

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:

POLICIES

An expression of the will of the elected Board of Education or the school council. Although other statutes may have Board policy implications, the general scope of Board policies is defined by KRS 160.290 and KRS 160.340. The scope of council policies is defined by KRS 160.345. Board policies cover the general management and governance of school district operations and functions. Within the parameters of the District's legal authority, violations of policy may provide grounds for administrative response or action as relates to students, District 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 Superintendent and/or District administration. Procedures are administrative instruments to implement Board policy and other legal mandates.

ADMINISTRATIVE REGULATIONS

References such as "State Board regulations", "state regulations", and "administrative regulations" shall mean Kentucky Administrative Regulations (KAR) promulgated by the Kentucky Board of Education.

FULL-TIME/PART-TIME

Individual districts should consider the implications of these parameters for their personnel policies. In general, certified employees who work five six-hour days per week during the school term shall be regarded as full-time, whether they serve 9 1/4 months or some amount of extended employment short of 12 months. Classified employees whose work is inherently associated with the school term (e.g. cafeteria employees, bus drivers) shall also be regarded as full-time even though their employment is less than twelve months in duration.

SUPERINTENDENT

It should be inferred that policies that charge the Superintendent with preparing and/or implementing provisions of procedures, plans or programs for Board review shall also embrace any other employee to whom the Superintendent may delegate such charges.

TEACHER

Except for referenced statutes which specify a different definition for the purposes of those statutes, in this manual the term teacher shall refer to any person, other than the Superintendent, for whom certification is required as a basis for employment.

DEFINITIONS

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

MASCULINE GENDER

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

CHILDREN AND YOUTH WITH DISABILITIES

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

SCHOOL NUTRITION PROGRAM

Use of the term "food service" shall also refer to the District's School Nutrition Program.

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.](#)

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RELATED POLICIES

The listing of related policies at the bottom of a document is a generic list and may include some policy numbers that this manual does not contain.

REFERENCES

Legal references listed in this manual, such as state and federal statutes and regulations, Kentucky Attorney General Opinions, and court cases are provided as a tool for additional research and are not intended to be viewed as a complete listing of legal resources applicable to a particular topic.

DEFINITIONS

REFERENCES:

¹KRS 157.320; [102 KAR 1:036](#); [702 KAR 1:035](#)

~~⁺102 KAR 1:036~~

~~⁺702 KAR 1:035~~

KRS 158.144

KRS 160.290; KRS 160.340; KRS 160.345

[KRS 161.1590](#)

KRS 405.028

[701 KAR 8:010](#); [701 KAR 8:020](#); [701 KAR 8:030](#); [701 KAR 8:040](#)

702 KAR 6:010; 702 KAR 6:020; 702 KAR 6:040

702 KAR 6:045; 702 KAR 6:075; 702 KAR 6:090

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LEGAL: HB 158 AMENDS KRS 18A.205 AND KRS 18A.210 TO PERMIT BOARD MEMBERS TO PURCHASE LIFE INSURANCE IF OFFERED AS PART OF A GROUP PLAN BY THE LOCAL BOARD OF EDUCATION.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.11

General Powers and Duties of the Board

ESTABLISHMENT OF SCHOOLS

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

CHARTER SCHOOLS

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

REQUEST FOR WAIVER AND EXEMPTIONS

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

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

SCHOOL FUNDS AND PROPERTY

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

ADMINISTRATION

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

MANAGEMENT

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

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

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

INSURANCE

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

As long as they pay the full cost of premiums required, Board members may choose to participate in any [group life insurance](#)¹² or any group medical or dental insurance provided by the District for employees.¹⁰

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FREE SUPPLIES

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

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

REPORTS

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

LEVY OF TAX RATES

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

POWER TO BORROW MONEY

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

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

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

APPLICATIONS FOR GRANTS

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

REFERENCES:

¹KRS 160.290

²KRS 160.300

³KRS 160.310

⁴KRS 160.160

⁵KRS 160.330; 702 KAR 3:220

⁶KRS 160.340

⁷KRS 160.470

⁸KRS 160.540

⁹KRS 160.345; KRS 162.010

¹⁰KRS 160.280; KRS 161.158; KRS 156.160

¹¹KRS 156.108; KRS 160.107; KRS 160.346; 701 KAR 5:140

¹²~~KRS 18A.205; KRS 18A.210~~

KRS 160.1590; KRS 160.1592; KRS 160.1593; KRS 160.1594; KRS 160.1595

KRS 160.1599; KRS 116.200; KRS 156.072; KRS 416.560

702 KAR 4:160

OAG 91-10; OAG 91-122

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RELATED POLICIES:

01.41; 01.5; 01.7

03.124; 03.224; 04.92

LEGAL: REVISIONS TO 703 KAR 5:225 REQUIRE LOCAL BOARDS TO APPROVE THE CDIP BY JANUARY 1 OF EACH SCHOOL YEAR.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED
LEGAL: HB 366 AMENDS KRS 160.463 TO INCLUDE INFORMATION FOR PUBLICATION OF SCHOOL REPORT CARDS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.111

District Planning

PLANNING COMMITTEE

A District planning committee, representative of the community and the school district, shall be appointed by the Superintendent and approved by the Board to develop, monitor, and annually update a Comprehensive District Improvement Plan (CDIP).

Selection of committee members shall reflect reasonable minority representation and encourage active minority participation.¹

PLANNING CYCLE

The District's planning cycle shall follow a process of continuous improvement as data becomes available. The structure of the CDIP shall include completion of the Continuous Improvement Diagnostic between August 1 and October 1 of each school year and completion of the needs assessment between October 1 and November 1 of each school year.

PLAN REQUIREMENTS

The primary purposes of the Comprehensive District Improvement Plan shall be:

- To improve student achievement on state and federal mandated testing/accountability instruments;
- To eliminate achievement gaps among groups of students; and
- To develop District strategies and services to address deficiencies and/or sustain or strengthen current efforts.

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

As part of the District planning process, the Board shall review District academic performance on the state assessments for various groups of students in compliance with legal requirements. Upon agreement of the council, or the Principal if there is not a council, and the Superintendent, the Board shall establish an annual target for each school for reducing identified gaps in achievement.²

If the Board determines that a school has not met its target to reduce the identified group in student achievement for a group of students, the Board shall require the council, or the Principal if no council exists, to submit its revisions to the school improvement plan describing the use of the professional development funds and funds allocated for continuing education to reduce the school's achievement gap for review and approval by the Superintendent. The plan shall address how the school will meet the academic needs of the students in the various gap groups.

BOARD REVIEW

The plan shall be completed between November 1 and January 1 of each school year and presented to the Board for approval.

The Superintendent shall present annually the CDIP to the Board for review and approval. The Superintendent shall submit required assurances to the Kentucky Department of Education no later than September 30 of each year.

District Planning

IMPLEMENTATION

The District shall maintain a copy of each CDIP permanently and, consistent with the District's planning cycle, post the current CDIP on the District's web site.

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

SCHOOL PLANS

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

DISTRICT REPORT CARDS

The District shall post the District report card on its website, as required by ESSA. District report cards shall be widely accessible to the public, in an understandable and uniform format, and when possible, written in a language that parents can understand.

As outlined in KRS 1604.463, a copy of the report card is to be publicized by one of the following methods:

- a. In the newspaper of the largest general circulation in the county;
- b. Electronically on a website of the District; or
- c. By printed copy at a prearranged site at the main branch of the public library within the District.

If b or c above is selected, the Superintendent shall cause notification to be published in the newspaper with largest circulation in the county that includes the electronic address of the website or the address of the library where the report card can be viewed by the public.

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

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

REFERENCES:

¹KRS 156.500

²KRS 158.649

KRS 158.6453; KRS 160.290; KRS 160.340; KRS 160.345; [KRS 160.463](#)

703 KAR 5:140; 703 KAR 5:225; [703 KAR 5:280](#); 704 KAR 3:390

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

RELATED POLICIES:

02.44; 02.441; 02.442; 04.1; 09.21

LEGAL: BOARD MEMBER QUALIFICATIONS ARE ESTABLISHED BY APPLICABLE PROVISIONS OF THE KENTUCKY CONSTITUTION AND KENTUCKY STATUTES. CHANGES TO KRS 160.180 AFFECT BOARD MEMBER QUALIFICATIONS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.2

Board Member Qualifications

ELIGIBILITY

Board member qualifications are established by applicable provisions of the Kentucky Constitution and Kentucky Statutes. These specific provisions prevail over the following general description. To be eligible for membership on the Board, a person must meet the following qualifications:¹

1. Has attained the age of twenty-four (24) years;
2. Has been a citizen of Kentucky for at least three (3) consecutive years preceding his/her election;
3. Is a legally qualified voter of the division or district (in the case of independent school districts) for which s/he is elected;²

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EDUCATION

4. Has completed at least the twelfth grade or has been issued a High School Equivalency Diploma;
5. Cannot hold any elective federal, state, county, or city office, a state office requiring the constitutional oath, serve as an officer or employee of a city or county, hold a federal office of "trust or profit," or serve as an appointed officer of a special purpose governmental entity with taxation authority unless specifically authorized by statute;
- ~~6. Is not a member of the General Assembly;~~
- ~~7. Cannot hold or discharge the duties of any civil or political office, deputyship, or agency under the city or county of his/her residence;~~

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NO CONFLICT OF INTEREST

- ~~4. 6. As of the date of election, H~~ has no interest, direct or indirect, in the sale to the Board of books, stationery or any other property, materials, supplies, equipment, or services for which school funds are expended;
- ~~8. 7~~ Has never been removed from membership on a Board of Education for cause; and
- ~~9. 8.~~ Has no relative, as defined in KRS 160.180, employed by the District. This prohibition does not apply to a member holding office on July 13, 1990 who has a relative who was initially employed by the District before the member was elected to the Board.

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

REFERENCES:

¹Kentucky Constitution Sections 165, 237; KRS 61.080; KRS 160.180

²Moore v. Tiller, KY., 409 S.W. 2d 813 (1966)

OAG 80-234; OAG 88-35

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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 July Board meeting the Board shall adopt a schedule of regular meetings for the calendar year, identifying the date, time and place of each meeting. Rescheduled regular meetings shall be noticed and held as special meetings.^{1 & 4}

PUBLICITY

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

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

OPEN MEETINGS

All meetings of a quorum of the members of the Board at which any public business is discussed or at which any action is taken are to be public meetings, open to the public at all times, except as provided in KRS 61.810.³

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 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 160.270

²KRS 61.820; OAG 78-274; OAG 78-614

³KRS 61.810

⁴92-OMD-1677; 04-OMD-056

KRS 61.826; [KRS 61.840](#); KRS 158.070

17-OMD-148

RELATED POLICIES:

01.421; 01.43; 01.44; 08.3; 08.31

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:

- ~~2.~~^{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;
- ~~3.~~^{2.} Closed sessions may be held only after a motion is made and carried by a majority vote in open, public session;
- ~~4.~~^{3.} No final action may be taken at a closed session, except as permitted by law;²
- ~~5.~~^{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

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

⁴KRS 61.826

15-OMD-090

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LEGAL: 701 KAR 8:020 SETS NEW TRAINING REQUIREMENTS REGARDING CHARTER SCHOOLS. KDE HAS INDICATED THAT BOARD MEMBERS HAVE UNTIL DECEMBER 31, 2019 TO COMPLETE 12 HOURS OF CHARTER TRAINING AND TRACKING OF SAME WILL COMMENCE IN 2020.
FINANCIAL IMPLICATIONS: COST OF OBTAINING TRAINING

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.83

In-Service Training

Annual in-service training for all school board members in office as of December 31, 2014 shall include training on topics required by regulation that meet the minimum number of total training hours as follows:¹

1. Twelve (12) hours for school board members with zero (0) to three (3) years of experience (to include five hours on the following: three (3) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation);
2. Eight (8) hours for school board members with four (4) to seven (7) years of experience (to include four hours on the following: two (2) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation); and
3. Four (4) hours for school board members with eight (8) or more years of experience (to include three hours on the following: one (1) hour of finance and one (1) hour of ethics annually and, one (1) hour of superintendent evaluation biennially).

If a Board member obtains hours through any sources other than KSBA, they shall have local Board approval prior to participation in the training event and send a copy of the record (Board minutes) to KSBA.

For Board members who begin initial service on or after January 1, 2015, annual in-service training requirements shall be twelve (12) hours for Board members with zero to eight (0-8) years of experience and eight (8) hours for Board members with more than eight (8) years of experience. Required annual training hours shall include:

1. Three (3) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation for members with zero (0) to three (3) years experience;
2. Two (2) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation for members with four (4) to seven (7) years experience; and
3. One (1) hour of finance, one (1) hour of ethics annually, and one (1) hour of superintendent evaluation biennially for members with eight (8) or more years experience.

In-Service Training**IN-SERVICE TRAINING (SCHOOL BOARDS AS CHARTER SCHOOL AUTHORIZERS)**

School Board members shall participate in annual in-service training as follows:

1. Twelve (12) hours for an authorizer or member with zero (0) to eight (8) years of experience as an authorizer;

2. Competency-based annual in-service training;

a) In-service training toward the board member training requirements of KRS 160.180 may also count toward the required twelve (12) hours of charter school training, to the extent the requirements of both are met by training contents. The charter school training requirements shall include the following topics of authorizer responsibility and charter school formation and operation:

1. Financial governance and transparency;

2. Conflict of interest;

3. Charter application;

4. Charter school contracting;

5. Charter school monitoring;

6. Charter school renewal, nonrenewal, and revocation;

7. Charter school closure;

8. Ethics;

9. Curriculum and instruction;

10. Educational services provided for special needs, at risk, English learner, gifted, and other special population students; and

11. Physical restraint and seclusion of students.

b) The training shall be approved by the Commissioner of Education.

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ORIENTATION OF NEW BOARD MEMBERS

The Superintendent/designee and/or the Board Chair shall acquaint new Board members with their duties and obligations and furnish them with a copy of the Board's policy manual and/or access to the District's online manual and such other information and guidance materials as necessary to prepare them for service. Areas should include, but not be limited to, District budgeting, planning and student learning indicators. In addition, new Board members shall be provided assistance in locating training opportunities to help them meet statutory training requirements and to support them in learning their roles and responsibilities.

POWERS AND DUTIES OF THE BOARD OF EDUCATION

A01.83
(CONTINUED)

In-Service Training

REFERENCES:

¹KRS 160.180

[701 KAR 8:020](#)

702 KAR 1:115

OAG 85-53; OAG 85-145

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LEGAL: CHARTER STATUTES AND REGULATIONS REQUIRE BOARDS AS AUTHORIZERS TO HAVE AN AUTHORIZATION PROCESS POLICY.

FINANCIAL IMPLICATIONS: DEPENDENT UPON AUTHORIZATION OF A CHARTER SCHOOL

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.91

Authorization of Charter Schools

AUTHORIZATION

Approval of charter school applications shall be subject to the Board finding that the school described in the application meets statutory and regulatory requirements and is likely to improve student learning and achievement; that the applicant demonstrates the ability to operate the school in an educationally and fiscally sound manner; and that approval of the application will:

- Improve student learning outcomes by creating additional high-performing schools with high standards for student performance;
- Encourage the use of different, high-quality models of teaching, governing, scheduling, or other aspects of schooling that meet a variety of student needs;
- Close achievement gaps between high-performing and low-performing groups of public school students;
- Allow schools freedom and flexibility in exchange for exceptional levels of results-driven accountability;
- Increase high-quality educational opportunities within the public education system for all students, especially those at risk of academic failure; and
- Provide students, parents, community members, and local entities with expanded opportunities for involvement in the public education system.

BOARD MISSION AND VISION FOR AUTHORIZING CHARTER SCHOOLS

The Board seeks to authorize high quality charter schools with innovative, unique, and effective academic programs that are designed to increase student performance and achievement in alignment with the strategic priorities of the Board as set forth in the District's vision, mission and strategic plans and is encouraged to give preference to applications that demonstrate the intent, capacity, and capability to provide comprehensive learning experiences to: (a) Students identified by the applicants as at risk of academic failure; and (b) Students with special needs as identified in their individualized education program as defined in KRS 158.281.

AUTHORIZER ORGANIZATIONAL CAPACITY

The Board shall allow the Superintendent/designee to file a letter of support or one objecting to approval of each charter application received based on substantial hardship that may result for the students who do not attend the charter school and shall allow comments at the public hearing from the Superintendent/designee if he or she has filed objections to the charter application. Any letter and supporting evidence filed by the Superintendent/designee must be published on the District website within three (3) days.

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Authorization of Charter Schools

AUTHORIZER ORGANIZATIONAL CAPACITY (CONTINUED)

The Board shall consult with the Superintendent/designee on the timeline for submission, review, decision, and appeal for a charter application and/or request for contract renewal. The Board shall require the Superintendent/designee to provide information and evidence regarding the academic performance of the students identified in the charter application as the targeted community and shall publish the information on the District website within three (3) days of submission by the Superintendent/designee.

With respect to charter school applications and monitoring of existing charter schools, the Board shall not execute or renew a charter school contract if fiscal jeopardy or failure to make consistent progress towards the stated objectives of the charter school is evident or a likely outcome. In addition, the Board shall not allow an existing charter school to operate in a manner that would jeopardize the learning, safety, or well-being of its students and shall take appropriate intervention as warranted, up to and including revocation of the charter contract.

The Board shall:

- Receive, review, and take final action concerning all properly submitted charter school applications within the timelines established by all applicable statutes and regulations and shall provide a copy of a submitted charter application to the resident local District Superintendent and to any other authorizer within three (3) days.
- Conduct a comprehensive analysis of the strengths and weaknesses of each charter school application.
- Develop, in cooperation with the applicant, a charter contract that complies with all applicable statutes and regulations, subject to approval of the Board and the Commissioner of Education.
- Submit all required reports to the Kentucky Department of Education within the required timeframe, as established by all applicable statutes and regulations.
- Monitor each charter school's progress towards the goals, objectives, and performance framework established in its charter contract, including but not limited to:
 - Taking reasonable measures to obtain charter school compliance with all applicable statutes and regulations, including, but not limited to, the Kentucky Open Records and Open Meetings laws.
 - Holding the board of directors and officers of the charter school accountable to the Board through student achievement, financial, governance, operational, and climate and culture data that shall be collected throughout the year and provided to the Board.
 - Monitoring the charter school's academic, fiscal, and operational health, as well as school climate and culture, through a transparent accountability system, to include periodic reporting, monitoring visits, and publication of reports via the websites of the Board and the charter school.

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Authorization of Charter Schools**AUTHORIZER ORGANIZATIONAL CAPACITY (CONTINUED)**

- o Documenting, in writing, any discrepancies or deficiencies whether fiscal, educational, operational, or related to school climate and culture of the charter school and the steps and timelines developed by the charter school for correction and conduct additional monitoring. Copies of the documentation shall be provided to the charter school board of directors.
- Consider, as appropriate and required by law, amendments to as well as renewal, nonrenewal, and/or revocation of a charter contract.
- Publication of required information on the District website as well as each charter school's website, including but not limited to, the charter school's original application, charter contract, and any contract amendments.
- Compliance by each charter school with its charter contract.

REFERENCES:

KRS 160.1590; KRS 160.1591; KRS 160.1592; KRS 160.1593; KRS 160.1594
KRS 160.1595; KRS 160.1596; KRS 160.1597; KRS 160.1598; KRS 160.1599
701 KAR 8:010; 701 KAR 8:020; 701 KAR 8:030; 701 KAR 8:040

RELATED POLICIES:

01.11; 01.911; 01.9111; 01.912; 01.913; 01.914

LEGAL: CHARTER STATUTES AND REGULATIONS REQUIRE BOARDS AS AUTHORIZERS TO HAVE AN APPLICATION PROCESS POLICY. NOTE: THE OCTOBER 30 DATE CORRESPONDS WITH THE REGULATORY DEADLINE THAT APPLIES IN THE CASE OF CONVERSION CHARTER SCHOOLS. STATUTES/REGULATIONS DO NOT OFFER A DEADLINE FOR OTHER CHARTER APPLICATIONS SO THE DISTRICT MAY WISH TO EXPLORE OTHER OPTIONS.
FINANCIAL IMPLICATIONS: DEPENDENT UPON AUTHORIZATION OF A CHARTER SCHOOL

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.911

Charter School Application Process

APPLICATION PROCESS

Eligibility: An application to establish a charter school may be submitted to the Board by teachers, parents, school administrators, community residents, public organizations, nonprofit organizations, or a combination thereof. The Board shall accept and document the date and time of receipt of all charter school applications.

A charter school approved by the Board shall be nonsectarian in its organizational structure and operations. A charter school approved by the Board shall not discriminate against any student, employee, or any other person on the basis of ethnicity, religion, national origin, sex, disability, special needs, athletic ability, academic ability or any other ground that would be unlawful if done by a public school. A charter school approved by the Board may serve any grade or combination of grades from kindergarten through grade twelve (12).

Application: For a charter school application to be considered complete, the application (i) shall be submitted on the form of Kentucky Charter School Application as incorporated by reference in 701 KAR 8:020, (ii) shall satisfy the requirements of KRS 160.1593 and 701 KAR 8:020, and (iii) shall satisfy the requirements of the District. Incomplete applications shall be denied. An applicant shall be provided a detailed account of any deficiency in the application and shall be permitted ten (10) calendar days after receipt of such account to remedy the deficiency. If supplemental information is not provided to remedy the deficiency, or the supplemental information provided is not sufficient, the application shall be denied by the Board.

Request for Charter School Applications: The request shall contain all information that will enable an applicant to submit a complete application to the Board, including but not limited to the form of Kentucky Charter School Application, a description of specific evidences to be provided by the applicant, a Scoring Rubric, and any additional information required by the Board.

An applicant shall complete and file the application on or before October 30.

Capacity: In order for an application to be approved, the applicant must demonstrate the capacity of the applicant's board of directors to operate a high-quality charter school as set forth in the performance contracting requirements. If an applicant intends to contract with an education management organization to operate all or parts of the proposed charter school, the applicant must demonstrate the ability of the applicant's board of directors to operate at arms' length from the education management organization as required in the Kentucky Charter School Application and Addendum.

Charter School Application Process

APPLICATION PROCESS (CONTINUED)

Charter Authorization: The Board shall approve only a charter school application that has been properly and timely submitted and that demonstrates a strong capacity to establish and sustainably operate a charter school that will provide high quality learning opportunities for all of its students and which satisfies the criteria for approval described in Policy 01.91. The Board shall review the Superintendent's recommendation and related materials and shall by majority vote approve or deny an application within sixty (60) days after the applicant's timely submission. The Board shall not approve a charter application unless the application meets all legal requirements. The Board shall only approve initial charter contracts with a term of five (5) years in length. Within five (5) days of an approval, the Board shall submit the approved charter application to the Commissioner of Education for review and approval.

Appeal: Following any decision to deny an application, the applicant may submit a notice of appeal to the Board and the Kentucky Board of Education. The notice of appeal shall be filed within thirty (30) days after the Board's decision to deny the application. The notice of appeal must comply with the requirements of KRS 160.1595 and 701 KAR 8:030. The requirements for the notice of appeal shall be posted on the District website.²

Conversion Charter Schools: The Board may by a majority vote designate an existing school within the District not scheduled for closure to be converted to a charter school. The processes for submission of a conversion application, community input, the Board's review and vote, the transfer of management and operations of a conversion charter school, and the transition of employees shall adhere to the requirements of KRS 160.1599 and 701 KAR 8:040. The requirements for petitioners advocating for conversion of an existing school within the District shall be posted on the District website.³

REFERENCES:

¹KRS 160.1592; KRS 160.1593; KRS 160.1594; 701 KAR 8:020

²KRS 160.1595; 701 KAR 8:030

³KRS 160.1599; 701 KAR 8:040

RELATED POLICIES:

01.11; 01.91; 01.9111; 01.912; 01.913; 01.914

LEGAL: CHARTER STATUTES AND REGULATIONS REQUIRE BOARDS AS AUTHORIZERS TO HAVE A CONTRACT POLICY AND PROCEDURE.
FINANCIAL IMPLICATIONS: DEPENDENT UPON AUTHORIZATION OF A CHARTER SCHOOL

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.9111

Charter School Contract

Subject to completion of the charter school application process and prior to negotiating a charter contract with a charter school board of directors, the Board shall verify the charter school board of directors has registered as a non-profit business entity with the Kentucky Secretary of State pursuant to KRS 14A.

Negotiation and entry into a charter contract shall comply with state laws and regulations.

The contract, to be executed within seventy-five (75) days of final approval of an application, shall:

- Become the final authorization for the public charter school;
- Establish the academic and operational performance expectations and measures by which the charter school shall be evaluated; and
- Cover terms required by applicable statutes and regulations (e.g. KRS 160.1596 and 701 KAR 8:020).

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The contract may include any other terms and conditions agreed to between the local Board and the charter board of directors but shall not include enrollment caps or operational requirements that place undue constraints on the charter school or which contradict charter school statutes.

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REFERENCES:

KRS 160.1590; KRS 160.1591; KRS 160.1592; KRS 160.1593; KRS 160.1594
KRS 160.1595; KRS 160.1596; KRS 160.1597; KRS 160.1598; KRS 160.1599
701 KAR 8:010; 701 KAR 8:020; 701 KAR 8:030; 701 KAR 8:040

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RELATED POLICIES:

01.11; 01.91; 01.911; 01.912; 01.913; 01.914

LEGAL: CHARTER STATUTES AND REGULATIONS REQUIRE BOARDS AS AUTHORIZERS TO HAVE A PERFORMANCE MONITORING POLICY.
FINANCIAL IMPLICATIONS: DEPENDENT UPON AUTHORIZATION OF A CHARTER SCHOOL

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.912

Charter School Monitoring, Assessment, and Annual Reports

PERFORMANCE MONITORING

The local Board may use the charter contact performance framework developed by the Kentucky Department of Education. The framework shall include academic, financial, and organizational frameworks and the following targets:

1. Student assessment and accountability;
2. Student graduation rates;
3. Student attendance rates;
4. Student admission and enrollment in postsecondary institutions; and
5. Other outcomes.

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Where a charter school board of directors has governance over more than one (1) charter school and has failed to meet statutory requirements, the local Board shall begin an investigation to determine if the charter school board is in compliance with any charter contract(s) for other school(s) under the local Board's jurisdiction.

The local Board shall also monitor the performance of contracts between the charter board and any Educational Service Provider (ESP). If the local Board believes there is an issue with any aspect of performance of the charter contract or compliance with statutory or regulatory requirements, then the local Board shall begin an investigation.

Verification of an issue with any aspect of performance of the charter contract or compliance with statutory or regulatory requirements shall result in notification to the Commissioner by the local Board who may request assistance in addressing and remedying the issue. The local Board shall also notify the charter school of the issue and take necessary action, which may include unilateral imposition of conditions on the charter school, revocation, or nonrenewal of the charter contract. The local Board shall provide notice of such an issue and resolution to all charter school students, parents, persons with custody or charge, and the Kentucky Department of Education.

FINANCIAL MONITORING

The local Board shall at least monthly review the financial budget reports of the charter school.

If budget projects indicate the charter school's annual operating expenses may at any time during the school year cause annual operating revenues to fall below two percent (2%) of the total projected annual operating revenues in the school's approved budget, the charter school shall provide specific notice to the local Board and the local Board shall take the following action:

1. Require the school to implement a cash management plan approved by the local Board;

Charter School Monitoring, Assessment, and Annual Reports**FINANCIAL MONITORING (CONTINUED)**

2. Begin a more in-depth review, and audit if necessary, of the school's financial budget reports, expenditures, and revenues;
3. Request financial management assistance for the charter school from the Department; and
4. Restrict the school's expenditures and obtain the local Board's approval prior to expenditure of school funds for the remainder of the year.

If the school defaults on a financial obligation or if the local Board suspects the school may close prior to the end of the school year or the charter contract term, the local Board shall take the following action:

1. Consult with the Commissioner of Education;
2. Communicate with the charter school board to determine the need for charter contract revocation;
3. Commence the same action as required as if annual operating revenues fall below the two percent (2%) of total projected operating revenue;
4. Review closure protocol and charter contract termination provisions and communicate such with the charter board; and
5. Notify students and resident local school districts as soon as necessary to ensure they are provided adequate preparation time for student transition and to provide free and appropriate public education to any returning students.

REFERENCES:

KRS 160.1590; KRS 160.1591; KRS 160.1592; KRS 160.1593; KRS 160.1594
KRS 160.1595; KRS 160.1596; KRS 160.1597; KRS 160.1598; KRS 160.1599

RELATED POLICIES:

01.0; 01.11; 01.6; 01.61; 01.61
01.91; 01.911; 01.9111; 01.913; 01.914

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LEGAL: CHARTER STATUTES AND REGULATIONS REQUIRE BOARDS AS AUTHORIZERS TO HAVE A POLICY REGARDING RENEWAL, NONRENEWAL, REVOCATION, AND CLOSURE.
FINANCIAL IMPLICATIONS: DEPENDENT UPON AUTHORIZATION OF A CHARTER SCHOOL

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.913

Charter School Renewal, Non-Renewal, Revocation, and Closure

CONTRACT RENEWAL, NON-RENEWAL, AND REVOCATION

The local Board shall not approve an application, contract with, or renew a contract with a charter school board of directors for a charter school that does not:

- a. Operate a breakfast program under the 42 U.S.C. 1773, as amended (CNA), and a lunch program under 42 U.S.C. 1751 et seq. (NSLA); or
- b. Operate a breakfast and lunch program with provision of meals at no cost to students who qualify for free meals under the CAN and NSLA and with the provision of meals at a reduced cost to students who qualify for reduced price meals under the CAN and NSLA; or
- c. Provide initial and continuing evidence and assurances of the charter school's financial solvency and financial sustainability, as demonstrated initially by the financial plan in the charter application, to cover the expenses of start-up or conversion, operation, and any foreseen or unforeseen closure of the charter school during the fiscal year or during the contract term.

The local Board shall also require:

- a. Inclusion of at least two (2) local school District resident parents or persons with custody or charge of local school District resident students who will attend the charter school on the charter school board of directors;
- b. That any exercise of the charter school board of directors authority to incur debt in anticipation of receipt of funds or encumber assets for loans and extensions of credit is permitted only as allowed for the local Board per KRS 160.540; and
- c. Participation of all members of the charter board in annual training requirements, approved by the Commissioner of the Education on topics required by state law and regulations.

The charter board or any education service provider shall provide to the local Board information and copies of all records of:

- a. Use of the Individual with Disabilities Education Act dispute resolution procedures, 707 KAR 1:340;
- b. Use of physical restraint or seclusion of charter school students;
- c. Allegations received or substantiated of violation of any health, safety, civil rights, and disability rights of students, staff, or parents or persons with custody or charge.
- d. Attendance records and data at least monthly during the school year.

The charter board shall adhere to any prohibitions and/or restrictions on expenditure of school resources and funds as required in state laws and statutes. The charter board shall obtain written consent of the local Board and amendment of the charter contract prior to any addition to or moving of any location of the charter school.

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Charter School Renewal, Non-Renewal, Revocation, and Closure**CONTRACT RENEWAL, NON-RENEWAL, AND REVOCATION (CONTINUED)**

The charter school shall provide reports to the local Board on student enrollment and attendance at least twice a month. The local Board shall require continuous enrollment at the charter school of at least eighty percent (80%) of the charter contract minimum student enrollment requirements. The local Board shall monitor the reports. Failure of the charter school to maintain the minimum enrollment requirements shall result in immediate review by the local Board of:

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1. The charter school's operations;
2. The charter school's financial solvency and financial sustainability through the end of the school year and the end of the charter contract term;
3. Potential for closure;
4. Violation of the charter contract; and
5. The need for imposition of unilateral conditions, amendment, non-renewal, or revocation of the charter contract, or immediate revocation of the charter contract pursuant to KRS 160.1598.¹

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The local Board shall revoke or non-renew a charter school contract if the Commissioner of Education has determined a member of the charter board, or an education service provider at the direction of a charter board member, or an employee at the direction of a board member, has knowingly violated 703 KAR 5:080 or KRS 160.1592 related to performance framework of the charter contract or the state accountability system.

The local Board shall remove a member of a charter school board of directors that has been convicted of a crime described in KRS 61.040 and remove any or all of the members of the charter school board in connection with ensuring a smooth and orderly closure when the member(s) threaten the health, safety, civil rights, or disability rights of the students or the community pursuant to KRS 160.1598.¹ This removal authority may be confirmed in charter school corporate governance documents or the charter contract.

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Prior to renewing a charter school contract, the local Board shall hold a public hearing in the resident local school District and allow oral or written comments at the hearing as well as written comments to be submitted prior the hearing. The local Board shall allow comment by the resident Superintendent who has filed an objection to the charter application.

CLOSURE

The charter school shall provide contact information and resident local school district information for all parents, persons with custody or charge, adult students, and emancipated youth students to the local Board. Notification to these parties by the charter school shall include:

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1. The closure decision and closure process;
2. Information on student instruction and reassignment;
3. Information on courses, levels, and credits completed by the student;

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Charter School Renewal, Non-Renewal, Revocation, and Closure**CLOSURE (CONTINUED)**

4. Information on the process for obtaining a copy of the student's education records; and
5. Contact information for additional information.

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The charter school notification to the resident local school district(s) and the department shall include:

1. The closure decision and closure process;
2. The closure timeline and dates;
3. Information on student instruction and reassignment;
4. Employment, payroll, and benefits information;
5. Transfer of federal and state funds and assets according to the federal and state requirements; and
6. Contact information for additional information.

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Additional and final charter school notification to parents and resident local school district(s) shall include:

1. Information on the existence and role of any appeal of the closure;
2. Identifying the last student day;
3. Detailing end of the year activities and transition activities for students; and
4. Providing information and assistance for reassignment of students.

The local Board's charter school closure protocol shall also include notification and reporting requirements regarding financial records and accounting and other requirements for the charter school as applicable in state laws and regulations.

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REFERENCES:

¹701 KAR 8:020
KRS 160.1590; KRS 160.1591; KRS 160.1592; KRS 160.1593; KRS 160.1594
KRS 160.1595; KRS 160.1596; KRS 160.1597; KRS 160.1598; KRS 160.1599
KRS 160.540
701 KAR 8:010; 8:030; 08.040
707 KAR 1:340
42 U.S.C. 1751 et seq.; 42 U.S.C. 1773

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RELATED POLICIES:

01.11; 01.91; 01.911; 01.9111; 01.912; 01.914

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LEGAL: POTENTIAL CONVERSION OF A PUBLIC SCHOOL TO A PUBLIC CHARTER SCHOOL IS COVERED IN KRS 160.1599 AND 704 KAR 8:040.
FINANCIAL IMPLICATIONS: DEPENDENT UPON AUTHORIZATION OF A CHARTER SCHOOL

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.914

Conversion to Charter Schools

PETITION FOR CONVERSION

Public schools that are eligible for conversion to public charter schools through the petition process as indicated in statute, shall be published annually on the Kentucky Department of Education (KDE) website by school level.

Prior to circulation of a conversion petition, the petitioner shall file a notice of intent with the Board.

A valid application and petition for a conversion charter school shall be submitted to the Board on or before October 30 preceding the academic year in which students will be enrolled and no later than ninety (90) days after the date of the first signature on the petition.

Timelines and standards covering the submission, processing and action on notices of intent, petitions, and applications relating to the conversion of a public school to a public charter school are as set forth in KRS 160.1599 and 701 KAR 8:040.

CONVERSION

No conversion public charter school shall begin operation after the beginning of a school year.

Upon Board approval of the conversion of an existing public school to a public charter school or the completion of the petition process and meeting statutory and regulatory requirements including Board approval, the Superintendent shall:

1. Cause notice to be provided to resident students of the existing public school of the conversion including provide information regarding student application to the conversion charter school during the time that information on other school programs within the District is provided;
2. Create, with the conversion charter school board of directors, a conversion plan including, but not limited to, timelines, roles, responsibilities, and notification requirements for the following:
 - a. Coordination of student application, lottery, enrollment, and transfer to and from the conversion charter school; and
 - b. Transfer of management and operation of the conversion charter school in the same public school facility for the school years included in the conversion charter school's operation under the charter school's contract.
3. Meet during the first year of the charter contract with the charter school board of directors to coordinate student application, lottery, enrollment, and transfer of students; and
4. Meet throughout the charter contract with the charter school board of directors regarding the usage and maintenance of the facility by the charter school board of directors.

Conversion to Charter Schools

CONVERSION (CONTINUED)

Execution of a lease for the public school facility between the Board and the charter school entity through its board of directors is required prior to operation of a conversion public school.

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RESIDENT STUDENTS NOT ATTENDING THE CONVERSION CHARTER SCHOOL

The District shall provide to the students and parents or guardians of students attending the existing public school but who choose not to attend the conversion charter school any information and plan the District uses to address their educational needs and placement.

OPERATION OF CONVERSION CHARTER SCHOOLS

The Board may renew, non-renew, revoke, or take other action regarding a conversion charter school as provided in KRS 160.1590 to KRS 160.1599, KRS 161.141, and 701 KAR 8:010 to 701 KAR 8:040.

With any closed conversion charter school reverting to its former status as a non-charter school, the Board shall solicit feedback on the future of the school from parents, guardians, adult students, and emancipated youth students prior to reversion.

REFERENCES:

KRS 160.1590; KRS 160.1591; KRS 160.1592; KRS 160.1593; KRS 160.1594
KRS 160.1595; KRS 160.1596; KRS 160.1597; KRS 160.1598; KRS 160.1599
KRS 161.141
701 KAR 8:010; 701 KAR 8:020; 701 KAR 8:030; 701 KAR 8:040

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RELATED POLICIES:

01.0; 01.11; 01.6; 01.61; 01.91
01.911; 01.9111; 01.912; 01.913

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LEGAL: SB 236 (2017) AMENDED KRS 160.380 TO REQUIRE A SBDM COUNCIL PARENT MEMBER 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 ALSO CHANGED THE DEFINITION OF RELATIVE. SB 101 (2018) HAS AN EMERGENCY CLAUSE MAKING THE AMENDMENTS CURRENTLY EFFECTIVE.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.421

Election of School Council Members

MEMBERSHIP OF COUNCIL

Each participating school shall form a school council which shall be composed of two (2) parents, three (3) teachers, and the Principal or administrator. The membership of the council may be increased, but shall only be increased proportionately.

COUNCIL ELECTIONS FOR NEW OR CONSOLIDATED SCHOOLS

When a new school is opened or schools are consolidated, these guidelines shall be followed:

- If a school is scheduled for closing, there is no need to hold council elections for the upcoming school year.
- Council members of a school being consolidated with another school may not carry over a term of office to the newly consolidated school's council, but may stand for election if otherwise qualified.
- Following the opening of a new or consolidated school, elections shall be held to form a council.

CONFLICT OF INTEREST

Council members shall not have a conflict of interest pursuant to KRS Chapter 45A, except the salary paid to District employees.

TERMS

Terms of school council members shall be for one (1) year and shall begin on July 1 and end on June 30 of the following year. Council members whose terms are shortened due to a late vote to enter will also conclude their terms on June 30. A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected. Annual elections for the following year's terms should be held no later than the preceding March, but the specific date shall be set by the council.

Term limitations shall not apply for a minority teacher member who is the only minority on faculty.

VACANCIES

Teacher member vacancies shall be filled at a special called election and shall follow the guidelines set forth in this policy. A special election to fill a teacher member vacancy will be scheduled no fewer than five (5) calendar days and no more than thirty (30) calendar days from the date of the vacancy.

Elections to fill parent member vacancies shall proceed according to procedures established by the recognized parent-teacher organization.

As long as a quorum is available, the council will continue to function.

Election of School Council Members**REMOVAL OF COUNCIL MEMBERS**

On recommendation of the Commissioner of Education and pursuant to statutory requirements, the Board may remove a council member for cause by a vote of four-fifths (4/5) of the Board's membership.

SCHEDULING/NOTICE

The senior Education Association building representative shall give appropriate written and posted notice of the time and location for the election of teachers to the school council.

ELECTION OF TEACHER COUNCIL MEMBERS

Teachers assigned to a school shall organize the election to select teacher council members. Teachers may request the Principal to provide administrative assistance in preparing for the election.

QUALIFICATIONS

Teacher members must be employees of the District and currently assigned to the school where they are elected as council member. Election shall be by majority vote of all teachers assigned to the school. For the purpose of electing teacher council members, a Principal or Assistant Principal may not vote or serve as a teacher council member.

"TEACHER" DEFINED

For the purpose of policies relating to SBDM, "teacher" is defined as all certified staff assigned to the school, except the Principal, Assistant Principal, or Head Teacher. Itinerant teachers may vote at all schools to which they are assigned and may serve on the council of any of those schools.

VOTING

Teachers may nominate themselves or another teacher. Nominations with accompanying consent shall be made in writing to the senior Education Association building representative no later than five (5) days before the election. The senior Education Association building representative shall prepare a written ballot containing the names of all qualified teachers accepting nomination. Ballots shall be kept on file with other council records. Two (2) Education Association building representatives who are not nominees shall chair and oversee the meeting to elect teacher members to the council. Election shall be by majority vote of all teachers assigned to the school. Balloting will be by parliamentary procedure and will continue until three (3) teachers are elected.

Teachers elected to a council shall not be involuntarily transferred during their term of office.

SCHEDULING

The president of the parent-teacher organization shall organize and oversee the election of parent council members. The date of the election shall be set by the president of the parent-teacher organization.

SCHOOLS WITHOUT A PARENT ORGANIZATION

If the school does not have a parent-teacher organization, then the parents shall set the date and time for an organizational meeting of parents to discuss School Based Decision Making. This meeting will provide a forum of discussion, organization, and election of a president. Local or state assistance from a recognized parent-teacher organization may be requested. The Principal shall provide written notice of this meeting to parents.

Election of School Council Members**ELECTION OF PARENT COUNCIL MEMBERS**

Parents of students assigned to a school shall organize the election to select parent council members. They may request the Principal to provide administrative assistance required to conduct the election.

QUALIFICATIONS

A parent council member shall be a parent, stepparent, or foster parent of a student currently enrolled in the school. Parent shall also mean a person who has legal custody of a student pursuant to a court order and with whom the student resides. A parent council member shall not be an employee or the relative of an employee of the school in which that parent serves, nor shall the parent representative be an employee or a relative of an employee in the District administrative offices. A parent representative shall not be a local Board member or Board member's spouse. Relative shall mean father, mother, brother, sister, husband, wife, son, and daughter, ~~aunt, uncle, son-in-law or daughter-in-law.~~

A parent council member shall submit to a state and national fingerprint-supported criminal history background as required by KRS 160.380. In addition, the parent council member shall provide a letter from the Cabinet for Health and Family Services stating that there are no findings of substantiated child abuse or neglect on record. Receipt of notice or verification of a finding of neglect or abuse shall subject the parent council member to removal under KRS 160.347. A parent member may serve prior to the receipt of the criminal history background check report, but shall be removed from the council on receipt by the District of a report documenting a record of a sex crime or criminal offense against a victim who is a minor as defined in KRS 17.500 or as a violent offender as defined in KRS 17.165 and no further procedures shall be required.

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>

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MINORITY REPRESENTATIVES

If the council formed under the elections described above does not have a minority member, and the school has eight percent (8%) or greater enrollment of minority students, the Principal shall be responsible for carrying out the following:

1. The Principal shall organize a special election no sooner than ten (10) and no later than twenty (20) calendar days following the elections described above to elect a minority parent to the council by ballot. The Principal shall notify all parents of the date, time, and location of the election. The notice shall call for nominations of minority parents for the ballot. The election shall be conducted using the same procedures as the election of the two (2) other parent members of the council.
2. The Principal shall call a meeting of all teachers assigned to the school within seven (7) days following the initial election of parent and teacher council members. The teachers may select one (1) minority teacher to serve as a teacher member on the council. If no minority teacher chooses to serve on the council, then the additional teacher council position shall go unfilled.
3. However, if there are no minority teachers who are assigned to the school, an additional teacher member shall be elected by a majority of all teachers. Procedures for election of the teacher representative shall be the same as the procedures for election of the other three (3) teacher members of the council.

ADMINISTRATION

02.421
(CONTINUED)

Election of School Council Members

REFERENCES:

KRS 17.165; KRS 17.500; KRS 156.132
KRS 160.345, KRS 160.347; KRS 160.380
OAG 91-148; OAG 91-192; OAG 91-206
OAG 92-88; OAG 93-49; OAG 94-41

LEGAL: REVISIONS TO 703 KAR 5:225 REQUIRE EACH SCHOOL TO APPROVE THE CSIP BY JANUARY 1 OF EACH SCHOOL YEAR.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 366 AMENDS KRS 160.463 TO INCLUDE INFORMATION FOR PUBLICATION OF SCHOOL REPORT CARDS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.442

Comprehensive School Improvement Plan

RESPONSIBILITY

~~Annually, e~~Each school council, or Principal, in a school without a council, shall develop, monitor, and ~~annually~~~~regularly~~ update a Comprehensive School Improvement Plan (CSIP) by January 1 of each school year. The structure of the CSIP shall include completion of the Continuous Improvement Diagnostic between August 1 and October 1 of each school year and completion of the needs assessment between October 1 and November 1 of each school year.

The primary purposes of the CSIP shall be:

- To improve student achievement on state and federal mandated testing/accountability instruments; and
- To eliminate achievement gaps among groups of students.

FORM

Unless the school planning committee requests and is granted a waiver by the Board, the school committee shall use any improvement plan format that has been established and approved by the Board. The CSIP structure shall include the components set out in 703 KAR 5:225, Every Student Succeeds Act of 2015 (ESSA), and the elements required by KRS 158.649.

In addition, the school council, school planning committee appointed by the or Principal if there is no council, shall review annually the school's disaggregated student data and revise the school's improvement plan, as required by applicable statute and regulation, to address any achievement gaps between various groups of students.

The plan shall address the reduction of physical and mental health barriers to learning, student equity, priority needs, and achievement gaps for sub-groups of the school population.

The school plan shall serve as a basis for school/council decision making and shall be posted to the school's web site as stated in 703 KAR 5:225, Every Student Succeeds Act of 2015 (ESSA), and the elements required upon by KRS 158.649.

PUBLIC REVIEW

The Principal shall convene a public meeting at the school to present and discuss the plan prior to submitting it to the Superintendent and Board.

SCHOOL REPORT CARDS

Each school shall post its school report card on its website as required by ESSA. School report cards shall be widely accessible to the public, in an understandable and uniform format, and when possible, written in a language that parents can understand.

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

Comprehensive School Improvement Plan**SCHOOL REPORT CARDS (CONTINUED)**

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

As outlined in KRS 160.463, a copy of the report card is to be publicized by one of the following methods:

- a. In the newspaper of the largest general circulation in the county;
- b. Electronically on a website of the District; or
- c. By printed copy at a prearranged site at the main branch of the public library within the District.

If b or c above is selected, the Superintendent shall be directed to publish notification in the newspaper with the largest circulation in the county. The notification shall include the electronic address of the website or the address of the library where the report card can be viewed by the public.

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

BOARD NOTIFICATION

In keeping with Board Policy 02.44, each School Council shall annually report to the Board regarding the progress toward achieving the goals and meeting the needs identified in the improvement plan, including those for student groups for whom data indicate an achievement gap exists.

REFERENCES:

KRS 158.645; KRS 158.6451; KRS 158.6453; KRS 158.649
KRS 160.290; KRS 160.345; KRS 160.463
703 KAR 5:140; 703 KAR 5:225; 703 KAR 5:280
P. L. 114-95 (Every Student Succeeds Act of 2015)

RELATED POLICIES:

01.111; 02.432; 02.44

LEGAL: SB 101 AMENDS KRS 160.380 TO CHANGE THE THIRTY DAY VACANCY REQUIREMENTS TO FIFTEEN DAYS. SB 101 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.

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

SUPERINTENDENT'S RESPONSIBILITIES

When a vacancy occurs, the Superintendent shall notify the Commissioner of Education fifteen (15) ~~thirty (30)~~ days before the position is to be filled.

When a vacancy needs to be filled in less than fifteen (15) ~~thirty (30)~~ days to prevent disruption of necessary instructional or support services of the school District, the Superintendent may seek a waiver of the fifteen (15) ~~thirty (30)~~-day advance notice requirement from the Commissioner of Education. If the waiver is approved, the appointment shall not be made until the person selected by the Superintendent has been approved by the Commissioner of Education.

Certified employees may be appointed by the Superintendent for any school year at any time after February 1 next preceding the beginning of the school year.

QUALIFICATIONS

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

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

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

CRIMINAL BACKGROUND CHECK AND TESTING

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

~~Each application or renewal form provided applicants for a certified position shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT".⁴~~

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

Hiring

CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)

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

~~As permitted by KRS 160.380, 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. Probationary employment shall terminate on receipt of a criminal history background check documenting a conviction for a felony sex crime or as a violent offender.

~~Additionally, beginning July 1, 2018, e~~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.

[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>

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

REPORT TO SUPERINTENDENT

[An employee shall report to the Superintendent 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.](#)

JOB REGISTER

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

VACANCIES POSTED

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted in the Central Office and in each school building on a timely basis and shall refer interested persons to the Central Office job register for additional information.

When a vacancy for a teaching position occurs in the District the Superintendent shall conduct a search to locate minority candidates to be considered for the position.

REVIEW OF APPLICATIONS

Each application shall be reviewed and each applicant so notified upon initial application. The application shall be kept on file for three (3) years and remain active for two (2) years.