as allowed under KRS 158.838**.

### **SAFETY PROCEDURES**

All students shall receive annual instruction in school bus safety.

The Superintendent shall develop procedures designed to promote the safety of all students. Said procedures shall specify specific responsibilities for line positions having responsibility for student supervision.

### **SUICIDE PREVENTION**

All middle and high school teachers, principals, and guidance counselors shall annually complete a minimum of two (2) hours of training on suicide prevention.<sup>3</sup>

By September 1 of each school year, administrators shall provide suicide prevention awareness information to students in middle school grades and above, as provided by the Cabinet for Health and Family Services or a commercially developed suicide prevention training program.<sup>2</sup>

**Student Health and Safety**

**REFERENCES:**

<sup>1</sup>KRS 156.501; KRS 156.502; 702 KAR 1:160

<sup>2</sup>KRS 156.095

<sup>3</sup>KRS 158.070

KRS 156.160; KRS 158.838

702 KAR 5:030

**RELATED POLICY:**

09.2241

RECOMMENDED: THIS CHANGE IS TO CLARIFY THAT PER HAZELWOOD V. KUHLMIEIER, MATERIALS MAY BE EXCLUDED FOR LEGITIMATE EDUCATIONAL REASONS.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.34

### **Student Publications**

The Superintendent/designee shall develop guidelines for school-sponsored student media such as newspapers, yearbooks, magazines, television, radio, video production and electronically-generated media, in which students shall be expected to express their views and opinions within the bounds of accepted practices.

#### **PRIOR SUBMISSION**

Student media shall be under the supervision of the local school administration.

Materials to be published shall be submitted to the Principal before publication and/or distribution.

The Principal shall have the right to edit all materials for legitimate educational reasons including, but not limited to, for items which could be reasonably expected to create a material and substantial disruption of school activities or operations ~~are substantially disruptive~~ or which may cause harm to others.

#### **APPEAL**

A student or author may appeal the Principal's decision in writing to the Superintendent/designee.

#### **REFERENCES:**

KRS 160.290

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)

#### **RELATED POLICY:**

09.426

RECOMMENDED: THIS CHANGE IS TO CLARIFY THAT TAKING PICTURES, VIDEO, OR AUDIO RECORDINGS OF OTHERS MAY RESULT IN VIOLATION OF CONFIDENTIALITY AND PRIVACY AND MAY BE PROHIBITED. THIS POLICY LANGUAGE SHOULD BE CHECKED FOR CONSISTENCY WITH THE STUDENT DISCIPLINE CODE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.4261

## **Telecommunication Devices**

### **DEFINITION**

Personal telecommunication device is defined in KRS 158.165 and includes, but is not limited to, cellular telephones, pagers, walkie-talkies, electronic mail devices, MP3 players, iPods, and video gaming systems.

### **INSTRUCTIONAL SCHOOL DAY**

Unless a school/council has been granted a waiver pursuant to Board policy 02.432, students shall not use/activate and/or display a personal telecommunication device on school property during the course of the instructional day unless they are acting in the capacity of a volunteer firefighter or Emergency Medical Service (EMS) worker.<sup>1</sup> The Superintendent may approve the use of personal telecommunication devices as provided in the plan submitted by schools that contain a business and information technology career theme.

### **POSSESSION AND USE AT OTHER TIMES**

Outside the instructional school day and while on school property or while attending school-sponsored or school-related activities, whether on or off school property, students shall be permitted to possess and use personal telecommunications devices as defined by law<sup>1</sup> and other related electronic devices, provided they observe the following conditions:

1. Devices shall not be used in a manner that is materially or substantially disruptive, including, but not limited to, use that:
  - a. Poses a threat to academic integrity, such as cheating;
  - b. Violates confidentiality or privacy rights of another individual. This includes, but is not limited to, taking photographs, video, or audio recordings of others without the permission of the Principal/designee and the affected individual(s). An exception may be made for events considered to be in the public arena (e.g. sporting events, academic competitions, or performances to which the general public is admitted) where the activity does not materially disrupt the event, prevent others from observing the event, or otherwise violate legal rights. School social events for students, activities sponsored by student clubs, and activities during the school day that are not open to the public are not considered to be in the public arena;
  - c. Is profane, indecent, or obscene;
  - d. Constitutes or promotes illegal activity or activity in violation of school rules; or
  - e. Constitutes or promotes sending, sharing, or possessing sexually explicit messages, photographs, or images using any electronic device.

These restrictions shall not be interpreted to prohibit material protected under the state or federal constitutions where such material does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.

**Telecommunication Devices****POSSESSION AND USE AT OTHER TIMES (CONTINUED)**

2. Students are responsible for keeping up with devices they bring to school. The District shall not be responsible for loss, theft, or destruction of devices brought onto school property.
3. Students shall comply with any additional rules developed by the school concerning appropriate use of telecommunication or other electronic devices.
4. Students shall not utilize a telecommunication or similar electronic device in a manner that would violate the District's Acceptable Use policy or procedures or the Student Support and Behavior Intervention Handbook.

**CONSEQUENCES**

When students violate prohibitions of this policy, they shall be subject to disciplinary action, including losing the privilege of bringing the device onto school property and being reported to their parent/guardian. A violation also may result in a report being made to law enforcement. In addition, an administrator may confiscate the device as provided in the Student Support and Behavior Intervention Handbook.

**NOTICE OF POLICY**

Notice of this policy and penalties for violating it shall be published annually in the District's Student Support and Behavior Intervention Handbook.

**REFERENCES:**

<sup>1</sup>KRS 158.165  
KRS 525.080

**RELATED POLICIES:**

08.2323, 09.426, 09.436, 09.438

RECOMMENDED: THIS CHANGE IS SUGGESTED BY KSBA LEGAL STAFF TO HELP ADDRESS PRIVACY AND DISRUPTION CONCERNS ARISING FROM INCREASING REQUESTS FROM OUTSIDE ENTITIES WISHING TO OBSERVE STUDENTS IN A CLASSROOM SETTING.

IN ADDITION THIS CHANGE IS TO CLARIFY THAT TAKING PICTURES, VIDEO, OR AUDIO RECORDINGS OF OTHERS WITHOUT PERMISSION MAY RESULT IN VIOLATION OF CONFIDENTIALITY AND PRIVACY AND MAY BE PROHIBITED.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## COMMUNITY RELATIONS

10.5

### Visitors to the Schools

#### **LOCAL CITIZENS**

The Board encourages parents, professional educators, and others who have legitimate educational interests pertaining to the District's public school program to visit the schools. To ensure that school personnel are aware of visitors' presence, visits to classrooms shall be scheduled in advance unless authorized by the Principal/designee and all visitors must report immediately to the Principal's office upon entering the school and identify themselves, as well as declare their purposes for visiting.

#### **REGISTRANTS**

No registrant, as defined in KRS 17.500, nor any person residing outside of Kentucky who would be required to register under KRS 17.510 if the person resided in Kentucky, shall be on the clearly defined grounds of a District school, except with the advance written permission of the Principal or the Board that has been given after full disclosure of the person's status under KRS 17.510 as a registrant or sex offender from another state and all registrant information as required in KRS 17.500.

A registrant is defined as:

1. Any person eighteen (18) years of age or older at the time of the offense or any youthful offender, as defined in KRS 600.020, who has committed:
  - a. A sex crime; or
  - b. A criminal offense against a victim who is a minor; or
2. Any person required to register under KRS 17.510; or
3. Any sexually violent predator; or
4. Any person whose sexual offense has been diverted pursuant to KRS 533.250, until the diversionary period is successfully completed.

A registrant who is the parent/legal guardian, or the person designated by the parent/legal guardian to have access to a student, must request and receive prior permission from the Principal to come onto school grounds. The Principal shall determine whether the requesting registrant is permitted to come onto school grounds for the following reasons:

1. To pick up or drop off their child each day.
2. To pick up the child who is injured or ill.
3. To confer with school staff concerning academic, disciplinary or placement issues involving the student, including matters required by federal or state law.
4. To attend a school activity, including athletic practices and competition, in which the student is a participant.
5. To vote when the school has been designated as a polling place.



**Visitors to the Schools****REGISTRANTS (CONTINUED)**

Depending on the facts of the particular request, the Principal's response options may include, but are not be limited to the following:

- Requiring the registrant to provide additional information needed;
- Specifying check-in and check-out requirements;
- Requiring the registrant to be directly supervised by an individual designated by the Principal while on school grounds;
- Restricting the registrant to a designated location on school grounds;
- Limiting the time the registrant will be permitted to be on school grounds; and
- Denying the request to come onto school grounds.

The Principal shall notify the Superintendent/designee of each request from a registrant and the response made to the registrant. If questions arise about a request, the Principal shall consult with the Superintendent concerning requests from registrants, and the Superintendent may seek further advice from the Board Attorney.

For all other reasons and for all individuals making a request other than parent/legal guardian/designee, the Principal shall consult with the Superintendent as the executive agent of the Board before making a final determination.

**OUTSIDERS**

~~Professional educators and citizens who are from other communities and who wish to observe the schools in operation are welcome. Arrangements for such visits must be made in advance with the Superintendent.~~

**CONDUCT/PROHIBITION ON RECORDING**

All visitors to the schools must conduct themselves so as not to interfere with the daily operation of the school program.

Due to privacy concerns, and except for emergency situations, personally owned recording devices are not to be used to create video or audio recordings or to take pictures except with prior permission from the Principal/designee and the affected individual(s).

An exception may be made for events considered to be in the public arena (e.g. sporting events, academic competitions, or performances to which the general public is admitted) where the activity does not materially disrupt the event, prevent others from observing the event, or otherwise violate legal rights. School social events for students, activities sponsored by student clubs, and activities during the school day that are not open to the public are not considered to be in the public arena.

Such devices include, but are not limited to, personal cell phones and tablets.

**Visitors to the Schools****ACCOMMODATION**

Visitors with disabilities shall be accommodated as required by law. Individuals requesting accommodation shall contact the District ADA/504 Coordinator for assistance and guidance. Accommodations may include, but are not limited to, the following considerations:

- Effective communication
- Use of power driven mobility devices
- Event ticket sales accommodation
- Use of service animals
- Companion seating at events

The District shall notify the public of any requirements and/or deadline for requesting such accommodation.

**USE OF TOBACCO**

Use of tobacco is prohibited at all times in or on any property owned or operated by the Board. In addition, use of tobacco in any form shall not be permitted in outdoor facilities owned or operated by the Board during all District-sponsored activities, including sporting events.

**REFERENCES:**

KRS 17.545; KRS 17.500; KRS 17.510  
KRS 160.380; KRS 211.394, KRS 211.395; KRS 600.020; OAG 91-13  
P. L. 107-110 (No Child Left Behind Act of 2001)  
Section 504 of the Rehabilitation Act of 1973

**RELATED POLICIES:**

05.3; 09.227, 09.3211; 09.426