

AMENDMENTS

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.1121

Pre-College Curriculum

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

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

ADDITIONAL

Each university may require additional preparation for its entering students.

REFERENCES:

13 KAR 2:020
704 KAR 3:305

RELATED POLICY:

08.113

LEGAL: THIS CLARIFIES THAT THE ARC OR 504 TEAM DETERMINES EDUCATIONAL PLACEMENT IN HOME/HOSPITAL FOR ELEMENTARY AND SECONDARY STUDENTS WITH DISABILITIES AS WELL AS DETERMINING THE NUMBER OF CREDITS A SECONDARY STUDENT MAY TAKE WHILE RECEIVING HOME/HOSPITAL INSTRUCTION.
FINANCIAL IMPLICATION: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.1312

Home/Hospital Instruction

PURPOSE

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

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

ELIGIBILITY

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

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

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

KSB/KSD STUDENTS

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

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

CURRICULUM AND INSTRUCTION

08.1312
(CONTINUED)

Home/Hospital Instruction

REFERENCES:

KRS 157.270; KRS 157.360

KRS 159.030

704 KAR 3:303

704 KAR 7:120

707 KAR 1:320

707 KAR 1:350

Individuals with Disabilities Education Improvement Act (IDEA)

Section 504 of the Rehabilitation Act of 1973

34 C.F.R. 104.35

RELATED POLICIES:

09.122

09.123

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

CURRICULUM AND INSTRUCTION

08.133

~~Extended School~~ Supplemental Educational Services

PLAN FOR DIAGNOSING

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

EXTENDED SCHOOL SERVICES

The KSB/KSD shall provide extended school services consistent with students' intervention plans and goals included as part of individual learning plans, requirements of [704 KAR 003:390](#), and local plans and procedures.

For students eligible to attend ESS, the KSB/KSD shall:

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

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

The KSB/KSD may provide extended school services during the regular school day when a waiver for alternative service delivery has been obtained.

~~Pending renewal of the Kentucky request to the U. S. Dept. of Education for flexibility, the following section is waived through the 2014-2015 school year. If request is not renewed, the following section will be in force.~~

~~SUPPLEMENTAL EDUCATIONAL SERVICES~~

~~Eligible students shall be provided supplemental educational services as required by federal law.¹~~

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

REFERENCES:

¹P. L. 107-110 (No Child Left Behind Act of 2001)

34 C.F.R. 200.45—200.48

[KRS 158.070](#)

[704 KAR 3:390](#)

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

FINANCIAL IMPLICATION: NONE ANTICIPATED

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

FINANCIAL IMPLICATION: NONE ANTICIPATED

STUDENTS

09.122

Attendance Requirements

COMPULSORY ATTENDANCE

All children in the district who have entered kindergarten or who are between the ages of six (6), as of October 1, and sixteen (16), except those specifically exempted by statute, shall enroll and be in regular attendance in the schools to which they are assigned. Beginning with the 2015-2016 school year, students between the ages of six (6) and eighteen (18) shall enroll and be in regular attendance in the schools to which they are assigned and shall be subject to compulsory attendance.¹

Before an unmarried student between the ages of sixteen (16) and eighteen (18) may withdraw from school and terminate education prior to graduation, s/he shall confer with the Principal or designee, and s/he shall secure written permission from her/his parents, guardian, or other person residing in the state and having custody or charge of the student.¹ (See Board Policy 09.111.)

PHYSICIAN'S STATEMENT REQUIRED

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

EXCEPTIONS TO PRESENCE AT SCHOOL

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

1. Students shall be counted in attendance when they are receiving home/hospital, institutional,² or court-ordered instruction in another setting.
2. 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.^{3,4}
3. Students participating in an off-site virtual high school class or block may be counted in attendance in accordance with requirements set out in Kentucky Administration Regulation.^{4,1}
4. Students having an individual education plan (IEP) that requires less than full-time instructional services shall not be required to be present for a full school day.^{4,1}

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

5. 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.⁴¹
6. 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.⁶⁵
7. The pupil is participating in standards-based, performance-based credit that is awarded in accordance with 704 KAR 3:305, and that falls within one (1) or more of the categories of standards-based course work. A pupil may be counted in attendance for performance-based credit for a class or block for the year or semester in which the pupil initially enrolled in the class or block if the pupil demonstrates proficiency in accordance with local policies.^{4 & 6}
8. Students attending basic training required by a branch of the United States Armed Forces shall be considered present for all purposes for up to ten (10) days.³

REFERENCES:

¹[KRS 159.010](#); [OAG 85-55](#)

²[KRS 159.030](#)

³[KRS 159.035](#)

⁴¹[702 KAR 007:125](#)

⁴⁴[KRS 158.240](#)

⁶⁵[KRS 158.070](#)

[6704 KAR 3:305](#)

[KRS 159.180](#); [KRS 159.990](#)

[OAG 79-68](#); [OAG 79-539](#)

[OAG 87-40](#); [OAG 97-26](#)

RELATED POLICIES:

08.131; 08.1312

09.111; 09.123; 09.36

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

STUDENTS

09.123

Absences and Excuses

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

TRUANCY DEFINED

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

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

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.

A student's parents and LEA are notified when a student is identified as truant or as a habitual truant.

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, ~~or~~
9. Ten (10) days for students attending basic training required by a branch of the United States Armed Forces, or
- ~~3-10.~~ 10. Other valid reasons as determined by the Principal, including trips qualifying as educational enhancement opportunities.

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STUDENTS

09.123
(CONTINUED)

Absences and Excuses

EXCUSED ABSENCES (CONTINUED)

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

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

The Principal's determination may be appealed to the KSB/KSD State Supervisor whose decision may then be appealed to the Board under its grievance policy and procedures.

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

UNEXCUSED ABSENCES

Work may be made up for unexcused absences in compliance with KSB/KSD policy.

REFERENCES:

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

RELATED POLICIES:

09.111, 09.122, 09.4281

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

STUDENTS

09.1231

Dismissal from School

RELEASE OF STUDENTS

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

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

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

RELEASE PROCESS

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

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

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

EXCEPTIONS

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

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

REFERENCE:

702 KAR 7:125

RELATED POLICIES:

09.12311; 09.432
09.434; 10.5

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

STUDENTS

09.12311

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

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

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

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

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

REFERENCES:

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

RELATED POLICIES:

01.0
09.1231
09.14

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 Principal 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 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.

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

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

KSB/KSD 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 KSB/KSD has outsourced services or functions may access student records provided they are:

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

DISCLOSURE TO REPRESENTATIVES FOR FEDERAL OR STATE PROGRAM PURPOSES

Personally identifiable student information may be released to those other than employees who are designated by the Principal 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 KSB/KSD cannot comply with any part of FERPA or its implementing regulations due to a conflict with state or local law, KSB/KSD 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 Principal is authorized to release student directory information. Approved "directory information" shall be: name, address, phone number, date and place of birth, student's school email address, major field of study, participation in officially recognized activities and sports, photograph/picture, grade level, weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, and most recent educational institution attended. Any eligible student or parent/guardian who does not wish to have directory information released shall notify the Superintendent/designee in writing within thirty (30) calendar days after receiving notification of FERPA rights.

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

Unless the parent/guardian or ~~secondary school~~ student who has reached age 18 requests in writing that KSB/KSD 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.

Student Records**SURVEYS OF PROTECTED INFORMATION**

KSB/KSD 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

KSB/KSD's special education policy and procedures manual shall include information concerning records of students with disabilities.

RECORDS RELEASE TO JUVENILE JUSTICE SYSTEM

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

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 Principal shall be notified. The Principal shall then release the information as permitted by law. Only the Principal 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

STUDENTS

09.14
(CONTINUED)

Student Records

RECORDS OF MISSING CHILDREN

Upon notification by the Commissioner of Education of a child's disappearance, KSB/KSD 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, KSB/KSD 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, KSB/KSD shall notify the Justice Cabinet.

COURT ORDER/SUBPOENA

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

REFERENCES:

¹Section 152 of the Internal Revenue Code of 1986
²KRS 158.153; KRS 610.320; KRS 610.340; KRS 610.345
KRS 7.110; KRS 15A.067; KRS 17.125; KRS 158.032; KRS 159.160; KRS 159.250
KRS 160.990; KRS 161.200; KRS 161.210
KRS 365.732; KRS 365.734; KRS 600.070
702 KAR 1:140; 702 KAR 3:220
20 U.S.C. 1232g et seq., 34 C.F.R. 99.1 - 99.67
20 U.S.C. 1232h (Protection of Pupil Rights Amendment); 34 C.F.R. 98
OAG 80-33; OAG 85-130; OAG 85-140; OAG 86-2; OAG 93-35
Kentucky Family Educational Rights and Privacy Act (KRS 160.700; KRS 160.705
KRS 160.710; KRS 160.715; KRS 160.720; KRS 160.725; KRS 160.730)
Individuals with Disabilities Education Improvement Act of 2004
Kentucky Education Technology System (KETS)
~~P. L. 107-110, Sections 1061 and 9528 (No Child Left Behind Act of 2001)~~
P. L. 114-95, (Every Student Succeeds Act of 2015)

RELATED POLICIES:

09.111; 09.12311; 09.43

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

STUDENTS

09.227

Child Abuse

REPORT REQUIRED

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

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

Only agencies designated by law are authorized to conduct an investigation of a report of alleged child abuse. Therefore, KSB/KSD 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 KSB/KSD, 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 ~~Families and Children~~ 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 KSB/KSD 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.

STUDENTS

09.227
(CONTINUED)

Child Abuse

OTHER

Each school shall prominently display the statewide child abuse hotline number administered by the Cabinet for Health and Family Services.

Formatted: policytext

REFERENCES:

¹KRS 600.020 (1)(15)
²KRS 620.030; KRS 620.040
KRS 17.160; KRS 17.165; KRS 17.545; KRS 17.580
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; 10.5

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

THIS CHANGE NOT REQUIRED BY LAW

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

0909.313

Eligibility (Athletics)

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

Standards for playing up from middle school (grades seven and eight [7 & 8]) to high school in sports other than football and soccer may include, but are not limited to, considerations related to safety, physical readiness, use of school space after the school day, transportation, funding, the student's disciplinary status and record, any substance testing restrictions, and equitable opportunities for participation.

To be eligible to try out and participate at the high school level, middle school students must meet all applicable KHSAA and school requirements. The Commissioner/Designee in cooperation with principals, coaches, and athletic directors, as deemed appropriate, may develop guidelines for Kentucky Board of Education approval addressing playing up standards.

REFERENCES:

KRS 156.070

702 KAR 7:065; OAG [90-8715-022](#)

Kentucky High School Athletic Association (KHSAA)

RELATED POLICIES:

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

09.423

School-Related Student Trips**PRINCIPAL TO APPROVE**

The school Principal shall have the authority to approve school-related trips which fall into the following categories:

1. All regularly scheduled in-state athletic events;
2. All in-state athletic trips which are part of a tournament or play-off in which the school is a participant; and
3. All in-state school-related trips made within a 150 mile radius of the school.

PRIOR APPROVAL

Prior approval of the Principal is required for each of the above trips.

KDE REGULARLY INFORMED

The Kentucky Department of Education shall be regularly informed of any trip falling within these guidelines.

DRIVERS/VEHICLES

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

SUPERVISION

A certified or classified staff member must accompany students on all school-sponsored or school-endorsed trips. For athletic trips, a nonfaculty coach or a nonfaculty assistant may accompany students as provided in statute. Persons designated to accompany students shall be at least twenty-one (21) years old.²

INSURANCE

Only State insured vehicles or appropriately certificated common carriers shall be used for transporting students.³

PRIOR APPROVAL FOR OTHER TRIPS

Any school-related trips not falling within the guidelines above shall require prior Kentucky Department of Education approval.

Use of certificated common carrier service shall be authorized by the ~~Principal~~ Commissioner/designee on a case-by-case basis, and the reasons to justify such use shall be documented.

School-Related Student Trips**MEDICATION**

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

When students will be travelling outside the state, the Principal/designee shall do the following:

1. Determine applicable legal requirements concerning delegation of student medication responsibilities in states through which students will be travelling; and
2. Assign staff to accompany students on the field trip to address student medication needs.

PARENTS' APPROVAL

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

REFERENCES:

¹KRS 156.153

²KRS 161.185

KRS 158.110, KRS 158.838, KRS 160.340, KRS 189.125, KRS 189.540

702 KAR 1:160, 702 KAR 3:220, 702 KAR 5:030, 702 KAR 5:060

702 KAR 5:080, 702 KAR 5:130

RELATED POLICIES:

03.1321; 03.2321; 09.15; 09.221; 09.2241

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

STUDENTS

09.422

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

Bullying 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 KSB/KSD 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 KSB/KSD personnel for appropriate action.

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

STUDENTS

09.422
(CONTINUED)

Bullying/Hazing

REPORTS (CONTINUED)

The KSB/KSD 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 KSB/KSD 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:

KRS 158.150

KRS 158.148

KRS 158.156

KRS 160.290; KRS 525.080

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

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

RELATED POLICIES:

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

LEGAL: SB 228 AMENDED KRS 158.148 TO REQUIRE THE STUDENT DISCIPLINE CODE TO SPECIFICALLY PROHIBIT BULLYING.

FINANCIAL IMPLICATIONS: REPRINTING DISTRICT CODE OF ACCEPTABLE BEHAVIOR AND DISCIPLINE

RECOMMENDED: REMOVING THE DISTRIBUTION SECTION CLARIFIES THE POLICY TO CONFORM WITH STATUTORY LANGUAGE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.438

Student Discipline Code

DEVELOPMENT

In accordance with KRS 158.148 and 704 KAR 7:050, KSB/KSD shall develop a student discipline code that shall be posted at each school, referenced in the school handbook, 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 KSB/KSD personnel for appropriate action and information regarding the consequences of bullying and violating the code and violations reportable under KRS 158.154, KRS 158.156, or KRS 158.444.

~~DISTRIBUTION~~

~~Once reviewed and approved, the student discipline code shall be distributed to students and parents of KSB/KSD, including those students who enroll during the school year.~~

REVIEW

KSB/KSD shall update the student discipline code at least every two (2) years.

REPORTING OF DATA

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

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

REFERENCES:

KRS 158.148; KRS 158.153; KRS 158.154; KRS 158.156; KRS 158.165

KRS 158.444; KRS 160.295

KRS 525.070, KRS 525.080

704 KAR 7:050, *Student Discipline Guidelines*, Kentucky Department of Education

RELATED POLICIES:

09.2211, 09.3, 09.42, 09.421, 09.422, 09.426, 09.42811

CHAPTER 3

ADOPTION

- CERTIFIED PERSONNEL -

Certified Personnel

DEFINITION

Certified personnel are those employees holding positions for which Kentucky teacher certification is required **and who are not employed pursuant to KRS 18A.**¹

REFERENCES:

¹**KRS 18A:** KRS 161.720 (1); KRS 161.020; KRS 161.030

- CERTIFIED PERSONNEL -**Hiring****PRINCIPAL'S RESPONSIBILITIES**

All appointments, promotions, and transfers of certified personnel for positions authorized by the **Commissioner/Designee** shall be made by the **Commissioner/Designee**.

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

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

EFFECTIVE DATE

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

QUALIFICATIONS

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

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

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

CRIMINAL BACKGROUND CHECK AND TESTING

Applicants, employees, and student teachers assigned within **KSB/KSD** shall undergo records checks and testing as required by applicable statutes and regulations.¹

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

Hiring**CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)**

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

JOB REGISTER

The **Commissioner** or the **Commissioner's** designee shall maintain in the **school human resources office** a job register listing all current job openings at **KSB/KSD**. The register shall describe the duties and qualifications for each opening, and **school** employment policies shall be attached to the register. The job register shall be open to public inspection during **school office** business hours.

VACANCIES POSTED

Under procedures developed by the **Kentucky Department of Education**, a listing of all **KSB/KSD** job openings shall be posted in the **school human resources office** on a timely basis and shall refer interested persons to the Central Office job register for additional information. Postings of vacancies may be made with other agencies, as appropriate.

When a vacancy for a teaching position occurs at **KSB/KSD**, the **Commissioner/Designee** shall conduct a search to locate minority candidates to be considered for the position.

REVIEW OF APPLICATIONS

Under procedures developed by the **Kentucky Department of Education**, each application shall be reviewed and each applicant so notified upon initial application. Applications for candidates not employed shall be retained for three (3) years.

RELATIONSHIPS

The **Commissioner/Designee** shall not employ a relative of a member of the Board unless the relative was initially employed by **KSB/KSD** prior to the tenure of the Board member and the member was seated on the Board prior to July 13, 1990.

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

CONTRACT

Except for noncontracted substitute teachers, all certified personnel shall enter into written contracts with **KSB/KSD**.

JOB DESCRIPTION

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

INTENT

Under procedures developed by the **Commissioner/Designee**, employees may be requested to indicate their availability for employment for the next school year.

Hiring**REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT**

Each year all full-time and part-time certified employees shall be notified in writing by the last day of school if they have reasonable assurance of continued employment for the following school year.

Certified employees assigned extra duties such as coaching shall be notified in writing by the last day of that assigned duty if they have reasonable assurance of continued employment in that or a similar capacity for the following school year.

REFERENCES:

¹KRS 160.380

²KRS 161.605; 702 KAR 1:150

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

34 C.F.R. 200.55-200.56; KRS 17.160; KRS 17.165

KRS 156.106; KRS 160.345; KRS 160.390; KRS 161.042; KRS 161.611

KRS 161.750; KRS 335B.020; KRS 405.435

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

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

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

Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 02.4244; 03.132

- 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 **Principal** prior to assuming assigned duties.

TUBERCULOSIS SCREENING/TESTING

Each medical examination shall include a risk assessment for tuberculosis as required by Kentucky Administrative Regulation. Individuals identified by that assessment as being 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 **Kentucky Department of Education**, local board of health and the Kentucky Department for Public Health, Cabinet for Health and Family Services, for further evaluation and treatment of the tuberculosis infection.^{1&2}

PRESENT PERSONNEL

When, in the opinion of the **Commissioner/Designee**, 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 **Commissioner/Designee** 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 **Commissioner/Designee's** choosing.

The **KSB/KSD** shall bear the cost of this examination.¹

SCHOOL TO REPORT

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

Medical Examination

MEDICAL CONFIDENTIALITY

Signed consent of the employee designating personnel to be informed shall be required before the **Commissioner/Designee** advises personnel of the employee's medical condition.

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

REFERENCES:

²702 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:

¹03.1234, 03.14

- CERTIFIED PERSONNEL -**Certification and Records****CERTIFICATION**

The **Commissioner/Designee** shall set certification requirements for teachers of all grades/courses, including elective courses, in compliance with applicable legal requirements.

All persons appointed to positions requiring Kentucky certification shall present to the **Commissioner/Designee** a copy of the required certificate prior to assuming the duties of the position.

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

NOTICE TO PARENTS OF TEACHER'S QUALIFICATIONS/CERTIFICATION

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

CERTIFICATION FOR TEACHING ELECTIVE COURSES

The Principal/designee shall forward to the **Commissioner/Designee** the course description for proposed new or revised elective courses, with a proposal for certification requirements for teachers of the course **for approval by the Commissioner/Designee**.

In determining certification requirements for elective courses, the **Commissioner/Designee** shall observe the following standards:

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

REFERENCES:

KRS 160.350; KRS 161.020; KRS 161.048

KRS 161.730; KRS 161.740; KRS 161.750

KRS 161.760; KRS 161.780; KRS 161.790

KRS 161.800; KRS 161.810

16 KAR 1:030; 702 KAR 3:320

34 C.F.R. 200.61

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

RELATED POLICIES:

02.4241; 03.11; 03.5

- CERTIFIED PERSONNEL -**Equal Employment Opportunity****NONDISCRIMINATION**

The **Commissioner/Designee** shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, color, religion, sex, **sexual orientation, gender identity**, genetic information, national or ethnic origin, **pregnancy, veteran status**, age or disabling condition.¹

INDIVIDUALS WITH DISABILITIES

No qualified person with a disability, as defined by law, shall, on the basis of the disability, be subject to discrimination in employment.²

KSB/KSD employment practices shall be in accordance with the state-approved procedures addressing requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

No human immunodeficiency virus (HIV) related test shall be required as a condition of hiring, promotion, or continued employment, unless the absence of HIV infection is a bona fide occupational qualification for the job in question as defined in KRS 207.135.

REASONABLE ACCOMMODATION

Employees who have a long-term or permanent disability may request the **KSB/KSD** supervisor to provide reasonable accommodations necessary for them to perform the essential duties of the position. Medical information obtained as part of an employee request shall be confidential.³

If assistive technology is deemed necessary for an employee, every effort will be made to obtain that technology in a timely fashion.

Reasonable accommodation shall be provided as required by law.

ADVISING EMPLOYEES

The **Commissioner/Designee** shall inform all school employees of the provisions of this policy.¹

REFERENCES:

¹KRS 161.164

²29 U.S.C.A. 794

³29 U.S.C. section 1630.14

KRS 207.135

34 C.F.R. 104.3 - 104.14

42 U.S.C. 200e, Civil Rights Act of 1964, Title VII, KRS Chapter 344

42 C.F.R. 2000e-2; 42 C.F.R. 2000(k)

Americans with Disabilities Act

Kentucky Education Technology System (KETS)

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

Genetic Information Nondiscrimination Act of 2008

RELATED POLICIES:

03.133, 05.11

-CERTIFIED PERSONNEL-

Contract

CONTRACT

All certified employees **not employed pursuant to KRS 18A** shall receive either a limited or a continuing contract.¹

Contracts for certified personnel shall not exceed two hundred sixty-one (261) days per fiscal year.²

VOCATIONAL

Vocational agriculture teachers shall be allotted sufficient days of extended employment to provide for twelve (12) months instructional salary per year.³

REFERENCES:

¹KRS 161.730

²KRS 161.220

³KRS 157.360

KRS 18A

16 KAR 4:040

RELATED POLICY:

03.121

- CERTIFIED PERSONNEL -

Transfer of Tenure

All teachers employed who have attained continuing contract status from another Kentucky district shall serve a one (1)-year probation period before being considered for continuing contract status in the **KSB/KSD**.

REFERENCE:

KRS 161.740 (1) (c)

-CERTIFIED PERSONNEL-**Compensation and Benefits****ESTABLISHMENT**

The Kentucky Department of Education shall annually establish salary schedules for all certified personnel pursuant to the requirements of KRS 163.032. Employee benefits are provided in accordance with state law and applicable regulations promulgated by the Kentucky Personnel Cabinet, as well as all policies of KSB/KSD.

COBRA

At the time of initial employment an employee shall be given the first COBRA notification. Second notification and continuation of benefits shall be contingent upon the employee's notifying the KSB/KSD of a qualifying event.¹

REFERENCES:

¹Consolidated Omnibus Budget Reconciliation Act
26 CFR Part 1
KRS 157.320 (12)
KRS 160.290 (1)
KRS 160.340 (2e)
KRS 163.032
702 KAR 3:070

- CERTIFIED PERSONNEL -**Salaries****SINGLE-SALARY BASIS**

All salaries for certified personnel shall be based on a single-salary schedule adopted by the **Kentucky Department of Education pursuant to KRS 163.032.**

Although a school may submit a request for an increment for an extended employment position, extra service, or related adjustments, the **Kentucky Department of Education** must set increments in pay for positions requiring services beyond those normally expected of other positions if the duties rendered extend beyond the regular school day or require extended days.

EXTENDED EMPLOYMENT

Compensation for employment contracted beyond the minimum number of working days required by law shall be prorated.

Extended employment positions shall be established in a position job description, funded in the **KSB/KSD** budget, and specified in an addendum to the employee's contract.

Addition of days to be worked beyond the original contract or additional days of extended employment for a position require prior approval by the **Commissioner/Designee** before the change goes into effect.

EXTRA SERVICES, SUPPLEMENTS AND SUPERVISION

The **Kentucky Department of Education** shall annually establish a schedule of compensation for extra services, hazardous duty supplements and supervision. As provided under law, teachers who attain certification from the National Board for Professional Teaching Standards shall be given an annual salary supplement of \$2000 for the life of the certificate.

RANK AND EXPERIENCE

The rank and experience of certified personnel shall be determined at time of hire. The **Commissioner/Designee** shall direct the **Principal** to validate all experience of professional personnel employed in the **KSB/KSD**.

Changes in rank and experience shall be determined on September 15 of each year.

To assist with the budgeting process, candidates for National Board certification shall notify the **Commissioner/Designee** in writing prior to September 15 that certification is pending in order for the employee to receive any rank-related increase retroactive to the beginning of the school year.

PAYROLL DISTRIBUTION

Checks will be issued according to a schedule approved annually by the **Kentucky Department of Education and Kentucky Personnel Cabinet.**

Salaries**QUALIFICATIONS**

Employees shall be responsible for providing the **Principal** with all required certificates, health examinations, and verifications of experience prior to beginning work.

NOTICE OF SALARY

Not later than forty-five (45) days before the first student attendance day of the succeeding school year or June 15, whichever occurs earlier, the **Principal** shall notify all certified personnel of the best estimate of the salary for the coming year.

PAYROLL DEDUCTIONS

All payroll deductions, including those specified by KRS 161.158 and Board policy 03.1211 shall be subject to all applicable statutes, regulations and policies of the Kentucky Personnel Cabinet.

REFERENCES:

KRS 157.075; KRS 157.320; KRS 157.350; KRS 157.360
KRS 157.390; KRS 157.395; KRS 157.397; KRS 157.420
KRS 160.290, KRS 160.291
KRS 161.1211, KRS 161.134, **KRS 161.158**; KRS 161.168; KRS 161.760
KRS 163.032
KRS 424.120; KRS 424.220; 16 KAR 1:040; OAG 97-25
702 KAR 3:060, 702 KAR 3:070, 702 KAR 3:100, 702 KAR 3:310
29 C.F.R. Section 541.303, 29 C.F.R. Section 541.602, 29 C.F.R. Section 541.710

RELATED POLICIES:

03.114; 03.1211; 03.4

- CERTIFIED PERSONNEL -**Salary Deductions****MANDATORY DEDUCTIONS**

Mandatory payroll deductions made by the **Kentucky Department of Education** include:

1. State and federal income taxes;
2. Occupational tax, when applicable;
3. The Teachers' Retirement System of the State of Kentucky;
4. Any deductions required as a result of judicial process, e.g., salary attachments, etc.;
5. Medicare (FICA), for employees newly hired after 3/31/86.

OPTIONAL DEDUCTIONS

The following optional payroll deductions are authorized by the **Kentucky Department of Education** for those employees who choose to participate:

1. State approved health/life insurance program;
2. State approved credit union;
3. State approved deferred compensation plan;
4. **Kentucky Employees Charitable Campaign;**
5. State-designated Flexible Spending Account (FSA) and Health Reimbursement Account (HRA) plans;
6. **Optional insurance companies and employee organizations as approved by the Kentucky Personnel Cabinet's Payroll Deduction Program.**

No other payroll deductions shall be made by the **Kentucky Department of Education**.

REFERENCES:

KRS 160.291, KRS 161.158, OAG 72-802

- CERTIFIED PERSONNEL -**Reduction in Salary and Responsibility**

Salaries for teachers shall not be less than the preceding year unless such reduction is part of a uniform plan affecting all teachers in the entire **KSB/KSD**, there is a reduction of responsibilities, **or applicable law provides for a reduction in salary.**

Reduction of responsibility for teachers may be accompanied by a corresponding reduction in salary. Written notice that states the specific reason(s) for the reduction shall be furnished teachers no later than ninety (90) days before the first student attendance day of the school year or May 15, whichever occurs earlier.

REFERENCE:

KRS 161.760

-CERTIFIED PERSONNEL -**Holidays**

All certified employees shall be paid for four (4) holidays which shall be designated in the official school calendar. These are part of the school year required by state law.¹

REFERENCES:

¹KRS 158.070

KRS 160.291

KRS 161.220

KRS 161.540

KRS 2.110

KRS 2.190

- CERTIFIED PERSONNEL -**Leaves and Absences****APPROVAL**

Authorization of leave and time taken off from one's job shall be in accordance with specific leave policy. Absence from work that is not based on appropriate leave for which the employee is qualified may lead to disciplinary consequences, up to and including termination of employment.

NOTIFICATION

Employees on leave covered by the related policies listed below shall notify the **Commissioner/Designee** in writing by April 1 of the year the leave terminates of the date of their intent to return to the school system. Employees who fail to notify the **Commissioner/Designee** of their return by April 1 cannot be guaranteed employment for the following school year. If an employee on leave has not contacted the **Commissioner/Designee** by April 1, the **Commissioner/Designee** is authorized to fill the position for the following school year. Where an employee in the final year of leave fails to contact the **Commissioner/Designee** by April 1, to either request an extension of leave or to provide a date of return, the **Commissioner/Designee** may determine whether personnel action is required.

LEAVE FOLLOWING ASSAULT

The **KSB/KSD** shall provide leave with pay for employees assaulted while performing their assigned duties when the assault results in injuries that qualify the employee for workers' compensation benefits. The period of leave shall not exceed one (1) calendar year following the assault. During that period, the employee shall not experience loss of income or benefits, including sick leave, under terms and conditions set forth in KRS 161.155.

PLACEMENT UPON RETURN

Employees taking any long term leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position or the same school cannot be guaranteed.

FMLA

Eligible employees may apply for leave under the provisions of the Family and Medical Leave Act of 1993.

REFERENCES:

KRS 161.155; KRS 161.770
OAG 01-9
Family and Medical Leave Act of 1993

RELATED POLICIES:

03.1232, 03.12322, 03.1233, 03.1234, 03.1235, 03.124, 03.17

- CERTIFIED PERSONNEL -**Personal Leave****NUMBER OF DAYS**

Full-time certified employees shall be entitled to twenty-two and one-half (22.5) hours of personal leave with pay each school year. Employees shall be credited with said personal leave at the beginning of each school year.

Persons employed for less than a full year contract shall receive a prorata part of the authorized personal leave hours calculated to the nearest 1/2 hour.

Persons employed on a full year contract but scheduled for less than a full work day shall receive the authorized personal leave hours equivalent to their normal working day.

All leave shall be used in half day increments of three and three-fourths (3.75) hours.

APPROVAL

The employee's immediate supervisor must approve the leave date, but no reasons shall be required for the leave.

Approval shall be contingent upon the availability of qualified substitute employees. Those employees making earliest application shall be given preference.

AFFIDAVIT

Employees taking personal leave must file a personal affidavit on their return to work stating that the leave was personal in nature.

ACCUMULATION

Personal leave days not taken during the school year shall not accumulate **but shall convert to sick leave.**

REFERENCE:

KRS 161.154

- CERTIFIED PERSONNEL -**Sick Leave****NUMBER OF HOURS**

Full-time certified employees shall be entitled to **seventy five (75) hours of sick leave** with pay each school year. **Employees shall be credited with said sick leave at the beginning of each school year.**

Persons employed for less than a full year contract shall receive a prorata part of the authorized sick leave **hours** calculated to the nearest **1/2 hour**.

Persons employed on a full year contract but scheduled for less than a full work day shall receive the authorized sick leave **hours** equivalent to their normal working day.

All leave shall be used in half day increments of three and three-fourths (3.75) hours.

ACCUMULATION

Sick leave **hours** not taken during the school year in which they were granted shall accumulate without limitation to the credit of the certified employee to whom they were granted.

DEFINITION

Sickness shall mean personal illness, including illness or temporary disabilities arising from pregnancy.

FAMILY ILLNESS/MOURNING

Sick leave can also be taken for illness in the immediate family or for the purpose of mourning a member of the employee's immediate family. Immediate family shall mean the employee's spouse, children (including stepchildren and foster children), grandchildren, daughters-in-law and sons-in-law, brothers and sisters, parents, spouse's parents, grandparents, and spouse's grandparents, without reference to the location or residence of said relative and any other blood relative who resides in the employee's home.

TRANSFER OF SICK LEAVE

Teachers coming to the **KSB/KSD** from another Kentucky school district or from the Kentucky Department of Education shall transfer accumulated sick leave to the **KSB/KSD**.

SICK LEAVE DONATION PROGRAM

Under procedures developed by the **Kentucky Department of Education**, certified employees who have accrued more than **one hundred twelve and one-half (112.5) hours** of sick leave may request to transfer sick leave **hours** to another employee who is authorized to receive the donation. The number of **hours** donated shall not reduce the employee's sick leave balance to less than **one hundred twelve and one-half (112.5) hours**.

Certified employees are eligible to receive donated **hours** if they meet the criteria established in statute.

Any sick leave not used shall be returned on a proportionate/pro-rated basis to employees who donated **hours**.

Sick Leave

AFFIDAVIT

Upon return to work a certified employee claiming sick leave must file a personal affidavit or a certificate of a physician stating that the employee was ill or that the employee was absent for the purpose of attending to a member of the immediate family who was ill.¹

REFERENCES:

¹KRS 161.155, Sec. 2, KRS 161.152, OAG 79-148
OAG 93-39
Family & Medical Leave Act of 1993

RELATED POLICIES:

03.12322, 03.1233, 03.124, 03.175 (Retirement Compensation)

- CERTIFIED PERSONNEL -**Family and Medical Leave****REASONS**

In compliance with the Family and Medical Leave Act of 1993 and under procedures developed by the Kentucky Personnel Cabinet and set forth at 101 KAR 2:102 and 101 KAR 3:015, leave shall be granted to eligible employees for the following reasons:

1. For the birth of a son or daughter, and to care for the newborn child;
2. For placement with the employee of a son or daughter for adoption or foster care;
3. To care for the employee's spouse, son, daughter, parent, or immediate family member with a serious health condition;
4. Because of a serious health condition that makes an employee unable to perform the functions of the employee's job;
5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, parent, or someone of similarly close relationship is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation;
6. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, next of kin, or someone of similarly close relationship to the service member.

NOTICES AND DEADLINES

ADVANCE NOTICE AND MEDICAL CERTIFICATION - The employee may be required to provide advance leave notice and medical certification or other supporting documentation. Request for leave may be delayed or denied if requirements are not met. The employee ordinarily must provide advance notice when the need for leave is foreseeable. KSB/KSD may require medical certification to support a request for family and medical leave because of a serious health condition, and may require second or third opinions (at the school's expense) and a fitness for duty report to return to work.

- NOTE: Only the KSB/KSD's human resources professional, leave administrator, or personnel director may contact an employee's health care provider to clarify or authenticate an FML certification in support of an FML request about which there are questions. The employee's direct supervisor shall not contact the provider.
- The KSB/KSD 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).

Family and Medical Leave**ELIGIBILITY**

To be eligible for family and medical leave, an employee must have:

1. Completed at least twelve (12) months of state service; and
2. Worked or been on paid leave for at least 1,250 hours in the twelve (12) months immediately preceding the first day of family and medical leave. See the FMLA provisions in 101 KAR 2:102 Section 3 and 101 KAR 3:015 Section 3.

An eligible employee must be granted at least twelve (12) weeks of unpaid family and medical leave during the calendar year for one or more of the reasons stated above. An eligible employee is entitled to up to 26 workweeks of leave to care for a covered service member with a serious injury or illness during a single twelve (12) month period.

Full-time teachers are presumed to have worked at least 1,250 hours during a school year. In determining whether returning veterans meet the minimum 1,250 hour standard, hours actually worked for the KSB/KSD during the twelve-month period are to be combined with hours they would have worked for the KSB/KSD had they not been called for military service.

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

LEAVE TO CARE FOR A SPOUSE, SON, DAUGHTER, PARENT, OR IMMEDIATE FAMILY MEMBER

A spouse is a husband or wife, individuals in lawfully recognized same-sex and common law marriages recognized under State law for purposes of marriage in the State where the employee was married, and marriages that were validly entered into outside of the United States if they could have been entered into in at least one state. A parent is a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. The term does not include parents "in law." A son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen (18), or age eighteen (18) or older and incapable of self-care because of a mental or physical disability at the time that family and medical leave is to commence. An "immediate family member" means: (a) the employee's spouse, mother, father, grandparent, son or daughter; or (b) A person of similarly close relationship:

1. Who has resided with the employee for at least thirty (30) days prior to application; or
2. For whom the employee is legally responsible.

Family and Medical Leave**LEAVE FOR THE BIRTH OR PLACEMENT OF A CHILD**

In the case of eligible spouses who are both employed by the KSB/KSD, both are entitled to twelve (12) weeks of leave due to the birth or placement of a child (i.e., bonding time). There may be some instances where an employee may qualify for family and medical leave prior to the birth of a child. For example, an expectant mother may take family and medical leave for prenatal care or if her condition makes her unable to work (such as in the case of severe morning sickness or if placed on bed rest by a physician). The mother is entitled to family and medical leave for incapacity due to pregnancy even though she does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three (3) consecutive calendar days (the typical requirements for FMLA). In the case of an adoption or foster care, an employee is eligible to receive family and medical leave before the placement or adoption in some instances. For example, the employee may be required to attend counseling sessions, appear in court, consult with his or her attorney or the doctor(s) representing the birth parent, submit to a physical examination, or travel to another country to complete an adoption. An employee ordinarily must provide advance notice of his or her intent to use leave due to the birth or placement of a child through adoption or foster care. In general, upon the conclusion of the twelfth (12th) week of leave, if an employee has not exhausted his or her accrued leave and unpaid family and medical leave, an employer may require an employee to provide medical certification of the need for any additional leave time.

RESTRICTIONS

In general, an employee shall not be placed on family and medical leave until the employee has exhausted all accumulated paid leave such as sick, emergency, or personal leave. However, upon written request, the employee may reserve up to ten (10) days of accumulated sick leave and be placed on family and medical leave. An employee may not elect to reserve annual, emergency, personal, or compensatory leave.

Alternatively, the employee may elect to utilize family and medical leave concurrently with other accumulated paid leave. An eligible employee is not entitled to the protections of the federal FMLA until the employee elects to utilize family and medical leave. An employee utilizing accumulated paid leave must elect to use family and medical leave concurrently with paid leave in order to be entitled to the protections contained in the federal FMLA while on paid leave. If an eligible employee does not elect to use family and medical leave concurrently with paid leave, the employee must comply with the applicable paid leave policies.

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.

Family and Medical Leave**INTERMITTENT LEAVE/REDUCED HOURS**

Family and medical leave may be taken intermittently or on a reduced leave schedule under certain circumstances. Intermittent leave is family and medical leave taken in blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. Intermittent leave must be granted for the following qualifying conditions when medically necessary:

1. An employee's own serious health condition;
2. To care for the employee's spouse, son, daughter, parent, or immediate family member with a serious health condition;
3. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, next of kin, or immediate family member to the service member; and
4. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, parent, or immediate family member is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

CONTINUATION OF BENEFITS

While an employee is on unpaid family and medical leave, the state contribution for health and life insurance shall be maintained by the employer. If applicable, arrangements will need to be made for employees to pay their share of health and life insurance premiums while on unpaid family and medical leave. Other employment benefits and seniority shall not accrue during unpaid family and medical leave. On return from family and medical leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee shall be free from interference with, restraint, or the denial of any rights provided by the federal FMLA. An employee may not be discharged or discriminated against for opposing or complaining about any unlawful practice under the federal FMLA.

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. This may include certification by the health care provider that the employee is able to perform essential functions specific to the job, as noted by the KSB/KSD in a list attached to the certification form.

Upon return to work, the employee shall be entitled to his/her same position (or an equivalent position with equivalent pay) with corresponding benefits and other terms and conditions of employment.

Family and Medical Leave

NOTICE

The **KSB/KSD** shall notify employees of family and medical leave provisions by posting appropriate notices in conspicuous places in the **school office** and distributing notices as required by law.

REFERENCES:

101 KAR 2:102; 101 KAR 3:015

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

PERSONNEL

- CERTIFIED PERSONNEL -**Maternity Leave****PAID SICK LEAVE**

Childbirth and recovery therefrom, which prevent the employee from performing assigned duties, shall entitle the employee to **utilize paid** sick leave benefits as provided in Board Policy 03.1232.

An illness of the newborn shall entitle the employee to **utilize paid** sick leave benefits as provided in Board Policy 03.1232.

UNPAID MATERNITY LEAVE (KRS 161.770)

On written request, the parent of a newborn or the employee who adopts a child or children shall be granted unpaid leave of absence not to exceed the remainder of the school year in which the birth or placement occurred. Thereafter, leave may be extended in increments of no more than one (1) year.

Employees on maternity leave shall notify the **Commissioner/Designee** in writing of their intent to return to the school system on or before the date prescribed in Policy 03.123. Employees who fail to notify the **Commissioner/Designee** of their return by the date prescribed in Policy 03.123 cannot be guaranteed employment for the following school year.

Employees taking a maternity leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position or the same school cannot be guaranteed.

FMLA

In compliance with the Family and Medical Leave Act of 1993, eligible employees are entitled to up to twelve (12) workweeks of unpaid leave to care for the employee's child after birth or placement of a child with the employee for adoption or foster care. Leave to care for an employee's healthy newborn baby or minor child who is adopted or accepted for foster care must be taken within twelve (12) months of the birth or placement of the child.

REFERENCES:

KRS 161.155; KRS 161.770
OAG 80-151; OAG 84-43; OAG 86-66
Family and Medical Leave Act of 1993

RELATED POLICIES:

03.123; 03.1232; 03.12322

PERSONNEL

- CERTIFIED PERSONNEL -**Extended Disability Leave**

This policy shall be applied in a manner consistent with policy 03.113 and the Americans with Disabilities Act (ADA), when those provisions are applicable.

UNPAID LEAVE

Unpaid disability leave shall be granted to **certified personnel** by the **Commissioner/Designee** upon written request, for the remainder of the school year. Thereafter, leave may be extended by the **Commissioner/Designee** in increments of no more than one (1) year.

FMLA

In compliance with the Family and Medical Leave Act of 1993, medical leave shall be granted in accordance with Board Policy 03.12322.

NOTIFICATION OF RETURN

Employees on extended disability leave shall notify the **Commissioner/Designee** in writing of their intent to return to the school system on or before the date prescribed in Policy 03.123. Employees who fail to notify the **Commissioner/Designee** of their return by the date prescribed in Policy 03.123 cannot be guaranteed employment for the following school year.

VERIFICATION

The **Commissioner/Designee** may require the employee to secure a licensed physician's verification of disability.

PLACEMENT UPON RETURN

Employees taking disability leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position or the same school cannot be guaranteed.

INVOLUNTARY DISABILITY LEAVE

When, in the opinion of the **Commissioner/Designee**, there is evidence that a teacher or the **Principal** is no longer able to perform satisfactorily the assigned duties, the **Commissioner/Designee** may require the employee to provide evidence of ability to perform the essential functions of the position in the form of an examination and report by a physician of the **Commissioner/Designee's** choosing. The **Kentucky Department of Education** shall bear the cost of this examination.

The **Commissioner/Designee** may suspend the employee temporarily pending the physician's examination and may grant an involuntary leave of absence and renewals thereof following the physician's examination.

The **certified** employee shall have the right to a hearing on such involuntary leave and its renewal or extension in accordance with the provisions for hearing and appeal in KRS 161.790.¹

RETIREMENT DISABILITY

Retirement disability shall be handled in accordance with KRS 161.662.²

Extended Disability Leave

REFERENCES:

¹KRS 161.790; OAG 65-560, KRS 161.770
²KRS 161.662, OAG 80-151
OAG 84-43
Consolidated Omnibus Budget Reconciliation Act
Family & Medical Leave Act of 1993
Americans with Disabilities Act

RELATED POLICIES:

03.111
03.113
03.123
03.12322
03.173

- CERTIFIED PERSONNEL -**Educational/Professional Leave****EDUCATIONAL/PROFESSIONAL PURPOSE**

Upon written request of a teacher or the Principal, the **Commissioner/Designee** may grant leave (without pay) not to exceed two (2) consecutive years for educational or professional purposes. Leave may be granted for full-time attendance at universities or other training or professional activities approved by the **Commissioner/Designee** when those activities are related to the employee's job or to other jobs an employee might hold in the school system. Leave will not be granted for part-time educational activities.

LIMITATIONS

No more than two percent (2%) of the certified employees may be on educational/professional leave at one time. When requests exceed two percent (2%), those submitting the earliest requests will be given first consideration.

TIME OF APPLICATION

Written application for educational/professional leave must be made at least sixty (60) days before the leave is to begin.

NOTIFICATION OF RETURN

Employees on educational/professional leave shall notify the **Commissioner/Designee** in writing of their intent to return to the school system on or before the date prescribed in Policy 03.123. Employees who fail to notify the **Commissioner/Designee** of their return by the date prescribed in Policy 03.123 cannot be guaranteed employment for the following school year.

PLACEMENT UPON RETURN

Employees taking an educational/professional leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position or the same school cannot be guaranteed.

REFERENCES:

KRS 158.782; KRS 161.770
OAG 79-106
OAG 84-43
OAG 91-134

RELATED POLICY:

03.123

-CERTIFIED PERSONNEL-**Emergency Leave****NUMBER OF DAYS**

Full-time certified employees shall be entitled to **twenty-two and one-half (22.5) hours of emergency leave with pay each year. Full-time certified employees shall be credited with said emergency leave at the beginning of each school year.**

Persons employed for less than a full year contract shall receive a prorata part of the authorized emergency leave **hours** calculated to the nearest 1/2 **hour**.

Persons employed on a full year contract but scheduled for less than a full work day shall receive the authorized emergency leave **hours** equivalent to their normal working day.

All leave shall be used in half day increments of three and three-fourths (3.75) hours.

EMERGENCY LEAVE

Consistent with the following provisions, certified personnel may use twenty-two and one-half (22.5) hours of sick leave per year for emergency leave.

Emergency leave shall be used in half day increments of three and three-fourths (3.75) hours.

Emergency leave shall be granted for the following reasons:

DISASTERS

Personal disasters of the magnitude of tornadoes, fires, floods, etc. This applies only in cases not covered by sick leave.

COURT/LEGAL

Appearances as a witness or to produce documents when the employee's presence is required by subpoena. This is not to include appearances in actions in which the employee is a party and the subpoena is obtained by or on behalf of the employee. This also does not include jury duty. (See Policy 03.1237.)

OTHER

Such other reasons of an emergency or extraordinary nature as approved by the **Commissioner/Designee**.

REQUEST FOR LEAVE

Emergency leave must be requested through the **Commissioner** or designee who will determine if the leave requested meets the criteria set forth in this policy.

AFFIDAVIT

Persons taking emergency leave must file a personal affidavit upon their return to work stating the specific reasons for their absence.

Emergency Leave

ACCUMULATION

Emergency leave days not taken during the school year shall not accumulate **and will not convert to other leave time.**

REFERENCES:

KRS 161.152, KRS 161.155
OAG 76-427, OAG 72-348

RELATED POLICIES:

03.1232, 03.1237

- CERTIFIED PERSONNEL -

Jury Leave

SALARY

Any employee who serves on a jury in a duly constituted local, state, or federal court shall be granted leave with full compensation, less any compensation received as jury pay (except expense monies), for the period of his actual jury service.

NOTICE

Persons who will be absent from work to serve on juries must give advance notice to their immediate supervisors.

REFERENCES:

KRS 161.153
OAG 78-696

- CERTIFIED PERSONNEL -**Military/Disaster Services Leave**

Military leave will be granted to certified personnel under the provisions and conditions specified in law.

Employees who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or the reserve corps of the United States Public Health Service shall be entitled to military leave, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled. In any one (1) federal fiscal year, employees, while on military leave, shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued. Determination of the period of military leave to be granted shall be made according to statutory requirements.

The employee is responsible for notifying his/her immediate supervisor as soon as s/he is notified of an impending military-related absence **and provide documentation of orders.**¹

The **Commissioner/Designee** may grant disaster services leave to requesting eligible employees. An "eligible employee" means one who is a certified disaster services volunteer of the American Red Cross. Disaster services leave shall be with pay and shall not exceed thirty (30) work days in any twelve (12)-month period.²

REFERENCES:

¹KRS 61.373, KRS 61.375, KRS 61.377, KRS 61.394, KRS 61.396

²KRS 61.395

KRS 161.168

KRS 161.740 (3)

702 KAR 3:070

OAG 76-316

OAG 74-258

OAG 82-305

- CERTIFIED PERSONNEL -**Insurance****INSURANCE**

The **Kentucky Department of Education** shall provide unemployment insurance¹ and workers' compensation² insurance for all certified personnel. In addition, the State provides group health and life insurance to employees who are eligible as determined by Kentucky Administrative Regulation.³

WORKERS' COMPENSATION

Employees who qualify for workers' compensation benefits following an assault and injury while performing assigned duties should refer to Policy 03.123.

Employees who qualify for Workers' Compensation may be offered the opportunity to participate in an Early Return to Work Program. Transition employment need not be in the same job classification or location, but must comply with the treating physician's restrictions and amendments until the participating employee achieves maximum medical recovery.

REFERENCES:

¹KRS 341.050

²KRS 342.630

³702 KAR 1:035

KRS 161.158; OAG 83-151

Consolidated Omnibus Budget Reconciliation Act

Kentucky Constitution (Section 3); KRS 161.155; KRS 342.730(6)

RELATED POLICIES:

03.1211, 03.123, 03.12322, 03.1241, 03.14

- CERTIFIED PERSONNEL -**Workers' Compensation Payments****COORDINATION WITH SICK LEAVE**

Employees shall not be required to use sick leave in connection with a work related injury. However, employees claiming workers' compensation income benefits who have sick leave available may choose to use sick leave in order to maintain the equivalent of full salary for the days they are unable to work. Employees shall not be entitled to payment in excess of one hundred percent (100%) of contracted salary.

EMPLOYEE ELECTION

In order to maintain full salary, employees may voluntarily elect to use sick leave to which they are entitled. To coordinate benefits in connection with the employee's election to use sick leave¹, the employee shall pay to the **KSB/KSD** a sum equal to workers' compensation income benefits received for the same period that the employee uses sick leave. The employee may make such payment by endorsing the workers' compensation benefits check to the **Kentucky State Treasurer** or by paying the **Kentucky State Treasurer** by personal check or cash. The employee's sick leave balance shall then be reinstated to the extent of such payment.

REFERENCES:

¹KRS 161.155, KRS 342.730

RELATED POLICIES:

03.1232
03.12322

- CERTIFIED PERSONNEL -**Expense Reimbursement**

Provided the **Commissioner/Designee** has given prior approval to incur necessary and appropriate expenses, the **KSB/KSD through the Kentucky Finance and Administration Cabinet** shall reimburse school personnel for school-related travel when such travel is a required part of the duties of the employee or for school-related activities approved by the **Commissioner/Designee**. Travel expenses for guests of employees shall not be reimbursed.

Expense reimbursement shall be in accordance with KRS 44.060, KRS 45.101, and 200 KAR 2:006.

REIMBURSEMENT FORM

Travel vouchers shall be submitted within one (1) week of the travel. No requests for travel reimbursement will be considered unless filed on the proper form and accompanied by itemized receipts.

Without proper documentation, individuals shall not receive reimbursement, and, if it is determined that reimbursement was made based on incomplete or improper documentation, the individual may be required to reimburse the **KSB/KSD**.

REFERENCES:

KRS 44.060; KRS 45.101

KRS 160.290; KRS 160.410; KRS 175.525

200 KAR 2:006

OAG 80-395

United States v. Correll, 389 U.S. 299 (1967)

Accounting Procedures for Kentucky School Activity Funds

- CERTIFIED PERSONNEL -**Assignment**

The assignment of all certified personnel shall be made by the **Commissioner/Designee**. The **Commissioner/Designee** shall make all appointments, promotions, and transfers of certified personnel for positions authorized by the **Commissioner**. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the **Commissioner/Designee**.

The **Commissioner/Designee** shall assign personnel who are certified for the positions they will hold and who possess qualifications established by Board policy or the **Commissioner**, except in the case where no individual applies who is properly certified and/or who meets qualifications set by Board policy or the **Commissioner**.

The **Commissioner/Designee** shall not assign the relative of a school Principal to the school where the Principal is assigned unless the relative is not the spouse and was employed in that school during the 1989-90 school year. No spouse of a Principal shall be assigned to the school where the Principal is assigned unless the spouse was assigned in that school during the 1989-90 school year and there is no other position in the **KSB/KSD** for which the spouse is certified or unless the spouse was employed in the 1989-90 school year and the **KSB/KSD** has no more than one (1) elementary school, one (1) middle school, and one (1) high school. A Principal's spouse employed in the Principal's school shall be evaluated by another school administrator.¹

The **Commissioner/Designee** shall not assign a certified employee to an alternative education program as defined in KRS 160.380 as part of any disciplinary action pursuant to KRS 161.790 or as part of a corrective action plan established pursuant to the **KSB/KSD's** evaluation plan.

REFERENCES:

KRS 160.380; OAG 76-360
KRS 156.095; KRS 158.060
KRS 160.345; KRS 160.390
KRS 161.760; KRS 161.790
OAG 11-001; OAG 78-266
OAG 91-28; OAG 91-149
OAG 92-1; OAG 92-135

RELATED POLICY:

02.4244

- CERTIFIED PERSONNEL -**Transfer**

Transfers of certified personnel shall be made by the **Commissioner/Designee**. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the **Commissioner/Designee**.

Transfer or reassignment of certified personnel will be made no later than thirty (30) days before the first student attendance day of the school year except to fill vacancies created by illness, death, or resignations; to reduce or increase personnel because of a shift in school population; to make personnel adjustments after consolidation or merger; or to assign personnel according to their major or minor fields of training.¹

TRANSFER OF EMPLOYEES CHARGED WITH A FELONY

Notwithstanding any other policy provision, the **Commissioner/Designee** may transfer an employee charged with a felony offense as permitted under KRS 160.380.

REFERENCES:

¹KRS 161.760; OAG 78-266
KRS 160.380; OAG 76-360
OAG 91-149
OAG 92-1
OAG 91-115
OAG 92-135
OAG 92-78

PERSONNEL**- CERTIFIED PERSONNEL -****Promotion**

The promotion of certified personnel shall be made by the **Commissioner/Designee**. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the **Commissioner/Designee**.

The promotion of personnel shall be based on qualifications, success in past assignments, and potential for success in the new position.

REFERENCES:

KRS 160.380

OAG 76-360

OAG 91-149

OAG 92-1

RELATED POLICY:

02.4244

- CERTIFIED PERSONNEL -

Demotion

In accordance with statutory provisions, the demotion of certified personnel shall be made by the **Commissioner/Designee**. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the **Commissioner/Designee**.

REFERENCES:

KRS 161.760
KRS 161.765
KRS 161.164
OAG 76-360
OAG 91-149
OAG 92-1
OAG 92-135

- CERTIFIED PERSONNEL -**Use of School Property**

All personnel shall be responsible for school equipment, supplies, books, furniture, and apparatus under their care and use. Any damaged, lost, stolen, or vandalized property shall be reported to the employee's immediate supervisor, who shall then report it to the **Commissioner/Designee** once it is confirmed that the item cannot be recovered.

In addition, employees shall not perform personal services for themselves or for others for pay or profit during work time and/or using **KSB/KSD** property or facilities. **KSB/KSD** property being used for unauthorized purposes shall be reported to that employee's immediate supervisor.

OUTSIDE WORK

An employee shall not use any **KSB/KSD** facility, vehicle, electronic communication system, equipment, or materials in performing outside work. These items (including security codes and electronic records, such as E-mail) are property of the **KSB/KSD** and shall be used solely for job-related purposes.

ELECTRONIC COMMUNICATIONS

Employees shall not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. Employees cannot expect confidentiality or privacy as to information entered or stored in their E-mail accounts. Authorized **KSB/KSD** personnel may monitor the use of electronic equipment from time to time. **Employees shall be provided notice of acceptable use of electronic devices and communications.**

DRIVING RECORD

Employees who have occasion to drive any **KSB/KSD** or state-owned vehicle and/or transport students shall annually provide the **Commissioner/Designee** with a copy of their driving record from the Kentucky Department of Transportation. Any traffic citation received during the year shall be reported to the **Commissioner/Designee** prior to driving a **KSB/KSD** or state-owned vehicle or transporting students.

USE OF ASSIGNED TELECOMMUNICATION DEVICES

The **KSB/KSD** authorizes the purchase and employee use of telecommunication devices, as deemed appropriate by the **Commissioner/Designee**. These devices shall include, but are not limited to, pagers and digital or cell phones. Telecommunication devices may be assigned or made available on a temporary or on-going basis when it is determined that:

1. Assignment of a device to an employee is a prudent use of **KSB/KSD** resources.
2. The employee's job responsibilities require the ability to communicate frequently and access to a **KSB/KSD** or public telephone is not readily available.
3. The employee's job involves situations where immediate communication is necessary to ensure the security of **KSB/KSD** property or safety of students, staff or others while on **KSB/KSD** property or engaged in **KSB/KSD**-sponsored activities.

KSB/KSD-owned telecommunication devices shall be used primarily for authorized **KSB/KSD** business purposes. However, occasional personal use of such equipment is permitted.

Use of School Property

REFERENCES:

KRS 160.290; KRS 189.292
KRS 281A.205; 702 KAR 5:080
15-ORD-190

- CERTIFIED PERSONNEL -**Political Activities**

No **KSB/KSD** employee shall promote, organize, or engage in political activities while performing his/her duties or during the work day. Promoting or engaging in political activities shall include, but not be limited to, the following:

1. Encouraging students to adopt or support a particular political position, party, or candidate; or
2. Using school property or materials to advance the support of a particular political position, party, or candidate.

"Political positions" shall not be defined to include communications approved by the **Commissioner/Designee or Principal** to be distributed to parents or the community concerning **KSB/KSD** needs or proposed actions by the **Commissioner or Kentucky Board of Education**. Examples of such communications may include, but not be limited to, those addressing **KSB/KSD** facility and financial needs.

REFERENCES:

KRS 161.164; KRS 161.990
OAG 72-700; OAG 63-572
OAG 92-145

RELATED POLICY:

03.113

- CERTIFIED PERSONNEL -**Disrupting the Educational Process**

Any employee who participates in or encourages activities that disrupt the educational process, whether on school property or at school-sponsored events and activities, may be subject to disciplinary action, including termination of contract.

For purposes of this section, behavior which disrupts the educational process shall include, but not be limited to:

1. Conduct that threatens the health, safety, or welfare of others;
2. Conduct that may damage public or private property, including the property of students or staff;
3. Illegal activity;
4. Conduct that interferes with a student's access to educational opportunities or programs, including ability to attend, participate in, and benefit from instructional and extracurricular activities; or
5. Conduct that disrupts delivery of instructional services or interferes with the orderly administration of the school and school-related activities or **KSB/KSD** operations.

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, 09.422 and/or 03.162, which addresses harassment/discrimination allegations.

REFERENCES:

KRS 160.290

KRS 161.790

RELATED POLICIES:

03.113, 03.162, 03.17, 09.422, 10.21

- CERTIFIED PERSONNEL -**Drug-Free/Alcohol-Free Schools****DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES**

KSB/KSD employees shall not manufacture, distribute, dispense, be under the influence of, purchase, possess, use, or attempt to purchase or obtain, sell or transfer any of the following in the workplace or in the performance of duties:

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and
3. Substances that look like a controlled substance. In instances involving look-alike substances, there must be evidence of the employee's intent to pass off the item as a controlled substance.

In addition, employees shall not possess prescription drugs for the purpose of sale or distribution.

DEFINITIONS

Controlled substance shall mean any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to KRS 218A.020.

Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, prohibited volatile substances as defined in KRS 217.900 or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

AUTHORIZED DRUGS

Employees who personally use or who are designated to administer to a student a drug authorized by and administered in accordance with a prescription from a health professional shall not be considered in violation of this policy.

WORKPLACE DEFINED

Workplace shall mean the site for the performance of work done for the **KSB/KSD** including any place where work on a **KSB/KSD** program, project or activity is performed, including, but not limited to, a school building or other school premises and any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities. "Workplace" shall also include school-sponsored or school-approved activities, events or functions which are held off school property and in which students are under **KSB/KSD** jurisdiction including, but not limited to, field trips and athletic events.

SUSPENSION/TERMINATION/NON-RENEWAL

Any employee who violates the terms of this policy may be suspended, non-renewed or terminated. In addition, violations may result in notification of appropriate legal officials.

Drug-Free/Alcohol-Free Schools**ALTERNATIVE**

As an alternative, the **Commissioner/Designee** may choose that an employee who violates the terms of the **KSB/KSD's** drug-free/alcohol-free workplace policies shall satisfactorily participate in a **Kentucky Personnel Cabinet**-approved drug/alcohol abuse assistance or rehabilitation program. If the employee fails to satisfactorily participate in such a program, the employee may be suspended, non-renewed or terminated.

REPORTING

Employees of the **KSB/KSD** shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.

NOTIFICATION BY EMPLOYEE

Any employee convicted of a workplace violation of criminal drug statutes shall, within five (5) working days, provide notification of the conviction to the **Commissioner/Designee**

POST-DISCIPLINE DRUG TESTING

Following determination by an administrative or judicial proceeding that s/he engaged in misconduct involving the illegal use of controlled substances, **an employee** who has been reprimanded or disciplined for misconduct involving illegal use of controlled substances shall submit to random or periodic drug testing in accordance with applicable Kentucky Administrative Regulation for a period not to exceed twelve (12) months from the date of such reprimand or disciplinary action.

PREVENTION PROGRAM

The **Principal** shall establish a comprehensive and on-going drug-free/alcohol-free prevention program for all employees which shall include notice of the following:

1. The **KSB/KSD's** policies and related procedures on drug-free/alcohol-free schools;
2. The requirement for mandatory compliance with the **KSB/KSD's** established standards of conduct, including those that prohibit use of alcohol, drugs and other controlled and prohibited substances;
3. Information about available drug/alcohol counseling programs and available rehabilitation/employee assistance programs; and
4. Penalties that may be imposed upon employees for violations of this policy.

REFERENCES:

KRS 160.290; KRS 160.380

KRS 161.120; KRS 161.175; KRS 161.790

KRS 217.900; KRS 218A.1430; KRS 218A.1447

16 KAR 1:030; 701 KAR 5:130; 34 C.F.R. Part 85

P. L. 101-226 (Improving America's Schools Act of 1994 (Title IV): Safe and Drug-Free Schools and Communities)

PERSONNEL

03.13251
(CONTINUED)

Drug-Free/Alcohol-Free Schools

RELATED POLICIES:

03.1325; 08.1345; 09.2241

- CERTIFIED PERSONNEL -

Use of Tobacco

USE OF TOBACCO PROHIBITED

The use of any tobacco products is prohibited on any building or premises owned or operated by the KSB/KSD.

REFERENCES:

KRS 438.050

KRS 160.290

KRS 160.340

OAG 81-295

OAG 91-137

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

RELATED POLICY:

09.4232

PERSONNEL**- CERTIFIED PERSONNEL -****Duties**

All employees are expected to use sound judgment in the performance of their duties and to take reasonable measures to protect the health, safety, and well-being of others, as well as KSB/KSD property.

JOB DESCRIPTION

Prior to the authorization of any personnel position in the KSB/KSD budget, the **Commissioner/Designee**, collaborating with **KSB/KSD Principals**, shall develop a job description which establishes all essential functions of the position. The description shall encompass supervision responsibilities, completion of records and reports, and achievement of professional goals identified to enhance student achievement and help the school meet goals established by statute, **The Commissioner/Designee**, and/or **KSB/KSD** policy. Certified personnel shall also be held responsible for cooperation with students, professional associates, parents, staff, and community groups.

INVESTIGATIONS

All employees shall cooperate fully with all investigations conducted by the **KSB/KSD** as authorized by policy or law. Failure to comply may be considered insubordination.

ACCOMMODATION

Reasonable accommodation shall be provided each qualifying employee with a disability to comply with the requirements of law and regulation.¹

REFERENCES:

- ¹Americans With Disabilities Act (ADA)
- P. L. 101-336
- Rehabilitation Act of 1973; P. L. 93-112 Sec. 504
- KRS 158.645; KRS 158.6451
- 16 KAR 1:020 (Code of Ethics); OAG 91-10; OAG 92-1

RELATED POLICY:

03.113

- CERTIFIED PERSONNEL -**Outside Employment or Activities****OUTSIDE EMPLOYMENT**

Certified employees shall not accept outside employment or activities which will prevent them from fulfilling regularly assigned school duties and obligations. **Any employee who is engaged or wishes to engage in outside employment shall seek the approval of his/her supervisor by completing and submitting the appropriate form.**

Employees shall not perform any duties related to an outside job during their regular working hours.

EXCEPTION

While performing service or undergoing training, employees who are members of the National Guard, any reserve component of the U.S. armed forces, or reserve corps of the U.S. Public Health Service shall be entitled to leave of absence from their respective duties.¹

REFERENCES:

¹KRS 61.394, KRS 61.396
KRS 160.290
KRS 160.291 (4)

RELATED POLICIES:

03.122
03.1238

- CERTIFIED PERSONNEL -**Hours of Duty****REGULAR HOURS**

Certified employees shall be prompt in attendance and shall remain on duty **for a minimum of seven and one-half (7.5) hours per day and** as specified by school policy or their immediate supervisor.

No certified employee shall leave his/her job assignment during duty hours without the express approval of his/her immediate supervisor.

ADDITIONAL HOURS

Certified employees may be required to perform additional duties as directed by school policy or assigned by their immediate supervisor.

REFERENCES:

KRS 158.060
KRS 160.290 (2)
OAG 77-718
OAG 65-179
OAG 55-37, 675

RELATED POLICY:

03.121

- CERTIFIED PERSONNEL -**Staff Meetings**

Unless they are on leave or have been excused by the Principal/designee, staff members shall attend meetings called by the Principal or other authorized administrator.

SCHEDULE OF REGULAR STAFF MEETINGS

The Principal and administrative staff shall develop a proposed schedule of routine staff meetings that will take place after the end of the regular instructional school day. The schedule shall include the projected dates and anticipated time frames for the meetings.

The final meeting schedule shall then be shared with staff members by the Principal/designee in a timely manner.

Changes may be made to the approved schedule and additional staff meetings may be called on short notice to address urgent school problems. Every reasonable effort shall be made to give appropriate advance notice in such cases.

RELATED POLICY:

03.1332

- CERTIFIED PERSONNEL -**Use of Personal Cell Phones/Telecommunication Devices**

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 while on duty or working with students except with prior permission from the Principal/designee or immediate supervisor.

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.

- CERTIFIED PERSONNEL -**Health and Safety****SAFETY**

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

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

HAZARD COMMUNICATION PLAN

The Principal/designee shall develop a KSB/KSD Hazard Communication Plan. The plan shall include:

1. The assignment of a KSB/KSD employee to be responsible for the implementation and coordination of the Hazard Communication Plan;
2. The inventory of all chemicals used at each school and worksite;
3. The identification of each chemical in the inventory that is covered by the OSHA Hazard Communication Standard;
4. Maintenance of a Safety Data Sheet (SDS) for each substance on the chemical inventory list for as long as the KSB/KSD 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 Principal/designee shall develop an Exposure Control Plan to eliminate or minimize KSB/KSD 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 KSB/KSD, 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 Principal/designee shall review and update the Exposure Control Plan at least once each year and when needed to reflect new or modified tasks and procedures that affect occupational exposure or new or revised employee positions with occupational exposure. The review and update shall also address:

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

LOCKOUT/TAGOUT

The Principal/designee shall develop a lockout/tagout program to eliminate or minimize the unexpected startup or release of stored energy in mechanical or electrically powered equipment. The plan shall address:

1. Assignment of a KSB/KSD 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 Principal/designee shall conduct a hazard assessment to determine when and where the use of personal protective equipment (PPE) is necessary. The hazard assessment shall address:

1. Assignment of a KSB/KSD employee responsible for assessing the workplace for hazards;
2. Selection of appropriate PPE to safeguard employees from hazards that cannot be eliminated;

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

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

ASBESTOS MANAGEMENT

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

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

REFERENCES:

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

- CERTIFIED PERSONNEL -**Personnel Records**

One (1) master personnel file, documenting employment history and including information maintained in electronic format, shall be maintained for each employee. This file shall be maintained by the **Kentucky Department of Education, Division of Resource Management** and shall be under the custody of the **Commissioner** or the **Commissioner's** designee. This file may be inspected by the employee.¹ The **Kentucky Department of Education** shall develop procedures to ensure the security of the files.²

The Principal/supervisor may maintain a personnel folder for each person under his/her supervision. These folders may contain:

1. Items used as reference and not forwarded to the master personnel file in the by the **Kentucky Department of Education, Division of Resource Management**,
2. The employee's evaluation and other school-related correspondence to or from the employee, and
3. Other informational items that may or may not be maintained in the by the **Kentucky Department of Education, Division of Resource Management** master personnel file.

PUBLIC INSPECTION

Those portions of personnel records containing material of a personal nature, the disclosure of which would constitute an invasion of privacy, are not open for public inspection.³

MEDICAL INFORMATION

Medical information shall be maintained separately from an employee's personnel file.

KSB/KSD acquisition and disclosure of applicant and employee genetic information shall comply with applicable legal requirements.⁴

REFERENCES:

¹KRS 61.884

²KRS 61.876

³KRS 61.878

⁴Genetic Information Nondiscrimination Act of 2008

KRS 61.870; KRS 61.872; KRS 61.874; KRS 161.151; KRS 160.705

704 KAR 3:370

OAG 77-394; OAG 85-109; OAG 86-15; OAG 89-90; OAG 91-161; OAG 91-176

Kentucky Education Technology System (KETS)

Records Retention Schedule, Public School District

Americans with Disabilities Act; (P.L. 101-336); 42 U.S.C. 12112

RELATED POLICIES:

03.111, 10.11

- CERTIFIED PERSONNEL -**Grievances****PROCEDURES**

The **Kentucky Department of Education** shall develop specific grievance procedures to include, but not be limited to, the opportunity for grievances to be addressed and resolved at each level of the chain of command from the point of origin, time limitations for the filing and the appeal of a grievance, and procedures for the orderly review and appeal of each individual grievance.

Grievances are individual in nature and must be brought by the individual grievant.

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

GENERAL GRIEVANCES

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

PERSONNEL ISSUES

The **Kentucky Board of Education** will not hear any grievance concerning personnel actions taken by the **Commissioner/Designee**, unless the grievance is based on an alleged violation of constitutional, statutory, regulatory, or policy provisions.

Before accepting a grievance appeal, the **Kentucky Board of Education** shall seek the advice of the Board Attorney as to whether the appeal falls within the requirements of this policy. Any personnel grievance not falling within those requirements shall be appealed only to the level of the **Commissioner/Designee**.

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

EXCEPTION

Harassment/Discrimination allegations shall be governed by Policy 03.162.

REFERENCE:

OAG 78-204

RELATED POLICY:

03.162

- CERTIFIED PERSONNEL -**Harassment/Discrimination****DEFINITION**

Harassment/Discrimination of employees is unlawful behavior based on the race, color, national origin, age, religion, sex, **sexual orientation, gender identity, pregnancy, veteran status** or disability of an employee involving intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred or prejudice.

PROHIBITION

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

KSB/KSD staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

DISCIPLINARY ACTION

Employees who engage in harassment/discrimination of another employee or a student on the basis of any of the areas mentioned above shall be subject to disciplinary action including, but not limited to, termination of employment.

GUIDELINES

Employees who believe they or any other employee, student, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the **Commissioner/Designee**. If an employee is not assigned to a particular school, a report of harassment/discrimination may be made to the employee's immediate supervisor or to the **Commissioner/Designee**. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the **KSB/KSD** Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.¹

The **Commissioner/Designee** shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) working days of receipt of the original complaint, regardless of the manner in which the complaint is communicated to a **KSB/KSD** administrator. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency.

The **Commissioner/Designee** may take interim measures to protect complainants during the investigation.

Harassment/Discrimination**GUIDELINES (CONTINUED)**

2. A process to identify and implement, within five (5) working days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
3. A process to be developed and implemented to communicate requirements of this policy to all staff, which may include, but not be limited to, the following:
 - written notice provided in publications such as handbooks, staff memoranda, and/or pamphlets;
 - postings in the same location as are documents that must be posted according to state/federal law; and/or
 - such other measures as determined by the **Commissioner/Designee**.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the **KSB/KSD's** complete policy.

4. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination; and
5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

PROHIBITED CONDUCT

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Instances involving sexual violence;
4. Causing an employee to believe that he or she must submit to unwelcome sexual conduct in order to maintain employment or that a personnel decision will be based on whether or not the employee submits to unwelcome sexual conduct;
5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
6. Seeking to involve individuals with disabilities in antisocial, dangerous or criminal activity where they, because of disability, are unable to comprehend fully or consent to the activity; and
7. Destroying or damaging an individual's property based on any of the protected categories.

Harassment/Discrimination**CONFIDENTIALITY**

KSB/KSD employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of all parties involved.

APPEAL

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the **Commissioner/Designee**.

If a supervisory staff member is an alleged party in the harassment/discrimination complaint, provision shall be made for addressing the complaint to a higher level of authority.

Failure by employees to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy or to take corrective action shall be cause for disciplinary action.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because s/he submits a grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

Upon the resolution of allegations, the **Commissioner/Designee** shall take steps to protect employees and students against retaliation.

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, 03.113, 03.1325 and/or 09.422.

REFERENCES:

- ¹KRS 158.156
- 42 USC 2000e, Civil Rights Act of 1964, Title VII, KRS Chapter 344
- 29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations Implementing Title VII
- 20 U.S.C. 1681, Education Amendments of 1972, Title IX
- 34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights Regulations Implementing Title IX
- Genetic Information Nondiscrimination Act of 2008
- Age Discrimination Act, 42 U.S.C. 6101-6107; 34 C.F.R. 110.25

RELATED POLICIES:

03.113, 03.1325, 03.16, 09.2211, 09.422, 09.42811

- CERTIFIED PERSONNEL -**Termination/Nonrenewal/Separation by Employee**

Termination and nonrenewal of contracts shall be the responsibility of the **Commissioner/Designee**. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the **Commissioner/Designee**.

CODE OF ETHICS

Employees who violate provisions of the Professional Code of Ethics for Kentucky School Certified Personnel may be subject to disciplinary action, up to and including termination.

TERMINATION

No contract shall be terminated except upon written notification to the teacher including a statement specifying in detail the charge against the teacher.¹

Termination of contracts of certified personnel shall be made in compliance with the requirements of KRS 161.790.

ALTERNATIVES TO TERMINATION

As an alternative to termination, the **Commissioner/Designee**, upon written notification to the teacher, may impose sanctions in accordance with KRS 161.790.

NONRENEWAL

The Principal/immediate supervisor shall provide the **Commissioner/Designee** with notice of recommended nonrenewals by March 15. Nonrenewal of limited contracts of certified personnel shall be made no later than May 15 in compliance with the requirements of KRS 161.750.

SEPARATION BY EMPLOYEE

Certified employees seeking to resign or terminate contracts in force shall do so in compliance with KRS 161.780.

REPORTING

The **Commissioner/Designee** shall comply with the reporting requirements of KRS 161.120.

REFERENCES:

- ¹KRS 161.790
- KRS 161.120; KRS 161.750; KRS 161.780
- 16 KAR 1:020 (Code of Ethics)
- Consolidated Omnibus Budget Reconciliation Act
- 701 KAR 5:090
- OAG 83-362; OAG 92-135

RELATED POLICY:

03.172

- CERTIFIED PERSONNEL -**Reduction in Force**

When, by reasons noted in KRS 161.800,¹ it becomes necessary to reduce the number of certified personnel, the **Commissioner/Designee** shall do so in compliance with the statute. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the **Commissioner/Designee**.

REFERENCES:

¹KRS 161.800
OAG 82-135
OAG 80-150

RELATED POLICY:

03.1212

PERSONNEL**-CERTIFIED PERSONNEL-****Sanctions**

As an alternative to the termination of a teacher's contract and in accordance with KRS 161.790, the **Commissioner/Designee**, upon providing written notification to the teacher of the charge, may impose sanctions including but not limited to suspension without pay, or public or private reprimand.

REFERENCES:

KRS 160.380
KRS 161.760
KRS 161.790
701 KAR 5:090

RELATED POLICIES:

03.1311
03.17
03.173
03.174

- CERTIFIED PERSONNEL -**Conflict of Interests**

Employees are subject to and shall comply with the Executive Branch Code of Ethics set forth at KRS Chapter 11A and Title 9 of the Kentucky Administrative Regulations. It is the public policy of the Commonwealth that a public servant work for the benefit of the people of the Commonwealth. The Executive Branch Code of Ethics recognizes that public office is a public trust where government is based upon the consent of its citizens. Those citizens are entitled to have complete confidence in the integrity of their government. Thus, the following provision provide general statements of required behavior for executive branch employees:

- Employees must be independent and impartial;
- Decisions and policies must not be made outside established processes of government;
- Employees should not use public office to obtain private benefits;
- Employees' actions should promote public confidence in the integrity of government;
- Employees should not engage or be involved in any activity which has the potential to become a conflict of interest with their state employment.

For guidance, employees should visit the Executive Branch Ethics Commission's website at: <http://ethics.ky.gov/>.

Unless prior arrangements are made with the Commissioner/Designee, any device, publication or any other item to be copyrighted/developed during the employee's paid time shall be KSB/KSD property.

Employees shall not profit monetarily through use of confidential information gained in the course of or by reason of their position of employment with the KSB/KSD.

-CERTIFIED PERSONNEL -**Suspension****PENDING TERMINATION ACTION**

The **Commissioner/Designee** may suspend a certified employee without pay pending final action to terminate the contract if the character of the charges warrants such action. If a tribunal hearing is requested and the decision of the tribunal is against termination of the contract, the suspended teacher shall be paid full salary for the period of such suspension, except that the **Commissioner** may appeal the tribunal's decision to the circuit court.

SANCTIONS

The **Commissioner/Designee** may suspend a teacher without pay as a disciplinary measure in accordance with KRS 161.790.

No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the **Commissioner/Designee**.

TEMPORARY SUSPENSION WITH PAY PENDING INVESTIGATION

An employee shall be suspended with pay only when the **Commissioner/Designee** determines there is a justifiable need for an investigation of alleged employee actions necessary to protect the safety of students and staff or to prevent significant disruption of the workplace and/or educational process. The period of suspension with pay shall not exceed the time needed to determine whether the employee is to return to active service or face disciplinary action; however, suspension with pay shall not exceed ten (10) working days. If circumstances arise that require an investigation or other proceedings that may extend beyond ten (10) working days, the **Commissioner/Designee** may lengthen the period of suspension not to exceed an additional fifteen (15) working days.

Employees suspended with pay shall remain available for immediate recall to active service.

REFERENCES:

KRS 160.390; KRS 161.790
701 KAR 5:090
OAG 92-135, OAG 96-3
938 S.W.2d 880 (Ky. 1996)

RELATED POLICIES:

03.1234; 03.172; 03.174

- CERTIFIED PERSONNEL -**Reinstatement****FOLLOWING TERMINATION HEARING**

When a certified employee has been suspended, pending action to terminate the contract, and the tribunal, if requested, decides against termination after a hearing, the employee shall be reinstated in compliance with KRS 161.790, except that **the Commissioner** may appeal the tribunal's decision to the circuit court.

SANCTIONS

A teacher who has been suspended for disciplinary measures may be reinstated by the tribunal in accordance with KRS 161.790.

REFERENCES:

KRS 161.790
938 S.W.2d 880 (Ky. 1996)

RELATED POLICIES:

03.172
03.173

-CERTIFIED PERSONNEL-**Retirement****DEFINITION**

Retirement means retirement as determined by Kentucky Teachers' Retirement System guidelines.

NOTICE

Persons retiring should give the **Commissioner/Designee** notice as far in advance as possible but not less than two (2) weeks prior to retirement.

RESPONSIBILITY

Retirement benefits shall be solely a matter of contract between the employee and the Kentucky Teachers' Retirement System and shall not be the responsibility of the **KSB/KSD** except that the **KSB/KSD** shall deduct and send to the Kentucky Teachers' Retirement System in the manner prescribed, those amounts required under law.

UNUSED SICK DAYS

The **KSB/KSD** may compensate certified employees only upon initial retirement, or their estate, for each unused sick day at a rate not to exceed 30% of the daily salary. This calculation is based on the employee's last annual salary. For personnel who begin employment with a local school district or **KSB/KSD** on or after July 1, 2008, unused sick leave days to be recognized in calculating reimbursement under KRS 161.155 shall not exceed 300 days.¹

The **KSB/KSD** shall provide compensation for unused sick leave days **in accordance with KRS 161.623 or KRS 161.155** when the employee provides proof s/he qualifies as an annuitant who will receive a retirement or disability allowance from the Kentucky Teachers' Retirement System. Upon death of an employee in active contributing status who was eligible to retire by reason of service, the **KSB/KSD** shall compensate the estate of the employee **in accordance with this Policy**.

REFERENCES:

¹KRS 161.155
KRS 157.420; KRS 161.220; KRS 161.540
KRS 161.545
KRS 161.560; KRS 161.600; **KRS 161.623**
OAG 81-1, OAG 83-191, OAG 97-28
29 U.S.C. 631

- CERTIFIED PERSONNEL -**Evaluation****DEVELOPMENT OF SYSTEM**

The **Principal** shall recommend for approval by the **Kentucky Department of Education** an evaluation system, for all certified employees, which is in compliance with and which shall be implemented consistent with applicable statute and regulation.¹

PURPOSE

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

The **KSB/KSD** may submit an alternative effectiveness evaluation system to the Kentucky Board of Education for approval.

REPORTING

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

NOTIFICATION

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

CONFIDENTIALITY

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

REVIEW

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

All evaluations shall be maintained in the employee's personnel file.²

APPEAL PANEL

The **KSB/KSD** shall establish a panel to hear appeals from summative evaluations as required by law.¹

Evaluation**ELECTION**

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

TERMS

All terms of panel members and alternates shall be for one (1) year and run from July 1 to June 30. Members may be reappointed or reelected.

CHAIRPERSON

The chairperson of the panel shall be the certified employee appointed by the **Commissioner/Designee**.

APPEAL TO PANEL

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

APPEAL FORM

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

CONFLICTS OF INTERESTS

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

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

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

BURDEN OF PROOF

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

HEARING

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

Evaluation**PANEL DECISION**

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

COMMISSIONER/DESIGNEE

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

REVISIONS

The Principal shall submit proposed revisions to the evaluation plan to the Kentucky Department of Education for its review to ensure compliance with applicable statute and regulation.

REFERENCES:

¹KRS 156.557; 704 KAR 3:370

703 KAR 5:225

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

RELATED POLICIES:

²03.15, 03.16, 02.14

- CERTIFIED PERSONNEL -**Professional Development****PROGRAM TO BE PROVIDED**

The KSB/KSD shall provide a professional development (PD) program that meets the goals established in KRS 158.6451 and in the local needs assessment. At the direction of the **Principal** or designee and in conjunction with each school, the **Principal** or designee shall facilitate the development and implementation of this program for all certified employees.

The PD program for the **KSB/KSD** shall be incorporated into the **KSB/KSD** improvement plan. Prior to the implementation of the program, the school PD plan shall be made public, and the **KSB/KSD** PD plan shall be posted to the **KSB/KSD** web site.

The program **shall be designed**;

1. to help achieve student capacities established by KRS 158.645 and goals established by KRS 158.6451;
2. to support the **KSB/KSD's** mission, goals and assessed needs; and
3. to increase teachers' understanding of curriculum content and methods of instruction appropriate for each content area based on individual school plans.

The PD plan shall reflect individual needs of schools and be aligned with the **KSB/KSD** improvement plan and teacher growth plans.

SCHOOL RESPONSIBILITIES

Each school shall plan professional development with the **Principal/designee** and, when appropriate, with other schools to maximize training opportunities. In addition, each school's PD plan shall be submitted to the **Commissioner/Designee** for review and comment.

DOCUMENTATION

The **KSB/KSD** PD plan shall include the method for evaluating impact on student learning and using evaluation results to improve professional learning.

Documentation of completed professional development, including a written evaluation, shall be required. Unless an employee is granted leave under an appropriate **KSB/KSD** policy, failure to complete and document the required hours of professional development during the academic year shall result in a reduction in salary and may be reflected in the employee's evaluation.

REFERENCES:

KRS 156.095, KRS 156.553
KRS 158.070, KRS 158.645, KRS 158.6451
KRS 160.345
704 KAR 3:035, 704 KAR 3:325

RELATED POLICIES:

03.1911; 09.22

- CERTIFIED PERSONNEL -**Professional Meetings****DEFINITION**

Professional meeting shall refer to any meeting that is not included in the **KSB/KSD** professional development plan and that relates to the condition, improvement and/or operation of the schools or any meeting held by a professional education organization, which specifically addresses job efficiency, safety or performance.

AUTHORIZATION TO ATTEND

Employees shall obtain prior authorization to attend professional meetings as specified by **KSB/KSD** policy and procedures. The requesting employee shall submit a written application to attend the meeting, with or without pay and/or expense reimbursement, to the Principal/immediate supervisor for **Principal approval**.

Approval of the **Principal**/designee shall be contingent on:

1. Whether the meeting meets the definition established by this policy;
2. Skills required by the employee's job description or goals of his/her growth plan; and
3. Availability of funds and substitutes.

EXPENSES

Expenses for school-based employees to attend professional meetings, including the cost of substitutes, shall be paid from the school's allocated funds.

REFERENCES:

KRS 156.190, KRS 156.095, KRS 160.345, KRS 160.410
702 KAR 3:246

RELATED POLICIES:

03.125
03.19

- CERTIFIED PERSONNEL -**Instructional Leadership Program**

Instructional leaders, as defined by the Educational Professional Standards Board (EPSB), shall participate in a continuing intensive training program designed especially for instructional leaders.

REQUIRED HOURS

Each school year an instructional leader shall complete no less than twenty-one (21) participant hours in an intensive training program approved by the Kentucky Board of Education. As required by Kentucky Administrative Regulation, the **School** shall report the name of any instructional leader who fails to complete the required twenty-one (21) hours of training.¹

PROBATION

Failure to participate in the required training shall result in a one-year probation. Those instructional leaders who fail to complete the training hours for the prior year and the current year during the probationary period shall have their administrative certificates revoked by the Education Professional Standards Board.²

REFERENCES:

¹KRS 156.101

²704 KAR 3:325

16 KAR 3:030; 16 KAR 3:320

704 KAR 3:035

-CLASSIFIED PERSONNEL-

Classified Personnel

DEFINITION

Classified personnel are all those employees who hold positions **pursuant to KRS 18A. Classified staff are governed by KRS 18A, Title 101 of Kentucky Administrative Regulations, and all policies and procedures as set forth by the Kentucky Personnel Cabinet.**

REFERENCES:

KRS 161.011 (1)

KRS 18A

KRS 78.510

KRS 78.615

702 KAR 1:035