

LEGAL: PUBLIC CHARTER SCHOOLS AND AUTHORIZERS ARE DEFINED BY STATUTE AND INCLUDED IN THESE DEFINITIONS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

RECOMMENDED: CLARIFICATION THAT BOARD POLICIES ARE INTENDED FOR SCHOOL DISTRICT GOVERNANCE PURPOSES AND DO NOT IMPOSE JUDICIAL LIABILITY STANDARDS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD

01.0

DEFINITIONS

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

NKCES

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

POLICIES

An expression of the will of the Board of Directors. Board policies cover the general management and governance of school district operations and functions. Within the parameters of the NKCES' legal authority, violations of policy may provide grounds for administrative response or action as relates to students, NKCES employees, parents, and members of the community, but such policies are not intended to heighten standards of care, establish grounds for liability or create rules for immunities enjoyed by defendants in civil judicial actions against the Board, its members, District employees, officers, or volunteers

ADMINISTRATIVE PROCEDURES

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

EXECUTIVE DIRECTOR

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

PRINCIPAL/HEAD TEACHER

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

GENDER

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

HUSBAND AND WIFE

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

PARENT OR GUARDIAN

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

DEFINITIONS

CHILDREN AND YOUTH WITH DISABILITIES

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

STUDENT ATTENDANCE DAY

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

HEALTH PROVIDER

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

CHARTER SCHOOL

Use of the term "charter school" means a public charter school.

CHARTER SCHOOL AUTHORIZER

A local board of education as defined in KRS 161.1590.

NKCES By-laws

ARTICLE I

MEMBERSHIP

1. NKCES Members: Members of the Northern Kentucky Cooperative for Educational Services shall include the following Kentucky public school districts: and Northern Kentucky University ~~and Gateway Community and Technical College~~:

- Beechwood Independent School District
- Bellevue Independent School District
- Boone County School District
- Bracken 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
- Kenton 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

NKCES By-laws

ARTICLE 1

MEMBERSHIP (CONTINUED)

2. Requirements: To be considered for membership, a district or other agency shall agree to financial support of NKCES with an amount of monies or in-kind contributions to be determined by the Board of Directors. Members committing this amount shall receive all the benefits offered by the cooperative as determined by the Board of Directors.
3. Discontinuation: Any member desiring to discontinue participation may terminate participation by providing written notification to the Executive Director of NKCES not less than thirty (30) days before June 30 of any year.

ARTICLE 2

FULL MEMBERSHIP MEETINGS

- ~~3.1.~~ Annual Meeting. The regular annual meeting of the members of the Northern Kentucky Cooperative for Educational Services shall be held at a place designated by the President of the organization on the second Wednesday of March of each year at an hour designated in the notice.
- ~~4.2.~~ Special Meeting. Special meetings of the members may be held at any time upon call of the President or a majority of the Board of Directors.
- ~~5.3.~~ Notice of Meetings. The Secretary shall send notice of all meetings to each member at least five (5) days prior to the date of such meeting and, in all cases of special meetings, the notice shall state the purpose(s) for the meeting.

A majority of the membership shall constitute a quorum for the transaction of business at any annual special meeting of the cooperative.

NKCES By-laws

ARTICLE 3

BOARD OF DIRECTORS

1. Designation. Every Superintendent whose school district has met the requirements for membership in the cooperative shall be a member of the Board of Directors with voting powers. In addition, Northern Kentucky University and Gateway Community and Technical College shall each designate one (1) representative to serve as a Director.
2. Duties: The Board of Directors shall have control and management of the cooperative, including its funds and property, subject only to action of the members and state and federal laws and regulations.
3. Meetings. Regular meetings of the Board of Directors shall be held on the second Wednesday of the month in keeping with meeting schedule established under Board Policy 01.42. Special meetings of the Board may be called as set out in Board Policy 01.44.

ARTICLE 4

OFFICERS OF THE BOARD OF DIRECTORS

1. Officers: Officers of the Board shall include the President and Vice-President. The Board may designate the President to serve as Secretary to the Board.
2. Term: The President and Vice-President shall serve one (1) year terms beginning immediately following their election. (The Past President shall serve as a representative to KASA Region 7.) The term of office shall begin on July 1st and ends on June 30th.
3. Duties: Duties of the President, Vice-President and Secretary shall be established by Board Policies 01.411 and 01.412.

ARTICLE 5

REPEAL AND AMENDMENT

1. Process: Amendments, including a proposal to repeal a by-law, may be proposed in writing by any member of the organization. After review from the By-laws Committee, the proposal shall be presented at the next regular meeting of the Board of Directors.
2. Approval: A favorable vote from two-thirds (2/3) of the Board quorum present will be necessary to proceed with a vote by the full membership. By-laws may be amended or repealed by two-thirds (2/3) vote of the members of the cooperative, based on a voting process recommended by the By-laws Committee and approved by the Board of Directors.
3. Notice: Sufficient notification should be given to the full membership with a copy of the recommended changes outlined.

REFERENCE:

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

LEGAL: HB 592 AMENDS KRS 61.826 TO ALLOW CLOSED SESSIONS TO BE CONDUCTED THROUGH VIDEO TELECONFERENCE AND PRECISELY IDENTIFY THE PRIMARY LOCATION OF THE VIDEO TELECONFERENCE WHERE ALL MEMBERS CAN BE SEEN AND HEARD AND THE PUBLIC MAY ATTEND IN ACCORDANCE WITH KRS 61.840.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.42

Regular Meetings

TIME AND PLACE

At a meeting in January, the Board shall adopt a schedule of regular meetings for the calendar year, identifying the date, time and place of each meeting. Dates are subject to change at the discretion of the Executive Director and the President. Rescheduled regular meetings shall be noticed and held as special meetings.^{1 & 2}

When circumstances dictate a change in the time, date, and/or place of the regular meeting, the President shall consult with members of the Board and Executive Director to reach a consensus regarding alternatives.

EXCEPTION

The President will consult with the Executive Director and cause all Board members to be notified of an alternate meeting time, date, and/or place in person or by email or mail at least twenty-four (24) hours in advance of the meeting.

OPEN MEETINGS

All meetings of a quorum of the members of the Board at which any action is taken are to be public meetings that are open to the public.

VIDEO TELECONFERENCES

The Board may conduct its meeting by video teleconference ([including closed sessions](#)). Notice of a video teleconference shall comply with the requirements of KRS 61.820. In addition, the notice shall clearly state that the meeting will be a video teleconference and precisely identify the ~~locations involved, including the location, if any, that is~~ primary [location of the video teleconference where all members can be seen and heard and the public may attend in accordance with KRS 61.840](#).

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

REFERENCES:

¹KRS 61.820

²92-OMD-1677; 04-OMD-056

KRS 61.810

[KRS 61.826; KRS 61.840](#)

17-OMD-148

RELATED POLICIES:

01.421; 01.43; 01.44

LEGAL: HB 592 AMENDS KRS 61.826 TO ALLOW CLOSED SESSIONS TO BE CONDUCTED THROUGH VIDEO TELECONFERENCE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.43

Closed Sessions**AUTHORIZATION**

The Board may at any meeting go into closed session to discuss any matters which it may lawfully discuss at a closed meeting.¹

REQUIREMENTS

Except as provided under KRS 61.810, the following requirements shall be met as a condition for conducting closed session:

1. Notice shall be given in open meetings of the general nature of the business to be discussed in closed session, the reason for the closed session, and the specific provision of KRS 61.810 authorizing the closed session;
2. Closed sessions may be held only after a motion is made and carried by a majority vote in open, public session;
3. No final action may be taken at a closed session, except as permitted by law;²
4. No matters may be discussed at a closed session other than those publicly announced prior to convening the closed session.³

[Closed sessions by video teleconference may be held in properly noticed meetings as provided in KRS 61.826.⁴](#)

LAWFUL MATTERS FOR DISCUSSION

All meetings of the Board will be open to the general public, except when the Board meets to discuss the following topics:

1. Deliberations on the future acquisition or sale of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency;
2. Discussions of proposed or pending litigation against or on behalf of the public agency;
3. Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret;

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4. Discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussions would jeopardize the siting, retention, expansion, or upgrading of the business;
5. Meetings which federal or state law specifically require to be conducted in privacy;
6. Meetings which the Constitution provides shall be held in secret; and
7. That portion of a meeting devoted to a discussion of a specific public record exempted from disclosure under KRS 61.878(1)(m). However, that portion of any public agency meeting shall not be closed to a member of the Kentucky General Assembly.

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.43

(CONTINUED)

Closed Sessions

SERIAL MEETINGS PROHIBITED

No series of meetings of less than a quorum of the Board, where those attending one or more meetings collectively constitute a quorum of the Board, may be held where the meetings are designed to avoid the requirements of the Open Meetings Law. Discussions between individual Board members may be held if the purpose of the discussion is to educate the members on specific issues.

REFERENCES:

¹KRS 61.810

²OAG 81-135

³KRS 61.815

⁴[KRS 61.826](#)
[15-OMD-090](#)

LEGAL: SB 101 AMENDS KRS 160.380 REVISING THE DEFINITION OF RELATIVE. SB 101 HAS AN EMERGENCY CLAUSE MAKING THE AMENDMENTS CURRENTLY EFFECTIVE. FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: SB 236 (2017) AMENDED KRS 160.380 TO REQUIRE EMPLOYEES TO REPORT TO THE SUPERINTENDENT WHEN THEY HAVE BEEN FOUND BY THE CABINET FOR HEALTH AND FAMILY SERVICES TO HAVE ABUSED OR NEGLECTED A CHILD. SB 101 (2018) HAS AN EMERGENCY CLAUSE MAKING THE AMENDMENTS CURRENTLY EFFECTIVE.

FINANCIAL IMPLICATIONS: POSSIBLE COST OF TERMINATION HEARINGS

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, and daughter; ~~aunt, uncle, son-in-law, and daughter-in-law.~~

Hiring

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.

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, e~~ 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~~ Executive Director 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.

PERSONNEL

03.11
(CONTINUED)

Hiring

CRIMINAL RECORDS CHECK (CONTINUED)

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.

REPORT TO EXECUTIVE DIRECTOR

An employee shall report to the Executive Director if the employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal.

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 161.605; 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: SB 101 AMENDS KRS 160.380 AND HAS AN EMERGENCY CLAUSE MAKING THE AMENDMENTS CURRENTLY EFFECTIVE. THE APPLICANT IS TO PROVIDE A LETTER FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THAT THERE ARE NO FINDINGS OF SUBSTANTIATED CHILD ABUSE OR NEGLECT ON RECORD and revises DEFINITION of relative.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: SB 236 (2017) AMENDED KRS 160.380 TO REQUIRE EMPLOYEES TO REPORT TO THE SUPERINTENDENT WHEN THEY HAVE BEEN FOUND BY THE CABINET FOR HEALTH AND FAMILY SERVICES TO HAVE ABUSED OR NEGLECTED A CHILD. SB 101 (2018) HAS AN EMERGENCY CLAUSE MAKING THE AMENDMENTS CURRENTLY EFFECTIVE.

FINANCIAL IMPLICATIONS: POSSIBLE COST OF TERMINATION HEARINGS

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, and daughter, ~~aunt, uncle, son-in-law, and daughter-in-law~~.

PERSONNEL

03.21
(CONTINUED)

Hiring

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.

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, e~~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.

Employment shall also be contingent on receipt of a letter from the Cabinet provided by the individual documenting that the individual does not have a substantiated finding of child abuse or neglect in records maintained by the Cabinet.

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Link to DPP-156 Central Registry Check and more information on the required Cabinet Letter:

<http://manuals.sp.chfs.ky.gov/chapter30/33/Pages/3013RequestfromthePublicforCANCChecksandCentralRegistryChecks.aspx>

PERSONNEL

03.21

(CONTINUED)

Hiring

CRIMINAL RECORDS CHECK (CONTINUED)

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.

REPORT TO EXECUTIVE DIRECTOR

An employee shall report to the Executive Director if the employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal.

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.

PERSONNEL

03.21
(CONTINUED)

Hiring

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

LEGAL: SB 236 (2017) AMENDED KRS 160.380 TO REQUIRE EMPLOYEES TO REPORT TO THE SUPERINTENDENT WHEN THEY HAVE BEEN FOUND BY THE CABINET FOR HEALTH AND FAMILY SERVICES TO HAVE ABUSED OR NEGLECTED A CHILD AND AUTHORIZES DISCIPLINE FOR FAILURE TO REPORT. SB 101 (2018) HAS AN EMERGENCY CLAUSE MAKING THE AMENDMENTS CURRENTLY EFFECTIVE.

FINANCIAL IMPLICATIONS: POSSIBLE COST OF TERMINATION HEARINGS

PERSONNEL

03.27

- CLASSIFIED PERSONNEL -

Discipline, Suspension and Dismissal of Classified Employees

DISCIPLINARY OPTIONS

Employees may be subject to the following disciplinary actions by the Executive Director, to include, but not be limited to:

- Documented verbal warning or reprimand by the Executive Director/designee
- Written warning or reprimand by the Executive Director /designee
- Probation imposed by the Executive Director/designee
- Reassignment (temporary or permanent) by the Executive Director
- Public reprimand by the Executive Director

- **Suspension without pay by the Executive Director**

A period of suspension without pay shall not exceed (20) working days. Suspension by the Executive Director at the recommendation of a program director (or by the program director in cases of violations as defined below) shall result in employees being relieved immediately of their duties. Suspension may result from previous cumulative disciplinary action or may occur without prior supervisory correction if, in the opinion of the Executive Director, the employee's offense is so severe that continued presence on the job may result in danger, threat, or harm to the students, staff, cooperative property or equipment, or to the employee.

An employee who is suspended shall receive a written explanation of the reason for the suspension, signed by the Executive Director and the employee. The employee's signature assures only that the offense and subsequent terms of suspension have been discussed with the employee and does not necessarily constitute the employee's agreement with the reason for suspension. The appropriate program director must receive a copy of the suspension action and place it in the employee's personnel file.

Employees on suspension without pay shall lose pay and fringe benefits for the period of suspension. An employee may arrange to maintain insurance benefits during the suspension without pay, provided they pay the premiums to keep benefits in paid status.

Consultation between the employee, his/her immediate supervisor or program director, and the Executive Director must occur before the employee is reinstated.

- **Nonrenewal by the Executive Director**
- **Dismissal (termination of contract) by the Executive Director**

An employee may be relieved from duty for the remainder of the work day by the immediate supervisor, pending action by the Executive Director, when drugs, alcohol, and/or the safety of employees or others are involved.

PERSONNEL

03.27
(CONTINUED)

Discipline, Suspension and Dismissal of Classified Employees

ACTIONS WHICH MAY REQUIRE HEARING PROCEDURES

Only the Executive Director may issue a public reprimand, suspend without pay or terminate a classified employee. Subject to the employee's exercise of applicable hearing rights, these personnel actions shall be effective on the employee's receipt of written notice from the Executive Director. Subject to the completion of any pending administrative hearing procedure on the action, the Superintendent shall notify the Board at the first meeting following a public reprimand, suspension without pay, or termination and such notification shall be recorded in the Board minutes.

TEMPORARY SUSPENSION WITH PAY PENDING INVESTIGATION

An employee shall be suspended with pay only when the Executive Director determines there is a justifiable safety need or to prevent significant disruption of the workplace and/or educational process. The period of suspension with pay shall not exceed the time needed to determine whether the employee is to return to active service or face disciplinary action. Typically, suspension with pay shall not exceed ten (10) working days. However, if circumstances arise that require an investigation or other proceedings that

may extend beyond ten (10) days, the Executive Director may lengthen the period of suspension, not to exceed an additional fifteen (15) working days. Employees suspended with pay shall remain available for immediate recall to active service.

CAUSES FOR PERSONNEL ACTION

Reasons for which an employee shall be subject to disciplinary or job action shall include, but not be limited to, the following:

1. Dishonesty, neglect of duty, incompetence, inefficiency or insubordination.
2. Reporting to work under the influence of or use or possession of alcohol while on duty, or the illegal use or possession of controlled substances at any time.
3. Unauthorized possession or use of firearms, dangerous weapons, or explosives on NKCES property.
4. Unsatisfactory evaluation of any factor on the employee's performance evaluation report and/or failure to improve.
5. Unexcused absence, tardiness, absence without notification or abuse of sick leave.
6. Violation of or refusal to obey NKCES policies or state regulations adopted by the Kentucky Board of Education or by the Board.
7. [Failure to notify the Executive Director if the classified employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal.](#)
8. Refusal to comply with safety directives.
9. Falsifying information supplied to NKCES including information on application forms, absence reports, time sheets, calendars, travel reports, or any other information.

PERSONNEL 03.27

(CONTINUED)

Discipline, Suspension and Dismissal of Classified Employees

CAUSES FOR PERSONNEL ACTION (CONTINUED)

10. Criminal convictions for felonies or other acts of conduct occurring on or off the job which are directly related to job performance, or reflect adversely upon NKCES or its operations, or are of such nature that to continue the employee in the assigned position could constitute negligence in regard to duties to students, program participants, employees, and to the general public.
11. Being convicted of or entering an "Alford" plea or plea of *nolo contendere* to a felony or any crime (including misdemeanors) involving moral turpitude or illegal transactions with minors or students.
12. Immorality, misconduct, or conduct unbecoming a NKCES employee.
13. Loss of licensure or certification required for the assigned position.
14. Behavior that poses a threat to the operation of NKCES or to the safety and well-being of the individual or others or to property.

15. Unauthorized use or misuse, stealing, or unauthorized removal of NKCES, agency or government property or records.
16. Breach of confidentiality regarding students, program participants, or employees of the agency obtained in the course of employment, unless disclosure serves a legitimate job-related purpose or is required by law.
17. Engaging in any sexually related behavior with a student with or without consent, including, but not limited to, behavior such as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape, threats of physical harm; and sexual assault.
18. Physical or mental disability, consistent with applicable laws protecting employees with disabilities.

The Executive Director shall develop/adopt procedures to provide adequate due process, covering matters that may result in public reprimand, suspension without pay or termination of classified employees. The procedures shall address, but are not limited to notice, opportunity to be heard, right to counsel, conducting a hearing (if requested), and the rendition of a decision or action.

Employees shall be provided written notification of the charges that may result in a public reprimand, suspension without pay or termination. The notification shall include a statement of the right to a hearing and a form, the signing and filing of which with the Executive Director shall constitute a demand for a hearing and a denial of the charges. If an employee wishes to request a hearing, the employee shall present the appropriate form to the Executive Director within ten (10) calendar days of the receipt of the written notification of the charges. If the employee does not file the demand for a hearing within the ten (10) day period, final personnel action may be taken or completed without a hearing or further proceedings.

PERSONNEL

03.27

(CONTINUED)

Discipline, Suspension and Dismissal of Classified Employees

RESIGNATION

In the absence of a specific policy or written agreement to the contrary, employees are free to resign at any time. However, all employees are expected to give written notice of their intent to resign. Such notice should be delivered to the Program Director or Executive Director in advance of the date of resignation as follows:

Classified staff – ten (10) working days

Failure to give the required notice may result in forfeiture of NKCES paid benefits, including accrued vacation and ineligibility for re-employment.

Before the effective date of a resignation, the employee must arrange for an exit interview to determine the reason for the decision; to ensure return of petty cash and/or Cooperative property; to settle any outstanding obligations; to make provisions for completing unfinished work; and to explain conversion benefits under the Cooperative's group insurance plans and other vested benefits available to the employee under the Cooperative's benefit plan (COBRA). A written report of the employee's exit interview will be placed in the employee's personnel file.

OTHER DISCIPLINARY ACTIONS

When disciplinary actions other than public reprimand, suspension without pay or termination, are at issue, employees may submit a written response, which shall be placed in their file along with any documentation of the disciplinary action.

REFERENCES:

Americans with Disabilities Act
42 U.S.C. Section §12111 et seq.; KRS Chapter 344
KRS 160.380; KRS 160.390; KRS 161.011
OAG 76-290; OAG 92-135, OAG 96-3, OAG 05-006
Consolidated Omnibus Budget Reconciliation Act

RELATED POLICIES:

03.212; 03.23251; 03.26; 03.271; 03.2711; 09.14; 09.42811

LEGAL: SB 101 AMENDS KRS 160.380 TO REQUIRE THAT THE APPLICANT IS TO PROVIDE A LETTER FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THAT THERE ARE NO FINDINGS OF SUBSTANTIATED CHILD ABUSE OR NEGLECT ON RECORD. SB 101 HAS AN EMERGENCY CLAUSE MAKING THE AMENDMENTS CURRENTLY EFFECTIVE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.4

Substitute Teachers

QUALIFICATIONS

All substitute teachers shall meet ~~background~~~~criminal~~ records check requirements (including a letter from the Cabinet for Health and Family services stating that there are no findings of substantiated child abuse or neglect on record) and medical examination requirements as specified in policy 03.11 and Kentucky Administrative Regulation. In addition, substitutes serving in a position on a long-term/extended basis must meet all certification requirements established by the Education Professional Standards Board.

[Link to DPP-156 Central Registry Check and more information on the required Cabinet Letter:](http://manuals.sp.chfs.ky.gov/chapter30/33/Pages/3013RequestfromthePublicforCANCHECKSANDCentralRegistryChecks.aspx)
<http://manuals.sp.chfs.ky.gov/chapter30/33/Pages/3013RequestfromthePublicforCANCHECKSANDCentralRegistryChecks.aspx>

SUBSTITUTE LIST

The Executive Director or designee shall maintain a list of qualified substitute teachers who hold the required substitute teaching certification. Refusal of assignment as a substitute shall be documented, along with any reason provided.

RETIRED TEACHERS

Retired teachers may be reemployed as a part-time, temporary, or substitute teacher in keeping with requirements of the Teacher's Retirement System.

LENGTH OF DUTY

Substitute teachers shall observe the same hours of duty as the regular teacher. The substitute will continue to report for duty until relieved by the Executive Director or designee.

Substitute teachers shall follow daily lesson plans as outlined by the regular teacher and leave a written record of the work completed during their length of duty.

SUBSTITUTE SALARY AND PAYMENT SCHEDULE

Substitutes shall be paid on a per diem basis according to the salary schedule approved by the Board. The salary schedule may reflect adjustments for long-term/continuous assignment substitutes.

Payment shall be made on the next scheduled payday for substitutes.

EMPLOYMENT NOTIFICATION

Each year, substitute teachers on the NKCES substitute list shall be notified in writing by the last day of school if they have reasonable assurance of continued employment for the following school year.

Nonrenewal of substitute teachers on limited contracts shall be made in compliance with the requirements of KRS 161.750.

PERSONNEL 03.4 (CONTINUED)

Substitute Teachers

REFERENCES:

KRS 17.160; KRS 17.165; KRS 156.106; [KRS 160.380](#); KRS 161.605; KRS 161.611
16 KAR 2:030; 16 KAR 2:120; 102 KAR 1:030; 702 KAR 1:035; 702 KAR 3:075
OAG 69-296

RELATED POLICY:

03.11

LEGAL: SB 236 (2017) AMENDED KRS 160.380 TO STATE THAT A SUPERINTENDENT WHO IS REQUIRING A BACKGROUND CHECK MAY ALSO REQUIRE THE VOLUNTEER TO PROVIDE A LETTER FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THAT THERE ARE NO FINDINGS OF SUBSTANTIATED CHILD ABUSE OR NEGLECT ON RECORD. SB 101 (2018) HAS AN EMERGENCY CLAUSE MAKING THE AMENDMENTS CURRENTLY EFFECTIVE.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.6

Volunteers

DEFINITION

Volunteers are persons who do not receive compensation for assisting in school or NKCES programs. Volunteers are encouraged to use their time and effort to support such programs. The Executive Director shall develop procedures that encourage volunteers to assist in school and/or NKCES programs and to facilitate effective communication with persons who volunteer.

Teacher education students or students enrolled in an educational institution and who participate in observations and educational activities under direct supervision of a local school teacher or administrator in a public school shall not be considered volunteers.

SUPERVISION

All volunteers shall provide assistance only under the direction and supervision of a member of the professional administrative and teaching staff.¹

Volunteers who assist in the school on a scheduled and/or continuing basis shall be provided with the same liability insurance coverage as a NKCES employee and shall be provided with a written task description detailing responsibilities and expectations, as well as specific qualifications that may be required.

RECORDS CHECK

NKCES shall conduct a state criminal records check on all volunteers who have contact with students on a regularly scheduled and/or continuing basis, or who have supervisory responsibility for children at a school site or on school-sponsored trips. NKCES shall arrange to pay any cost required for the records check, but may use donations from any source, including volunteers, for this purpose.

Pursuant to KRS 160.380, the Executive Director/designee also may require volunteers to submit to a state and national criminal (fingerprint) history background check and provide a letter from the Cabinet for Health and Family Services stating that there are no findings of substantiated child abuse or neglect on record for safety reasons. With prior approval of the Executive Director/designee, the background checks will be conducted at NKCES expense. Otherwise, except as stated previously, the volunteer must pay for the background checks.

No volunteer shall be utilized to supervise students, or deemed to have the authority to supervise students, unless the volunteer has been designated to supervise students by the Principal and approved by the Executive Director/designee, and the volunteer has undergone the required records check. The Executive Director may also require such a volunteer to provide a letter from the Cabinet for Health and Family Services stating that there are no findings of substantiated child abuse or neglect on record.

[Link to DPP-156 Central Registry Check and more information on the required Cabinet Letter:](http://manuals.sp.chfs.ky.gov/chapter30/33/Pages/3013RequestfromthePublicforCANCChecksandCentralRegistryChecks.aspx)

<http://manuals.sp.chfs.ky.gov/chapter30/33/Pages/3013RequestfromthePublicforCANCChecksandCentralRegistryChecks.aspx>

PERSONNEL

03.6

(CONTINUED)

Volunteers

WORK-BASED SITE SUPERVISORS

Work-based learning site supervisors are considered volunteers. Pursuant to KRS 160.380 and KRS 161.148, prior to being assigned to supervise a student for more than one (1) day in a work-based learning experience, the site supervisor shall have undergone a state criminal background check either as required by their employer at time of employment or within the past twelve (12) months, whichever is the more recent.

ORIENTATION

The Executive Director/designee shall develop orientation materials to be provided to all volunteers who have contact with students on a regularly scheduled or continuing basis. These materials shall include, but not be limited to, pertinent policies and safety and emergency procedures.

REFERENCES:

¹KRS 161.148

KRS 160.380

KRS 161.044

RELATED POLICIES:

03.5

08.113; 08.1131

RECOMMENDED: THIS CLARIFIES THAT THE PRINCIPAL HAS GENERAL OVERSIGHT OF SCHOOL PROPERTY AND REMOVES MINISTERIAL DUTY OF BEING "HELD RESPONSIBLE" FOR REASONABLE SECURITY.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

SCHOOL FACILITIES

05.5

Security

DEVELOPMENT OF PLAN

The Executive Director/designee shall develop and implement a plan ensuring the reasonable security of NKCES property.

RESPONSIBILITY

The Principal ~~has general oversight shall be held responsible for the reasonable security of all school property under his or her supervision and shall use good judgement for the reasonable security of such property.~~

REFERENCE:

KRS 158.162

RELATED POLICY:

05.4

LEGAL: HB 3 CREATES A NEW CHAPTER OF KRS 158 REQUIRING DISTRICTS TO IMPLEMENT ESSENTIAL WORKPLACE ETHICS PROGRAMS THAT PROMOTE CHARACTERISTICS THAT ARE CRITICAL TO SUCCESS IN THE WORKPLACE. DISTRICTS ARE ALSO REQUIRED TO DESIGN, AND ADOPT A DIPLOMA, SEAL, CERTIFICATE TO AWARD STUDENTS OF THE ATTAINMENT OF SUCH.

FINANCIAL IMPLICATIONS: COST OF DEVELOPING PROGRAM/AWARDS
CHECK WITH YOUR BOARD ATTORNEY AS TO APPLICABILITY OF THESE PROVISIONS TO NKCES.

CURRICULUM AND INSTRUCTION

C08.1341

Essential Workplace Programs

Indicators

~~Beginning with the 2019-2020 school year, the NKCES shall implement essential workplace ethics programs that promote characteristics that are critical to success in the workplace. Each student in elementary, middle, and high school shall receive essential workplace ethics instruction that includes but is not limited to the following characteristics:~~

- ~~a) Adaptability, including an openness to learning and problem solving, an ability to embrace new ways of doing things, and a capability for critical thinking;~~
- ~~b) Diligence, including seeing a task through to completion;~~

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c) Initiative, including taking appropriate action when needed without waiting for direct instruction;

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d) Knowledge, including exhibiting an understanding of work-related information, the ability to apply that understanding to a job, and effectively explain the concepts to colleagues in reading, writing, mathematics, science, and technology as required by the job;

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e) Reliability, including showing up on time, wearing appropriate attire, self-control, motivation, and ethical behavior;

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f) Remaining drug free; and

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g) Working well with others, including effective communication skills, respect for different points of view and diversity of coworkers, the ability to cooperate and collaborate, enthusiasm, and the ability to provide appropriate leadership to or support for colleagues.

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The [NKCES](#), shall use these characteristics when creating or choosing an existing program. By January 1, 2019 and every two (2) years thereafter, the Board shall collaborate with the local workforce investment board, in conjunction with local economic development organizations and other economic, workforce, or industry organizations the workforce investment board deems necessary, to establish essential workplace ethics indicators for middle and high school students that are aligned with the characteristics listed above.

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Attainment

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The Board shall design and adopt a diploma seal, certificate, card, or other identifiable symbol to award students deemed as having minimally demonstrated attainment of the Board's essential workplace ethics indicators.

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Essential Workplace Programs

Reporting Requirement

By September 1, 2019, and every two (2) years thereafter, the Superintendent shall provide a report to the Commissioner of Education, in a format specified by the Commissioner, describing the NKCES' essential work ethics programs and their implementation at each school.

Reference:

KRS 158.1413

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LEGAL: HB 527 DEFINES BEST INTEREST OF THE CHILD AS IT RELATES TO EDUCATIONAL STABILITY.

FINANCIAL IMPLICATIONS: COST OF TRANSPORTING STUDENTS

LEGAL: CHANGES TO 704 KAR 7:090 ADD UNACCOMPANIED YOUTH, AND REVISE THE APPEALS PROCESS.

FINANCIAL IMPLICATION: NONE ANTICIPATED

STUDENTS

09.12

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 UNACCOMPANIED YOUTH

The NKCES shall provide educational and related services to homeless children and youth (including preschool-aged homeless children, and homeless children or youth not in the physical custody of a parent or guardian (unaccompanied youth) 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 unaccompanied 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

STUDENTS

09.12
(CONTINUED)

Admissions and Attendance

HOMELESS CHILDREN AND UNACCOMPANIED 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 unaccompanied youths of the duties of the liaison.

http://education.ky.gov/federal/progs/txc/Documents/Homeless_Dispute_Resolution_Form.docx

<https://education.ky.gov/federal/progs/txc/Documents/Homeless%20Dispute%20Resolution%20Form.pdf>

The liaison shall provide a copy of the referenced form to the complainant.

The NKCES shall provide services for homeless children and unaccompanied 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 collaborate with the Cabinet to ensure immediate and appropriate enrollment of the child and immediately shall contact

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the student's ~~previous~~^{prior} school for relevant records. The previous school shall provide the new school records maintained within the student information system by the Kentucky Department of Education within three (3) working days of receipt of a request. Remaining records shall be provided within ten (10) working days of the request.

The Executive Director shall appoint a ~~Point of Contact (POC)~~^{Foster Care Liaison} 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~~^{Foster Care Liaison} for the NKCES. The Executive Director may appoint the NKCES ~~POC~~^{Foster Care Liaison} 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,~~^sSuch 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.

Admissions and Attendance**BEST INTEREST OF THE CHILD**

Determining the best interest of the child takes into consideration the following factors, including but not limited to:

- The benefits to the child of maintaining educational stability;
- The appropriateness of the current educational setting;
- The child's attachment and meaningful relationships with staff and peers at the current educational setting;
- The influence of the school's climate on the child;
- The safety of the child; and
- The proximity of the placement to the school of origin, and how the length of a commute would impact the child.

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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.

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 of the child" 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}

Admissions and Attendance**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

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.

STUDENTS

09.12
(CONTINUED)

Admissions and Attendance

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

[KRS 199.802](#)

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

LEGAL: HB 1 AMENDS KRS 620.146 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, OR ANY ASSISTANT PRINCIPAL, AND DPP OF THE NAMES OF PERSONS AUTHORIZED TO CONTACT OR REMOVE THE CHILD FROM SCHOOL GROUNDS. THE NOTIFICATION SHALL BE PROVIDED BY THE CABINET BY WRITTEN NOTICE VIA EMAIL OR FAX.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.1231

Dismissal from School

RELEASE OF STUDENTS

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

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

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

RELEASE PROCESS

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

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

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

EXCEPTIONS

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

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, or any Assistant Principal, of the school in which the child is enrolled, or Guidance Counselor and the District's Director of Pupil Personnel, of the names of persons authorized to contact the child at school or remove the child from school grounds.

Check for
applicability.

Dismissal from School**EXCEPTIONS (CONTINUED)**

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

- a) ~~By written notice via email or fax. 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 email, fax, or hand delivery of a copy of the court order ~~written document~~ within ten (10) calendar days following the Cabinet's receipt of the court order of 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.

REFERENCES:

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

LEGAL: EFFECTIVE WITH THE 2018-2019 SCHOOL YEAR, HB 30 CHANGED CURRENT SUICIDE TRAINING TO EVERY OTHER YEAR WITH A MINIMUM 1 HR TRAINING FOR ALL HIGH/MIDDLE SCHOOL PRINCIPALS, GUIDANCE COUNSELORS, AND TEACHERS. TRAINING MUST BE IN-PERSON, LIVE STREAM, OR VIDEO RECORDING AND MAY BE INCLUDED IN THE CURRENT 4 DAY REQUIREMENT. EMPLOYEES SUBJECT TO TRAINING HIRED DURING THE OFF YEAR SHALL RECEIVE MATERIALS TO REVIEW. THE DATE BY WHICH MATERIALS MUST BE DISTRIBUTED TO STUDENTS ALSO CHANGED TO SEPTEMBER 15.

FINANCIAL IMPLICATIONS: NEGLIGIBLE SINCE IT WILL NOW BE WITHIN THE 4 DAY REQUIREMENT.
LEGAL: HB 147 AMENDS KRS 158.070 TO REQUIRE AT LEAST ONE (1) HOUR OF SELF-STUDY REVIEW OF SEIZURE DISORDER MATERIALS FOR ALL PRINCIPALS, GUIDANCE COUNSELORS, AND TEACHERS HIRED AFTER JULY 1, 2019.

FINANCIAL IMPLICATIONS: COST OF MATERIALS

STUDENTS

09.22

Student Health and Safety

PRIORITY

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

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

HEALTH SERVICES TO BE PROVIDED

NKCES collaborates with the Dayton Independent Board of Education to provide required health services.

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

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

If the delegation involves administration of medication, NKCES will maintain proof that the employee has completed the required training provided by the Kentucky Department of Education (KDE) or as allowed under KRS 158.838.

Employees to whom health service responsibilities have been delegated shall notify their immediate supervisor by April 15 of each year if they are not willing to perform the service(s) during the next school year.

SAFETY PROCEDURES

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

Student Health and Safety**SUICIDE PREVENTION**

All middle and high school teachers, principals, and guidance counselors shall ~~annually~~ complete a minimum ~~one of two (12)~~ hours of ~~self-study review of high-quality~~ suicide prevention materials training. Such training shall be in-person, by live streaming, or via video recording and may be included in the four (4) days of professional development required by statute. The [NKCES](#) shall provide suicide prevention materials for review by any employee subject to training hired during a year in which the in-person, live streaming, or video recording training is not required.³

By September 15 of each school year, administrators shall provide suicide prevention awareness information to students in middle school grades and above, as provided by the Cabinet for Health and Family Services or a commercially developed suicide prevention training program.²

SEIZURE DISORDER MATERIALS

All principals, guidance counselors, and teachers shall complete at least one (1) hour of self-study review of seizure disorder materials no later than July 1, 2019. At least one (1) hour of self-study review of seizure disorder materials shall also be required for all principals, guidance counselors, and teachers hired after July 1, 2019.³

REFERENCES:

¹KRS 156.501; KRS 156.502; 702 KAR 1:160

²KRS 156.095

³KRS 158.070

KRS 156.160

KRS 158.836; KRS 158.838

702 KAR 5:030

RELATED POLICY:

09.2241

LEGAL: HB 147 AMENDS KRS 158.838 TO ADD MEDICATION PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: THIS CLARIFIES THAT SCHOOLS SHALL HAVE EMERGENCY CARE PROCEDURES THAT COMPORT WITH REGULATION.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.224

Emergency Medical Treatment

FIRST AID TO BE PROVIDED

First aid shall be provided to all pupils in case of an accident or sudden illness until the services of a health care professional become available.

FIRST-AID ROOM

A first-aid area with appropriate equipment, supplies and provisions for the child to recline shall be designated in each school. At least two (2) adult employees in each school, at least one (1) of whom shall be present at the school at all times during school hours, shall have completed and been certified in a standard first aid course that includes CPR for infants and children.

The District shall have employees trained in accordance with the law to administer or help administer emergency medications.

When enrolled students, for whom documentation under KRS 158.838 has been provided to the school, are present during school hours or as participants in school-related activities, a school employee who has been appropriately trained to administer or assist with the self-administration of glucagon, insulin, ~~or~~ seizure rescue medications, or medication prescribed to treat seizure disorder symptoms shall be present.

INFORMATION NEEDED

A number at which parents can be reached and the name of the family physician shall be maintained at each school for all its pupils.¹ Parents will be notified in the event of an accident.

EMERGENCY CARE PROCEDURES

Schools shall have emergency care procedures comports with regulation1 and may utilize the Kentucky Department of Education's Health Services Reference Guide (HSRG) as a resource.

~~The Principal shall develop a procedure for handling medical emergencies.~~

When an emergency arises and the student's parent/guardian or designee cannot be reached in a timely manner, the school will take action necessary to maintain the student's health, such as calling emergency medical personnel or taking the student to a health care facility. In such instances, school personnel shall notify health professionals of any medications that they are aware the student is taking.

REFERENCES:

¹702 KAR 1:160

KRS 156.160; KRS 156.502; KRS 158.836; KRS 158.838

Kentucky Department of Education Health Services Reference Guide (HSRG)

RELATED POLICIES:

09.22; 09.2241

LEGAL: HB 1 AMENDS KRS 620.146 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, OR ANY ASSISTANT PRINCIPAL, AND DPP OF THE NAMES OF PERSONS AUTHORIZED TO CONTACT OR REMOVE THE CHILD FROM SCHOOL GROUNDS. THE NOTIFICATION SHALL BE PROVIDED BY THE CABINET BY WRITTEN NOTICE VIA EMAIL OR FAX.
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.

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 parent³ and shall provide the Cabinet access to a child subject to an investigation without parental consent.⁴

STUDENTS

09.227

(CONTINUED)

Child Abuse

AGENCY CUSTODY

If, as a result of dependency, neglect, or abuse, a child has been placed in the custody of the Cabinet, the Principal, ~~or any Assistant Principal, or Guidance Counselor~~ of the school in which the child is enrolled, and the District's Director of Pupil Personnel 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) ~~By written notice via email or fax. 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 email, fax, or hand delivery of a copy of the court order ~~written document~~ within ten (10) calendar days following the Cabinet's receipt of the court order of 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.

REFERENCES:

¹KRS 600.020 (1)(15)

²KRS 620.030; KRS 620.040

³OAG 85-134; OAG 92-138

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⁴KRS 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
STUDENTS 09.227

(CONTINUED)

Child Abuse

RELATED POLICIES:

09.1231; 09.3; 09.31; 09.42811; 09.4361; 10.5