

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/Member Districts

NKCES is a legal body created by statutory authority of the State of Kentucky (KRS 65.210 - KRS 65.300).

NKCES personnel are under the management and control of the Board of Directors, which consists of the superintendents of member districts and representatives of Northern Kentucky University and Gateway Community and Technical College.

- Beechwood Independent School District
- Bellevue Independent School District
- Boone County School District
- Campbell County School District
- Covington Independent School District
- Dayton Independent School District
- Erlanger-Elsmere Independent School District
- Ft. Thomas Independent School District
- Grant County School District
- Ludlow Independent School District
- Newport Independent School District
- Pendleton County School District
- Silver Grove Independent School District
- Southgate Independent School District
- Walton-Verona Independent School District
- Williamstown Independent School District
- Northern Kentucky University
- Gateway Community and Technical College

As hereafter referenced in this manual, references to the “Board” shall refer to the Northern Kentucky Cooperative for Educational Services Board of Directors.

To be eligible for membership on the Board, a person must be a current superintendent or designated representative of a member district or agency.

The Board is a body politic and corporate with perpetual succession. Board members have no authority over NKCES affairs as individuals, but do retain authority, within state law, over NKCES affairs when they act at the Board of Directors.

Legal Status/Member Districts**NOTICE OF NONDISCRIMINATION**

As required by federal law, NKCES 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 NKCES 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

NKCES is committed to ensuring accessibility of its website for students, employees, visitors, and members of the community with disabilities. All pages on the NKCES 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 NKCES 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 NKCES web presence which is developed by, maintained by, or offered through NKCES or third party vendors and open sources.

REFERENCES:

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

RELATED POLICIES:

03.113; 03.212; 09.13
03.162; 03.262; 09.42811
05.3; 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

Responsibilities

The NKCES Board of Directors shall be the policy making body for the Cooperative. Its powers and duties shall be to:

1. Appoint an Executive Director and determine his/her salary;
2. Develop and approve policies for the operation of the Cooperative;
3. Create positions and approve job descriptions for positions;
4. Contract for specialized services;
5. Designate one (1) or more banks or trust companies as depositories for the Cooperative funds;
6. Approve the budgets for programs conducted by the Cooperative Board;
7. Receive federal, state, school district and other moneys and expend them to conduct the service programs approved by the Cooperative unit; and
8. Adopt a program of services with assurances of equal educational opportunities.

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 NKCES Board may serve as an authorizer for charter schools in the District.

REFERENCES:

701 KAR 5:140; 702 KAR 4:160; [KRS 160.1590](#)

RELATED POLICY:

04.92

NKCES should check with their attorney to confirm that they may serve as authorizers for charter schools.

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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

PERSONNEL

03.11

- CERTIFIED PERSONNEL -

Hiring

AUTHORITY TO EMPLOY

Appointments, promotions, and terminations of employees will be made by the Executive Director, who shall inform the Board of such personnel actions at the next regularly scheduled Board meeting.

Hiring of staff is employment in the Cooperative only and not in a particular position.

The Executive Director, in determining the eligibility of a particular candidate for election to a position, will select that person whose qualifications best meet the requirements of the job as described by the job description.

No person will enter upon the duties of a position requiring certification qualifications until his/her certificate has been filed or credentials registered with the Cooperative.

CONTRACTS

Except for noncontracted substitute teachers, all certified employees shall receive a written contract. The Executive Director will prescribe the duties and recommend compensation as regulated by the salary schedule and/or any relevant addendums as adopted by the Board. Contract renewal is dependent on continued or available program funding.

For certified staff, contracts will be awarded for a maximum period of one (1) year (partial year for mid-year start).

Contracts for re-employment shall be presented to the employee on or before July 1 of each year. The contract should be returned to the immediate supervisor within ten (10) working days of receipt.

For employees who are hired pursuant to, and directly as a result of, an agreement with an outside agency, the terms of said employment shall be dictated by the agreement. If the policies stated above and the agreement differ or are in conflict, the terms of the agreement shall prevail.

HIRING OF RELATIVES

The Executive Director shall not employ an individual when employment would result in direct line supervision of, or by, a relative of a current employee. For purposes of this policy, "relative" shall refer to father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law.

CREATION OF NEW POSITIONS

The creation of a new position shall require prior approval of Board of Directors. The Executive Director shall employ all employees, but is encouraged to use the committee process regarding employment of any employee. Terms and conditions of employment for all employees shall be determined by the Executive Director, in accordance with NKCES Board personnel policies.

No director, manager, supervisor, or representative of NKCES has the authority to enter into any employment agreement, promise, or commitment for any specific period of time except the Executive Director. Any employment agreement shall be in writing and be signed by the Executive Director.

Hiring**JOB POSTING**

New and vacant positions of the Cooperative will be advertised through posting links on the NKCES web site to both district and Cooperative vacancies. However, this process may be waived in filling those positions that are the direct result of a Memorandum of Agreement entered into by the Cooperative and an Agency.

CRIMINAL RECORDS CHECK

Certified applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations.

The Executive Director or designee shall require all new employees to submit to a state criminal record check by the Administrative Office of the Courts (AOC) and a fingerprint police record check as part of the initial employment process. Additional background checks may be required for child care/daycare positions. NKCES will bear the cost of any of these services.

The initial employment process for any new employee is not complete unless and until the Executive Director receives the results of any background check and verifies the employee qualified for final 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. After reviewing the background checks, the Executive Director shall either qualify the individual for final employment status or terminate the employment process. Reasons for terminating the employee on the basis of the background checks include, but are not limited to, past or present criminal behavior threatening to the welfare of children, other employees, school district employees, or the community. The Executive Director may also terminate the employment process as a result of the background checks if any reveal behavior or patterns of behavior inappropriate for an individual responsible for the welfare of children. In addition, the Executive Director may terminate the employment process if the background checks indicate criminal activity including but not limited to, fraud, embezzlement, or other misbehavior involving the handling of funds.

All prospective employees whose job functions include financial management, budgeting, purchasing or executing payments, deposits, or preparing financial documents, shall be required to sign a document signifying their understanding of, and intent to comply with, established fraud prevention measures.

The Executive Director may require through bid specs or negotiation requirements that a contractor submit to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation in keeping with KRS 160.380. "Contractor" shall refer to an adult who is permitted access to NKCES property pursuant to a current or prospective contractual agreement. The term "contractor" includes an employee of a contractor.

Hiring

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT

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

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

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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REFERENCES:

KRS 160.380
KRS 161.605; 702 KAR 1:150
[P.L. 114-95, \(Every Student Succeeds Act of 2-15\)](#)
34 C.F.R. 200.55-200.56
[20 U.S.C. 7926](#)
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
16 KAR 9:080; 704 KAR 7:130
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
Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 03.132

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 NKCES 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 Executive Director shall validate all experience of professional personnel employed in by NKCES.

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 Executive Director/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 salary of the Executive Director 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 Executive Director. The NKCES 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 Executive Director 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 Executive Director shall notify all certified personnel of the best estimate of the salary for the coming year.

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

No optional payroll deduction authorized by the Board shall be deducted from an individual employee's salary without a signed request from that employee affirmatively requesting the deduction. Such requests must be filed on an annual basis on forms to be developed by the Executive Director, who shall develop the manner and time for filing such requests.

MANDATORY DEDUCTIONS

Mandatory payroll deductions made by NKCES include:

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

OPTIONAL DEDUCTIONS

Pursuant to the provisions of KRS 161.158, optional payroll deductions may be authorized by the Board for those employees who choose to participate in certain programs.

[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.](#)

No other payroll deductions shall be made by the Board.

REFERENCES:

KRS 160.291
KRS 161.158
[KRS 336.134](#)
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: 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

PERSONNEL

03.21

- CLASSIFIED PERSONNEL -

Hiring

AUTHORITY TO EMPLOY

Appointments, promotions, and terminations of employees will be made by the Executive Director, who shall inform the Board of such personnel actions at the next regularly scheduled Board meeting.

Hiring of staff is employment in the Cooperative only and not in a particular position.

The Executive Director, in determining the eligibility of a particular candidate for election to a position, will select that person whose qualifications best meet the requirements of the job as described by the job description.

No person will enter upon the duties of a position requiring certification qualifications until his/her certificate has been filed or credentials registered with the Cooperative.

CONTRACTS

All classified employees shall receive a written contract. The Executive Director will prescribe the duties and recommend compensation as regulated by the salary schedule and/or any relevant addendums as adopted by the Board. Contracts will awarded for a maximum period of one (1) year. Contract renewal is dependent on continued or available program funding.

Contracts for re-employment shall be presented to the employee on or before July 1 of each year. The contract should be returned to the immediate supervisor within ten (10) working days of receipt.

For employees who are hired pursuant to, and directly as a result of, an agreement with an outside agency, the terms of said employment shall be dictated by the agreement. If the policies stated above and the agreement differ or are in conflict, the terms of the agreement shall prevail.

HIRING OF RELATIVES

The Executive Director shall not employ an individual when employment would result in direct line supervision of, or by, a relative of a current employee. For purposes of this policy, "relative" shall refer to father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law.

CREATION OF NEW POSITIONS

The creation of a new position shall require prior approval of Board of Directors. The Executive Director shall employ all employees, but is encouraged to use the committee process regarding employment of any employee. Terms and conditions of employment for all employees shall be determined by the Executive Director, in accordance with NKCES Board personnel policies.

No director, manager, supervisor, or representative of NKCES has the authority to enter into any employment agreement, promise, or commitment for any specific period of time except the Executive Director. Any employment agreement shall be in writing and be signed by the Executive Director.

Hiring**JOB POSTING**

New and vacant positions of the Cooperative will be advertised through posting links on the NKCES web site to both district and Cooperative vacancies. However, this process may be waived in filling those positions that are the direct result of a Memorandum of Agreement entered into by the Cooperative and an Agency.

CRIMINAL RECORDS CHECK

Certified applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations.

The Executive Director or designee shall require all new employees to submit to a state criminal record check by the Administrative Office of the Courts (AOC) and a fingerprint police record check as part of the initial employment process. Additional background checks may be required for child care/daycare positions. NKCES will bear the cost of any of these services.

The initial employment process for any new employee is not complete unless and until the Executive Director receives the results of any background check and verifies the employee qualified for final 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. After reviewing the background checks, the Executive Director shall either qualify the individual for final employment status or terminate the employment process. Reasons for terminating the employee on the basis of the background checks include, but are not limited to, past or present criminal behavior threatening to the welfare of children, other employees, school district employees, or the community. The Executive Director may also terminate the employment process as a result of the background checks if any reveal behavior or patterns of behavior inappropriate for an individual responsible for the welfare of children. In addition, the Executive Director may terminate the employment process if the background checks indicate criminal activity including but not limited to, fraud, embezzlement, or other misbehavior involving the handling of funds.

All prospective employees whose job functions include financial management, budgeting, purchasing or executing payments, deposits, or preparing financial documents, shall be required to sign a document signifying their understanding of, and intent to comply with, established fraud prevention measures.

The Executive Director may require through bid specs or negotiation requirements that a contractor submit to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation in keeping with KRS 160.380. "Contractor" shall refer to an adult who is permitted access to NKCES property pursuant to a current or prospective contractual agreement. The term "contractor" includes an employee of a contractor.

Hiring**REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT**

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

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

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.

REFERENCES:

KRS 160.380
KRS 161.011
[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
P. L. 114-95, (Every Student Succeeds Act of 2015)
Kentucky Local District Classification Plan
13 KAR 3:030; 702 KAR 3:320; 702 KAR 5:080
Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 03.232; 03.27; 03.5

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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 Executive Director. 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 Executive Director 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 Executive Director 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 school.

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

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

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

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

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

PAYROLL DISTRIBUTION

Checks will be issued according to a schedule approved annually by the Executive Director. The NKCES 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.

PERSONNEL

03.221
(CONTINUED)

Salaries

PAYROLL DEDUCTION

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

OVERTIME

FLSA non-exempt employees shall not work overtime hours beyond a forty (40)-hour workweek without prior written authorization of their immediate supervisor. If overtime is approved, compensatory time at the rate of one and one-half (1½) hours for each overtime hour worked shall be granted and taken in the same work week. If employees do not take compensatory time during the same pay period, then they shall be paid overtime pay at the rate of one and one-half (1½) times the regular hourly rate.

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)

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

No optional payroll deduction authorized by the Board shall be deducted from an individual employee's salary without a signed request from that employee affirmatively requesting the deduction. Such requests must be filed on an annual basis on forms to be developed by the Executive Director, who shall develop the manner and time for filing such requests.

MANDATORY DEDUCTIONS

Mandatory payroll deductions made by NKCES 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.;
6. Medicare (FICA), when applicable.

OPTIONAL DEDUCTIONS

Pursuant to the provisions of KRS 161.158, optional payroll deductions may be authorized by the Board for those employees who choose to participate in certain programs.

[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.](#)

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No other payroll deductions shall be made by the Board.

REFERENCES:

KRS 160.291
KRS 161.158
[KRS 336.134](#)
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 documented¹ in accordance with applicable Uniform Grant Guidance requirements.¹

REFERENCES:

- ¹2 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 Dayton Independent Board of Education serves as the district of record for the school operated by NKCES and, as such, provides a school nutrition program in compliance with applicable state and federal statutes and regulations. All Food Service/School Nutrition Program Directors shall meet minimum educational requirements and annual training requirements in accordance with federal and state law.

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.

MEALS

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

DISCRIMINATION COMPLAINTS

NKCES 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.

http://www.ascr.usda.gov/complaint_filing_cust.html

Dayton Independent staff 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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SUPPORT SERVICES

07.1
(CONTINUED)

Food/School Nutrition Services

REFERENCES:

KRS 156.160; KRS 158.852; KRS 158.856
KRS 160.290
702 KAR 6:010; 702 KAR 6:050
702 KAR 6:075; 702 KAR 6:090
[7 C.F.R. part 15b](#); 7 C.F.R. §210.23; 7 C.F.R. §210.310; FNS Instruction 113
[P.L. 111-296](#)

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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 Executive Director/designee shall develop and disseminate to the school a course of study that will include minimum statutory and regulatory requirements¹ and additional requirements as specified by NKCES.

ASSESSMENT OF STUDENT WORK / NONDISCRIMINATION

Consistent with NKCES policies addressing assessment of student progress and grading as well as 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.²

SYLLABUS

Teachers shall develop a syllabus for each course, grade/level or subject (single and/or interdisciplinary area) they teach to communicate to students and parents the following information:

1. Prerequisites for the course
2. Topics to be covered
3. Order of material to be covered
4. Resources to be used
5. Planned testing points
6. Performance standards and expectations

Each year teachers shall distribute a current syllabus to their students and the students' parents/guardians as directed by the Executive Director/designee.

The Principal/designee shall make pertinent student achievement data available to each teacher and, in keeping with policies set by NCKES, monitor the process of reviewing and updating syllabi in response to such data.

Course of Study

REFERENCES:

¹704 KAR 3:303
²KRS 161.170
KRS 156.160; KRS 158.100; KRS 158.183
KRS 158.645; KRS 158.6451
KRS 160.345
702 KAR 7:125; 703 KAR 4:060
704 KAR 3:305

RECOMMENDED: THIS IS TO CLARIFY THAT DISTRICTS THAT OFFER THE OPPORTUNITY FOR STUDENTS TO EARN DUAL-CREDITS THROUGH THE KENTUCKY DUAL-CREDIT SCHOLARSHIP PROGRAM, MUST FOLLOW THE REQUIREMENTS OUTLINED IN THE KENTUCKY COUNCIL ON POSTSECONDARY EDUCATION AND KENTUCKY DEPARTMENT OF EDUCATION DUAL CREDIT POLICY FOR KENTUCKY PUBLIC AND PARTICIPATING POSTSECONDARY INSTITUTIONS AND SECONDARY SCHOOLS.

FINANCIAL IMPLICATION: DEPENDENT UPON AGREEMENTS WITH PARTICIPATING POSTSECONDARY INSTITUTION

CURRICULUM AND INSTRUCTION

08.1131

Alternative Credit Options

In addition to regular classroom-based instruction, students may earn credit through the following means.

ONLINE COURSES

Students may also earn academic credit to be applied toward graduation requirements by completing online courses offered through agencies approved by NCKES. Credit from an online course may be earned only in the following circumstances:

1. The course is not offered at the school;
2. Although the course is offered at the school, the student will not be able to take it due to an unavoidable scheduling conflict that would keep the student from meeting graduation requirements;
3. The course will serve as a supplement to extend homebound instruction;
4. The student has been expelled from the regular school setting, but educational services are to be continued; or
5. The Principal, with agreement from the student's teachers and parents/guardians, determines the student requires a differentiated or accelerated learning environment.
6. Unless otherwise approved by the Principal/designee, students taking such courses must be enrolled in the NCKES Alternative School and take the courses during the regular school day at the school site.

NCKES shall recognize only those online courses that meet the international standards for online teachers, courses, and programs that have been adopted by the Kentucky Department of Education.

As determined by policy, students applying for permission to take an online course shall complete prerequisites and provide teacher/counselor recommendations to confirm the student possesses the maturity level needed to function effectively in an online learning environment. Online courses may be subject to review by the Executive Director/designee for conformance with Kentucky Academic Standards and graduation requirements of the student's home district. In addition, the express approval of the Principal/designee shall be obtained before a student enrolls in an online course. The student's home district must receive an official record of the final grade before credit toward graduation will be recognized.

All costs associated with Credit Recovery courses are the responsibility of the Regional School Programs based on the cost of the program for students. Sending districts shall not incur additional costs.

Through its policies and/or supervision plan, the school shall be responsible for providing appropriate supervision and monitoring of students taking online courses.

Alternative Credit Options

DUAL-CREDIT SCHOLARSHIP PROGRAM

The District may offer the opportunity for students to earn dual-credits through the [Kentucky Dual-Credit Scholarship Program](#) and follows the guidelines outlined in the “[Kentucky Council on Postsecondary Education and Kentucky Department of Education Dual Credit Policy for Kentucky Public and Participating Postsecondary Institutions and Secondary Schools](#),” located on the [Kentucky Department of Education website](#).

REFERENCES:

KRS 158.622
[KRS 164.786](#)

RELATED POLICIES:

08.2323; 09.1221; 09.435

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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

DRAFT ALL NEW LANGUAGE 5/5/17

CURRICULUM AND INSTRUCTION

08.13452

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English as a Second Language

The NKCES shall provide an English language program to assist English 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 academic standards that all students in the NKCES are expected to meet.

The Executive Director, 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 NKCES:

- Survey of Primary and Home Language - At the time of initial enrollment, the parent/guardian of every student in the school (whether potential English 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 determine whether they are English learners according to the federal definition in ESSA, Title III.

Students identified as English 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 English 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 English 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 English learners addressing the following:

- (a) Student’s need for placement in the program;
- (b) Student’s level of English proficiency;
- (c) How such level was assessed;
- (d) Methods of instruction used in the program;
- (e) Student’s lack of progress in the program;
- (f) How the program will meet the individual learning needs of the student;
- (g) How the program will help the student learn English;

English as a Second Language

- *Parental Notification (continued)*

- (h) How the program will help the student meet achievement standards necessary for grade promotion and high school graduation;
- (i) Specific exit requirements for students in the program;
- (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 English learning, parents shall be notified no later than thirty (30) calendar days after the beginning of the school year;
- For students identified after the beginning of the school year, parents shall be notified no later than fourteen (14) calendar days following the student's placement in the program.

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 challenging 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 English learner children shall be given the opportunity to participate in and make recommendations for the NKCES' language instruction educational programs.
- *Provision of Services* – Once their parent/guardian has received notification, English learners shall be provided services consistent with effective language instruction educational programs and curricular for teaching English 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.

English as a Second Language

- 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.
- 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 NKCES program services. NKCES 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 English learners; and
 - (c) Can expect to graduate from high school.

REFERENCES:

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

RELATED POLICIES:

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

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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 Executive Director/designee shall recommend and NKCES 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 NKCES shall make widely available through public means for each grade served by the NKCES, information on each assessment required by the state to comply with Every Student Succeeds Act of 2015 (ESSA), other state required assessments. In posting this notice, the NKCES shall provide the information designated by federal law.

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

08.131; 08.13451; 08.221; 09.2

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

Discuss with NKCES Counsel to see if this applies to NKCES.

CALENDAR COMMITTEE

In accordance with SB 50 revisions and KRS 158.070, NKCES will adopt a school calendar that meets the minimum requirements set forth.

NKCES and the appoint School of Record have a legally binding, written and signed agreement to serve as the District of Record for NKCES. For the purpose of the school calendar committee requirement set forth in SB 50, the calendar committee adopted by an appointed School of Record shall serve in this capacity for NKCES as needed.

DEVELOPMENT OF CALENDAR

NKCES and an appointed School of Record have a legally binding, written and signed agreement to service as the District of Record for the Regional School Program (RSP). This provision includes the adoption of the local school calendar. RSP will set a calendar annually in consultation with the RSP Advisory Board and the NKCES Board of Directors, and provide the School of Record with the recommended calendar for adoption by their local Board.

STUDENTS

09.1231

Dismissal from School

RELEASE OF STUDENTS

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

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

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

RELEASE PROCESS

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

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

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

EXCEPTIONS

A student may be released to a person with lawful authority to take custody of the student, e.g., a police officer with a warrant or the person authorized by the Cabinet for Health and Family Services when the student is committed to the Cabinet [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.](#)¹

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.

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.

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

REFERENCE:

1OAG 85-134; OAG 92-138
KRS 620.146
702 KAR 7:125

RELATED POLICIES:

09.227; 09.3; 09.31; 09.434; 10.5

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

DISCLOSURE OF RECORDS

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

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

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

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

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

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

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 NKCES to perform institutional services and functions) having a legitimate educational interest in the information.

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

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

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

DISCLOSURE TO REPRESENTATIVES FOR FEDERAL OR STATE PROGRAM PURPOSES

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

DUTY TO REPORT

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

DIRECTORY INFORMATION

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

[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.](#)

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

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

Student Records**SURVEYS OF PROTECTED INFORMATION**

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

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

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

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

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

STUDENTS WITH DISABILITIES

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

RECORDS RELEASE TO JUVENILE JUSTICE SYSTEM

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

JUVENILE COURT RECORDS

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

Student Records**RECORDS OF MISSING CHILDREN**

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

COURT ORDER/SUBPOENA

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

REFERENCES:

¹Section 152 of the Internal Revenue Code of 1986

²KRS 158.153, KRS 610.320, KRS 610.340, KRS 610.345

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

KRS 160.990, KRS 161.200, KRS 161.210

KRS 365.732; KRS 365.734; KRS 600.070

702 KAR 1:140, 702 KAR 3:220

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

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

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

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

KRS 160.710, KRS 160.715, KRS 160.720, KRS 160.725, KRS 160.730)

Individuals with Disabilities Education Improvement Act of 2004

Kentucky Education Technology System (KETS)

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

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

RELATED POLICY:

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 NKCES decisions.

NKCES is committed to providing a school environment that promotes and protects student health, well-being, and ability to learn by supporting healthy eating and physical activity. To this end, NKCES supports school efforts to implement the following:

- To the maximum extent practicable, the school will participate in available federal school meal programs.
- The school 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.
- [A school containing grades K-5 or any combination thereof, shall develop and implement an individual wellness policy per KRS 160.345 and NKCES Policy 02.4241.](#)

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

WELLNESS LEADERSHIP

The **Executive Director**/designee will [direct NKCES officials \("wellness leadership group"\)](#) to monitor compliance with this and related policies. At the school level, the **Executive Director**/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](#). The 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 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, to the extent possible, 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 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;~~
- that teach media literacy with an emphasis on food marketing; and
- that include training for teachers and other staff.

PHYSICAL ACTIVITY AND PHYSICAL EDUCATION

NKCES and the appointed School of Record have a legally binding, written and signed agreement for the appointed School of Record to serve as the District of Record for NKCES. For the purpose of the district wellness plan and public input, any activity and input will be included with the School of Record K-5 wellness plan, and will be subject to the same provisions set forth in KRS 158.156.

- The 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.

NKCES WELLNESS PLAN/PUBLIC AND STAFF INPUT

The NKCES shall ~~form a 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 NKCES Wellness Plan.

NKCES 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 NKCES website no later than sixty (60) days prior to the public forum covered in KRS 158.156. (702 KAR 6:090)

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

- 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 NKCES in accordance with KRS 158.856.

The Executive Director 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 NKCES 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 within the findings and recommendations the following:

1. Extent to which the **NKCES** is in compliance with this ~~p~~Policy;
2. A comparison of how the **NKCES** 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 **NKCES** Wellness Policy and addressing any gaps identified in the wellness report for the previous year.

RECORDKEEPING

NKCES and any school in the NKCES 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.

STANDARDS AND NUTRITION GUIDELINES FOR ALL FOODS AND BEVERAGES

The school is to follow minimum federal and state nutrition standards. Below is suggested language for NKCES 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 Policies 07.111 and 07.12.

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Student Welfare and Wellness**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 Executive Director/designee and made available upon request. The Executive Director 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 NKCES 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 \(7 C.F.R 210.11 and 702 KAR 6:090\).](#)

WELLNESS PLANS

~~After reviewing guidelines set out in NKCES Policy 09.2, the school shall develop a Wellness Plan detailing how those guidelines shall be incorporated.~~

EVALUATION AND ENFORCEMENT**Leadership:**

~~The Executive Director/designee will monitor compliance with this and related policies. At the school level, the Executive Director/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 NKCES shall form a 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 policy.~~

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

~~The NKCES shall inform and update the public annually on the content and progress of implementation of its school wellness efforts. The report shall include:~~

- ~~1. The NKCES website and/or other information on how the public can access copies of school and NKCES Wellness Policies;~~
- ~~2. A summary of the school's wellness events and/or activities;~~
- ~~3. A description of the school's progress in meeting the school wellness goals;~~
- ~~4. Contact information for the leader(s) of the Wellness Committee; and~~
- ~~5. Information on how individuals can get involved.~~

ASSESSMENT

~~The NKCES 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:~~

- ~~4. Extent to which the NKCES is in compliance with this policy;~~
- ~~5. A comparison of how the NKCES measures up to model wellness policies provided by recognized state and national authorities; and~~
- ~~6. A description of the measurable progress made towards reaching goals of the NKCES Wellness Policy and addressing any gaps identified in the wellness report for the previous year.~~

REFERENCE:

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;~~;~~ 07.12;~~;~~ [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, NKCES 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

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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

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FISCAL MANAGEMENT

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Uniform Guidance

Federal funds received by the NKCES are to be administered and federally funded personnel expenses documented¹ in accordance with applicable Uniform Grant Guidance requirements.

REFERENCES:

¹2 C.F.R 200.430(i)

2 C.F.R. Part 200

RELATED POLICIES:

01.11

08.1345

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 neglected¹, 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 620.030.²

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

Only agencies designated by law are authorized to conduct an investigation of a report of alleged child abuse. Therefore, NKCES shall not first investigate a claim before an employee makes a report to the proper authorities. However, in certain situations, reports involving claims made under state and federal laws, such as Title IX, shall require NKCES, after making the required report, to conduct an independent investigation of the allegations in order to determine appropriate personnel action.

WRITTEN REPORT

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

Child Abuse**WRITTEN RECORDS**

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

INTERVIEWS

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

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

OTHER

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

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STUDENTS

09.227
(CONTINUED)

Child Abuse

REFERENCES:

- ¹KRS 600.020 (1)(15)
- ²KRS 620.030; KRS 620.040
- ³OAG 85-134; OAG 92-138
- ⁴[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: 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.

Threats, threatening behavior, or acts of violence against students, employees, visitors, guests, or other individuals by anyone on NKCES property will not be tolerated. Violations of this policy will lead to disciplinary action, which may include dismissal, arrest, and prosecution.

EMPLOYEES/VISITORS

Any person who makes a substantial threat, exhibits threatening behavior, or engages in violent acts on NKCES property shall be removed from the premises pending the outcome of an investigation. NKCES will initiate an appropriate response, which may include, but is not limited to, suspension or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of person or persons involved.

No existing NKCES policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

All NKCES personnel are responsible for notifying the Executive Director of any threat that they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed that they regard as threatening or violent, when that behavior is job-related, could be carried out on a company controlled site, or is connected to company employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If a Human Resources representative is not available, personnel should report the threat to their immediate supervisor or another member of the management team.

All individuals who apply for or obtain a protective or restraining order that lists NKCES as being a protected areas must provide to the Executive Director a copy of the petition and declarations used to seek the order. They must also provide a copy of any temporary protective or restraining order that is granted and a copy of any protective or restraining order that is made permanent.

NKCES understands the sensitivity of the information requested and has developed confidentiality procedures that recognize and respect the privacy of the reporting employee(s).

Assault and Threats of Violence**PUPILS**

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

Any pupil who threatens, assaults, batters or physically or verbally abuses a teacher or other school personnel shall be subject to appropriate disciplinary action¹ 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 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/designee 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 s/he has reasonable belief that a violation has taken place, the Principal 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.

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.

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

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 NKCES' area.

Formatted: ksba normal, Small caps**NOTIFICATIONS**

As soon as the Executive Director/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 NKCES 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, guidance counselor or other school official who has knowledge of the student's behavior prior to the assignment or contact.

REFERENCES:

¹KRS 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 525.080; KRS 620.030
702 KAR 5:080

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03.123; 03.13253; 03.223; 03.23253;
09.14; 09.2211; 09.422

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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.¹

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-² [and shall provide the cabinet access to a child subject to an investigation without parental consent.](#)³

CRIMES ON SCHOOL PROPERTY

Except in cases of emergencies involving threats to health and safety as determined by the Executive Director, when NKCES 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:

¹OAG 76-129

²OAG 85-134, OAG 92-138

³[KRS 620.072](#)

RELATED POLICIES:

09.1231; 09.227

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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 School

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

REGISTRANTS

No registrant, as defined in KRS 17.500, nor any person residing outside of Kentucky who would be required to register under KRS 17.510 if the person resided in Kentucky, shall be on the clearly defined grounds of the school, except with the advance written permission of the Principal or the Executive Director 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;

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

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

The Principal shall notify the Executive Director/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 Executive Director concerning requests from registrants, and the Executive Director may seek further advice from the legal counsel.

For all other reasons and for all individuals making a request other than parent/legal guardian/designee, the Principal shall consult with the Executive Director before making a final determination.

CONDUCT/PROHIBITION ON RECORDING

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

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

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

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

ACCOMMODATION

Visitors with disabilities shall be accommodated as required by law. Individuals requesting accommodation shall contact NKCES 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

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

Visitors to the School**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

For its facilities, NKCES adheres to the statewide no smoking policy for all public buildings. As such, the Executive Director shall designate a smoking area for adults.

In keeping with federal law, smoking is prohibited in any building owned or operated by NKCES where children meet on a routine or regular basis.

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

RELATED POLICIES:

01.1
03.113; 03.162; 03.212; 03.262; 05.3
09.1231; 09.227; 09.426; 09.42811
10.2

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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
THIS NEW POLICY MEETS THE HOMELESS CHILDREN AND YOUTH REQUIREMENTS.

STUDENTS

09.12

Consult with Board Counsel as to applicability of the educational cooperative.

Admissions and Attendance

RESIDENCE DEFINED

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

All other pupils shall be classified as nonresidents for school purposes.¹

HOMELESS CHILDREN AND YOUTH

The NKCES 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 NKCES 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 students enjoy;
2. Have access to preschool programs as provided to other children in the NKCES;
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, English learner).

The NKCES 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 NKCES 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 NKCES 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 NKCES, the liaison is responsible for:

- “Outreach” to other entities and agencies so that homeless students are identified;
- Providing public notice of the educational rights of homeless children in locations frequented by parents/guardians and unaccompanied youths. This notice is to be in a manner and form that is understandable;²

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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 NKCES 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

The NKCES 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 NKCES shall contact the student's prior school for relevant records.

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

Children in foster care, including preschool aged children if the NKCES 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 NKCES 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 NKCES's schools in accordance with Board policy and upon approval of the Executive Director.³

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.

TRANSFER OF ADA

Nonresident pupils may be admitted to the NKCES schools upon payment of tuition and/or transfer of the pupil's average daily attendance as defined under Kentucky's public school fund.^{4&5}

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 NKCES 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 NKCES 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 NKCES 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.⁶

Admissions and Attendance

EXPELLED/CONVICTED STUDENTS (CONTINUED)

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 NKCES and seeks to enroll, the NKCES 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 NKCES shall offer the student, parent/guardian, or other persons having legal custody or control of the student a hearing before the Board.

REFERENCES:

¹KRS 159.010; OAG 78-64

²42 U.S.C. 11431 et seq. (McKinney-Vento Act)

³KRS 158.120; OAG 80-47; OAG 79-327; OAG 75-602

⁴KRS 157.320

⁵702 KAR 7:125

⁶KRS 158.155; KRS 157.330; KRS 158.150

KRS 157.360; KRS 158.100

704 KAR 7:090; OAG 91-171

P.L. 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

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

Equal Educational Opportunities Act of 1974 (EEOA)

RELATED POLICIES:

06.32; 08.1114

09.121; 09.1223; 09.123; 09.124; 09.125

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

09.14; 09.211