

LEGAL: THE OFFICE OF CIVIL RIGHTS REQUIRES DISTRICT WEBSITES TO BE ACCESSIBLE TO THOSE WITH DISABILITIES.

FINANCIAL IMPLICATIONS: COST OF CONDUCTING WEBSITE AUDIT FOR COMPLIANCE AND PROGRAMMING COSTS

## POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.1

### **Legal Status of the Board**

#### **CORPORATE POWERS**

1. The school district is under the management and control of the Board of Education consisting of five (5) members.
2. The Board is a body politic and corporate with perpetual succession.
3. The Board shall be known as the “Board of Education of Southgate Independent Schools, Southgate, Kentucky.”
4. The Board may sue and be sued; make contracts; expend funds necessary for liability insurance premiums and for the defense of any civil action brought against an individual Board member in an official or individual capacity, or both, on account of an act made in the scope and course of the performance of legal duties as a Board member; purchase, receive, hold, and sell property; issue its bonds to build and construct improvements; and do all things necessary to accomplish the purposes for which it is created.<sup>1</sup>

#### **NOTICE OF NONDISCRIMINATION**

As required by federal law, the District does not discriminate on the basis of race, color, national origin, sex, genetic information, disability, or age in its programs and activities and provides equal access to its facilities to the Boy Scouts and other designated youth groups.

Notice of the name, work address and telephone number of the Title IX Coordinator and the Section 504 Coordinator for the District shall be provided to employees, applicants for employment, students, parents/guardians, and other beneficiaries such as participants in activities offered to the public.

#### **WEBSITE ACCESSIBILITY**

The District is committed to ensuring accessibility of its website for students, employees, visitors, and members of the community with disabilities. All pages on the District’s website shall conform to Level AA of the Web Content Accessibility Guidelines (WCAG) 2.0 developed by the World Wide Web Consortium (W3C) Web Accessibility Initiative (WAI), or updated equivalents of these guidelines.

Under District developed administrative procedures, students, parents, and members of the public may present a complaint regarding a violation of the Americans with Disabilities Act (ADA), Section 504 related to the accessibility of any official District web presence which is developed by, maintained by, or offered through the District or third party vendors and open sources.

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**Legal Status of the Board**

**REFERENCES:**

<sup>1</sup>KRS 160.160  
KRS 160.370  
Americans with Disabilities Act  
Section 504 of the Rehabilitation Act of 1973  
Title VI of the Civil Rights Act of 1964  
42 U.S.C. 200e, Civil Rights Act of 1964, Title VII  
20 U.S.C. 1681, Education Amendments of 1972, Title IX  
Genetic Information Nondiscrimination Act of 2008  
20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)  
[Web Content Accessibility Guidelines](#)

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**RELATED POLICIES:**

03.113, 03.212, 03.162, 03.262  
05.3, 09.13, 09.321, 09.428  
[10.5](#)

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LEGAL: HB 520 CREATES A NEW SECTION OF KRS 160 TO ALLOW CHARTER SCHOOLS IN KENTUCKY.

FINANCIAL IMPLICATIONS: POSSIBLE FUNDING GOING FROM LOCAL DISTRICT SCHOOLS TO CHARTER SCHOOLS

## POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.11

### **General Powers and Duties of the Board**

#### **ESTABLISHMENT OF SCHOOLS**

The Board has general control and management of the public schools in its district. The Board may establish schools and provide for courses and other services it deems necessary for the promotion of education and the general health and welfare of pupils, consistent with the administrative regulations of the Kentucky Board of Education.<sup>1</sup>

#### **CHARTER SCHOOLS**

KRS 160.1590 provides for charter school authorization, application, evaluation of applications and contracts with a charter school Board of Directors. Pursuant to this statute and Kentucky Board of Education regulations, the Board may serve as an authorizer for charter schools in the District.

#### **REQUEST FOR WAIVER AND EXEMPTIONS**

The Board may authorize the Superintendent to request, on behalf of the District, a waiver of state regulations and/or reporting requirements established by a Kentucky Revised Statute requiring paperwork to be submitted to the Kentucky Board of Education or the Department of Education as permitted by statute.

When approved as a district of innovation by the Kentucky Board of Education, the District may be granted waivers and exemptions from selected Kentucky Administrative Regulations, Kentucky Revised Statutes, and, for a school of innovation, certain Board policies. A school may decide whether it voluntarily chooses to be designated as a school of innovation and, thus, be included in the District's application and plan. However, the Board may require a school identified as persistently low-achieving under KRS 160.346 to participate in the District's plan of innovation.<sup>11</sup>

#### **SCHOOL FUNDS AND PROPERTY**

The Board has control and management of all school funds and public school property and may use its funds and property to promote public education.<sup>1</sup>

#### **ADMINISTRATION**

The Board shall exercise generally all powers prescribed by law in the administration of the public school system, appoint the Superintendent of schools, create and abolish positions, establish job classifications, and fix the compensation of employees.<sup>1</sup>

#### **MANAGEMENT**

The Board may set goals for the District and shall make and adopt, and may amend or repeal policies for its meetings and proceedings for the management of the schools and school property of the district, for the transaction of its business and for the qualifications and duties of employees and the conduct of pupils.

#### **SUBPOENA**

The Board may, in any investigation or proceeding before it, concerning a matter that may be a proper subject of inquiry by it, summon witnesses by subpoena, enforce their attendance, and require that they testify under properly administered oath.<sup>2</sup>

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**General Powers and Duties of the Board****INSURANCE**

The Board may set aside funds to provide for liability and indemnity insurance against the negligence of the drivers or operators of school buses, other motor vehicles, and mobile equipment owned or operated by the Board.<sup>3</sup> The Board may expend funds necessary for liability insurance premiums and for the defense of any civil action brought against an individual Board member in an official or individual capacity, or both, on account of an act made in the scope and course of the performance of legal duties as a Board member.<sup>4</sup> The Board shall make available liability insurance coverage for the protection of all members of school councils from liability arising in the course of pursuing their duties as members of the councils.<sup>9</sup>

As long as they pay the full cost of premiums required, Board members may choose to participate in any group medical or dental insurance provided by the District for employees.<sup>10</sup>

**FREE SUPPLIES**

The Board may furnish necessary school supplies free of charge to indigent children in its school district, or to such other children as it deems advisable, under such rules and regulations as it may adopt.

The Superintendent shall recommend and the Board shall approve a process to waive fees for students who qualify for free and reduced priced lunches. All students who qualify shall be informed in writing of the fee waiver provisions. Mandatory waiver of fees for qualifying students shall be accomplished in compliance with applicable statutory and regulatory requirements.<sup>5</sup>

**REPORTS**

The Board shall, on forms prepared by the Commissioner of Education and approved by the Kentucky Board of Education, prepare and submit to the Kentucky Board of Education reports on all phases of its school service. It may prepare and publish for the information of the public a report on the progress of its schools.<sup>6</sup>

**LEVY OF TAX RATES**

As part of the budgetary process, the Board shall levy tax rates in compliance with statutory and regulatory requirements.<sup>7</sup>

**POWER TO BORROW FUNDS**

The Board may borrow money on the credit of the Board and issue negotiable notes in anticipation of revenues from school taxes and state revenue for the fiscal year in which the money is borrowed, and may pledge the anticipated revenues for the payment of principal and interest on the loan.<sup>8</sup>

**CONTRACT WITH CONSULTANTS**

The Board may contract for consulting services to provide specialized advice or assistance to the school system concerning educational, management, or administrative matters.<sup>4</sup>

Any proposed contracts with consultants shall be submitted to the Board for approval and shall be accompanied by figures showing the estimated cost of the consulting project to the District. Where appropriate, the Board may require bids for consulting services to be sought.

Consultants who serve the District shall exercise no authority over District employees, but will act only as advisor in accordance with their contract.

**General Powers and Duties of the Board****APPLICATIONS FOR GRANTS**

Schools, employees, and school-related groups who are applying for grants on behalf of the District or District schools shall send a copy of the completed application to the Superintendent/designee, who shall present the application to the Board with a recommendation for approval or disapproval. Such applications shall not be submitted until the Board gives its approval.

**REFERENCES:**

<sup>1</sup>KRS 160.290

<sup>2</sup>KRS 160.300

<sup>3</sup>KRS 160.310

<sup>4</sup>KRS 160.160

<sup>5</sup>KRS 160.330

<sup>6</sup>KRS 160.340

<sup>7</sup>KRS 160.470

<sup>8</sup>KRS 160.540

<sup>9</sup>KRS 160.345

<sup>10</sup>KRS 160.280

<sup>11</sup>KRS 156.108; KRS 160.107; KRS 160.346; 701 KAR 5:140

KRS 116.200; KRS 156.072; KRS 156.160

[KRS 160.1590](#); KRS 161.158; KRS 162.010; KRS 416.560

OAG 91-10; OAG 91-122; OAG 95-10; 702 KAR 3:220; 702 KAR 4:160

**RELATED POLICIES:**

01.41; 01.5; 01.7

03.124; 03.224; 04.92

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LEGAL: THE “EVERY STUDENT SUCCEEDS ACT OF 2015 (P. L. 114-95)” INCLUDES AREAS THAT WILL NEED TO BE CONSIDERED WHEN A DISTRICT DEVELOPS ITS DISTRICT IMPROVEMENT PLAN.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: SB 1 CHANGES VARIOUS DATES SO THAT DATES IN THE PLANNING CYCLE SECTION SHOULD BE DELETED.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: THE KDLA RECORDS RETENTION SCHEDULE NOW REQUIRES DISTRICT IMPROVEMENT PLANS TO BE RETAINED PERMANENTLY.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: SB 1 AMENDS KRS 158.649 CHANGING THE BIENNIAL TARGET FOR ELIMINATING ACHIEVEMENT GAPS TO EVERY YEAR. THESE PROPOSED CHANGES ARE IN COMPLIANCE WITH THOSE AMENDMENTS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: THE EVERY STUDENT SUCCEEDS ACT OF 2015 REQUIRES THAT BEGINNING IN 2018-2019, STATES AND DISTRICTS DEVELOP REPORT CARDS THAT INCLUDE TIMELY AND ESSENTIAL INFORMATION TO INFORM THE EDUCATIONAL IMPROVEMENT FOR ALL STUDENTS.

FINANCIAL IMPLICATIONS: POSSIBLE COST OF PRINTING AND DISTRIBUTING REPORT CARDS

## POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.111

### **District Planning**

#### **RESPONSIBILITY**

The school council shall develop, monitor, and annually update a Comprehensive District Improvement Plan (CDIP). The school council shall organize a planning process, consistent with the District’s established planning process.

#### **PLAN REQUIREMENTS**

The plan structure shall include the components set out in 703 KAR 5:225, the Every Student Succeeds Act of 2015 (ESSA), and KRS 158.649.

In addition, the school council shall review annually the school’s disaggregated student data and revise the school’s improvement plan, as required by applicable statute and regulation, to address any achievement gaps between various groups of students.

The plan shall also address reduction of physical and mental health barriers to learning, student equity, District safety and student discipline assessments, and District goals established by the Board Planning Cycle

The District’s planning cycle shall follow a process of continuous improvement as data becomes available~~run from July 1-May 30.~~

The Superintendent shall present to the Board for review and approval the form and function of the District planning process, including format and timelines.

Planning activities shall draw on information from a variety of sources that shall include an opportunity for citizens of the community to have input into the plan.

As part of the District planning process, the Board shall review District academic performance on the state assessments for various groups of students in compliance with legal requirements. Upon agreement of the council and the Superintendent, the Board shall establish an~~biennial~~annual target for the school for reducing identified gaps in achievement.<sup>1</sup>

#### **PUBLIC REVIEW**

The plan shall have public review prior to presentation to the Board for final adoption. Opportunity for public and school staff review shall be provided for a period of at least two (2) weeks, including the option to post the plan on the District Web site and provide for electronic review and feedback.

**District Planning****BOARD APPROVAL**

The plan shall be presented to the Board for approval by December 1. If revisions are needed, the District planning committee shall forward proposed revisions to the Superintendent. Revisions must reflect requirements of Every Student Succeeds Act of 2015 and KRS 158.649. All recommendations for revisions require approval by the Board.

The Superintendent shall submit required assurances to the Kentucky Department of Education ~~via e-mail~~ no later than July 1 of each year.

**IMPLEMENTATION**

The District shall maintain a copy of each plan ~~for at least five (5) years~~ permanently and, consistent with the District's planning cycle, post the current plan on the District's web site.

The plan shall serve as a resource for Board decision making.

**SCHOOL PLANS**

The District plan shall be broad enough to allow each school to develop its own plan, within the goals and objectives of the District.

**DISTRICT REPORT CARDS**

The District shall send a District report card to parents containing information about performance as outlined in KRS 158.6453 and 703 KAR 5:140, and information on electronic access to a summary of the results for the District shall be published in the newspaper with the largest circulation in the county.

In addition to the above requirements, beginning the 2018-2019 school year and annually thereafter, the District shall post the District report card on its website, as required by ESSA. District report cards shall be widely accessible to the public, in an understandable and uniform format, and when possible, written in a language that parents can understand.

**REFERENCES:**

<sup>1</sup>KRS 156.500

<sup>2</sup>KRS 158.649

KRS 158.6453; KRS 160.290; KRS 160.340; KRS 160.345

703 KAR 5:140; 703 KAR 5:225; 704 KAR 3:390

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

**RELATED POLICIES:**

02.44

02.441

04.1

09.21

LEGAL: HB 195 AMENDS MULTIPLE STATUTES TO CHANGE THE GENERAL EDUCATION DIPLOMA (GED) TO HIGH SCHOOL EQUIVALENCY DIPLOMA.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.2

### **Board Member Qualifications**

#### **ELIGIBILITY**

To be eligible for membership on the Board, a person must meet the following qualifications:<sup>1</sup>

1. Has attained the age of twenty-four (24) years;
2. Has been a citizen of Kentucky for at least three (3) consecutive years preceding his/her election;
3. Is a legally qualified voter of the independent school district;<sup>2</sup>

#### **EDUCATION**

4. If elected after July 13, 1990, has completed at least the twelfth grade or has been issued a ~~h~~High ~~s~~School ~~e~~Equivalency ~~d~~Diploma;
5. Cannot hold a state office requiring the constitutional oath;
6. Is not a member of the General Assembly;
7. Cannot hold or discharge the duties of any civil or political office, deputyship, or agency under the city or county of his/her residence;

#### **NO CONFLICT OF INTEREST**

8. Has no interest, direct or indirect, in the sale to the Board of books, stationery or any other property, materials, supplies, equipment, or services for which school funds are expended;
9. Has never been removed from membership on a Board of Education for cause; and
10. If elected after July 13, 1990, has no relative, as defined in KRS 160.180, employed by the District. This prohibition does not apply to a member holding office on July 13, 1990 who has a relative who was initially employed by the District before the member was elected to the Board.

A Board member shall be eligible for reelection unless s/he becomes disqualified.

#### **REFERENCES:**

<sup>1</sup> KRS 160.180

<sup>2</sup> Moore v. Tiller, KY., 409 S.W. 2d 813 (1966)  
OAG 88-35



LEGAL: SB 50 SETS NEW GUIDELINES FOR DEVELOPMENT OF THE SCHOOL CALENDAR INCLUDING SPECIFIC REQUIREMENTS FOR MEETINGS IN WHICH BOARDS HEAR DISCUSSION AND ADOPT SCHOOL CALENDARS.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.42

### Regular Meetings

#### TIME AND PLACE

At a meeting in January, the Board shall adopt a schedule of regular meetings for the calendar year, identifying the date, time and place of each meeting. Rescheduled regular meetings shall be noticed and held as special meetings.<sup>1 & 4</sup>

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#### PUBLICITY

All meetings of the Board, and any committees or subcommittees thereof, shall be held at specified times and places which are convenient to the public. The schedule of regular meetings shall be made available to the public.<sup>2</sup>

Note: Additional notice requirements applicable to regular meetings held for purposes of adopting the school calendar are located in KRS 158.070 and are covered in Board Policy 08.3.

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#### OPEN MEETINGS

All meetings of a quorum of the members of the Board at which any public business is discussed or at which any action is taken are to be public meetings, open to the public at all times, except as provided in KRS 61.810.<sup>3</sup>

#### VIDEO TELECONFERENCES

The Board may conduct its meeting by video teleconference. Notice of a video teleconference shall comply with the requirements of KRS 61.820. In addition, the notice shall clearly state that the meeting will be a video teleconference and precisely identify the locations involved, including the location, if any, that is primary.

The same procedures with regard to participation, distribution of materials and other matters shall apply in all video teleconference locations.

#### REFERENCES:

<sup>1</sup>KRS 160.270

<sup>2</sup>KRS 61.820; OAG 78-27; OAG 78-614

<sup>3</sup>KRS 61.810

<sup>4</sup>92-OMD-1677; 04-OMD-056

KRS 158.070

KRS 61.826

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#### RELATED POLICIES:

01.421; 01.43; 01.44; 08.3; 08.31

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RECOMMENDED: THIS CHANGE IS RECOMMENDED BECAUSE THERE IS NO STATUTORY MANDATE FOR A MEETING "AS EARLY AS IS PRACTICABLE" IN THE LAST YEAR OF THE SUPERINTENDENT'S CONTRACT, ALTHOUGH SUCH REMAINS GOOD PRACTICE. THE CHANGE ALLOWS FOR PERMISSIBLE VARIATIONS IN TIMING AS MAY BE COVERED IN SUPERINTENDENT CONTRACTS OR THE SUPERINTENDENT EVALUATION PROCESS.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.1311

### **Contract Renewal of Superintendent**

#### **REVIEW OF CONTRACT**

As early as practical in the calendar year in which the Superintendent's contract expires, the Board ~~may~~<sup>will</sup> meet to consider the performance and to consider whether to renew the Superintendent's contract. This provision shall not be interpreted as prohibiting the Board from reviewing the Superintendent's performance and considering the renewal of the Superintendent's contract at an earlier date as may be permitted by law.

The Board may grant an extension of the Superintendent's contract as permitted by law.

#### **NEW CONTRACT**

The Board may agree to enter into a new contract with the Superintendent at any time so long as the term of no Board member will expire in the interim between the making of a contract and its effective date.<sup>1</sup> The new contract cannot become effective until the expiration of the present contract.

#### **REFERENCES:**

<sup>1</sup>KRS 160.350

OAG 78-274; 12-OMD-145

Board of Education of McCreary City v. Nevels, Ky App., 551 S.W.2d 15

LEGAL: SB 1 AMENDS KRS 158.6453 TO NO LONGER REQUIRE WRITING PORTFOLIOS AND KRS 160.345 TO PROVIDE THAT COUNCIL POLICY ON USE OF SPACE DURING THE SCHOOL DAY RELATES TO IMPROVING CLASSROOM TEACHING AND LEARNING. ALSO, CAMBRIDGE ADVANCED INTERNATIONAL HAS BEEN ADDED AS A POSSIBLE EXAMINATION OPPORTUNITY.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.4241

### **School Council Policies (SBDM)**

#### **ADOPTION OF POLICY**

The school council shall adopt policy to be implemented by the Principal in each of the following areas of responsibility:

1. Determination of curriculum including needs assessment and curriculum development;  
Such policies shall determine the writing program for the school, ~~including use of writing portfolios~~ consistent with KRS 158.6453, to be submitted to the Kentucky Department of Education for review and comment.
2. Assignment of all instructional and non-instructional staff time;
3. Assignment of students to classes and programs within the school;
  - Placement of students from the household of an active duty service member or civilian military employee transferring into the District before or during the school year shall be based initially on enrollment in courses offered at the sending school and/or educational assessments conducted at that school. Course placement includes, but is not limited to, Honors, International Baccalaureate, Advance Placement, Cambridge Advanced International, vocational, technical, and career pathways courses. Initial placement does not preclude the District/school from performing subsequent evaluations to ensure appropriate placement and continued enrollment of students in the course(s).
  - Each secondary school-based decision making council shall establish a policy on the recruitment and assignment of students to Advanced Placement (AP), International Baccalaureate (IB), Cambridge Advanced International, dual enrollment, and dual credit courses that recognizes that all students have the right to participate in a rigorous and academically challenging curriculum.
4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar, and transportation requirements established by the Board;
5. Determination of the use of school space during the school day related to improving classroom teaching and learning;
6. Planning and resolution of issues regarding instructional practices;
7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and Principal;  
As reflected in the District Code of Acceptable Behavior and Discipline, loss of physical activity periods shall not be used as a disciplinary consequence.

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**School Council Policies (SBDM)****ADOPTION OF POLICY (CONTINUED)**

8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision;  
The school shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities to the extent they are otherwise qualified, regardless of application deadlines.
9. Adoption of a school emergency plan and implementation of safety practices required by KRS 158.162;
10. Procedures, consistent with local Board policy, for determining alignment with state standards, technology utilization, and program appraisal;
11. Commitment to a parent involvement process that provides for:
  - a. Establishing an open, parent-friendly environment;
  - b. Increasing parental participation;
  - c. Improving two-way communication between school and home, including what their child will be expected to learn; and
  - d. Developing parental outreach programs.
12. Procedures to assist the council with consultation in the selection of personnel by the Principal, including, but not limited to, meetings, timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation.
13. Schools with K-5 organization, or any configuration thereof, shall develop and implement, in compliance with requirements of federal and state law and board policy, a wellness policy that includes moderate to vigorous physical activity each day, encourages healthy choices among students, and incorporates an assessment tool to determine each child's level of physical activity on an annual basis. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. (In the absence of a council, the Principal of the school shall develop and implement the required wellness policy.)  
The Superintendent/designee shall provide assistance in identifying strategies and options to promote daily moderate to vigorous physical activity for students, which may include those that increase strength and flexibility, speed heart rate and breathing and stress activities such as stretching, walking, running, jumping rope, dancing, and competitive endeavors that involve all students.

As an alternative to adopting separate policies, school councils may adopt Board policy or standards established by the Board as council policy in the above areas, or they may delegate responsibility for developing a policy to the Principal.

**OTHER POLICIES**

Councils may adopt policies for areas other than those listed above to provide an environment that enhances student achievement and to help the school meet goals established by law and by the Board, provided the policies adopted are consistent with Board policies in those areas.

**School Council Policies (SBDM)****REVIEW OF POLICIES**

Before final adoption of a council policy, it shall be reviewed by the Superintendent who may request that the proposed policy be reviewed by the Board Attorney. Any concerns shall be shared with the council within ten (10) working days of the Superintendent's receipt of the draft policy. If there are concerns, the Superintendent shall provide a copy of the council policy to the Board for review, along with any concerns s/he and the Board Attorney may have noted, such as possible conflicts with state and federal laws or contractual obligations, liability and/or health and safety questions, and budgetary issues.

The review process is not intended to interfere with a council's authority to adopt and implement legally and operationally permissible policies. Therefore, it is the Board's intent that information resulting from the review process be shared with the council in a timely manner.

**COMPLIANCE WITH BOARD POLICY**

In the development and application of school policies as permitted by statute, schools operating under SBDM shall comply with those policies that fall within the authority of the Board, including but not limited to those prohibiting discrimination based on age, race, sex, color, religion, national origin, political affiliation, or disability.

**WAIVER OF STATE REGULATIONS**

School councils who decide to request a waiver of state regulations and/or reporting requirements established by a Kentucky Revised Statute requiring paperwork to be submitted to the Kentucky Board of Education or the Department of Education shall submit the supporting information to the Superintendent as required by law. The Superintendent shall then forward the request to the Kentucky Board of Education.

**SCHOOLS OF INNOVATION**

In a designated school of innovation participating in a district of innovation application and plan, the council may request a waiver from KRS 160.345 or specific provisions within that statute by conducting a vote as set out in KRS 160.107.

The school council shall be responsible for conducting a vote to determine if the school shall be an applicant as a school of innovation in the District's application for district of innovation status and to approve the school's plan of innovation before it is submitted to the District. The vote shall be taken by secret ballot among eligible employees as defined in KRS 160.107. At least seventy percent (70%) of those casting votes in the affirmative shall be required before the school requests to be included in the District's plan and to approve the school's plan of innovation.

**REFERENCES:**

KRS 156.072; KRS 156.108; KRS 156.160; KRS 156.730; KRS 156.735  
KRS 158.162; KRS 158.197; KRS 158.645; KRS 158.6451; KRS 158.6453  
KRS 160.107; KRS 160.345; KRS 160.348  
OAG 93-55; OAG 94-29; 701 KAR 5:140; 702 KAR 7:140; 704 KAR 3:510  
*Board of Educ. of Boone County v. Bushee, Ky.*, 889 S.W. 2d 809 (1994)  
U. S. Dept. of Agriculture's *Dietary Guidelines for Americans*

**RELATED POLICIES:**

01.11; 02.422; 02.4231; 03.112; 08.1  
09.126 (re requirements/exceptions for students from military families)

LEGAL: SB 1 AMENDS KRS 160.345 TO NO LONGER GIVE THE SUPERINTENDENT AUTHORITY TO APPOINT THE PRINCIPAL IN SCHOOLS BELOW THE ASSISTANCE LINE.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED  
LEGAL: SB 1 PROVIDES AN ALTERNATIVE PRINCIPAL SELECTION PROCESS THAT MAY BE USED BY THE SCHOOL COUNCIL.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.4244

## **School Hiring (SBDM)**

### **PRINCIPAL SELECTION**

When a vacancy exists in the position of school Principal, the outgoing Principal shall not serve on the council during the Principal selection process.

The Superintendent/designee shall serve as the Chair of the council for the purpose of the hiring process and shall have voting rights during the selection process. The council shall have access to the applications of all persons certified for the position. The Principal shall be elected on a majority vote of the membership of the council.

No Principal who has been previously removed from a position in the District for cause may be considered for appointment as Principal.

A vacancy is created in the position of Principal by the resignation, removal, transfer, retirement or death of the current Principal.

~~When a Principal vacancy occurs and the school has an index score in the lowest one-third (1/3) of all schools below the assistance line and a completed scholastic audit finds a lack of effectiveness of the Principal and the council, the Superintendent shall appoint a Principal after consulting with the council.~~

1. Selection of a trainer approved by the Kentucky Association of School Councils (KASC);
2. Selection of a trainer certified by the Kentucky Department of Education (KDE); and/or
3. Requiring the trainer selected to emphasize recruiting and interviewing techniques that reflect model standards developed by KASC.

### **ALTERNATIVE PRINCIPAL SELECTION PROCESS**

The following Principal selection process may be used by the school council:

Prior to a meeting called to select a Principal, all school council members shall receive informational materials regarding Kentucky Open Records and Open Meetings laws and sign a nondisclosure agreement forbidding the sharing of information shared and discussions held in the closed session;

1. The Superintendent shall convene the school council and move into closed session as provided in KRS 61.810(1)(f) to confidentially recommend a candidate;
2. The council shall have the option to interview the recommended candidate while in closed session; and

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**School Hiring (SBDM)****ALTERNATIVE PRINCIPAL SELECTION PROCESS (CONTINUED)**

1. After any discussion, at the conclusion of the closed session, the council shall decide, in a public meeting by majority vote of the membership of the council, whether to accept or reject the recommended Principal candidate.

If the recommended candidate is selected, and the recommended candidate accepts the offer, the name of the candidate shall be made public during the next meeting in open session.

If the recommended candidate is not accepted by the school council under the Alternative Principal Selection Process, then the Principal Selection process above applies.

If the recommended candidate is not accepted by the school council, the confidentially recommended candidate's name and the discussions of the closed session shall remain confidential under KRS 61.810(1)(f), and any documents used or generated during the closed meeting shall not be subject to an open records request as provided in KRS 61.878(1)(i) and (j).

A school council member who is found to have disclosed confidential information regarding the proceeding of the closed session shall be subject to removal from the school council by the Kentucky Board of Education.

Discretionary authority exercised by a school council pursuant to the statutory alternative Principal selection process shall not violate provisions of any employer-employee bargained contract existing between the District and its employees.

**OTHER VACANCIES**

When the position to be filled in the school is other than that of Principal, the Principal, after consulting with the council in accordance with procedures established by the council, shall fill the position from a list of qualified applicants provided by the Superintendent. The Superintendent shall provide names of all additional applicants to the Principal upon request when qualified applicants are available.

The Superintendent may forward to the council names of qualified applicants who have certification pending from the Education Professional Standards Board pursuant to state law. Applicants subsequently employed shall provide evidence they are certified prior to assuming the duties of their position.

If the applicant is the spouse of the Superintendent and meets the requirements of KRS 160.380, s/he shall only be employed upon the recommendation of the Principal and the approval of a majority vote of the school council.

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ADMINISTRATION

02.4244  
(CONTINUED)

**School Hiring (SBDM)**

**REFERENCES:**

- [KRS 160.345](#)
- KRS 160.380
- OAG 91-149; OAG 92-131; OAG 92-78
- OAG 95-10; OAG 96-38

**RELATED POLICIES:**

- 02.4241; 03.11; 03.21



LEGAL: SB 1 AMENDS KRS 158.6458 TO SET SCHOOL TARGETS FOR ELIMINATING ACHIEVEMENT GAPS BY FEBRUARY 1 OF EACH YEAR.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.44

### **Accountability (SBDM)**

As directed by Policy 02.442, each school shall provide to the Board a Comprehensive School Improvement Plan to include, but not be limited to, the school's goals and objectives and its plan for achieving them.

#### **ANNUAL REPORT**

By June 30 of each year, each school/school council shall make an annual report at a public meeting of the Board. The report shall describe the school's progress in meeting the educational goals set forth in KRS 158.6451 and District goals established by the Board.

#### **REVIEW OF ACHIEVEMENT GAP PLANS**

By February 1 of each year, each school-based decision making council, or the Principal if there is not a council, shall, with the involvement of parents, faculty, and staff, set the school's targets for eliminating any achievement gap and submit them to the Superintendent.

Biennially/Annually, the Board shall review in a public meeting the portion of each school's eComprehensive Improvement Plan that sets forth the activities and schedule to reduce the achievement gaps among various groups of students.<sup>1</sup>

#### **REFERENCES:**

<sup>1</sup>KRS 160.340; KRS 160.345  
KRS 158.645; KRS 158.6451; KRS 158.6458  
KRS 158.649  
KRS 160.290

#### **RELATED POLICIES:**

01.111  
02.442

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LEGAL: SB 1 AMENDS THE APRIL 1 DEADLINE FOR REVIEW OF STUDENT ASSESSMENT DATA TO JANUARY 1.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: SB 1 REQUIRES SCHOOL PRINCIPALS TO COMPLETE SCHOOL PROFILE REPORTS BY OCTOBER 1, SIGNED BY SBDM MEMBERS AND THE SUPERINTENDENT, AND SUBMIT ELECTRONICALLY TO KDE WITH THE ORIGINAL REPORT MAINTAINED AT THE BOARD OFFICE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: SB 1 AMENDS KRS 158.6453 TO REMOVE THE HIGH SCHOOL AND COLLEGE READINESS EXAMINATION FROM INCLUSION IN THE STATE STUDENT ASSESSMENT. IN ADDITION, CAMBRIDGE ADVANCED INTERNATIONAL HAS BEEN ADDED AS A POSSIBLE EXAMINATION OPPORTUNITY.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.441

### Assessment of Student Progress

#### REVIEW OF ASSESSMENT DATA

By April-January 1 of each year and in keeping with the improvement planning process and timeline, the school council shall review student assessment data provided annually by the Kentucky Department of Education. After reviewing the data, the council shall adopt, modify, or revise the school's plan to assist each student in making progress toward statutory goals. This process shall address achievement gaps between various groups of students as required by law. In addition, the plan shall be submitted to the Superintendent and Board for review. In a school without a council, the Principal shall complete the review and planning process with the involvement of parents, faculty, and staff.

~~Beginning with the 2012-2013 school year, the assessment data review process shall be completed by October 1 of each year.~~

By October 1, each school Principal shall complete the school profile report, have it signed by members of the school council, or Principal if no council exists, and Superintendent, and submit it to the Kentucky Department of Education. The report shall be transmitted electronically with the original maintained on file at the Board office and available to the public upon request.

#### REPORT TO BOARD

The Superintendent shall devise a schedule for Principals to present written reports to the Board regarding progress being made toward their school's educational objectives. The reports shall be in a format easily understood by parents and the community and shall make comparisons with the school's performance the previous year and any data available that compares the school to state or national standards.

The information to be reported shall include, but not be limited to, results on the state-mandated accountability test(s), ~~high school and college readiness tests~~, college entrance exams (high school only), Advanced Placement/International Baccalaureate Exams/Cambridge Advanced International (high school only), and summaries of grades assigned by teachers.

#### SUMMARY REPORT TO COMMUNITY AND PARENTS

The information reported to the Board shall be put in summary format and shall be reported to parents of each student and made available to the community. The Superintendent shall devise the format to be used.

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**Assessment of Student Progress****INDIVIDUAL REPORTS**

Each year, an individual student report shall be provided to parents of students in grades three through eight (3-8) in accordance with statutory requirements. ~~Beginning with the 2010-2011 school year,~~ Teachers and parents/guardians of each primary student shall be informed of results from reading and mathematics diagnostic assessments and prompts.

**REFERENCES:**

KRS 158.645; KRS 158.6451; KRS 158.6453; KRS 158.6455; KRS 158.6457  
KRS 158.6459; KRS 158.649~~;~~ KRS 160.345

**RELATED POLICIES:**

02.442~~;~~ 08.221~~;~~ 08.222~~;~~ 08.5

LEGAL: FEDERAL REGULATION 45 C.F.R. § 1302.90 REQUIRES DISTRICTS WITH HEAD START PROGRAMS TO HAVE THE RESULTS OF A CRIMINAL RECORDS CHECK FOR HEAD START EMPLOYEES ON FILE. FEDERAL AUDITORS MAY ASK TO SEE DISTRICT POLICY ADDRESSING THIS REQUIREMENT.

FINANCIAL IMPLICATIONS: COSTS OF RUNNING ADDITIONAL BACKGROUND CHECKS

LEGAL: THE EVERY STUDENT SUCCEEDS ACT PROHIBITS EMPLOYERS FROM PROVIDING ANYTHING MORE THAN ADMINISTRATIVE AND PERSONNEL FILES FOR SCHOOL EMPLOYEES, CONTRACTORS, OR AGENTS THAT THEY KNOW OR HAVE PROBABLE CAUSE TO BELIEVE HAVE ENGAGED IN SEXUAL MISCONDUCT WITH A MINOR OR STUDENT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: SB 236 AMENDS KRS 160.380 TO REQUIRE APPLICANTS TO PROVIDE A LETTER FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THAT THERE ARE NO FINDINGS OF SUBSTANTIATED CHILD ABUSE OR NEGLECT ON RECORD. THIS BECOMES EFFECTIVE ON JULY 1, 2018.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 269 AMENDS KRS 160.380 TO PERMIT A RELATIVE TO BE HIRED AS A SUBSTITUTE FOR A CERTIFIED OR CLASSIFIED EMPLOYEE IF THE RELATIVE MEETS SPECIFIC GUIDELINES.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## PERSONNEL

03.11

### - CERTIFIED PERSONNEL -

### Hiring

#### **SUPERINTENDENT'S RESPONSIBILITIES**

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

When a vacancy occurs, the Superintendent 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 the school District, the Superintendent 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 Superintendent 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 Superintendent. Certified employees may be appointed by the Superintendent for any school year at any time after February 1 preceding the beginning of the school year.

#### **QUALIFICATIONS**

The Superintendent shall employ only individuals who are certified for the positions they will hold and who possess qualifications established by 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 ~~K~~TRS shall be in compliance with applicable legal requirements.<sup>2</sup>

~~Beginning in the 2017-2018 school year, a~~All teachers shall meet applicable certification or licensure requirements as defined by state and federal regulation.<sup>3</sup>

### **Hiring**

#### **CRIMINAL BACKGROUND CHECK AND TESTING**

Applicants, employees, and student teachers assigned within the District shall undergo records checks and testing as required by applicable statutes and regulations.<sup>1</sup>

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".<sup>1</sup>

Beginning July 1, 2018, individual applicants shall provide a letter from the Cabinet for Health and Family Services stating that there are no findings of substantiated child abuse or neglect on record. In addition, each application or renewal form provided to 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 AND HAVE A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE EMPLOYEE IS CLEAR TO HIRE BASED ON NO FINDINGS OF SUBSTANTIATED CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES AS A CONDITION OF EMPLOYMENT."

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

Additionally, beginning July 1, 2018, employment shall also be contingent on receipt of a letter from the Cabinet provided by the individual documenting that the individual does not have a substantiated finding of child abuse or neglect in records maintained by the Cabinet.

Criminal records checks on persons employed in Head Start programs shall be conducted in conformity with 45 C.F.R. § 1302.90.

#### **JOB REGISTER**

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

## **Hiring**

### **VACANCIES POSTED**

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted in the School Office and in each school building on a timely basis and shall refer interested persons to the School 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 in the District, the Superintendent shall conduct a search to locate minority candidates to be considered for the position.

### **REVIEW OF APPLICATIONS**

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

A relative may be employed as a substitute for a certified or classified employee if the relative is not:

1. A regular full-time or part-time employee of the District;
2. Accruing continuing contract status or any other right to continuous employment;
3. Receiving fringe benefits other than those provided other substitutes; or
4. Receiving preference in employment or assignment over other substitutes.<sup>1</sup>

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

### **CONTRACT**

Except for noncontracted substitute teachers, all certified personnel shall enter into annual written contracts with the District.

### **JOB DESCRIPTION**

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

### **INTENT**

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

### **EMPLOYEES SEEKING A JOB CHANGE**

Other than the routine transmission of administrative and personnel files, District employees are prohibited from assisting a school employee, contractor, or agent in obtaining a new job if the individual knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law and such school employee, contractor, or agent does not meet the exceptions outlined in 20 U.S.C. 7926.

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PERSONNEL

03.11  
(CONTINUED)

**Hiring**

**REFERENCES:**

<sup>1</sup>KRS 160.380

<sup>2</sup>KRS 161.605; 702 KAR 1:150

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

[20 U.S.C. 7926](#); [42 U.S.C. § 9843a\(g\)](#)

34 C.F.R. 200.55-200.56; [45 C.F.R. § 1302.90](#)

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

LEGAL: THE "EVERY STUDENT SUCCEEDS ACT OF 2015 (P. L. 114-95)" REQUIRES PARENTS TO BE INFORMED WHEN THEIR CHILD HAS BEEN ASSIGNED OR TAUGHT FOR FOUR (4) OR MORE CONSECUTIVE WEEKS BY A TEACHER NOT CERTIFIED IN THAT GRADE LEVEL AND SUBJECT AREA.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.112

- CERTIFIED PERSONNEL -

### **Certification and Records**

#### **CERTIFICATION**

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

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

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

#### **NOTICE TO PARENTS OF TEACHER'S QUALIFICATIONS/CERTIFICATION**

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

Schools receiving Title I funds shall notify parents when their child has been assigned to, or has been taught for four (4) or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

#### **CERTIFICATION FOR TEACHING ELECTIVE COURSES**

The Principal/designee shall forward to the Superintendent the course description for proposed new or revised elective courses, with a proposal for certification requirements for teachers of the course. The Superintendent shall present this information, along with a recommendation for certification requirements, to the Board for its approval.

In determining certification requirements for elective courses, the Board shall observe the following standards:

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

#### **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)



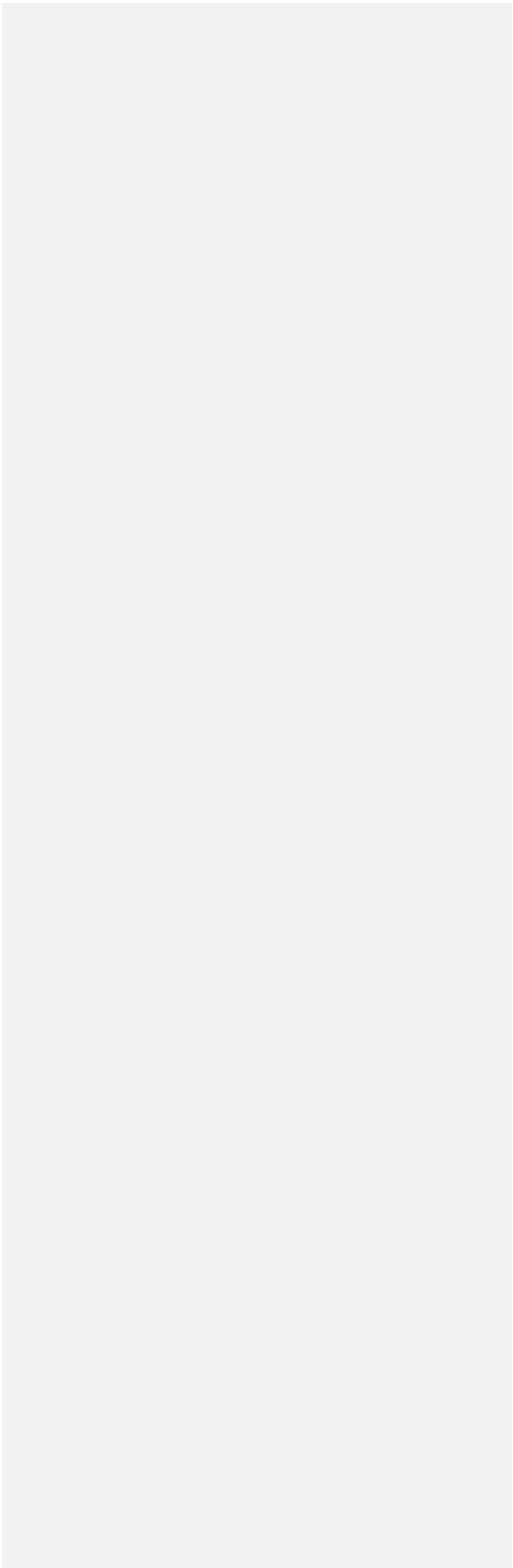
PERSONNEL

03.112  
(CONTINUED)

**Certification and Records**

**RELATED POLICIES:**

02.4241; 03.11; 03.5



LEGAL: CHANGES TO 702 KAR 7:065 ADD A REQUIREMENT THAT COACHES AT THE MIDDLE SCHOOL LEVEL OBTAIN AND MAINTAIN CPR CERTIFICATION AND PROVIDE DOCUMENTATION TO SCHOOL.

FINANCIAL IMPLICATIONS: COST OF TRAINING AND CERTIFICATION

PERSONNEL

03.1161

- CERTIFIED PERSONNEL -

### **Coaches and Assistant Coaches**

Any middle school coach (head or assistant, paid or unpaid) shall successfully complete all training required by the District, the Kentucky Board of Education, the Kentucky High School Athletic Association, and state law and regulation. This shall include safety and first aid training and providing the school documentation of successful completion of a C.P.R. course that includes the use of an automatic defibrillator and first aid training, conducted by an instructor or program approved by a college or university, the American Red Cross, American Heart Association, or other bona fide accrediting agency. Initial certification shall use in-person instruction with certification updated as required by the approving agency.<sup>2</sup>

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Nonfaculty coaches and nonfaculty assistants shall complete District training that includes information on the physical and emotional development of students of the age with which they will be working, the District's and school's discipline policies, procedures for dealing with discipline problems, and safety and first aid training. Follow-up training shall be provided annually.<sup>1</sup>

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#### **REFERENCES:**

<sup>1</sup>KRS 161.185

<sup>2</sup>702 KAR 7:065

KRS 156.070

KRS 160.445

KRS 161.180

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#### **RELATED ~~POLICY~~ POLICIES:**

03.2141

09.311

LEGAL: HB 378 AMENDS KRS 337.070 TO REQUIRE PAPER OR ELECTRONIC STATEMENTS BE GIVEN TO EMPLOYEES. IN ADDITION, IF STATEMENTS ARE PROVIDED ELECTRONICALLY THEN EMPLOYEES MUST BE GIVEN ACCESS TO A COMPUTER AND PRINTER TO REVIEW AND PRINT SAID STATEMENTS.

FINANCIAL IMPLICATIONS: PRINTING COSTS FOR STATEMENTS

PERSONNEL

03.121

- CERTIFIED PERSONNEL -

### **Salaries**

#### **SINGLE-SALARY BASIS**

All salaries for certified personnel shall be based on a single-salary schedule providing, at minimum, for the number of working days required by law.

Although a school may submit a request for an increment for an extended employment position, extra service, or related adjustments, the Board 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 District 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 Board approval before the change goes into effect.

#### **EXTRA SERVICES, SUPPLEMENTS AND SUPERVISION**

The Board 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 Board shall direct the Superintendent to validate all experience of professional personnel employed in the District.

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 Superintendent/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.

#### **EXCEPTION**

The Superintendent's salary may be established without regard to the above-mentioned schedules.

**Salaries****PAYROLL DISTRIBUTION**

Checks will be issued according to a schedule approved annually by the Board. The District shall furnish the employee with either a paper or electronic statement. If statements are provided electronically, employees shall be provided access to a computer and printer for review and printing of their statement.

At the close of the school year, employees who have completed all responsibilities and duties may request to be paid their remaining salary prior to the end of the fiscal year.

**QUALIFICATIONS**

Employees shall be responsible for providing the Superintendent 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 Superintendent shall notify all certified personnel of the best estimate of the salary for the coming year.

**LIST OF SALARIES**

The Board shall maintain for public scrutiny a factual list of individual salaries of its employees for the fiscal year just closed and shall furnish that list by mail to a newspaper qualified under KRS 424.120 to publish advertisements for the District.

**PAYROLL DEDUCTIONS**

The Board shall approve all payroll deductions as specified by KRS 161.158 and Board Policy 03.1211.

**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 161.168; KRS 161.760  
KRS 337.070; 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:**

03.1211; 03.4

LEGAL: ENACTMENT OF SB 6 (2017) PROHIBITS THE AUTOMATIC WITHHOLDING OR DEDUCTION FROM PAYROLL FOR DUES OR FEES FOR EMPLOYEE ORGANIZATIONS, ASSOCIATIONS, OR UNIONS WITHOUT PRIOR WRITTEN CONSENT FROM THE EMPLOYEE. SUCH WITHHOLDINGS CANNOT BE MADE BASED SIMPLY ON AN EMPLOYEE'S FAILURE TO "OPT OUT." AN AFFIRMATIVE WRITTEN AUTHORIZATION IS REQUIRED. SB 6 PROVIDES THAT EXISTING CONTRACTS WITH EMPLOYEE ORGANIZATIONS/EMPLOYEES RELATING TO WITHHOLDINGS CAN CONTINUE TO BE HONORED. GIVEN THAT THIS NEW LAW TOOK EFFECT IN JANUARY OF 2017, IT IS UNLIKELY THAT ANY EXCEPTION FOR EXISTING CONTRACTS WILL APPLY GOING FORWARD (2017-18 YEAR AND BEYOND). YOU SHOULD CONSULT SCHOOL DISTRICT COUNSEL IF YOU HAVE QUESTIONS REGARDING ANY SUCH EXISTING CONTRACTS.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.1211

- CERTIFIED PERSONNEL -

### **Salary Deductions**

#### **MANDATORY DEDUCTIONS**

Mandatory payroll deductions made by the Board 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.; and
5. Medicare (FICA) - applicable to personnel newly hired after 3/31/86.

#### **OPTIONAL DEDUCTIONS**

Pursuant to the provisions of KRS 161.158, the following optional payroll deductions are authorized by the Board for those employees who choose to participate:

1. Board approved health/life insurance program;
2. Board approved Tax Sheltered Annuity program;
3. Other state approved deferred compensation plan;
4. Board approved credit union;
5. State-designated Flexible Spending Account (FSA) and Health Reimbursement Account (HRA) plans;
6. Membership dues for professional teachers' organizations when thirty percent (30%) or more eligible members request the deduction. Such deductions may include a life insurance plan and an income protection plan associated therewith, but excluding teachers' organizations devoted to a particular discipline or disciplines, e.g., organizations for mathematics teachers, English teachers, etc. (For purposes of this policy, a professional teacher organization is one in which all teachers are eligible for membership.)
7. Membership dues in professional administrators' or supervisors' organizations when thirty percent (30%) or more of the eligible members request the deductions. Such deductions may include a life insurance plan and an income protection plan associated therewith, but excluding administrators' or supervisors' organizations devoted to a particular discipline or disciplines, e.g., organizations for school business officials, personnel officers, etc. (For purposes of this policy, a professional administrators' or supervisors' organization is defined as a professional organization in which all administrators and supervisors are eligible for membership.)

PERSONNEL

03.1211  
(CONTINUED)

### **Salary Deductions**

#### **OPTIONAL DEDUCTIONS (CONTINUED)**

The above limitations as to groups specified in subsections (6) and (7) above are designed to permit the Board to maintain a practicable control over the number of payroll deductions.

[Deductions for membership dues of an employee organization, association, or union shall only be made upon the express written consent of the employee. This consent may be revoked by the employee at any time by written notice to the employer.](#)

Additional payroll deductions requested by employees shall be made only with the Superintendent's approval. Administrative procedures may limit the number of participants required before additional programs are approved.

#### **REFERENCES:**

KRS 160.291; KRS 161.158

[KRS 336.134](#)

702 KAR 1:035; OAG 72-802

LEGAL: HB 309 CREATES NEW SECTIONS OF KRS 209A THAT REQUIRE REPORTING ACTS OF DOMESTIC VIOLENCE AND ABUSE OR DATING VIOLENCE AND ABUSE TO A LAW ENFORCEMENT OFFICER UPON THE REQUEST OF THE VICTIM. IN ADDITION, IF IT IS THE BELIEF OF THE PROFESSIONAL THAT THE DEATH OF A VICTIM WITH WHOM THEY HAVE HAD A PROFESSIONAL INTERACTION IS RELATED TO DOMESTIC VIOLENCE AND ABUSE OR DATING VIOLENCE AND ABUSE, THAT MUST BE REPORTED. THIS NEW LANGUAGE ALSO REQUIRES EDUCATIONAL MATERIAL BE PROVIDED IF THERE IS REASONABLE CAUSE TO BELIEVE THAT A VICTIM WITH WHOM THEY HAVE HAD A PROFESSIONAL INTERACTION IS RELATED TO DOMESTIC VIOLENCE AND ABUSE OR DATING VIOLENCE AND ABUSE.

FINANCIAL IMPLICATIONS: POSSIBLE COST OF PRINTING MATERIALS

PERSONNEL

03.13253

- CERTIFIED PERSONNEL –

### **Domestic/Dating Violence Reporting and Education**

Upon the request of a victim, school personnel shall report an act of domestic violence and abuse or dating violence and abuse to a law enforcement officer. School personnel shall discuss the report with the victim prior to contacting a law enforcement officer.

School personnel shall report to a law enforcement officer when s/he has a belief that the death of a victim with whom s/he has had a professional interaction is related to domestic violence and abuse or dating violence and abuse.

These reporting requirements covering domestic violence and abuse or dating violence and abuse do not relieve school personnel of the duty to report any known or suspected abuse, neglect, or dependency of a child pursuant to KRS 620.030. This separate reporting requirement covers abuse, neglect or dependency of a child committed or caused by a parent, guardian, other person exercising control or supervision, or a person in a position of authority or special trust.

If individual school personnel has reasonable cause to believe that a victim with whom s/he has had a professional interaction has experienced domestic violence and abuse or dating violence and abuse, s/he shall provide educational materials to the victim relating to such form(s) of abuse and including information on access to regional domestic violence programs or rape crisis centers and how to access protective orders. These materials shall be made available to school personnel in print form or on the web by the primary domestic violence, shelter, and advocacy service provider designated by the Cabinet for Health and Family Services to serve the school District's area.

#### **REFERENCES:**

KRS 209A:020; KRS 209A.100; KRS 209A.110  
KRS 209A.130; KRS 209.160; KRS 211.160  
KRS 403.720; KRS 456.010; KRS 620.030

#### **RELATED POLICIES:**

09.14; 09.2211; 09.227; 09.425

LEGAL: SB 1 AMENDS KRS 156.557 TO REQUIRE DISTRICTS TO DEVELOP A PERSONNEL EVALUATION SYSTEM FOR CERTIFIED EMPLOYEES ALIGNED WITH KENTUCKY BOARD OF EDUCATION REGULATION AND THE STATEWIDE FRAMEWORK FOR TEACHING. IN ADDITION, SUMMATIVE EVALUATIONS MUST BE DONE ON A SET CYCLE.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.18

- CERTIFIED PERSONNEL -

### **Evaluation**

#### **DEVELOPMENT OF SYSTEM**

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

#### **PURPOSE**

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

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

At a minimum, summative evaluations shall occur annually for each teacher or other professional who has not attained continuing service status. Summative evaluations shall occur at least once every three (3) years for a teacher or other professional who has attained continuing service status, as well as principals, assistant principals, and other certified administrators.

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#### **REPORTING**

~~Results of evaluations shall not be included in the accountability system under KRS 158.6455. The District shall report to KDE the percentage of principals, assistant principals and teachers in each overall performance category and the percentage of tenured teachers on each professional growth plan level.~~

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.<sup>2</sup>



**Evaluation****APPEAL PANEL**

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

**ELECTION**

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

**TERMS**

All terms of panel members and alternates shall be for 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 Board.

**APPEAL TO PANEL**

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

Except when no other panel members are eligible to serve, 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.

**Evaluation****HEARING**

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

**PANEL DECISION**

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

**SUPERINTENDENT**

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

**REVISIONS**

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

**REFERENCES:**

<sup>1</sup>KRS 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:**

<sup>2</sup>03.15;<sup>3</sup> 03.16;<sup>4</sup> 02.14

LEGAL: THE "EVERY STUDENT SUCCEEDS ACT OF 2015 (P. L. 114-95)" REQUIRES HIGH QUALITY, PERSONALIZED AND EVIDENCE BASED PROFESSIONAL DEVELOPMENT.  
FINANCIAL IMPLICATIONS: COST OF PROVIDING TRAINING

PERSONNEL

03.19

- CERTIFIED PERSONNEL -

### **Professional Development**

#### **PROGRAM TO BE PROVIDED**

The Board shall provide a [high quality, personalized, and evidence based](#) professional development (PD) program that meets the goals established in KRS 158.6451, [the Every Student Succeeds Act \(ESSA\)](#), and in the local needs assessment. At the direction of the Superintendent or designee and in conjunction with each school, the PD coordinator shall facilitate the development and implementation of this program for all certified employees. Programs may also include classified staff and parent members of school councils and committees.

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The PD program for the District and each school shall be incorporated into the [Comprehensive School/District Improvement Plan](#). Prior to the implementation of the program, the school PD plan shall be made public, and the District PD plan shall be posted to the District web site.

The program shall be based on a Board-approved PD plan for the District, which is designed;

1. to help achieve student capacities established by KRS 158.645 and goals established by KRS 158.6451;
2. to support the District'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 [Comprehensive School/District Improvement Plan, ESSA requirements](#), and teacher growth plans.

#### **SCHOOL RESPONSIBILITIES**

Each school shall plan professional development with the PD coordinator and, when appropriate, with other schools to maximize training opportunities. In addition, each school's PD plan shall be submitted to the Board for review and comment.

#### **DOCUMENTATION**

The school/District 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 Board 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.

PERSONNEL

03.19  
(CONTINUED)

**Professional Development**

**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  
[P. L. 114-95 \(Every Student Succeeds Act of 2015\)](#)  
03.1911; 09.22

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LEGAL: FEDERAL REGULATION 45 C.F.R. § 1302.90 REQUIRES DISTRICTS WITH HEAD START PROGRAMS TO HAVE THE RESULTS OF A CRIMINAL RECORDS CHECK FOR HEAD START EMPLOYEES ON FILE. FEDERAL AUDITORS MAY ASK TO SEE DISTRICT POLICY ADDRESSING THIS REQUIREMENT.

FINANCIAL IMPLICATIONS: COSTS OF RUNNING ADDITIONAL BACKGROUND CHECKS

LEGAL: THE EVERY STUDENT SUCCEEDS ACT PROHIBITS EMPLOYERS FROM PROVIDING ANYTHING MORE THAN ADMINISTRATIVE AND PERSONNEL FILES FOR SCHOOL EMPLOYEES, CONTRACTORS, OR AGENTS THAT THEY KNOW OR HAVE PROBABLE CAUSE TO BELIEVE HAVE ENGAGED IN SEXUAL MISCONDUCT WITH A MINOR OR STUDENT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 195 AMENDS MULTIPLE KRS TO CHANGE THE GENERAL EDUCATION DIPLOMA (GED) TO HIGH SCHOOL EQUIVALENCY DIPLOMA.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: SB 236 AMENDS KRS 160.380 TO REQUIRE APPLICANTS TO PROVIDE A LETTER FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THAT THERE ARE NO FINDINGS OF SUBSTANTIATED CHILD ABUSE OR NEGLECT ON RECORD. THIS BECOMES EFFECTIVE ON JULY 1, 2018.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 269 AMENDS KRS 160.380 TO PERMIT A RELATIVE TO BE HIRED AS A SUBSTITUTE FOR A CERTIFIED OR CLASSIFIED EMPLOYEE IF THE RELATIVE MEETS SPECIFIC GUIDELINES.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## PERSONNEL

03.21

### - CLASSIFIED PERSONNEL -

## Hiring

### SUPERINTENDENT'S RESPONSIBILITIES

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

### EFFECTIVE DATE

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

### QUALIFICATIONS

The Superintendent shall employ only individuals who possess qualifications established by law, regulation, and Board policy except in the case where no individual applies who meets established qualifications.

### EDUCATIONAL REQUIREMENTS

No person shall be initially hired unless s/he holds at least a high school diploma or high school certificate of completion or ~~GED-certificate~~High School Equivalency Diploma or unless s/he shows progress, as defined by Administrative Regulations of the State Board for Adult, and Technical Education, toward obtaining a ~~certificate of h~~High s~~School e~~Equivalency Diploma. Employees shall hold the qualifications for the position as established by the Commissioner of Education.<sup>3</sup>

All paraprofessionals shall satisfy educational requirements specified by federal law.<sup>4</sup>

## **Hiring**

### **CRIMINAL BACKGROUND CHECK AND TESTING**

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

Each application or renewal form provided applicants for a classified position shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A STATE CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT. UNDER CERTAIN CIRCUMSTANCES, A NATIONAL CRIMINAL HISTORY BACKGROUND CHECK MAY BE REQUIRED AS A CONDITION OF EMPLOYMENT".<sup>1</sup>

Beginning July 1, 2018, individual applicants shall provide a letter from the Cabinet for Health and Family Services stating that there are no findings of substantiated child abuse or neglect on record. In addition, each application or renewal form provided to applicants for a classified position shall conspicuously state the following:

"FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND HAVE A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE EMPLOYEE IS CLEAR TO HIRE BASED ON NO FINDINGS OF SUBSTANTIATED CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES AS A CONDITION OF EMPLOYMENT."

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

Additionally, beginning July 1, 2018, employment shall also be contingent on receipt of a letter from the Cabinet provided by the individual documenting that the individual does not have a substantiated finding of child abuse or neglect in records maintained by the Cabinet.

Criminal records checks on persons employed in Head Start programs shall be conducted in conformity with 45 C.F.R. § 1302.90.

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### **JOB REGISTER**

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

### **VACANCIES POSTED**

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted in the School Office and in each school building on a timely basis and shall refer interested persons to the School Office job register for additional information. Postings of vacancies may be made with other agencies, as appropriate.

## **Hiring**

### **REVIEW OF APPLICATIONS**

Each application shall be reviewed and each applicant so notified.

Applications for candidates not employed shall be retained for three (3) years.

### **RELATIONSHIPS**

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

A relative may be employed as a substitute for a certified or classified employee if the relative is not:

1. A regular full-time or part-time employee of the District;
2. Accruing continuing contract status or any other right to continuous employment;
3. Receiving fringe benefits other than those provided other substitutes; or
4. Receiving preference in employment or assignment over other substitutes.<sup>1</sup>

A relative of the Superintendent shall not be employed except as provided by KRS 160.380.<sup>1</sup>

### **CONTRACT**

All regular full-time and part-time classified personnel shall enter into annual written contracts with the District.

### **EMERGENCY HIRING**

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

### **JOB DESCRIPTION**

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

### **INTENT**

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

### **REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT FOR SUBSTITUTE CLASSIFIED EMPLOYEES**

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

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**Hiring****EMPLOYEES SEEKING A JOB CHANGE**

Other than the routine transmission of administrative and personnel files, District employees are prohibited from assisting a school employee, contractor, or agent in obtaining a new job if the individual knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law and such school employee, contractor, or agent does not meet the exceptions outlined in 20 U.S.C. 7926.

**Formatted:** policytext**REFERENCES:**<sup>1</sup>KRS 160.380<sup>2</sup>702 KAR 5:080<sup>3</sup>KRS 161.011<sup>4</sup>P. L. 114-95, (Every Student Succeeds Act of 2015)[20 U.S.C. 7926](#); [42 U.S.C. § 9843a\(g\)](#)[34 C.F.R. 200.58-200.59](#); [45 C.F.R. § 1302.90](#)

KRS 17.160; KRS 17.165; KRS 156.070

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

OAG 91-10; OAG 91-149; OAG 91-206

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

Kentucky Local District Classification Plan\

13 KAR 3:030; 702 KAR 3:320

Records Retention Schedule, Public School District**Formatted:** Font: Not Bold**RELATED POLICIES:**

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221



LEGAL: CHANGES TO 702 KAR 7:065 ADD A REQUIREMENT THAT COACHES AT THE MIDDLE SCHOOL LEVEL OBTAIN AND MAINTAIN CPR CERTIFICATION AND PROVIDE DOCUMENTATION TO SCHOOL.

FINANCIAL IMPLICATIONS: COST OF TRAINING AND CERTIFICATION

PERSONNEL

03.2141

- CLASSIFIED PERSONNEL -

### **Nonteaching Coaches and Assistant Coaches**

Any middle school coach (head or assistant, paid or unpaid) shall successfully complete all training required by the District, the Kentucky Board of Education, the Kentucky High School Athletic Association, and state law and regulation. This shall include safety and first aid training and providing the school documentation of successful completion of a C.P.R. course that includes the use of an automatic defibrillator and first aid training, conducted by an instructor or program approved by a college or university, the American Red Cross, American Heart Association, or other bona fide accrediting agency. Initial certification shall use in-person instruction with certification updated as required by the approving agency.<sup>2</sup>

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Nonfaculty coaches and nonfaculty assistants shall complete District training that includes information on the physical and emotional development of students of the age with which they will be working, the District's and school's discipline policies, procedures for dealing with discipline problems, and safety and first aid training. Follow-up training shall be provided annually.<sup>1</sup>

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#### **REFERENCES:**

<sup>1</sup>KRS 161.185

<sup>2</sup>702 KAR 7:065

KRS 156.070

KRS 160.445

KRS 161.180

~~KRS 161.185~~

03.1161

09.311

LEGAL: HB 378 AMENDS KRS 337.070 TO REQUIRE PAPER OR ELECTRONIC STATEMENTS BE GIVEN TO EMPLOYEES. IN ADDITION, IF STATEMENTS ARE PROVIDED ELECTRONICALLY THEN EMPLOYEES MUST BE GIVEN ACCESS TO A COMPUTER AND PRINTER TO REVIEW AND PRINT SAID STATEMENTS.

FINANCIAL IMPLICATIONS: PRINTING COSTS FOR STATEMENTS

PERSONNEL

03.221

- CLASSIFIED PERSONNEL -

### **Salaries**

#### **HOURLY OR SALARY BASIS**

All regular and substitute classified personnel shall be paid on an hourly or salary basis as established by the Board.

#### **WORK DAY/WORK WEEK**

The length of the work day shall be established for each position by the Board. The work week for hourly (non-exempt) employees shall not exceed forty (40) hours per week, unless overtime is authorized as provided by this policy.

#### **QUALIFICATIONS**

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

#### **DETERMINATION OF EXPERIENCE**

Upon initial employment or transfer of a classified employee, the Superintendent shall determine experience credit to be granted from any previous employment consistent with applicable salary schedules adopted by the Board and, in the absence of the issue being addressed in such schedules, experience credit shall be determined as follows:

1. Previous experience in the District.

Credit for years of experience in one (1) classified position with the District will transfer with the employee when assuming another classified position within the District, if there is no break in employment.

2. Previous experience in an equivalent position in another school district.

Years of experience in an equivalent position may be transferred from another school district.

3. Previous private sector experience in a job of a similar nature.

In determining whether previous experience is applicable to a District position, similar experience shall refer to the essential functions, licensing/training requirements, and/or daily job responsibilities of the positions being similar.

#### **LIST OF SALARIES**

The Board shall maintain for public scrutiny a factual list of individual salaries of its employees for the fiscal year just closed and shall furnish that list by mail to a newspaper qualified under KRS 424.120 to publish advertisements for the District.

PERSONNEL

03.221  
(CONTINUED)

### **Salaries**

#### **PAYROLL DISTRIBUTION**

Checks will be issued according to a schedule approved annually by the Board. The District shall furnish the employee with either a paper or electronic statement. If statements are provided electronically, employees shall be provided access to a computer and printer for review and printing of their statement.

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At the close of the school year, employees who have completed all responsibilities and duties may request to be paid their remaining salary prior to the end of the fiscal year.

#### **PAYROLL DEDUCTION**

The Board shall approve all payroll deductions as specified by KRS 161.158 and Board Policy 03.2211.

#### **OVERTIME**

Overtime work shall be approved in advance by the Superintendent or designee. Hourly employees required to work in excess of forty (40) hours per week will be paid at the rate of 1½ times the regular rate for all hours beyond 40 as provided by law for overtime work.

#### **REFERENCES:**

KRS 78.615; KRS 160.291; KRS 161.011

KRS 337.070; KRS 337.285; KRS 424.120; KRS 424.220

702 KAR 3:320; 803 KAR 1:060, 803 KAR 1:070

Fair Labor Standards Act

Garcia v. San Antonio Metropolitan Transit Authority, 105 S.Ct. 1005 (1985)

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#### **RELATED POLICY:**

03.2211

LEGAL: ENACTMENT OF SB 6 (2017) PROHIBITS THE AUTOMATIC WITHHOLDING OR DEDUCTION FROM PAYROLL FOR DUES OR FEES FOR EMPLOYEE ORGANIZATIONS, ASSOCIATIONS, OR UNIONS WITHOUT PRIOR WRITTEN CONSENT FROM THE EMPLOYEE. SUCH WITHHOLDINGS CANNOT BE MADE BASED SIMPLY ON AN EMPLOYEE'S FAILURE TO "OPT OUT." AN AFFIRMATIVE WRITTEN AUTHORIZATION IS REQUIRED. SB 6 PROVIDES THAT EXISTING CONTRACTS WITH EMPLOYEE ORGANIZATIONS/EMPLOYEES RELATING TO WITHHOLDINGS CAN CONTINUE TO BE HONORED. GIVEN THAT THIS NEW LAW TOOK EFFECT IN JANUARY OF 2017, IT IS UNLIKELY THAT ANY EXCEPTION FOR EXISTING CONTRACTS WILL APPLY GOING FORWARD (2017-18 YEAR AND BEYOND). YOU SHOULD CONSULT SCHOOL DISTRICT COUNSEL IF YOU HAVE QUESTIONS REGARDING ANY SUCH EXISTING CONTRACTS.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.2211

- CLASSIFIED PERSONNEL -

### **Salary Deductions**

#### **MANDATORY DEDUCTIONS**

Mandatory payroll deductions made by the Board include:

1. State and federal income taxes;
2. Occupational tax, when applicable;
3. Social Security, when applicable;
4. County Employees' Retirement System of the State of Kentucky, when applicable;
5. Any deductions required as a result of judicial process, e.g., salary attachments, etc.; and
6. Medicare (FICA) - applicable to personnel newly hired after 3/31/86.

#### **OPTIONAL DEDUCTIONS**

Pursuant to the provisions of KRS 161.158, the following optional payroll deductions are authorized by the Board for those employees who choose to participate:

1. Board approved health/life insurance program;
2. Board approved Tax Sheltered Annuity program;
3. Other state approved deferred compensation plan;
4. Board approved credit union;
5. State-designated Flexible Spending Account (FSA) and Health Reimbursement Account (HRA) plans;
6. Membership dues for job-related organizations when thirty percent (30%) or more eligible members request the deduction(s). Such deductions may include a life insurance plan and an income protection plan associated therewith.

Deductions for membership dues of an employee organization, association, or union shall only be made upon the express written consent of the employee. This consent may be revoked by the employee at any time by written notice to the employer.

Additional payroll deductions requested by employees shall be made only with the Superintendent's approval. Administrative procedures may limit the number of participants required before additional programs are approved.

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PERSONNEL

03.2211  
(CONTINUED)

**Salary Deductions**

**REFERENCES:**

KRS 160.291; KRS 161.158  
[KRS 336.134](#)  
702 KAR 1:035; OAG 72-802

LEGAL: HB 309 CREATES NEW SECTIONS OF KRS 209A THAT REQUIRE REPORTING ACTS OF DOMESTIC VIOLENCE AND ABUSE OR DATING VIOLENCE AND ABUSE TO A LAW ENFORCEMENT OFFICER UPON THE REQUEST OF THE VICTIM. IN ADDITION, IF IT IS THE BELIEF OF THE PROFESSIONAL THAT THE DEATH OF A VICTIM WITH WHOM THEY HAVE HAD A PROFESSIONAL INTERACTION IS RELATED TO DOMESTIC VIOLENCE AND ABUSE OR DATING VIOLENCE AND ABUSE, THAT MUST BE REPORTED. THIS NEW LANGUAGE ALSO REQUIRES EDUCATIONAL MATERIAL BE PROVIDED IF THERE IS REASONABLE CAUSE TO BELIEVE THAT A VICTIM WITH WHOM THEY HAVE HAD A PROFESSIONAL INTERACTION IS RELATED TO DOMESTIC VIOLENCE AND ABUSE OR DATING VIOLENCE AND ABUSE.

FINANCIAL IMPLICATIONS: POSSIBLE COST OF PRINTING MATERIALS

PERSONNEL

03.23253

- CLASSIFIED PERSONNEL -

### **Domestic/Dating Violence Reporting and Education**

Upon the request of a victim, school personnel shall report an act of domestic violence and abuse or dating violence and abuse to a law enforcement officer. School personnel shall discuss the report with the victim prior to contacting a law enforcement officer.

School personnel shall report to a law enforcement officer when s/he has a belief that the death of a victim with whom s/he has had a professional interaction is related to domestic violence and abuse or dating violence and abuse.

These reporting requirements covering domestic violence and abuse or dating violence and abuse do not relieve school personnel of the duty to report any known or suspected abuse, neglect, or dependency of a child pursuant to KRS 620.030. This separate reporting requirement covers abuse, neglect or dependency of a child committed or caused by a parent, guardian, other person exercising control or supervision, or a person in a position of authority or special trust.

If a professional as defined in KRS 209A.020, has reasonable cause to believe that a victim with whom s/he has had a professional interaction has experienced domestic violence and abuse or dating violence and abuse, they shall provide the victim with educational materials related to domestic violence and abuse or dating violence and abuse. Those materials shall include information about how s/he may access regional domestic violence programs under KRS 209.160 or rape crisis centers under KRS 211.600 and information about how to access protective orders.

#### **REFERENCES:**

KRS 209A.020; KRS 209.160; KRS 209A100  
KRS 209A.110; KRS 209A.130; KRS 211.160  
KRS 403.720; KRS 456.010; KRS 620.030

#### **RELATED POLICIES:**

09.14; 09.2211; 09.425

LEGAL: 2 C.F.R. § 200.430 REQUIRES DISTRICTS TO FOLLOW UNIFORM GRANT GUIDANCE FOR TRACKING PERSONNEL EXPENSES PAID FOR BY FEDERAL FUNDS. AUDITORS MAY ASK FOR A POLICY STATING SUCH. THIS NEW POLICY COMPORTS WITH THAT REGULATION.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

Uniform Guidance

Federal funds received by the District are to be administered and federally funded personnel expenses documented in accordance with applicable Uniform Grant Guidance requirements.<sup>1</sup>

REFERENCES:

- <sup>1</sup>2 C.F.R 200.430(i)
- 2 C.F.R. Part 200

RELATED POLICIES:

- 01.11
- 08.1345

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LEGAL: AS PART OF ASSURING COMPLIANCE, FOOD SERVICE AUDITORS MAY ASK TO SEE THE DISTRICT'S COLLECTION AND PARENT NOTIFICATION POLICY.  
FINANCIAL IMPLICATIONS: COST OF PRINTING NOTICES  
LEGAL: THIS IS TO CLARIFY THAT PER 7 C.F.R. 15B.25, PARENTS MUST BE NOTIFIED HOW TO REQUEST SPECIAL DIETARY SERVICES FOR THEIR CHILD AND HOW TO ARRANGE FOR A HEARING TO RESOLVE GRIEVANCES RELATED TO REQUESTS FOR MODIFICATIONS BASED ON A DISABILITY.  
FINANCIAL IMPLICATIONS: COST OF PRINTING NOTICES

## SUPPORT SERVICES

07.1

### **Food/School Nutrition Services**

The Board shall provide a District-wide school nutrition program in compliance with applicable state and federal statutes and regulations. It is the intent of the Board that school nutrition services be a self-supporting program.

#### **MEALS**

Lunchrooms shall serve meals that meet or exceed the requirements specified by state and federal regulations.

#### **MEAL CHARGES**

All parents shall be provided the written meal charge policy at the beginning of each school year or upon enrollment in the District for students transferring in mid-year. In addition, parents shall be advised of the available payment systems and meal prices.

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The written meal charge policy shall be distributed to all school level staff including school nutrition employees involved in policy enforcement.

When a student accumulates more than three (3) meal charges, the Superintendent/ designee shall initiate the established collection process to include notification of parents and appropriate follow-up. If parents have not contacted the Cafeteria Manager or submitted the amount indicated within ten (10) working days from the date of the final notice, the debt will be considered delinquent and may be directed to the Board Attorney. Food Service funds ~~shall~~ not may be used to collect ~~outstanding~~ delinquent meal charges.

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Students shall not be permitted to charge a la carte items, nor shall adults be permitted to charge meals or a la carte items.

#### **FOOD SERVICE/SCHOOL NUTRITION PROGRAM DIRECTOR**

The District (or food service area to which the District belongs) shall appoint/select a Food Service/School Nutrition Program Director to oversee and manage the school nutrition service program. All Food Service/School Nutrition Program Directors shall meet minimum educational requirements and annual training requirements in accordance with federal and state law.

#### **ANNUAL REPORT/PUBLIC FORUM**

Immediately following the release of the annual school nutrition report, the Board shall discuss the findings and seek public comment during a publicly advertised Board meeting.

By January 31 of each year, the Board shall hold an advertised public forum to present a plan to improve school nutrition in the District.

The District shall compile a summary of findings and recommendations and submit the summary to the Kentucky Board of Education.



**Food/School Nutrition Services****DISCRIMINATION COMPLAINTS**

The District does not discriminate on the basis of race, color, national origin, sex, age, or disability in its school nutrition program.

Anyone wishing to initiate a complaint concerning discrimination in the delivery of benefits or services in the District's school nutrition program should go to the link below or mail a written complaint to the U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington D.C. 20250-9410, or email, [program.intake@usda.gov](mailto:program.intake@usda.gov).

[http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html)

District personnel shall assist parents/guardians and students wishing to file a complaint.

**SPECIAL DIETARY NEEDS**

Students whose dietary needs qualify them for an adaptation under law shall be provided accommodations in keeping with local procedures.

[All parents shall be provided notice of how to request meal accommodations and how to submit a grievance related to a request for modifications based on a disability, at the beginning of each school year or upon enrollment in the District for students transferring in mid-year.](#)

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**REFERENCES:**

KRS 156.160

KRS 158.852; KRS 158.856; KRS 160.290

702 KAR 006:010; 702 KAR 006:050; 702 KAR 006:075; 702 KAR 006:090

[7 C.F.R. part 15b](#); 7 C.F.R. §210.23; 7 C.F.R. §210.301; FNS Instruction 113

[P.L. 111-296](#)

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Section 504 of Rehabilitation Act of 1973, Americans with Disabilities Act

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LEGAL: AS PART OF ASSURING COMPLIANCE, FOOD SERVICE AUDITORS MAY ASK TO SEE THE DISTRICT'S COLLECTION AND PARENT NOTIFICATION POLICY.  
FINANCIAL IMPLICATIONS: COST OF PRINTING NOTICES

SUPPORT SERVICES

07.11

### **Meal Pricing**

The Superintendent/designee shall annually submit, for Board approval, a fee schedule governing the price of all meals and, in keeping with state and federal requirements, implement a process to protect the confidentiality of information concerning students as required by law.

Only District employees and contractors designated by the Superintendent/designee and representatives of agencies directly connected with the administration or enforcement of the District's School Nutrition Program shall have access to individual student eligibility information without parental consent. A list of designated District employees and contractors by position shall be maintained at the school and in the School Office.

#### **MEAL CHARGES**

[All parents shall be provided the written meal charge policy at the beginning of each school year or upon enrollment in the District for students transferring in mid-year. In addition, parents shall be advised of the available payment systems and meal prices.](#)

[The written meal charge policy shall be distributed to all school level staff including school nutrition employees involved in policy enforcement.](#)

Students may charge a maximum of five (5) breakfasts and five (5) lunches. If a student needs to charge more than this amount before previous charges have been collected, the additional charges must be approved by a written note from the Principal.

No ala carte items may be charged.

At the end of each calendar month, parents shall be notified of their children's lunchroom charges.

[When a student accumulates more than the allowable meal charges, the Superintendent/ designee shall initiate the established collection process to include notification of parents and appropriate follow-up. If parents have not contacted the Cafeteria Manager or submitted the amount indicated within ten \(10\) working days from the date of the final notice, the debt will be considered delinquent and may be directed to the Board Attorney.](#)

[Food Service funds may be used to collect delinquent meal charges.](#)

#### **FRINGE BENEFIT MEALS**

Fringe benefit meals are available only to those employees whose time is one hundred percent (100%) attributable to the operation of the school nutrition program.

#### **REFERENCES:**

KRS 160.290  
702 KAR 6:010; 702 KAR 6:050  
7 C.F.R. §245.6; 7 C.F.R. 210.18(q)  
20 U.S.C. 1232g; 34 C.F.R. 99.1 – 99.67  
42 U.S.C. §1751 et seq.  
42 U.S.C. Section 1771 et seq.  
[P.L. 111-296](#)

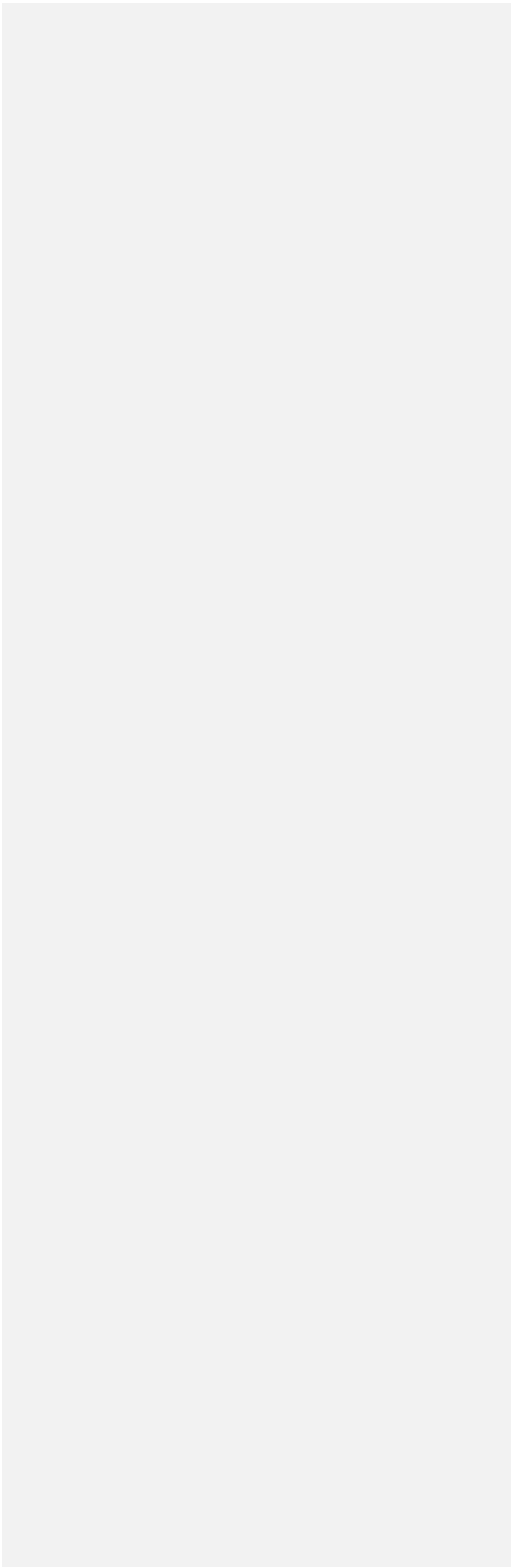
This meal charge language does not match the meal charge language in 07.1. Which meal charge process is correct?

SUPPORT SERVICES

07.11  
(CONTINUED)

**Meal Pricing**

**RELATED POLICY:**  
09.14



LEGAL: SB 17 COVERS STUDENT EXPRESSION OF RELIGIOUS OR POLITICAL VIEWS IN ASSIGNMENTS WHILE MAINTAINING SCHOOL OVERSIGHT OF CURRICULUM.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.11

### **Course of Study**

#### **DEVELOPMENT**

The Superintendent shall develop and disseminate to the school a course of study for primary school through eighth (8th) grade, which will include minimum statutory and regulatory requirements<sup>1</sup> and additional requirements as specified by the Board.

#### **ASSESSMENT OF STUDENT WORK / NONDISCRIMINATION**

Consistent with District policies addressing assessment of student progress and grading as well as council and school policies relating to the determination of curriculum and assignments, instructional staff are expected to issue grades or assessments of student assignments, including in the classroom, based on responsiveness to the assigned task(s), accuracy, and quality of work, utilizing sound pedagogical judgment and providing modifications for students with disabilities as required by law, free from discrimination or penalty based on constitutionally protected expressions of religious or political views in otherwise responsive student submissions.

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#### **IMPLEMENTATION**

Each teacher shall implement the course of study prescribed for the assigned grade and subject area.<sup>2</sup>

#### **SBDM**

The council shall determine curriculum for the school.

#### **REFERENCES:**

<sup>1</sup>704 KAR 3:303; 704 KAR 3:305

<sup>2</sup>KRS 161.170; KRS 158.100

KRS 156.160

KRS 158.183; KRS 158.645; KRS 158.6451

KRS 160.345

702 KAR 7:125, 703 KAR 4:060

LEGAL: THIS LANGUAGE IS INTENDED TO COMPLY WITH 20 U.S.C. § 6303B (ESSA) WHICH PROVIDES THAT THE STATE EDUCATIONAL AGENCY (KBE/KDE) MAY AWARD GRANTS TO SCHOOL DISTRICTS FOR "DIRECT STUDENT SERVICES" (DSS), GIVING PRIORITY TO DISTRICTS IDENTIFIED FOR COMPREHENSIVE OR TARGETED SUPPORT. THIS ESSA STATUTE ALSO SETS FORTH STANDARDS FOR PARENTAL/COMMUNITY NOTICES, FUNDING, AND PROVISION OF DSS. FINANCIAL IMPLICATIONS: POSSIBLE TRANSPORTATION AND MATERIAL/PROGRAM COSTS

## CURRICULUM AND INSTRUCTION

08.133

### **Extended School/Direct Student Services**

#### **PLAN FOR DIAGNOSING**

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

#### **EXTENDED SCHOOL SERVICES**

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

For students eligible to attend ESS, the District shall:

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

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

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

#### **DIRECT STUDENT SERVICES**

The District may apply for Title I funding for Direct Student Services if eligible as provided in Every Student Succeeds Act and the state plan required under federal law. Required notices, funding, and provision of Direct Student Services shall be consistent with federal and state requirements.

#### **REFERENCES:**

KRS 158.070

704 KAR 3:390

20 U.S.C. § 6303b

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

LEGAL: THE "EVERY STUDENT SUCCEEDS ACT OF 2015 (P. L. 114-95)" FOCUSES ON AND STRENGTHENS FAMILY ENGAGEMENT IN TITLE I PROGRAMS AND ACTIVITIES.  
FINANCIAL IMPLICATIONS: WILL DEPEND ON EXTENT OF MATERIALS AND STAFF TIME NEEDED FOR REQUIRED NOTIFICATIONS

CURRICULUM AND INSTRUCTION

08.13451

### **Title I - Parent Involvement and Family Engagement Policy**

This policy and the plan to implement it have been developed jointly and in agreement with, and will be distributed to, parents and family of students participating in the Title I program. Parents and family shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language that ~~parents~~ recipients can understand. This policy shall be made available to the local community and updated periodically to meet the changing needs of parents, family, and the school.

#### **EXPECTATIONS FOR PARENT INVOLVEMENT AND FAMILY ENGAGEMENT**

Contingent on confirmation of resources and other necessary information being provided by state and federal authorities, it is the intent of the Board that parents and family of participating students shall be provided with flexible opportunities for organized, on-going, and timely participation in the planning, review, and improvement of the Title I program, including opportunities to suggest modifications, based on changing needs of parents, family and the schools.

All comments indicating parents and family dissatisfaction with the Title I plan shall be collected and submitted along with the plan to the Department of Education.

The Title I program shall be designed to assist students to acquire the capacities and achieve the goals established by law, as well as the goals and standards established by the Board. These goals and standards shall be shared with parents and family in a manner that will give them: (1) timely information about programs; (2) a description and explanation of the school's curriculum, the forms of academic assessment used to measure student progress, the ~~proficiency levels~~ students are expected to meet achievement levels in the challenging state academic standards; the achievement level of their child on ~~each of the state academic~~ the challenging state academic standards assessments; and (3) if requested, opportunities for regular meetings to formulate suggestions and to participate in decisions relating to the education of their children.

#### **SUPPORT FOR PROGRAM**

If the District's Title I allocation is \$500,000 or more, the District shall reserve not less than one per cent (1%) of its allocation for the purpose of promoting parent ~~involvement and family engagement~~ engagement and shall distribute to Title I schools not less than ninety-five percent (90.5%) of the reserved funds with priority given to high-need schools. Parents and family of participating students shall be provided the opportunity to help decide how this portion of the Title I funds will be allotted for parental ~~involvement and family engagement~~ activities.

The District will provide coordination, technical assistance, and other support necessary to assist schools in planning and implementing effective parent ~~involvement and family engagement~~ activities to improve student academic achievement and school performance. These measures may include, but shall not be limited to, the following:

1. Designation of resources to assist in communicating with parents and family, transporting them to meeting sites and/or implementing home visits, providing child-care for meetings, encouraging them to use available parent and family resource centers, and working with them to improve parenting skills, particularly those that will assist them in working with their child to improve his/her educational achievements. Resources may include individuals, agencies, materials, and services.

**Title I - Parent ~~involvement~~and Family Engagement Policy****SUPPORT FOR PROGRAM (CONTINUED)**

2. Sharing options for coordinating and integrating Title I program strategies with services of other community programs, businesses, and agencies.
3. Identification of ways in which parents and family can be ~~involved~~engaged in staff training activities to demonstrate the value of parent ~~involvement~~and family engagement and various techniques designed to successfully engage parents and family as equal partners in their child's education.
4. Making a good faith effort to convene an annual meeting at a convenient time to which all parents and family of participating children shall be invited and encouraged to attend for informing ~~parents~~them of their school's participation in and requirements for Title I programs and of their rights to be involved.
5. Designing and conducting an effective annual evaluation process whereby parents can share their ideas about the content and effectiveness of this policy in improving the academic quality of schools receiving Title I funds, and the plan designed to implement it. The process shall focus on the following questions:  
Does this policy increase parent participation?  
What barriers to parent participation still exist, and how can they be reduced or removed?  
The findings produced by the annual evaluation shall be utilized to design strategies for school improvement and for revising this policy, if necessary.
6. In the design of activities and materials for parents, particular attention shall be given to reaching and involving those who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background.

**SCHOOL POLICY**

Each school shall submit to the Superintendent and Board, for review and comment, its Title I school parent ~~involvement~~and family engagement policy, which must meet all legal requirements, including a school-parent compact developed in keeping with legal requirements. This policy shall be developed jointly with, and distributed by the school to, parents of participating students.

A copy of each school's parent ~~involvement~~and family engagement policy and accompanying checklist shall be kept on file in the School Office.

**REFERENCES:**

Section 1118 of Improving America's Schools Act (IASA) of 1994  
P. L. 114-95, (Every Student Succeeds Act of 2015)  
KRS 157.077; KRS 158.645, KRS 158.6451  
KRS 158.865; KRS 158.866; KRS 158.867  
20 U.S.C. § 6318; 34 C.F.R. § 200.28

**RELATED POLICIES:**

03.112; 08.1345; 09.11

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LEGAL: THE "EVERY STUDENT SUCCEEDS ACT OF 2015 (P. L. 114-95)" INCLUDES FAMILY UNDER PARENTAL AND COMMUNITY PARTICIPATION; EXPANDS WHAT IS TO BE INCLUDED IN THE PARENTAL NOTIFICATION; ADDS ACCOMMODATIONS FOR ASSESSMENTS, AND CHANGES THE TERM "LIMITED ENGLISH LANGUAGE PROFICIENT" TO "ENGLISH LEARNERS."  
FINANCIAL IMPLICATIONS: PARENTAL NOTIFICATION COSTS

## CURRICULUM AND INSTRUCTION

08.13452

### **English as a Second Language**

The District shall provide an English language program to assist ~~limited-English language proficient students~~learners, including immigrant children and youth, to attain English proficiency, develop high levels of academic achievement in English, and achieve the same high standards in the same challenging state ~~core~~-academic subjectsstandards that all students in the District are expected to meet.

The Superintendent/designee, through consultation with teachers, researchers, administrators, parents and family members, community members, public or private entities, and institutions of higher learning shall direct the development of English language instruction educational program guidelines for the District:

- *Survey of Primary and Home Language* - At the time of initial enrollment, the parent/guardian of every student in the school (whether potential English ~~language~~ learners or not) shall be asked to complete a home language survey.
- *Annual Assessment of Proficiency* – Students whose primary or home language is other than English shall be administered an initial English language proficiency assessment ~~to~~ to determine whether they are ~~limited-English language proficient~~learners according to the federal definition in ESSA, Title III.

Students identified as ~~limited-English language proficient~~learners shall receive an annual assessment of English language proficiency in reading, writing, speaking, and listening to measure progress and modify the individual Program Services Plan.

- *Individual Program Services Plan* – Assessment, placement, and the design of an individual Program Services Plan for ~~students with limited English language proficiency~~learners shall be made in compliance with appropriate state and federal education requirements.

Instructional and related services shall be designed to meet the English language and academic needs of students while assisting them to participate in the general education curriculum and to overcome language barriers to grade promotion or high school graduation. Students identified as ~~limited-English language proficient~~learners shall be provided the opportunity to participate in the school's English language instructional program.

- *Parental Notification* – As required by law, the Principal shall send written notification to parents of ~~limited-English proficient students~~learners addressing the following:
  - (a) Student's need for placement in the program;
  - ~~(b)~~ Student's level of English proficiency;
  - ~~(b)(c)~~ How such level was assessed;
  - ~~(c)(d)~~ Methods of instruction used in the program;
  - ~~(d)(e)~~ Student's lack of progress in the program;
  - ~~(e)(f)~~ How the program will meet the individual learning needs of the student;
  - ~~(f)(g)~~ How the program will help the student learn English;

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**English as a Second Language**

- *Parental Notification* (continued)

- ~~(g)~~(h) How the program will help the student meet achievement standards necessary for grade promotion and high school graduation; ~~and~~
- ~~(h)~~(i) Specific exit requirements for students in the program;
- ~~(i)~~(j) How such program meets the objectives of the individualized education program of the child (in the case of a child with a disability); and
- (k) Information pertaining to parental rights that:
  1. detail the right to have their child immediately removed from such program;
  2. detail the option to decline enrollment of their child in such program or to choose another program or method of instruction if available; and
  3. assist parents in selection among various programs and methods of instruction if more than one (1) program is offered.

This notification shall be sent as follows:

- For students already participating in, or identified for participation in, a program for ~~limited-English-proficiency learning~~, parents shall be notified no later than thirty (30) calendar days after the beginning of the school year;
- ~~• For students already participating in, or identified for participation in, a program for limited-English proficiency, parents shall be notified no later than thirty (30) days after it is determined that those students are not making progress in the program; and~~

Parents also shall be informed how they can be involved, including how to help the student attain English proficiency, achieve at high levels in academic subjects, and meet ~~the challenging s~~State's academic achievement (content and performance) standards.

Parents shall receive annual notification of their child's progress on the state's English proficiency objectives and required state assessments.

- *Parental, Family and Community Participation* – Parents, ~~family~~, and community members of ~~limited-English proficient-learner~~ children shall be given the opportunity to participate in and make recommendations for the District's language instruction educational programs.
- *Provision of Services* – Once their parent/guardian has received notification, ~~limited-English proficient students~~learners shall be provided services consistent with ~~scientifically-based research-effective language instruction educational programs and curricular foren~~ teaching ~~limited-English proficient children~~learners, guidelines set out in the *Kentucky Academic Standards*, and national, state, and local standards for English language proficiency and academic performance.

Services necessary for the student to access and be involved in the general education curriculum shall be provided by certified general education teachers and English as a Second Language staff, trained bilingual instructional assistants, and/or volunteers.

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**English as a Second Language**

4. *Assessments* – English learners who have not attained English language proficiency, shall be assessed during state-wide testing in a valid, reliable manner and provided appropriate accommodations including, to the extent practicable, assessments in the language and form most likely to yield accurate data regarding student knowledge and ability in academic content areas.

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- *Evaluation of Progress* – English language instructional programs shall be evaluated on a regularly scheduled basis to determine whether progress is being made toward removing language barriers and to identify changes that need to be made in District program services. District staff shall monitor student access to equal educational opportunities, both instructional and extracurricular.
- *Program Exit Criteria* – The program guidelines shall include an evaluation process that includes establishment of objective exit criteria to indicate when students:
  - (a) Have developed the required proficiency in using English to speak, listen, read, and write with comprehension;
  - (b) Can enter and successfully participate in classrooms not tailored for limited-English proficient children learners; and
  - (c) Can expect to graduate from high school.

**REFERENCES:**

P. L. 114-95 (Every Student Succeeds Act of 2015); Title III, 3302 (20 U.S.C. §7012)  
Title VI of the Civil Rights Act of 1964; Equal Educational Opportunities Act of 1974  
Title VII of Improving America's Schools Act of 1994  
703 KAR 5:070; 704 KAR 3:305; Kentucky Academic Standards  
*Lau v. Nichols*, 414 U.S. 563, 94 S.Ct. 786, 39 L.Ed.2d 1 (1974)  
20 U.S.C. § 6318; 34 C.F.R., § 200.28

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02.4241; 09.13; 09.126 (re requirements/exceptions for students from military families)

LEGAL: THIS CLARIFIES THAT "PRIVILEGE" ONLY APPLIES TO INFORMATION INTENDED TO BE CONFIDENTIAL BUT IS NOT ABSOLUTE AND BELONGS TO THE CLIENT. HOWEVER THIS MAY BE OVERRIDDEN BY REPORTING STATUTES.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## CURRICULUM AND INSTRUCTION

08.14

### Guidance

Guidance and counseling services shall be provided for students.

#### SERVICES

Services provided by the guidance program shall consist of educational counseling; career and personal counseling; testing, and other services requested by students, parents, or staff.

#### INDIVIDUAL LEARNING PLANS

In keeping with Kentucky Administrative Regulation, the District shall implement an advising and guidance process to support development and implementation of an individual learning plan for each student that includes career development and awareness.

#### CONFIDENTIAL MATERIAL

All records and counseling information shall be kept in confidence as provided by applicable law.<sup>1</sup>

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#### REFERENCES:

<sup>1</sup>KRE 506 (Kentucky Rules of Evidence); KRS 158.154; KRS 158.155; KRS 158.156; KRS 620.030

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KRS 61.878; 703 KAR 4:060; 704 KAR 3:305

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#### RELATED POLICIES:

08.113; 09.14

LEGAL: SB 1 REQUIRES DISTRICT POLICY MINIMIZING THE REDUCTION IN INSTRUCTIONAL TIME RELATED TO THE ADMINISTRATION OF INTERIM ASSESSMENTS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: THE "EVERY STUDENT SUCCEEDS ACT OF 2015 (P. L. 114-95)" REQUIRES DISTRICTS TO MAKE WIDELY AVAILABLE INFORMATION ON ASSESSMENTS REQUIRED BY ESSA, STATE, AND THE DISTRICT. PARENTS MUST BE NOTIFIED OF THEIR RIGHT TO REQUEST AND RECEIVE INFORMATION REGARDING STATE OR DISTRICT ASSESSMENT POLICIES. IN ADDITION, PARENTS SHALL BE PROVIDED THEIR CHILD'S LEVEL OF ACHIEVEMENT AND ACADEMIC GROWTH ON REQUIRED STATE ASSESSMENTS.

FINANCIAL IMPLICATIONS: COST OF PROVIDING REQUIRED NOTICES

## CURRICULUM AND INSTRUCTION

08.222

### Assessment

#### CONTINUOUS ASSESSMENT

The Superintendent shall recommend and the Board shall adopt and implement a continuous assessment program in accordance with applicable statutes and regulations. If utilized, formative or interim assessments of students shall be administered so as to minimize any reduction in instructional time.

#### NOTICES

The District shall make widely available through public means for each grade served by the District, information on each assessment required by the state to comply with Every Student Succeeds Act of 2015 (ESSA), other state required assessments, and if information is available and feasible to report, District-wide required assessments. In posting this notice, the District shall provide the information designated by federal law.

If the school receives Title I funds, the District shall notify parents of students attending the school at the beginning of each school year that they may request the District to provide information regarding any State or District policy regarding student participation in any assessments mandated by ESSA and by the State or District. In complying with such requests, the District shall provide the information designated by federal law.

When such information is available and applicable, schools that receive Title I funds shall provide information on the level of achievement and academic growth of the student on each required state academic assessment to the parent of any student attending the school.

#### REFERENCES:

KRS 158.645; KRS 158.6451; KRS 158.6453; KRS 158.6459

KRS 158.860; KRS 161.795

16 KAR 1:020; 703 KAR 5:010

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

#### RELATED POLICIES:

02.441; 08.1213; 08.131; 08.13451; 08.221

09.2; 09.21

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LEGAL: SB 17 CREATES A NEW CHAPTER OF KRS 158 TO ALLOW TEACHING ABOUT RELIGION WITH THE USE OF THE BIBLE OR OTHER SCRIPTURE, BUT WITHOUT PROVIDING RELIGIOUS INSTRUCTION, FOR SECULAR STUDY.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.232

### **Instructional Resources**

#### **ALLOCATION METHOD**

Within budgetary limits, the school council shall establish an equitable method of allocating funds to purchase instructional resources.

Teachers shall be surveyed to determine their needs for instructional resources. The results of the survey shall be used to establish purchasing priorities.

#### **FINANCIAL REPORT**

A financial report on allocations to and expenditures for instructional resources shall be prepared annually by the Board and shall be a public record.

The school may carry forward to the next fiscal year any part of the instructional resource allocation distributed to the school that has not been spent or committed in the current fiscal year.

#### **INSTRUCTIONAL RESOURCE FUND**

The school may purchase instructional resources using State funds in accordance with 704 KAR 3:455.

The school, which shall be allocated instructional resource funds, shall complete an annual plan to identify purchases following guidelines of the Kentucky Board of Education. The annual plan shall be approved by the Board and by the School Council.

All plans shall be approved by the local Board as to sufficiency of funding to support the requested purchases. Any purchases exceeding the funds allocated shall be paid from other Council funds.

#### **RESPONSIBILITY**

Students or parents shall compensate the District for instructional resources that are lost, damaged, or destroyed while in the student's possession.

#### **SECTARIAN TEXTS**

No book or other publication of a sectarian, infidel, or immoral character or one that reflects on any religious denomination shall be used or distributed in any school.<sup>3</sup>

[This does not prevent a teacher, consistent with his or her assigned duties, from using or distributing books or other publications that reflect any religious denomination to teach the secular study or religion as permitted by the Constitutions of the United States of America or the Commonwealth of Kentucky.](#)

#### **REFERENCES:**

<sup>1</sup>KRS 158.108

<sup>2</sup>KRS 160.330; 702 KAR 3:220

<sup>3</sup>KRS 158.190

[KRS 156.162](#)

[KRS 156.433](#); [KRS 156.439](#); [KRS 157.110](#); [KRS 158.188](#)

[702 KAR 3:246](#); [704 KAR 3:455](#)

CURRICULUM AND INSTRUCTION

08.232  
(CONTINUED)

**Instructional Resources**

**RELATED POLICIES:**

02.4242 04.32 09.15

LEGAL: SB 50 AMENDS KRS 158.070 TO INCLUDE CREATION OF A MANDATORY CALENDAR COMMITTEE, ITS MAKEUP, AND REQUIRED STEPS IN DEVELOPING THE CALENDAR. SB 50 ALSO ALLOWS DISTRICTS THAT ADOPT A CALENDAR, IN WHICH THE FIRST STUDENT ATTENDANCE DAY IS NO EARLIER THAN THE MONDAY CLOSEST TO AUGUST 26, TO USE A VARIABLE STUDENT INSTRUCTIONAL YEAR IN WHICH STUDENT ATTENDANCE DAYS SHALL NOT CONTAIN MORE THAN SEVEN (7) HOURS OF INSTRUCTIONAL TIME.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## CURRICULUM AND INSTRUCTION

08.3

### School Calendar

#### CALENDAR COMMITTEE

Beginning with the 2018-2019 school year, the Board, upon recommendation of the Superintendent, shall annually appoint a District Calendar Committee to review, develop, and recommend school calendar options.

The District Calendar Committee shall consist of:

1. One (1) District Principal;
2. One (1) District office administrator other than the Superintendent;
3. One (1) local Board member;
4. Two (2) parents of students attending a school in the District;
5. One (1) District elementary teacher;
6. One (1) District middle or high teacher;
7. Two (2) District classified employees; and
8. Two (2) community members from the local chamber of commerce, business community, or tourism commission.

#### DEVELOPMENT OF CALENDAR

The District Calendar Committee, after seeking feedback from District employees, parents, and community members, shall recommend school calendar options to the Superintendent for presentation to the Board. The committee's recommendations shall comply with state laws and regulations and consider the economic impact of the school calendar on the community and the state.

In order to act on the school calendar, the Board must hold two (2) meetings: 1) one that includes hearing and discussing recommendations from the Superintendent and the calendar committee and 2) a subsequent meeting that includes adoption of the calendar.

The meetings may be regular or special.

In the case of special meetings, the requirements of KRS 61.823 and Board Policy 01.44 apply, including describing in the applicable special meeting notice(s) and agenda(s) consideration and discussion of the recommendations of the Superintendent and the calendar committee (regarding an initial special meeting dealing with the school calendar) or adoption of the school calendar (regarding a subsequent special meeting that includes adoption of the calendar).

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**School Calendar****DEVELOPMENT OF CALENDAR (CONTINUED)**

In the case of an initial regular meeting that includes the required recommendations/discussion or a subsequent regular meeting that includes adoption of the school calendar, notice shall be given to media outlets that have requests on file to be notified of special meetings stating the date of the regular meeting and that one (1) of the items to be considered in the regular meeting will be the school calendar. The notice shall be sent at least twenty-four (24) hours before any such regular meeting. This additional and unique regular meeting notice requirement does not make any of the requirements or limitations relating to special meetings applicable to the regular meeting.

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On or before May 15, the Board, ~~upon recommendation of the Superintendent in a meeting subsequent to the meeting in which the Board heard the recommendations of the District Calendar Committee and the Superintendent,~~ shall adopt a school calendar prior to each upcoming school year that establishes or includes:

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

**ADDITIONAL REQUIREMENTS**

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

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

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



### School Calendar

#### ADDITIONAL REQUIREMENTS (CONTINUED)

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

#### CALENDAR OPTIONS

Beginning with the 2018-2019 school year, if the Board adopts a school calendar with the first student attendance day in the school term starting no earlier than the Monday closest to August 26, the adopted calendar may use a variable student instructional year. The District may set the length of individual student attendance days in a variable student instructional schedule, but no student attendance day shall contain more than seven (7) hours of instructional time unless the District submitted and received approval from the Commissioner of Education for an innovative alternative calendar.<sup>1</sup>

A variable student instructional year means at least one thousand sixty-two (1,062) hours of instructional time delivered on the number of student attendance days adopted by the Board which shall be considered proportionally equivalent to one hundred and seventy (170) student attendance days and calendar days for the purposes of a student instructional year, employment contracts that are based on the school term, service credit under KRS 161.500, and funding under KRS 157.350.<sup>1</sup>

#### AMENDING THE CALENDAR

The Board may amend the school calendar after it is adopted due to an emergency. The Board may lengthen or shorten any remaining student attendance days by thirty (30) minutes or more, as necessary provided it meets at minimum, a student instructional year as defined in statute. No student attendance day may contain more than seven (7) hours of instructional time unless the District submits and receives approval from the Commissioner of Education for an innovative alternative calendar.

#### EMERGENCY WAIVERS

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

#### REFERENCES:

<sup>1</sup>KRS 157.350; KRS 158.070; KRS 161.500  
KRS 2.190; KRS 118.035  
KRS 157.320; KRS 157.360  
~~KRS 158.070~~; KRS 158.6453  
702 KAR 7:130; 702 KAR 7:140

#### RELATED POLICIES:

01.42; 08.31

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LEGAL: SB 1 AMENDS KRS 158.6453 TO REMOVE PROGRAM REVIEWS AND PROGRAM AUDITS.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.5

### **Program Evaluation**

#### **IMPLEMENTATION OF PLAN**

The Superintendent shall develop and implement a plan for the evaluation of educational programs. This plan shall include both objective and subjective measures of student outcomes in relation to District educational objectives developed and approved by the Board.

~~Based on the timeline, criteria and procedures developed by the Kentucky Department of Education, the District's program evaluation plan shall include audits and reviews in the areas designated by regulation.<sup>†</sup>~~

KRS 158.645; KRS 158.6451; KRS 158.6453

<sup>†</sup>703 KAR 5:230

#### **RELATED POLICIES:**

02.44; 02.441

08.222

LEGAL: HB 195 AMENDS MULTIPLE STATUTES TO CHANGE THE GENERAL EDUCATION DIPLOMA (GED) TO HIGH SCHOOL EQUIVALENCY DIPLOMA.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.111

### **Transfers and Withdrawals**

#### **TEACHER TO ASCERTAIN REASON**

When a pupil of compulsory school age withdraws from school, the teacher of the pupil shall ascertain the reason.<sup>1</sup>

#### **REPORT TO DPP**

The teacher shall immediately report the withdrawal and the reason for it to the Superintendent's office (Director of Pupil Personnel).

#### **CHANGE OF RESIDENCE**

If the child has withdrawn because of residence, the next residence shall be ascertained and included in the report. The District shall notify the Kentucky Department of Education when a new student enrolls.<sup>1</sup>

#### **MISSING CHILDREN**

The Director of Pupil Personnel shall notify the Justice Cabinet of any request for the records of a student who has been flagged as missing.<sup>1</sup>

#### **PERMISSION**

No written permission for withdrawal shall be required after the student's eighteenth (18th) birthday.<sup>2</sup>

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.<sup>2</sup>

#### **FOLLOW-UP BY DISTRICT PERSONNEL**

Within three (3) months of the date of a student's withdrawal from school, District personnel designated by the Superintendent shall contact each student who has withdrawn from school to encourage reenrollment in a regular, alternative, or ~~GED preparation~~ High School Equivalency Diploma program. If the student does not reenroll at that time, personnel shall make at least one (1) more attempt toward reenrollment of the student before the beginning of the next school year.<sup>2</sup>

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#### **REFERENCES:**

<sup>1</sup>KRS 159.170; KRS 158.032

<sup>2</sup>KRS 159.010; KRS 159.020

#### **RELATED POLICY:**

09.122

LEGAL: THE "EVERY STUDENT SUCCEEDS ACT OF 2015 (P. L. 114-95)" REQUIRES DISTRICTS TO ADDRESS ADMISSION OF FOSTER CHILDREN AND HOW THEY WILL BE TRANSPORTED.  
FINANCIAL IMPLICATIONS: POSSIBLE INCREASED TRANSPORTATION COSTS  
LEGAL: THE "EVERY STUDENT SUCCEEDS ACT OF 2015 (P. L. 114-95)" AND MCKINNEY-VENTO ACT REQUIRE DISTRICTS TO ADDRESS ADMISSION OF HOMELESS YOUTH INCLUDING HOW THEY WILL BE TRANSPORTED AND A DISPUTE RESOLUTION PROCESS.  
FINANCIAL IMPLICATIONS: POSSIBLE INCREASED TRANSPORTATION COSTS

STUDENTS

09.12

### **Admissions and Attendance**

#### **RESIDENCE DEFINED**

Pupils whose parent or guardian resides in the District and has custody of the student, or pupils who are legal residents of the school district, or as otherwise provided by state or federal law, shall be considered residents and entitled to the privileges of the District's schools.

All other pupils shall be classified as nonresidents for school purposes.<sup>1</sup>

#### **HOMELESS CHILDREN AND YOUTH**

The District shall provide educational and related services to homeless children and youth ([including preschool-aged homeless children](#)) in a manner that does not segregate or stigmatize students on the basis of their homeless status.

The District shall provide its schools with guidelines that detail the rights of homeless students and the responsibilities that schools have to meet their needs and eliminate barriers to school attendance. These guidelines shall emphasize the right of homeless students to:

1. Have equal access to all educational programs and services, including transportation, that non-homeless children enjoy;
2. [Have access to preschool programs as provided to other children in the District;](#)
3. Continue attending their school of origin, [when deemed in the best interest of the child,](#) for the duration of homelessness;
4. Attend regular public school with non-homeless students; and
5. Continue to receive all services for which they are eligible (i.e., special education, gifted and talented, [limited-English proficient learner](#)).

[The District shall provide transportation to the school of origin for homeless children at the request of the parent or guardian \(or in the case of an unaccompanied youth, the liaison\) if the child continues to live within the area served by the District in which the school of origin is located. If the child locates to a District other than that of his/her school of origin, the districts shall work together to apportion transportation to and from the school of origin and associated costs. If the districts are unable to reach agreement, responsibility and costs for transportation shall be shared equally.](#)

The District shall designate an appropriate staff person to serve as liaison to homeless children and youth. [In addition to coordination of McKinney-Vento implementation in the District, the liaison is responsible for:](#)

- ["Outreach" to other entities and agencies so that homeless students are identified;](#)
- [must provide public notice of the educational rights of homeless children in places locations frequented by parents/guardians and unaccompanied youths. This notice is to be in a manner and form that is understandable; where they receive services.](#)<sup>2</sup>

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### **Admissions and Attendance**

#### **HOMELESS CHILDREN AND YOUTH (CONTINUED)**

- Seeing that school personnel who provide McKinney-Vento Services receive professional development and other support; and
- Ensuring that unaccompanied youths are enrolled in school and receive support to accrue credits and access to higher education.

The District shall inform school personnel, service providers, advocates working with homeless families, parents, guardians and homeless children and youths of the duties of the liaison.

Disputes over eligibility, school selection, or enrollment are to be appealed to the Kentucky Department of Education using the Dispute Resolution for Homeless form located at the link below:

[http://education.ky.gov/federal/progs/txc/Documents/Homeless\\_Dispute\\_Resolution\\_Form.docx](http://education.ky.gov/federal/progs/txc/Documents/Homeless_Dispute_Resolution_Form.docx)

The District shall provide services for homeless children and youths with disabilities as required by law.

#### **CHILDREN IN FOSTER CARE**

Students in foster care shall have equal access to all educational programs and services, including transportation, which all other students enjoy.

Foster children are to be immediately enrolled in a new school. The District shall contact the student's prior school for relevant records.

The Superintendent shall appoint a Point of Contact (POC) to coordinate activities relating to the District's provision of services to children placed in foster care, including transportation services, when the District is notified by the Cabinet for Health and Family Services in writing that the Cabinet has designated its foster care POC for the District. The Superintendent may appoint the District POC prior to such notice from the Cabinet.

Children in foster care, including preschool aged children if the District offers a preschool program, shall be eligible to attend their "school of origin" unless a determination is made that it is not in the child's best interest. When possible, such determination will be made in collaboration with the child welfare agency. Dispute resolutions shall be handled by all agencies involved in the determination of the foster child's placement.

When possible, a child exiting the foster care program during the school year shall be allowed to complete the school year in the school of origin.

#### **IMMIGRANTS**

No student shall be denied enrollment based on his/her immigration status, and documentation of immigration status shall not be required as a condition of enrollment.

The District may provide an approved high school program to a student who is a refugee or legal alien until the student graduates or until the end of the school year in which the student reaches the age of twenty-one (21), whichever comes first.

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**Admissions and Attendance****NONRESIDENTS**

Nonresident pupils may be admitted to the District's schools in accordance with Board policy and upon approval of the Superintendent.<sup>3</sup>

Written nonresident pupil contract information shall be kept on file at both the attending and resident districts.

[Nonresident students designated as homeless or foster children may be required to be enrolled consistent with the "child's best interest" or "school of origin" requirements under the Every Student Succeeds Act \(ESSA\) and the McKinney-Vento Act as amended by ESSA.](#)

**NON-IMMIGRANT FOREIGN STUDENTS**

Non-immigrant foreign students qualifying for F-1 immigration status or who obtain an F-1 student visa may be admitted to the District based on the following guidelines:

1. These students shall not be permitted to attend any publicly funded adult education program.
2. These students may be permitted to attend in grades nine through twelve (9-12), but not at earlier grade levels.
3. As required by law, these students shall pay a tuition fee equal to the full, unsubsidized per capita cost to the District for providing education to the student for the period of attendance.
4. The period of attendance shall not exceed twelve (12) months.

These requirements do not apply to immigrant students residing in the District or foreign students in any other immigration status, including exchange students.

**EXPELLED/CONVICTED STUDENTS**

The parent, guardian, Principal, or other person or agency responsible for the student shall provide to the school prior to admission, a sworn statement or affirmation concerning any of the following that have occurred in or outside Kentucky:

1. If a student has been expelled from school; or
2. If a student has been adjudicated guilty/convicted of, homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs.

Assault shall mean any physical assault, including sexual assault.

The sworn statement or affirmation shall be on a form provided by the appropriate state agency and shall be sent to the receiving school within five (5) working days of official notification that a student has requested enrollment in the new school.<sup>4</sup>

If a student is suspended or expelled for any reason, or faces charges that may lead to suspension or expulsion, but withdraws prior to a hearing from any public or private school in Kentucky or any other state and then moves into the District and seeks to enroll, the District shall review the details of the charges, suspension, or expulsion and determine if the student will be admitted, and if so, what conditions may be imposed upon the admission. Prior to a decision to deny admission, the District shall offer the student, parent/guardian, or other persons having legal custody or control of the student a hearing before the Board.

STUDENTS

09.12  
(CONTINUED)

**Admissions and Attendance**

**REFERENCES:**

<sup>1</sup>KRS 159.010; OAG 78-64; OAG 91-171

<sup>2</sup>42 U.S.C. 11431 et seq. (McKinney-Vento Act)

<sup>3</sup>KRS 158.120; OAG 80-47; OAG 79-327; OAG 75-602

<sup>4</sup>KRS 158.155; KRS 157.320; KRS 157.330; KRS 158.150  
KRS 157.360; KRS 158.100

702 KAR 7:125; 704 KAR 7:090

~~P. L. 114-95~~ ~~Public Law~~ 104-208;

P. L. 114-95 (Every Student Succeeds Act of 2015), [20 U.S.C. § 6301 et seq.](#)

8 U.S.C. Sections 1101 and 1184; 8 C.F.R. Section 214

22 C.F.R. §62.25

*Plyler v. Doe*, 457 U.S. 202 (1982)

Equal Educational Opportunities Act of 1974 (EEOA)

**RELATED POLICIES:**

[06.32](#); [08.1114](#)

09.11;~~;~~ [09.121](#); 09.1223;~~;~~ 09.123;~~;~~ 09.124;~~;~~ 09.125;~~09.211~~

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

~~09.14~~; [09.211](#)

LEGAL: THIS REVISION REFLECTS PROVISIONS OF KRS 158.030(2) WHICH ARE EFFECTIVE AS OF THE 2017-2018 SCHOOL YEAR.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## STUDENTS

09.121

### Entrance Age

#### **PRESCHOOL**

In accordance with appropriate state and federal legal requirements, any child who has been identified as disabled, and who is three (3) or four (4) years of age, by August 1 of the current year, shall be eligible for a free and appropriate preschool education and related services.

Children at risk of educational failure who are four (4) by August 1 may enter preschool. All other four (4)-year-old children shall be served to the extent placements are available.<sup>1</sup>

#### **PRIMARY SCHOOL**

~~A child who becomes five (5) by October 1 may enter primary school and may advance through the primary program without regard to age in accordance with KRS 158.030. A child who becomes six (6) by October 1 shall attend public school unless s/he qualifies for an exemption as provided by law.<sup>3</sup>~~

The District shall establish guidelines to determine a student's level of academic and social skills when that student is being considered for advancement through the primary program.<sup>3</sup> A student who is at least five (5) years of age, but less than six (6) years of age ~~on or before October 1~~, may be enrolled in the second level of the primary program in keeping with the process set out in Kentucky Administrative Regulation.<sup>3,4</sup>

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#### **PETITION PROCESS**

Parents /guardians may petition the Board to allow their child to enter school earlier than permitted under statutory age requirements. On receipt of a petition, the District shall conduct an evaluation process to help determine a student's readiness to engage in and benefit from early entry to school. The process shall be established in accordance with the following:

1. The District shall establish guidelines to determine a student's readiness for entry, including the date by which petitions must be submitted to the School Office.
2. Developmentally appropriate measures, which may include state-approved screening instruments, shall be used to determine a student's level of developmental, academic and social readiness.
3. Based on staff recommendations, the Superintendent shall recommend to the Board whether to grant the request.
4. Considerations may include availability of space and funding.

Any tuition amounts charged to students permitted early entry under this Policy shall be the same as that charged to other tuition paying students who meet statutory age requirements.<sup>2</sup>

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**Entrance Age****PROOF OF AGE**

Upon enrollment for the first time in any elementary or secondary school, a student or student's parent shall provide:

- A certified copy of the student's birth certificate, or
- Other reliable proof of the student's identity and age with an affidavit explaining the inability to produce a copy of the birth certificate.<sup>45</sup>

**REFERENCES:**

<sup>1</sup>KRS 157.3175; ~~2016 Budget Bill~~

<sup>2</sup>KRS 158.030

<sup>3</sup>~~KRS 157.226; KRS 159.030~~ 702 KAR 7:125

<sup>54</sup>KRS 158.031; ~~702 KAR 1:160; 702 KAR 7:125~~

<sup>45</sup>KRS 158.032; KRS 158.035; KRS 214.034

KRS 158.990; KRS 159.010; ~~KRS 159.030~~

~~702 KAR 1:160~~; 704 KAR 5:070

OAG 82-408; OAG 85-55

P. L. 114-95, (Every Student Succeeds Act of 2015), 20 U.S.C. § 6301 et seq.

McKinney-Vento Act, 42 U.S.C. 11431 et seq.

**RELATED POLICIES:**

08.22

09.124

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

LEGAL: THIS CLARIFIES THE TIMING OF IRREVOCABLE ENTRY INTO KINDERGARTEN BY FIVE YEAR OLDS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: THIS REVISION REFLECTS PROVISIONS OF KRS 158.030(2) WHICH ARE EFFECTIVE AS OF THE 2017-2018 SCHOOL YEAR.

FINANCIAL IMPLICATIONS: 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~~ August 1, and eighteen (18), except those specifically exempted by statute, shall enroll and be in regular attendance in school.<sup>1</sup>

Per 704 KAR 5:060, any five (5) year old child not otherwise subject to compulsory attendance laws, but who voluntarily enrolls in the primary school program at the beginning of the school year, may upon parental or guardian's written request be withdrawn from the program at any time within the first two (2) school calendar months. At the end of such trial period a child shall be considered irrevocably entered into the primary school program for purposes of KRS 159.010 and KRS 159.020.

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#### **EXEMPTIONS FROM COMPULSORY ATTENDANCE**

The Board shall exempt the following from compulsory attendance:

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

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

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

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

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

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

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

3. Students may participate in cocurricular activities and be counted as being in attendance during the instructional school day, provided the Principal/designee has given prior approval to the scheduling of the activities. Approval shall be granted only when cocurricular activities and trips are instructional in nature, directly related to the instructional program, and scheduled to minimize absences from classroom instruction.<sup>4</sup>
4. Students participating in an off-site virtual high school class or block may be counted in attendance in accordance with requirements set out in Kentucky Administration Regulation.<sup>4</sup>
5. Students having an individual education plan (IEP) that requires less than full-time instructional services shall not be required to be present for a full school day.<sup>4</sup>
6. Students who attend classes for moral instruction at the time specified and for the period fixed shall be credited with the time spent as if they had been in actual attendance in school, and the time shall be calculated as part of the actual school work required by law. Students shall not be penalized for any school work missed during the specified moral instruction time.<sup>5</sup>
7. Students participating as part of a school-sponsored interscholastic athletic team, who compete in a regional or state tournament sanctioned by the Kentucky Board of Education or KHSAA, that occurs on a regularly scheduled student attendance day shall be counted and recorded present at school on the date or dates of the competition, for a maximum of two (2) days per student per school year. Students shall be expected to complete any assignments missed on the date or dates of the competition.<sup>6</sup>

**REFERENCES:**<sup>1</sup>KRS 159.010; OAG 85-55<sup>2</sup>KRS 159.030<sup>3</sup>KRS 159.035<sup>4</sup>702 KAR 7:125<sup>5</sup>KRS 158.240<sup>6</sup>KRS 158.070[KRS 158.030](#); [KRS 158.143](#)[KRS 159.020](#); KRS 159.180; KRS 159.990[704 KAR 5:060](#)

OAG 79-68; OAG 79-539

OAG 87-40; OAG 97-26

**RELATED POLICIES:**

08.131; 08.1312

09.111; [09.121](#); 09.123; 09.36

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RECOMMENDED: THIS CLARIFIES THAT A STUDENT'S PARENT IS NOT TO BE NOTIFIED IF A COURT ORDER PROVIDES TO THE CONTRARY (FOR EXAMPLE IN AN EMERGENCY ABUSE SITUATION).

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 33 CREATES A NEW SECTION OF KRS 620 DETAILING THE CABINET'S NOTIFICATION REQUIREMENTS WHEN IT IS AWARDED CUSTODY OF AN ABUSED, NEGLECTED OR DEPENDENT CHILD.

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 or when the Cabinet is granted custody of the student by a court order. In such case, the student's parent shall be notified at the earliest opportunity except as otherwise provided by a court order or law.<sup>1</sup>

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**Dismissal from School****EXCEPTIONS (CONTINUED)**

When custody of a student is granted to the Cabinet by a court order as a result of dependency, neglect, or abuse, the Cabinet shall notify the Principal, Assistant Principal, or Guidance Counselor of the names of persons authorized to contact the child at school or remove the child from school grounds.

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The notification shall be provided to the school by the Cabinet:

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- a) Verbally and documented in writing by the Principal, Assistant Principal, or Guidance Counselor on the day that a court order is entered and again on any day that a change is made with regard to persons authorized to contact or remove the child from school. The verbal notification shall occur on the next school day immediately following the day a court order is entered or a change is made if the court order or change occurs after the end of the current school day; and
- b) By written document within ten (10) calendar days following a change of custody or change in contact or removal authority.

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

**REFERENCE:**

<sup>1</sup>OAG 85-134; OAG 92-138  
KRS 620.146  
702 KAR 7:125

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**RELATED POLICIES:**

09.12311; 09.227; 09.3; 09.31; 09.432  
09.434; 10.5

LEGAL: SB 17 ALLOWS STUDENTS TO EXPRESS RELIGIOUS OR POLITICAL VIEWS.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.13

### **Equal Educational Opportunities**

#### **DISCRIMINATION PROHIBITED**

No pupil shall be discriminated against because of age, color, disability<sup>1</sup>, race, national origin, religion, sex, or veteran status.

#### **STUDENTS WITH DISABILITIES**

The District shall provide a free, appropriate public education to each qualified student with a disability, as defined by law, within its jurisdiction.

Parents of students who have a temporary or permanent disability may request the District supervisor to provide appropriate accommodations necessary for them to participate in instructional and extracurricular activities, as required by law. Students who are at least eighteen (18) years of age may submit their own requests.

#### **STUDENT RELIGIOUS ACTIVITIES OR POLITICAL EXPRESSION**

The District shall observe the rights of students to voluntarily engage in religious activities, ~~or~~ Students may express religious or political viewpoints while at school to the same extent and under the same circumstances as other permitted activities or expression. —as established by ~~Consistent with the United States~~ Constitutions of the United States and the Commonwealth of Kentucky and law, students shall be permitted to engage in these activities and express these viewpoints, provided they do not:

1. Infringe on the rights of the school to:
  - a. Maintain order and discipline;
  - b. Prevent disruption of the educational process; and
  - c. Determine education curriculum;
2. Harass other persons or coerce other persons to participate in the activity; or
3. Otherwise infringe on the rights of other persons.

Student complaints concerning possible violations of their religious rights shall be addressed in keeping with legal requirements. Their complaints shall be directed to the Principal, who shall investigate and take appropriate action within thirty (30) days of receipt of the written notification.

STUDENTS

09.13  
(CONTINUED)

**Equal Educational Opportunities**

**REFERENCES:**

<sup>1</sup>Bd. of Educ., etc. v. Rowley 102 S.Ct. 3034 (1982)  
District special education policy and procedures manual; District 504 procedures  
KRS 157.200; KRS 157.224; ~~KRS 157.226~~; KRS 157.230  
KRS 157.350; KRS 158.183; KRS 160.295  
Age Discrimination Act of 1975; Section 504 of Rehabilitation Act of 1973  
Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972  
Vietnam Era Veterans Readjustment Assistance Act of 1974  
Americans with Disabilities Act; Kentucky Education Technology System (KETS)  
28 C.F.R. Section 35.101 et seq.

**RELATED POLICIES:**

03.113; 03.212; 05.11; 08.131; 09.3211

LEGAL: THE BOARD MAY DESIGNATE A STUDENT'S ADDRESS AS DIRECTORY INFORMATION UNDER FERPA; HOWEVER, UNDER THE MCKINNEY-VENTO ACT, INFORMATION REGARDING A STUDENT'S LIVING SITUATION IS NOT CONSIDERED DIRECTORY INFORMATION. AS A RESULT, INFORMATION ABOUT A STUDENT'S LIVING SITUATION MUST BE PROVIDED THE SAME PROTECTIONS AS OTHER NON-DIRECTORY, PERSONALLY IDENTIFIABLE INFORMATION (PII) CONTAINED IN STUDENT EDUCATION RECORDS UNDER FERPA.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.14

### **Student Records**

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

#### **PROCEDURE TO BE ESTABLISHED**

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

#### **DISCLOSURE OF RECORDS**

Student records shall be made available for inspection and review to the parent(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.<sup>1</sup>

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

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

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

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

- Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer;
- Authorized representatives of a Kentucky state child welfare agency if such agency presents to the District an official court order placing the student whose records are requested under the care and protection of said agency. The state welfare agency representative receiving such records must be authorized to access the child's case plan.



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

- School officials (such as teachers, instructional aides, administrators, including health or medical staff and law enforcement unit personnel) and other service providers (such as contractors, consultants, and volunteers used by the District to perform institutional services and functions) having a legitimate educational interest in the information.

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

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

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

**DISCLOSURE TO REPRESENTATIVES FOR FEDERAL OR STATE PROGRAM PURPOSES**

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

**DUTY TO REPORT**

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

**DIRECTORY INFORMATION**

The Superintendent/designee is authorized to release Board-approved student directory information. Approved "directory information" shall be: name, address, phone number, date and place of birth, student's school email address, major field of study, participation in officially recognized activities and sports, photograph/picture, grade level, weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, and most recent educational institution attended. Any eligible student or parent/guardian who does not wish to have directory information released shall notify the Superintendent/designee in writing within thirty (30) calendar days after receiving notification of FERPA rights.

Information about the living situation of a student designated as homeless is not to be treated as directory information and is not to be disclosed unless prior written consent is given or unless the information meets one of FERPA's exceptions to required consent. The living situation is not considered directory information.

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

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

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

**SURVEYS OF PROTECTED INFORMATION**

The District shall provide direct notice to parents/guardian to obtain prior written consent for their minor child(ren) to participate in any protected information survey, analysis, or evaluation, if the survey is funded in whole or in part by a program of the U.S. Department of Education.

Parents/eligible students also shall be notified of and given opportunity to opt their child(ren) out of participation in the following activities:

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Parents/eligible students may inspect, upon written request and prior to administration or use, materials or instruments used for the collection, disclosure, or use of protected information.

PPRA requirements do not apply to evaluations administered to students in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA).

**STUDENTS WITH DISABILITIES**

The District's special education policy and procedures manual shall include information concerning records of students with disabilities.

**RECORDS RELEASE TO JUVENILE JUSTICE SYSTEM**

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

**Student Records****JUVENILE COURT RECORDS**

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

**RECORDS OF MISSING CHILDREN**

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

**COURT ORDER/SUBPOENA**

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

**REFERENCES:**

<sup>1</sup>Section 152 of the Internal Revenue Code of 1986

<sup>2</sup>KRS 158.153; KRS 610.320; KRS 610.340; KRS 610.345

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

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

702 KAR 1:140; 702 KAR 3:220

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

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

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

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

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

Individuals with Disabilities Education Improvement Act of 2004

Kentucky Education Technology System (KETS)

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

[42 U.S.C. 11431 et seq. \(McKinney-Vento Act\)](#)

**RELATED POLICIES:**

09.111; 09.12311; 09.43

LEGAL: AMENDMENTS TO FEDERAL (7 C.F.R. PART 210) AND STATE (702 KAR 6:090) FOOD AND NUTRITION REGULATIONS ADDRESS WELLNESS PLANS AND FOOD DISTRIBUTION AND MARKETING.

FINANCIAL IMPLICATIONS: POSSIBLE COST WITH RENEGOTIATED MARKETING CONTRACTS

NOTE: PER GUIDANCE FROM KDE, IN ORDER FOR K-5 SCHOOLS TO COUNT RECESS AS INSTRUCTIONAL TIME IN ACCORDANCE WITH KRS 160.345 (30 MINUTES/DAY OR 150 MINUTES/WEEK) AND ALSO IN COMPLIANCE WITH THE SCHOOL CALENDAR REGULATION, 702 KAR 7:140 (5), ALL OF THE FOLLOWING CRITERIA MUST BE MET: STUDENT LEARNING OBJECTIVES FOR RECESS ACTIVITIES ARE ALIGNED TO THE KENTUCKY ACADEMIC STANDARDS (PRACTICAL LIVING) AND EVIDENCED VIA LESSON PLANS; AS WITH INSTRUCTIONAL TIME FOR OTHER CONTENT AREAS, RECESS, WHEN BEING COUNTED AS INSTRUCTIONAL TIME, CANNOT BE WITHHELD OR TAKEN AWAY AS A FORM OF PUNISHMENT. SCHOOLS HAVE THE OPTION OF SCHEDULED RECESS TIME OUTSIDE OF THE SCHOOL CALENDAR/INSTRUCTIONAL TIME. IT IS AT THE DISCRETION OF THE DISTRICT OR SCHOOL LEVEL WELLNESS POLICY ON DETERMINATION OF APPROPRIATE PRACTICES AROUND NON-INSTRUCTIONAL TIME RECESS BEING WITHHELD OR BEING TAKEN AWAY AS PUNISHMENT. RECESS MEETING THE ABOVE CRITERIA DOES NOT REPLACE PHYSICAL EDUCATION CLASSES OR COMPETE WITH THE PERMITTED 30 MINUTES/DAY OR 150 MINUTES/WEEK IN KRS 160.345. PHYSICAL EDUCATION STANDARDS WITHIN KENTUCKY'S PRACTICAL LIVING EXPECTATIONS PROMOTE SEQUENTIAL INSTRUCTION TO ENHANCE THE DEVELOPMENT OF PHYSICAL LITERACY VIA MOTOR SKILLS, MOVEMENT CONCEPTS, AND PHYSICAL FITNESS. RECESS, EITHER COUNTED AS INSTRUCTIONAL TIME OR NOT, IS AN OPPORTUNITY TO ALLOW STUDENTS TO PRACTICE AND DEMONSTRATE THOSE ACQUIRED PHYSICAL LITERACY SKILLS.

STUDENTS

09.2

### **Student Welfare and Wellness**

The health and safety of pupils shall be a priority consideration in all Board decisions.

The Board is committed to providing school environments that promote and protect student health, well-being, and ability to learn by supporting healthy eating and physical activity. To this end, the Board supports school efforts to implement the following:

- To the maximum extent practicable, schools will participate in available federal school meal programs.
- Schools will provide and promote nutrition education and physical education to foster lifelong habits of healthy eating and physical activity and will establish linkages between health education, school meal programs, and related community services.
- All schools containing grades K-5 or any combination thereof, shall develop and implement an individual wellness policy per KRS 160.345 and Board Policy 02.4241.

#### **NUTRITION PROMOTION AND EDUCATION, PHYSICAL ACTIVITY, AND OTHER SCHOOL-BASED ACTIVITIES**

The Superintendent/designee will direct District officials ("wellness leadership group") to monitor compliance with this and related policies. At the school level, the Principal/designee will monitor compliance with those policies in his/her school and will report on the school's compliance as directed by the Superintendent/designee.

The wellness leadership group shall work to encourage and support all students to be physically active on a regular basis as provided by school/council policy. Each school shall review and consider evidence-based strategies ~~is~~ to set measurable goals in providing nutrition education and engaging in nutrition promotion to positively influence lifelong eating behaviors.

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**Student Welfare and Wellness****WELLNESS LEADERSHIP (CONTINUED)**

Suggested language may include goals related to activities and opportunities:

- offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
- offered as part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects;
- that include enjoyable, developmentally-appropriate, culturally-relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens;
- that promote fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
- that emphasize caloric balance between food intake and energy expenditure (physical activity/exercise);
- that link with school meal programs, other school foods, and nutrition-related community services;
- ~~that provide all students with opportunities, support, and encouragement to be physically active on a regular basis as provided by school/council policy. Schools with K-5 organization, or any configuration thereof, shall include in their wellness policy, moderate to vigorous physical activity each day in accordance with KRS 160.345 and Board Policy 02.4241;~~
- that teach media literacy with an emphasis on food marketing; and
- that include training for teachers and other staff.

**PHYSICAL ACTIVITY AND PHYSICAL EDUCATION**

- Each school council of a school containing grades K-5 or any combination thereof, or if there is no school council, the Principal, shall develop and implement a wellness policy that includes moderate to vigorous physical activity each day and encourages healthy choices among students consistent with KRS 160.345 and Board Policy 02.4241.
- The policy may permit physical activity to be considered part of the instructional day, (not to exceed thirty (30) minutes/day or 150 minutes/week) and also in compliance with the school calendar regulation, 702 KAR 7:140 and Board Policy 08.1346.

**DISTRICT WELLNESS PLAN/PUBLIC AND STAFF INPUT**

The District shall ~~form a District Wellness Committee and~~ actively seek to engage students, parents, physical and/or health education teachers, school food service professionals, school health professionals, school board members, school administrators, and other interested community members in developing, implementing, monitoring, and reviewing this ~~p~~Policy and in providing input on the District Wellness Plan.

**Student Welfare and Wellness****DISTRICT WELLNESS PLAN/PUBLIC AND STAFF INPUT (CONTINUED)**

The District shall permit community participation in the student wellness process by:

- Making a nutrition and physical activity report to be prepared by the School Nutrition Director available to the public on the District website no later than sixty (60) days prior to the public forum covered in KRS 158.156. (702 KAR 6:090)
- Discussing the findings of the nutrition report and physical activity report and seeking public comments during a publicly advertised special Board meeting or at the next regularly scheduled Board meeting following the release of the nutrition and physical activity reports.
- Holding an advertised public forum by January 31 of each year, to present a plan to improve the school nutrition and physical activities in the District in accordance with KRS 158.856.

The Superintendent shall submit the wellness plan that includes a summary of the findings and recommendations of the nutrition and physical activity report as required by May 1 of each year to the Kentucky Department of Education (KDE).

The Wellness Plan submitted to KDE District shall ~~measure and make available to the public once every three (3) years at a minimum, the content and progress of implementation of its school wellness efforts. The report shall include~~include within the findings and recommendations the following:

1. Extent to which the District is in compliance with this ~~p~~Policy;
2. A comparison of how the District measures up to model wellness policies provided by recognized state and national authorities; and
3. A description of the measurable progress made towards reaching goals of the District wellness policy and addressing any gaps identified in the wellness report for the previous year.

**RECORDKEEPING**

The District and each school in the District shall maintain the following records:

- A copy of the written wellness policy or plan;
- Documentation on how the policy and assessments are made available to the public;
- The most recent assessment of implementation of the policy;
- Documentation of efforts to review and update the policy, including who was involved in the process and how stakeholders were made aware of their ability to participate; and
- Documentation demonstrating compliance with annual public notification requirements and annual reporting to the KDE.

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**Student Welfare and Wellness****STANDARDS AND NUTRITION GUIDELINES FOR ALL FOODS AND BEVERAGES**

~~Each school is to follow minimum federal and state nutrition standards. Below is suggested language for the District to choose from to reach District specific desired outcomes:~~

Foods and beverages sold during the school day shall be done in accordance with state and federal regulations and Board Policy 07.111.

**STANDARDS FOR ALL FOODS AND BEVERAGES SOLD TO STUDENTS**

Foods and beverages sold or served at school shall be consistent with the state and federal regulations for school meal nutrition standards. Nutrition guidelines for all foods and beverages served or sold on campus shall be maintained by the Superintendent/designee and made available upon request. The Superintendent shall designate an individual or individuals to monitor compliance of beverages and food sold ala carte with state and federal nutrition requirements.

Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.

**STANDARDS FOR ALL FOODS AND BEVERAGES PROVIDED BUT NOT SOLD TO STUDENTS**

When possible, rewards given to students shall be other than food/beverage items. When food/beverage items are used as rewards, such items shall comply with nutritional guidelines set out in 7 C.F.R 210.11 and 702 KAR 6:090~~Kentucky Administrative Regulation~~.

Foods and beverages provided in school, but not made available for sale, shall meet standards outlined in the schools' individual wellness plan (if applicable) and will not conflict with District Policy.

**FOOD AND BEVERAGE MARKETING**

All marketing on the school campus during the school day shall be of only those foods and beverages that meet the nutrition standards of the Smart Snack in School Nutrition Standards (7 C.F.R 210.11 and 702 KAR 6:090).

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**Student Welfare and Wellness****Annual Progress Report:**

KRS 158.850; KRS 158.854

KRS 160.290

702 KAR 6:090

P. L. 111-296

7 C.F.R. Part 210

7 C.F.R. Part 220

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

**RELATED POLICIES:**02.4241; 07.1; 07.111; 08.1346





LEGAL: KRS 620.030 REQUIRES TEACHERS, SCHOOL ADMINISTRATORS, OR OTHER SCHOOL PERSONNEL WHO KNOW OR HAVE REASONABLE CAUSE TO BELIEVE THAT A CHILD UNDER 18 IS DEPENDENT, ABUSED OR NEGLECTED, OR IS A VICTIM OF HUMAN TRAFFICKING TO REPORT IT TO LAW ENFORCEMENT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 309 CREATES NEW SECTIONS OF KRS 209A THAT REQUIRE REPORTING ACTS OF DOMESTIC VIOLENCE AND ABUSE OR DATING VIOLENCE AND ABUSE TO A LAW ENFORCEMENT OFFICER UPON THE REQUEST OF THE VICTIM. IN ADDITION, IF IT IS THE BELIEF OF THE PROFESSIONAL THAT THE DEATH OF A VICTIM WITH WHOM THEY HAVE HAD A PROFESSIONAL INTERACTION IS RELATED TO DOMESTIC VIOLENCE AND ABUSE OR DATING VIOLENCE AND ABUSE, THAT MUST BE REPORTED.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.2211

### **Employee Reports of Criminal Activity**

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

#### **KRS 158.154**

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

#### **KRS 158.155**

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

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

#### **KRS 158.156**

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

STUDENTS

09.2211  
(CONTINUED)

**Employee Reports of Criminal Activity**

**KRS 209A.100**

Upon the request of a victim, school personnel shall report an act of domestic violence and abuse or dating violence and abuse to a law enforcement officer. School personnel shall discuss the report with the victim prior to contacting a law enforcement officer.

**KRS 209A.110**

School personnel shall report to a law enforcement officer when s/he has a belief that the death of a victim with who s/he has had a professional interaction is related to domestic violence and abuse or dating violence and abuse.

**KRS 620.030**

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

**REFERENCES:**

KRS 158.154  
KRS 158.155  
KRS 158.156  
KRS 209A.100  
KRS 209A.110  
KRS 525.070; KRS 525.080  
KRS 527.070; KRS 527.080  
KRS 620.030

**RELATED POLICIES:**

03.13251; 03.23251  
03.13253; 03.23253  
05.48  
09.227  
09.422  
09.423  
09.425  
09.426  
09.438

LEGAL: KRS 620.030 REQUIRES TEACHERS, SCHOOL ADMINISTRATORS, OR OTHER SCHOOL PERSONNEL WHO KNOW OR HAVE REASONABLE CAUSE TO BELIEVE THAT A CHILD UNDER 18 IS DEPENDENT, ABUSED OR NEGLECTED, OR IS A VICTIM OF HUMAN TRAFFICKING TO REPORT IT AS REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 33 CREATES A NEW SECTION OF KRS CHAPTER 620 REQUIRING THAT WHEN THE CABINET FOR HEALTH AND FAMILY SERVICES IS AWARDED CUSTODY OF AN ABUSED, NEGLECTED, OR DEPENDENT CHILD, IT MUST NOTIFY THE PRINCIPAL, ASSISTANT PRINCIPAL, OR GUIDANCE COUNSELOR OF THE NAMES OF PERSONS AUTHORIZED TO CONTACT OR REMOVE THE CHILD FROM SCHOOL GROUNDS. THE PRINCIPAL, ASSISTANT PRINCIPAL, OR GUIDANCE COUNSELOR MUST DOCUMENT WHEN THEY RECEIVE SUCH NOTIFICATION.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 524 AMENDED KRS 156.095 TO REQUIRE EACH SCHOOL TO PROMINENTLY DISPLAY THE NATIONAL HUMAN TRAFFICKING REPORTING HOTLINE NUMBER ADMINISTERED BY THE UNITED STATES DEPARTMENT FOR HEALTH AND HUMAN SERVICES.

FINANCIAL IMPLICATIONS: COST OF SIGNAGE

LEGAL: HB 253 CREATES A NEW SECTION OF KRS 620 WHICH WILL REQUIRE A SCHOOL TO PROVIDE THE CABINET ACCESS TO A CHILD SUBJECT TO AN INVESTIGATION WITHOUT PARENTAL CONSENT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

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 neglected<sup>1</sup>, or a victim of human trafficking shall immediately make a report to a local law enforcement agency or the Kentucky State Police, the Cabinet for Health and Family Services or its designated representative, the Commonwealth's Attorney or the County Attorney in accordance with KRS 620.030.<sup>2</sup> If the person making the report has reason to believe that immediate protection for the child is advisable, that person shall also make an oral report to an appropriate law enforcement agency. If the Principal is suspected of child abuse, the employee shall notify the Superintendent/designee who shall also promptly report to the proper authorities for investigation.

#### **WRITTEN REPORT**

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

#### **WRITTEN RECORDS**

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

**Child Abuse****INTERVIEWS**

If the student is an alleged victim of abuse or neglect, school officials shall follow directions provided by the investigating officer or Cabinet for Health and Family Services representative as to whether to contact a parent<sup>-3</sup> and shall provide the Cabinet access to a child subject to an investigation without parental consent.<sup>4</sup>

**AGENCY CUSTODY**

If, as a result of dependency, neglect, or abuse, a child has been placed in the custody of the Cabinet, the Principal, Assistant Principal, or Guidance Counselor of the school in which the child is enrolled shall be notified of the names of persons authorized to contact the child at school, in accordance with school visitation or communication policy, or remove the child from school grounds.

The notification shall be provided to the school by the Cabinet:

- a) Verbally and documented in writing by the Principal, Assistant Principal, or Guidance Counselor on the day that a court order is entered and again on any day that a change is made with regard to persons authorized to contact or remove the child from school. The verbal notification shall occur on the next school day immediately following the day a court order is entered or a change is made if the court order or change occurs after the end of the current school day; and
- b) By written document within ten (10) calendar days following a change of custody or change in contact or removal authority.

The Principal, Assistant Principal, or Guidance Counselor shall document in writing when they have received the notification.

**REQUIRED TRAINING**

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

**OTHER**

Each school shall prominently display the statewide child abuse hotline number administered by the Cabinet for Health and Family Services and the National Human Trafficking Reporting Hotline number administered by the United States Department for Health and Human Services.

STUDENTS

09.227  
(CONTINUED)

**Child Abuse**

**REFERENCES:**

<sup>1</sup>KRS 600.020 (1)(15)

<sup>2</sup>KRS 620.030; KRS 620.040

<sup>3</sup>OAG 85-134; OAG 92-138

<sup>4</sup>[KRS 620.072](#)

KRS 17.160; KRS 17.165; KRS 17.545; KRS 17.580

KRS 156.095; KRS 199.990

KRS 209.020; KRS 620.050; [KRS 620.146](#)

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:**

[09.1231](#); [09.3](#); [09.31](#); 09.42811; 09.4361; 10.5

LEGAL: CHANGES TO 702 KAR 7:065 ADD A REQUIREMENT THAT COACHES AT THE MIDDLE SCHOOL LEVEL OBTAIN AND MAINTAIN CPR CERTIFICATION AND PROVIDE DOCUMENTATION TO THE SCHOOL. THIS NEW POLICY AREA IS RECOMMENDED FOR YOUR DISTRICT.

FINANCIAL IMPLICATIONS: COST OF TRAINING AND CERTIFICATION

LEGAL: HB 241 AMENDS KRS 160.445 TO PROHIBIT A STUDENT ATHLETE SUSPECTED OF SUFFERING A CONCUSSION FROM RETURNING TO PLAY PRIOR TO PASSING THE REQUIRED EVALUATION ADMINISTERED BY A PHYSICIAN OR LICENSED HEALTH CARE PROVIDER.

FINANCIAL IMPLICATIONS: POSSIBLE COST OF HAVING LICENSED HEALTH CARE PROVIDER AT COMPETITIONS OR PRACTICES

ALL NEW LANGUAGE (05/15/17)

STUDENTS

09.311

### **Safety (Athletics)**

District policy and procedures shall be developed to conform with statutory and regulatory requirements designed to protect the safety of the students in all athletic practices and events.

#### **SUPERVISION**

All athletic practices and events shall be under the direct supervision of a qualified employee of the Board.

#### **TRAINING**

All persons employed by the District as a coach for any interscholastic athletic activity or sport shall meet statutory training requirements. Training shall include how to recognize the symptoms of a concussion and how to seek proper medical treatment for a person suspected of having a concussion.

In addition, at least one (1) person who has completed the required course shall be present at every interscholastic athletic practice and competition.<sup>1</sup>

Any middle school coach (head or assistant, paid or unpaid) shall successfully complete training as required by the District, the Kentucky Board of Education, the Kentucky High School Athletic Association, and state law and regulation. This shall include, safety and first aid training and providing the school documentation of successful completion of a C.P.R. course that includes the use of an automatic defibrillator and first aid training, conducted by an instructor or program approved by a college or university, the American Red Cross, American Heart Association, or other bona fide accrediting agency. Initial certification shall use in-person instruction with certification updated as required by the approving agency.<sup>4</sup>

Nonfaculty coaches and nonfaculty assistants shall complete District training that includes information on the physical and emotional development of students of the age with which they will be working, the District's and school's discipline policies, procedures for dealing with discipline problems, and safety and first aid training. Follow-up training shall be provided annually.<sup>3</sup>

#### **EMERGENCY ACTION PLAN**

In keeping with rules established by Kentucky Board of Education (KBE) or the Kentucky High School Athletic Association (KHSAA), each school participating in interscholastic athletics shall develop and implement a venue-specific, written emergency action plan and submit annual written verification of the plan to the designated agency. The school plan shall be reviewed, distributed, posted, and rehearsed annually as provided in statute.<sup>1</sup>

### Safety (Athletics)

#### CONCUSSIONS

When an interscholastic coach, school athletic personnel, or contest official suspect that a student athlete has sustained a concussion during an athletic practice or competition, the student shall be removed from play and evaluated by a physician or licensed health care provider, as specified in statute, who shall determine if a concussion has occurred. Upon the completion of the required evaluation, the coach may return the student to play if it is determined that no concussion has occurred. If no physician or licensed health care provider is present to perform the required evaluation, the coach shall not return the student to play or participation in subsequent practices or athletic competitions until written clearance is provided.

A student athlete deemed to be concussed shall not be permitted to participate in any athletic practice or competition occurring on the day of the injury or, unless a physician provides written clearance, participate in any practice or athletic competition held on a subsequent day.

#### MEDICAL EXAMINATION

Each student seeking eligibility to participate in any school athletic activity or sport must pass an annual medical examination performed and signed by a medical practitioner as required by law.<sup>2</sup>

The required physical examination and parental authorization shall include acknowledgement of receipt of information on the nature and risk of concussion and head injury, including the continuance of playing after concussion or head injury.<sup>1</sup>

#### REFERENCES:

<sup>1</sup>KRS 160.445

<sup>2</sup>KRS 156.070

<sup>3</sup>KRS 161.185

<sup>4</sup>702 KAR 7:065

#### RELATED POLICIES:

03.1161

03.2141

LEGAL: SB 17 ALLOWS STUDENTS TO EXPRESS RELIGIOUS OR POLITICAL VIEWS WHEN SPEAKING AT OFFICIAL EVENTS. THE STUDENT'S PREPARED REMARKS ARE NOT TO BE ALTERED BEFORE DELIVERY WITHOUT THE STUDENT'S CONSENT, EXCEPT IN A VIEWPOINT NEUTRAL MANNER.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.34

### **Student Publications and Speakers**

#### **SPONSOR PROVIDED**

A designated faculty sponsor shall be provided for all student publications.

#### **PRIOR SUBMISSION**

Materials to be published shall be submitted to the Principal three (3) days before publication and/or distribution.

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

#### **APPEAL**

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

#### **STUDENT SPEAKERS**

Selection of students to speak at official events shall be made in a viewpoint-neutral manner. If the prepared remarks of the student are reviewed by school personnel, the prepared remarks of the student shall not be altered prior to delivery, except in a viewpoint-neutral manner, unless requested by the student. However, student speakers shall not engage in speech that is, for example, obscene, vulgar, offensively lewd, or indecent. If the content of the student's speech is such that a reasonable observer may perceive affirmative institutional sponsorship or endorsement of the student speaker's religious or political viewpoint, the institution shall communicate, in writing, orally, or both, that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the institution.

#### **REFERENCES:**

KRS 158.183

KRS 160.290

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

#### **RELATED POLICIES:**

08.11

09.426

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LEGAL: HB 309 CREATES NEW SECTIONS OF KRS 209A THAT REQUIRE REPORTING ACTS OF DOMESTIC VIOLENCE AND ABUSE OR DATING VIOLENCE AND ABUSE TO A LAW ENFORCEMENT OFFICER UPON THE REQUEST OF THE VICTIM. IN ADDITION, IF IT IS THE BELIEF OF THE PROFESSIONAL THAT THE DEATH OF A VICTIM WITH WHOM THEY HAVE HAD A PROFESSIONAL INTERACTION IS RELATED TO DOMESTIC VIOLENCE AND ABUSE OR DATING VIOLENCE AND ABUSE, THAT MUST BE REPORTED. THIS NEW LANGUAGE ALSO REQUIRES EDUCATIONAL MATERIAL BE PROVIDED IF THERE IS REASONABLE CAUSE TO BELIEVE THAT A VICTIM WITH WHOM THEY HAVE HAD A PROFESSIONAL INTERACTION IS RELATED TO DOMESTIC VIOLENCE AND ABUSE OR DATING VIOLENCE AND ABUSE.

FINANCIAL IMPLICATIONS: POSSIBLE COST OF PRINTING MATERIALS

STUDENTS

09.425

### **Assault and Threats of Violence**

For purposes of this policy, a “threat” shall refer to a communication made by any means, including, but not limited to, electronic and/or online methods.

#### **PUPILS**

Any pupil who threatens, assaults, batters or abuses another pupil shall be subject to appropriate disciplinary action, including suspension or expulsion.<sup>1</sup>

#### **SCHOOL PERSONNEL**

Any pupil who threatens, assaults, batters or physically or verbally abuses a teacher or other school personnel shall be subject to appropriate disciplinary action<sup>1</sup> up to and including expulsion from school and/or legal action.

#### **REMOVAL OF STUDENTS**

School administrators, teachers, or other school personnel may immediately remove or cause to be removed threatening or violent students from a classroom setting or from the District's transportation system pending any further disciplinary action that may occur. Threatening or violent behavior shall include, but not be limited to:

1. Verbal or written statements or gestures by students indicating intent to harm themselves, others or property.
2. Physical attack by students so as to intentionally inflict harm to themselves, others or property.

Removal of students from a bus shall be made in compliance with 702 KAR 5:080.

Each school shall designate the site(s) to which employees may remove students from a classroom setting and the employee(s) who will supervise the student at the site.

When teachers or other personnel remove a student, they shall complete and submit a form to document the removal and the causes as soon as practicable. The Principal shall review the removal as soon as possible to determine if further disciplinary action is warranted or if the student is to be returned to the classroom.

#### **REPORT TO LAW ENFORCEMENT AGENCY**

When they have reasonable belief that a violation has taken place, principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves assault resulting in serious physical injury, a sexual offense, kidnapping or each instance of assault involving the use of a weapon.

**Assault and Threats of Violence****DOMESTIC/DATING VIOLENCE REPORTING AND EDUCATION**

Upon the request of a victim, school personnel shall report an act of domestic violence and abuse or dating violence and abuse to a law enforcement officer. School personnel shall discuss the report with the victim prior to contacting a law enforcement officer.

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School personnel shall report to a law enforcement officer when s/he has a belief that the death of a victim with whom s/he has had a professional interaction is related to domestic violence and abuse or dating violence and abuse.

These reporting requirements covering domestic violence and abuse or dating violence and abuse do not relieve school personnel of the duty to report any known or suspected abuse, neglect, or dependency of a child pursuant to KRS 620.030. This separate reporting requirement covers abuse, neglect or dependency of a child committed or caused by a parent, guardian, other person exercising control or supervision, or a person in a position of authority or special trust.

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If individual school personnel has reasonable cause to believe that a victim with whom s/he has had a professional interaction has experienced domestic violence and abuse or dating violence and abuse, s/he shall provide educational materials to the victim relating to such form(s) of abuse and including information on access to regional domestic violence programs or rape crisis centers and how to access protective orders. These materials shall be made available to school personnel in print form or on the web by the primary domestic violence, shelter, and advocacy service provider designated by the Cabinet for Health and Family Services to serve the school District's area.

**NOTIFICATIONS**

As soon as the Superintendent/designee confirms that a serious threat has been confirmed, designated personnel shall attempt to notify staff members and/or students who have been threatened and parents of students who are the subject of a threat. Such notification shall observe and comply with confidentiality requirements of applicable law including, but not limited to, state and federal Family Educational Rights and Privacy Act (FERPA) laws.

Any District employee assigned to work directly with, or who comes in contact with, a student with a documented history of physical abuse of a school employee or of carrying a concealed weapon on school property or at a school function, shall be notified in writing of the student's history by the Principal or designee prior to the assignment or contact.

**REFERENCES:**

<sup>1</sup>KRS 158.150  
KRS 158.154; KRS 160.290; KRS 161.155; KRS 161.190  
KRS 161.195  
KRS 209A.020; KRS 209.160  
KRS 209A.100; KRS 209A.110; KRS 209A.130  
KRS 211.160; KRS 403.720; KRS 456.010  
; KRS 508.025; KRS 508.075; KRS 508.078; KRS 620.030  
KRS 525.080; 702 KAR 5:080

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STUDENTS

09.425  
(CONTINUED)

**Assault and Threats of Violence**

**RELATED POLICIES:**

03.123; [03.13253](#); 03.223; [03.23253](#); 06.34  
09.14; 09.2211; 09.422

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RECOMMEND: THE 2013 GENERAL ASSEMBLY AMENDED KRS 159.010 TO ALLOW DISTRICTS TO SET THE DROP-OUT AGE AT 18 NO LATER THAN THE 2017-2018 SCHOOL YEAR. BEGINNING WITH THE 2017-2018 SCHOOL YEAR, DRIVER'S LICENSE REVOCATION WILL ONLY APPLY TO THOSE WHO ACCUMULATE NINE (9) UNEXCUSED ABSENCES FOR THE PRECEDING SEMESTER.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.4294

### **Driver's License Revocation**

Students who are sixteen (16) or seventeen (17) years old who become academically deficient or deficient in attendance shall be reported to the Transportation Cabinet for driver's license, permit or driving privilege revocation.<sup>1</sup>

#### **ACADEMIC AND ATTENDANCE DEFICIENCIES**

Academic and attendance deficiencies for students age sixteen (16) or seventeen (17) enrolled in regular, alternative, part-time, and special education programs shall be defined as follows:

1. They shall be deemed academically deficient if they have not received passing grades in at least four (4) courses, or the equivalent of four (4) courses, taken in the preceding semester.
2. They shall be deemed deficient in attendance when they ~~drop-out-of-school-or~~ accumulate nine (9) unexcused absences for the preceding semester. Suspensions shall be considered unexcused absences.

#### **REINSTATEMENT OF DRIVING PRIVILEGE**

Students whose driving permits are revoked, but later meet the statutory standards for reinstatement, must then apply to the Director of Pupil Personnel to have their standing confirmed. The District shall make the required report to the appropriate agency.

#### **REFERENCES:**

<sup>1</sup>KRS 159.051, KRS 186.470  
601 KAR 13:070; ~~704 KAR 7:050~~  
~~Student Discipline Guidelines~~

#### **RELATED POLICIES:**

08.221  
09.123

LEGAL: HB 253 CREATES A NEW SECTION OF KRS 620 WHICH REQUIRES A SCHOOL TO PROVIDE THE CABINET ACCESS TO A CHILD SUBJECT TO AN INVESTIGATION WITHOUT PARENTAL CONSENT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.4361

### **Police Officers in the School**

School officials shall cooperate with law enforcement agencies in cases involving students (i.e., serving of subpoenas, juvenile petitions or warrants, or taking students into custody.) As soon as possible, officials shall endeavor to notify the parents of students who are arrested.<sup>1</sup>

When students are arrested at school, the Principal/designee shall make a written record of the identity of the officer making the arrest, the nature of the offense charged, the name of the issuing authority of any arrest warrant, and the place of custody.

#### **CRIMES OFF SCHOOL PROPERTY**

In the interest of the student's welfare, the following requirements shall be followed when police officers ask to question or remove a student from the school whom they suspect of committing a crime off school property:

1. Parents/guardians shall be notified by school officials as soon as possible.
2. If the parent(s) come to the school or consent to permit the officer(s) to interview the student, a private place for the interview shall be provided.
3. If the parent(s) cannot come to the school and do not consent to the interview, the police should be advised to either bring a warrant, court order, or juvenile petition or arrange to interview the student off the school grounds.
4. If the student is an alleged victim of abuse or neglect, school officials shall follow directions provided by the investigating officer or Cabinet for Health and Family Services representative as to whether to contact a parent-<sup>2</sup> [and shall provide the cabinet access to a child subject to an investigation without parental consent.](#)<sup>3</sup>

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#### **CRIMES ON SCHOOL PROPERTY**

Except in cases of emergencies involving threats to health and safety as determined by the Superintendent, when the District calls law enforcement officials to question students concerning crimes committed on school property, the Principal shall make an effort to notify their parent(s).

#### **REFERENCES:**

<sup>1</sup>OAG 76-129

<sup>2</sup>OAG 85-134, OAG 92-138

<sup>3</sup>[KRS 620.072](#)

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#### **RELATED POLICIES:**

09.1231; 09.227

LEGAL: THE OFFICE OF CIVIL RIGHTS REQUIRES DISTRICT WEBSITES TO BE ACCESSIBLE TO THOSE WITH DISABILITIES.  
FINANCIAL IMPLICATIONS: COST OF CONDUCTING WEBSITE AUDIT FOR COMPLIANCE AND PROGRAMMING COSTS

## COMMUNITY RELATIONS

10.5

### **Visitors to the Schools**

#### **LOCAL CITIZENS**

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

#### **REGISTRANTS**

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

A registrant is defined as:

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

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

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

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

- Requiring the registrant to provide additional information needed;
- Specifying check-in and check-out requirements;

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

- Requiring the registrant to be directly supervised by an individual designated by the Principal while on school grounds;
- Restricting the registrant to a designated location on school grounds;
- Limiting the time the registrant will be permitted to be on school grounds; and
- Denying the request to come onto school grounds.

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

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

**OUTSIDERS**

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

**CONDUCT**

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

**ACCOMMODATION**

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

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

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

**Visitors to the Schools****WEBSITE ACCESSIBILITY**

The District is committed to ensuring accessibility of its website for students, parents, and members of the community with disabilities. All pages on the District's website will conform to the W3C WAI's Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents.

Under District developed administrative procedures, students, parents, and members of the public may present a complaint regarding a violation of the Americans with Disabilities Act (ADA), Section 504 related to the accessibility of any official District web presence which is developed by, maintained by, or offered through the District or third party vendors and open sources.

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**USE OF TOBACCO PROHIBITED**

The use of any tobacco product is prohibited in any building owned or operated by the Board.

**REFERENCES:**

KRS 17.545; KRS 17.500; KRS 17.510

KRS 160.380; KRS 211.394, KRS 211.395; KRS 600.020; KRS 620.146

OAG 91-13

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

29 U.S.C. 794, Rehabilitation Act of 1973, (Section 504)

42 U.S.C. 2000, Civil Rights Act of 1964, Titles VI and VII

42 U.S.C. 12101 et seq., Americans with Disabilities Act

Section 504 of the Rehabilitation Act of 1973

01.1;

03.113; 03.162; 03.212; 03.262; 05.3;

09.1231; 09.227; 09.3211; 09.426; 09.42811;

10.2

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