

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

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 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 STATUS

Employment status shall be determined in compliance with statute and regulation and shall be defined in the employee's contract.¹

SUPERINTENDENT

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

PRINCIPAL

The Principal (or designated administrator) shall be the chief administrator of the school, acting with the approval of the Superintendent.

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.

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.

POWERS AND DUTIES OF THE BOARD

01.0
(CONTINUED)

DEFINITIONS

PARENT OR GUARDIAN

Parent, as used in the policy manual, means parent or legal guardian.

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/special education/exceptional" 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.

STUDENT SUPPORT AND BEHAVIOR INTERVENTION HANDBOOK

The Student Support and Behavior Intervention Handbook, as used in the policy manual, means the code of acceptable behavior and discipline required under KRS 158.148.

CHARTER SCHOOL

Use of the term "charter school" means a public charter school as defined in KRS 160.1590(12).

CHARTER SCHOOL AUTHORIZER

A local board of education or other authorizer as defined in KRS 160.1590(13) ~~161.1590.~~

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.

REFERENCES:

¹KRS 157.320; ~~102 KAR 1:036; 702 KAR 1:035~~

~~¹102 KAR 1:036~~

~~¹702 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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BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

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

The Board is an agent of the State to administer school functions delegated to local districts by the legislature. The Board powers and duties are set forth in the Kentucky Revised Statutes as follows:

ESTABLISHMENT OF SCHOOLS

The Board shall have general control and management of the public schools in its District and may establish schools and provide for courses and other services as 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 WAIVERS 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 shall have control and management of all school funds and all public school property of the District and may use its funds and property to promote public education.

ADMINISTRATION

The Board shall exercise generally all powers prescribed by law in the administration of its public school system, appoint the Superintendent of schools, create and abolish positions, approve job descriptions and classifications, and fix the compensation and terms of office of employees.¹

It is the goal of the Board that the District employ qualified personnel for all positions, establish fair and equitable procedures for transfers and promotions within the system; and provide, to the extent possible, working conditions and resources that enable each employee to support the District's Mission to provide relevant, comprehensive, quality instruction in order to educate, prepare and inspire our students to learn.

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.11

(CONTINUED)

General Powers and Duties of the Board

MANAGEMENT

The Board may set goals for the District and shall make and adopt, and may amend or repeal, rules, regulations, policies and bylaws 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 qualification and duties of employees and the conduct of pupils.

SUBPOENA

The Board may, in any investigation or proceeding before it, concerning a matter that may be a proper subject of inquiry by it, summon witnesses by subpoena, enforce their attendance, and require that they testify under properly administered oath.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 insurance¹² or any group medical or dental insurance provided by the District for employees.¹⁰

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, including those mandated by the Kentucky General Assembly for the support of public education to promote and support the instructional program to the highest quality possible within the means of the tax structure and to set the general and special building fund tax rates within the limits of its taxing power. When necessary the District shall seek additional resources to support an adequate program of instruction.⁷

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.11

(CONTINUED)

General Powers and Duties of the Board

LEVY OF TAX RATES (CONTINUED)

Following approval of the District's general budget for the ensuing fiscal year, the Board shall levy the required ad valorem tax according to statutory requirements. Additional revenues from local tax sources shall be levied as designated by law when properly authorized.

The Board shall levy a tax rate sufficient to qualify the district for state matching funds from the power equalization program fund. Prior to levying any local tax, the Board shall conduct a public hearing on the proposed local tax rates.

POWER TO BORROW FUNDS

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

CONTRACT WITH CONSULTANTS

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

Professional service contracts for \$5,000 or more shall be submitted to the Board prior to approval. The Superintendent is authorized to contract for all other professional service contracts necessary for carrying out the policies of the Board without prior Board approval. A list of all professional service contracts (regardless of dollar amount) shall be presented to the Board on a monthly basis.

Where appropriate, the Board may require bids for consulting services to be sought.

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

APPLICATIONS FOR GRANTS

Schools, employees, and school-related groups who intend to apply for grants on behalf of the District or District schools shall first contact the Department of Resource Development. All grants sought shall contribute to the District's strategic plan.

Except as specifically permitted by law, all grant applications that require a contract or the commitment of District funds, time or resources shall be submitted to the Board for prior approval. When an application deadline prevents Board consideration, the Superintendent is authorized to approve submission of the grant. All grants awarded and all grant agreements shall be submitted to the Board for approval.

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.11

(CONTINUED)

General Powers and Duties of the Board

RESPONSIBILITIES OF THE BOARD

The Board's chief concern is for the development and operation of the Jefferson County Public Schools in furthering the goals of quality education for each individual. Areas of action or functions which are proper responsibilities of the Board are as follows:

1. To promote and support the instructional program to the highest quality possible within the means of the tax structure;
2. To appoint a Superintendent of schools;
3. To oversee the administration of the schools in accordance with the Kentucky Revised Statutes and the policies of the Board, as permitted by law;
4. To set the general tax rates within the limits of its taxing power;
5. To examine and approve the annual budget;
6. To consider and pass upon the recommendations of the Superintendent, within the limits provided by the Kentucky Revised Statutes;
7. To receive from the Superintendent reports on the progress of the educational program;
8. To approve the purchase of building sites and enter into contracts for the erection of school buildings and additions necessary to provide adequate housing for the school population;
9. To formulate and cause to be executed policies for the efficient operation of all schools; and
10. To perform all other duties prescribed by the Kentucky Revised Statutes.

REFERENCES:

¹KRS 160.290

²KRS 160.300

³KRS 160.310

⁴KRS 160.160

⁵KRS 160.330

⁶KRS 160.340

⁷KRS 160.470

⁸KRS 160.540

⁹KRS 160.345

¹⁰KRS 160.280

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

¹²KRS 18A.205; KRS 18A.210

KRS 116.200; KRS 156.072; KRS 156.160

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

KRS 160.1599; KRS 161.158; KRS 162.010; KRS 416.560

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

RELATED POLICIES:

01.41; 01.5; 01.7

03.124; 03.224; 04.92

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BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

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

The Board shall establish long-range, District-wide educational goals and objectives to guide the administration's development of annual objectives and budget priorities. The District-wide goals and objectives shall be based on a three to five (3-5)-year cycle, but shall be reviewed for revision every year.

DISTRICT IMPROVEMENT PLAN

The Superintendent shall develop annually a Comprehensive District Improvement Plan (CDIP) which shall include, but not be restricted to, statements of the District's goals and objectives, the annual school budget, current educational issues, and evaluation information relative to the major **needs accomplishments** of the District and significant changes proposed for the coming year.

PLANNING

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

PLANNING CYCLE

The District's planning cycle shall follow a process of continuous improvement as data becomes available. **Thus, procedures should be in place allowing for regular review of progress relative to the Plan and District Goals. 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 CDIP shall be:

- To improve student achievement on state and federal mandated testing/accountability instruments **and improve student learning outcomes on other success skills needed to be transition ready;**
- To eliminate achievement gaps; and
- To develop District strategies and services to address deficiencies and/or sustain or strengthen current efforts.

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

The plan shall be updated on an annual basis, provide assistance in reducing physical, mental health, and academic barriers to learning, and address student equity.

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

As part of the District planning process, the Board shall review District academic performance on the state assessments for various groups of students in compliance with legal requirements.¹

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.111

(CONTINUED)

District Planning

PLAN REQUIREMENTS (CONTINUED)

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.

BUDGET IMPLICATIONS

A presentation shall be made by staff members on the plan for the fiscal year under consideration, which shall include priorities, objectives, program plans, and budget implications.

PUBLIC REVIEW

The plan shall have public review prior to presentation to the Board for final adoption. Opportunity for public and school staff review shall be provided for a period of at least two (2) weeks and shall be advertised in the newspaper of the largest circulation in the District, or as an alternative, posted on the District web site for electronic review and feedback.

BOARD APPROVAL

The plan shall be completed between November 1 and January 1 of each school year and presented to the Board for approval annually. If revisions are needed, the District planning committee shall forward proposed revisions to the Superintendent. Revisions must reflect the requirements of State and Federal Law. All recommendations for revisions require approval by the Board.

The Superintendent shall submit required assurances to the Kentucky Department of Education no later than September 30 of each year.

IMPLEMENTATION

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

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

SCHOOL PLANS

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

District Planning

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 publicizedpublished 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 withof the 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 158.649

KRS 156.500; 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

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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
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, town or other municipality, hold a federal an office of "trust or profit," under the United States or another state, 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;~~

NO CONFLICT OF INTEREST

6. As of the date of election, Hhas 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;
7. Has never been removed from membership on a Board of Education for cause; and
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.

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); KRS 160.210
OAG 80-234; OAG 88-3514-005

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

The Board shall conduct an organizational meeting at its first meeting in January. The dates, times, and places of regular meetings shall be approved each year by the Board and entered in its minutes. The schedule of regular meetings shall be made available to the public.² Rescheduled regular meetings shall be noticed and held as special meetings.^{1 & 4}

Notice to Board members of regular meetings shall be given by adoption of scheduled meeting dates, times, and places.

The Board may, at its discretion, conduct its meetings at places and dates other than those approved, provided that Board members and the general public receive timely notice in keeping with statutory requirements for special called meetings.

The Board shall hold at least (1) regular business meeting each month.

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.

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 meetings 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~~ a 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

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POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.42

(CONTINUED)

Regular Meetings

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

Executive Sessions

AUTHORIZATION

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

All meetings of the Board shall be open to the general public, except meetings on issues permitted to be discussed in closed meetings under KRS 61.810, including but not limited to the following topics:

1. Deliberations on future acquisition or sale of real property, but only when publicity might affect the value;
2. Discussion of proposed or pending litigation against or on behalf of the Board;
3. Collective bargaining negotiations strategy;
4. Discussions or hearings which might lead to the appointment, discipline, or dismissal of an employee, member or student (unless the person being considered requests an open meeting), provided that this exception is designed to protect the reputation of individual persons and shall not be interpreted to permit discussion of general personnel matters in secret; and
5. Meetings which Federal or State law specifically requires to be conducted in privacy.

REQUIREMENTS

The above matters may be discussed in executive session only if the following conditions are met:

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

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.

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POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.43

(CONTINUED)

Executive Sessions

REFERENCES:

¹KRS 61.810

²OAG 81-135

³KRS 61.815

⁴KRS 61.826

15-OMD-090

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 addition to the in-service training required by state law, Board members shall be encouraged to participate in activities such as:

1. Attendance at school Board and administrative conferences, conventions, and workshops on a local, regional, state, and national level;
2. Exchange of ideas through joint meetings with neighboring school boards;
3. Reports on educational programs presented at Board meetings by the Superintendent and staff;
4. Regular exposure to professional journals and papers.

In-Service Training

IN-SERVICE TRAINING (SCHOOL BOARDS AS CHARTER SCHOOL AUTHORIZERS)

SchoolEach member of the Board ~~members~~ shall participate in annual in-service training as follows:

1. Twelve (12) hours for an authorizer or a member with zero (0) to eight (8) years of experience as the member of the board of an authorizer, and eight (8) hours for a member with more than eight (8) years of experience as the member of the board of an authorizer; or
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.

NEW BOARD MEMBER ORIENTATION

Each new member of the Board shall be afforded every opportunity to learn the functions and responsibilities entailed by election to the Board. It shall be the duty of the Superintendent and the administrative staff to assist each member-elect in understanding the functions, policies, and procedures of the Board and the operation of the school system before taking office. The following procedures shall be employed as a minimum:

- 1) The member-elect shall be given selected materials on the function of the Board and of the school system.
- 2) A copy of the Board's policies and bylaws and a copy of the administrative procedures shall be provided each new member, either in paper and/or electronic format.
- 3) A copy of the current budget of the school system and the opportunity to become fully acquainted with the financial structure of the school system shall be provided each member-elect.

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.83

(CONTINUED)

In-Service Training

NEW BOARD MEMBER ORIENTATION (CONTINUED)

- 4) The member-elect shall be invited to attend Board meetings and to participate in discussion prior to actual induction.
- 5) The incoming member shall be invited to meet with the Superintendent and other administrative personnel whom the Superintendent shall designate to discuss the services they perform for the Board.

REFERENCES:

¹KRS 160.180

701 KAR 8:020

702 KAR 1:115

OAG 85-53; OAG 85-145

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

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 (SBDM)

ELECTION OF TEACHER 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.

Teachers may nominate themselves or another teacher. A written ballot containing the names of all qualified teachers nominated shall be prepared and kept on file with other council records. Teacher members must be employees of the District and currently assigned to the school where they are elected as council member. For the purpose of electing teacher council members, a Principal or Assistant Principal, may not vote or serve as a teacher council member. Election shall be by majority vote of all teachers assigned to the school.

Itinerant teachers may vote at all schools to which they are assigned and may serve on the council of any of those schools.

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

ELECTION OF PARENT 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.

The president of the parent-teacher organization shall organize and oversee the election of parent council members. If the school does not have a parent-teacher organization, then the parent member shall be elected by the largest organization of parents formed for this purpose.

A parent council member shall be a parent, stepparent, or foster parent of a student to be enrolled in the school during the parent's term of council service. 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.

Election of School Council Members (SBDM)

ELECTION OF PARENT MEMBERS (CONTINUED)

[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>

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 in the building within seven (7) days following the initial election of parent and teacher council members. The teachers shall elect one (1) minority teacher to serve as a teacher member on the council.

If there are no minority teachers who are members of the faculty, 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.

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. A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected. Term limitations shall not apply for a minority teacher member who is the only minority on faculty. Annual elections for the following year's terms should be held no later than the preceding May, but the specific date shall be set by the council.

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, no council elections for the upcoming school year shall be held.
- 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.

ADMINISTRATION

02.421

(CONTINUED)

Election of School Council Members (SBDM)

CONFLICT OF INTEREST

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

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.

VACANCIES

Council vacancies shall be filled at a special called election and shall follow the guidelines set forth in this policy.

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

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

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

Each school council, or Principal, in a school without a council, shall develop, monitor, and annually update a Comprehensive School Improvement Plan (CSIP) by January 1 of each school year.

In an SBDM school, the school council shall organize a planning process, consistent with District's established planning process. 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.

In a school without a council, the Principal shall appoint a School Planning Committee comprised, at a minimum, of four (4) teachers, four (4) parents, and a community representative. The high school(s) shall include a student on the committee. The community representative shall not be a teacher, spouse of a teacher, or a parent of child(ren) attending the District schools.

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 the platform provided by the Kentucky Department of Education. 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, or school planning committee appointed by the 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 gaps between various groups of students.

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

The school plan shall serve as a resource for school/council decision making and shall be posted.

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.

Comprehensive School Improvement Plan

SCHOOL REPORT CARDS (CONTINUED)

~~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.~~

~~As outlined in KRS 160.463, a copy of the report card is to be~~ publicized published ~~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 of 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.~~

~~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.~~

BOARD REVIEW

The school's plan for eliminating achievement gaps among various groups of students shall be shared with the Board for its review and comment. The Board may share its comments, in writing, with the council.

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

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

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 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

03.11

- CERTIFIED PERSONNEL -

Hiring

SUPERINTENDENT'S RESPONSIBILITIES

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

The Superintendent shall determine, pursuant to state law, when vacancies exist and shall post such staff vacancies as necessary to recruit applicants for positions.

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.

EFFECTIVE DATE

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

QUALIFICATIONS

The Superintendent shall employ only individuals who are certified for the positions they will hold and who possess qualifications established by law, regulation and Board policy, except in the case where no individual applies who is properly certified and/or who meets established qualifications set by Board policy. In all cases, the most qualified candidate shall be hired.

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

Hiring

PRE-EMPLOYMENT INQUIRIES

Pre-employment inquiries may include, but are not limited to, requests for licensure/certification, conviction and criminal history records, references, job attendance data, traffic/accident records, and physical examinations, where applicable. Information obtained from pre-employment inquiries concerning an applicant's conviction and criminal history record, toxicology screens, results of job-related competency/skills assessments and other pre-employment inquiry information shall be confidential to the extent permitted by law, but shall be considered in determining employment status.

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

~~Beginning July 1, 2018, individual applicants, employees, and student teachers 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:

"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."

Employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a sexual offense, a drug offense, a violent offense as defined in KRS 17.165, any felony offense or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall terminate on receipt of a criminal history background check documenting a conviction for an offense listed above. Employees shall immediately notify their supervisor if they are arrested for or charged with one of the offenses listed above. The supervisor shall immediately notify employee relations.

~~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/3013RequestfromthePublicforCANChecksandCentralRegistryChecks.aspx)

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

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

Hiring

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. Any failure to report this finding shall result in the employee being subject to dismissal or termination.

VACANCIES POSTED

A job register listing vacancies to be filled shall be posted on the District's website.

Vacancies may also be posted and advertised outside the District. All central office administrative positions and all principal positions shall be advertised nationally.

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

Under procedures developed by the Superintendent, each application shall be reviewed. Applications for candidates not employed shall be retained for three (3) years.

References are required on applicants for all positions and will be carefully reviewed as part of the employment decision.

RELATIONSHIPS

All applications shall require a response concerning the relationship as defined in KRS 160.180 and KRS 160.380 of each applicant to the Superintendent, any Principal of the District, any other District employees, or a Board member. The hiring of relatives of the Superintendent, Board members and principals of the District is subject to the restrictions provided in KRS 160.180 and KRS 160.380.

The Superintendent shall not employ a relative of a Board member as defined in either KRS 160.180 or KRS 160.380 unless the relative was initially employed by the District prior to the tenure of the Board member and the member was seated on the Board prior to July 13, 1990.

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

A relative of the Superintendent or any principal of the District who is otherwise ineligible for employment may be employed as a substitute for a certified or classified employee if the relative is not:

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

No employee may use his/her employment status to influence the employment in the District of a relative which is defined for the purposes of this paragraph of this policy as the employee's father, mother, brother, sister, husband, wife, son, and daughter, ~~grandparent, aunt, uncle, niece, nephew, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, or brother-in-law.~~

Hiring

REPORT TO SUPERINTENDENT (CONTINUED)

No employee shall be assigned to a school, office, work group or other unit if the assignment would cause a relative of such employee to be a supervisor of such employee.

For purposes of this paragraph of this policy, a relative is defined as the employee's father, mother, brother, sister, husband, wife, son, and daughter, ~~grandparent, aunt, uncle, niece, nephew, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, or brother-in-law~~; and a supervisor is defined as a person who has authority to oversee and direct work assignments, assign tasks, schedule hours of work, evaluate work performance, or recommend the hiring, discipline or termination of an employee. For purposes of this paragraph of this policy, the principal and each assistant principal of a school shall be considered to be the supervisor of each employee in the school building. This paragraph of this policy shall apply even if the status of relative results from a marriage after an initial assignment, or if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having the relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this paragraph of this policy exists or may exist. Any failure to give such notice shall result in disciplinary action. The Superintendent shall develop procedures to implement this paragraph of this policy for all personnel assignments and shall make a final determination as to the appropriate action to implement this paragraph of this policy.

Exception to the above is substitute personnel.

CONTRACT

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

JOB DESCRIPTION

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

INTENT

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

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT

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

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

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

PERSONNEL

03.11
(CONTINUED)

Hiring

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

EMPLOYEES SEEKING A JOB CHANGE (CONTINUED)

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.

JOB SHARING

District employees may be permitted to participate in a job sharing program in accordance with procedures established by the Superintendent. However, initial probationary, temporary, seasonal and substitute employees and student workers are not eligible for the job sharing program.

EXCHANGE OF TEACHERS

The Superintendent may approve the exchange of teachers with other countries, states, and programs outside the District. All arrangements for such exchanges shall adhere to state laws and regulations.

REFERENCES:

¹KRS 160.380

²KRS 161.605; 702 KAR 1:150

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

20 U.S.C. § 7926; 42 U.S.C. § 9843a(g)

34 C.F.R. 200.55-200.56; 45 C.F.R. § 1302.90

KRS 17.160; KRS 17.165

KRS 156.106; KRS 160.345; KRS 160.390

KRS 161.042; KRS 161.611; KRS 161.750

KRS 335B.020; KRS 405.435

16 KAR 9:080; 702 KAR 3:320; 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; 02.4244; 03.132

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

LEGAL: SB 152 AMENDS KRS 157.390 TO ALLOW A DISTRICT TO HAVE DIFFERENTIATED COMPENSATION FOR TEACHERS EMPLOYED IN A SCHOOL THAT IS IDENTIFIED BY THE KENTUCKY DEPARTMENT OF EDUCATION AS BEING IN TARGETED OR COMPREHENSIVE SUPPORT AND IMPROVEMENT STATUS.

FINANCIAL IMPLICATIONS: COST OF HIGHER SALARIES

LEGAL: HB 366 AMENDS KRS 160.463 AND KRS 424.220 REMOVING THE REQUIREMENT FOR THE FACTUAL LIST OF INDIVIDUAL SALARIES TO BE FURNISHED TO A QUALIFIED NEWSPAPER.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.121

- CERTIFIED PERSONNEL -

Salaries

SINGLE-SALARY BASIS

The Board shall approve salary schedules for all employees based on job qualifications, duties, and responsibilities for each position.

All salaries for certified personnel shall be based on a single-salary schedule providing, at minimum, for the number of working days required by law and/or any relevant addendums as adopted by the Board.

A District may provide monetary compensation, in addition to that provided through the single salary schedule, to all classroom teachers employed in a school that is identified by the Kentucky Department of Education as being in targeted or comprehensive support and improvement status as described in KRS 160.346.

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

Teachers newly employed by the District shall be placed on the salary schedule in accordance with applicable state statutes, regulations of the Kentucky Board of Education, other applicable state and federal regulations and procedures established by the Superintendent.

DETERMINATION OF EXPERIENCE

Newly employed teachers may receive credit for a maximum of ten (10) years teaching experience recognized by the Kentucky Board of Education, including up to two (2) years for active pre-employment military experience. Credit may be given for a maximum of four (4) years of teaching/work experience prior to ten (10) years immediately preceding employment. Up to four (4) years experience credit will be deducted from the total years of experience of technology teachers not holding a Bachelor's Degree.

The District shall recognize Rank III + 15 hours and Rank II + 15 hours for advancement on the salary schedule, upon successful completion of appropriate coursework.

Only bona fide college credit as determined by the Education Professional Standards Board shall be recognized in advancing from one salary rank to another. Non-college credit shall not apply to salary rank advancement.

A minimum of one hundred forty (140) days of employment and the equivalent of at least seventy (70) full school days of performing teaching duties in any one (1) school year shall be required for one (1) year of experience credit.

PERSONNEL

03.121
(CONTINUED)

Salaries

DETERMINATION OF EXPERIENCE (CONTINUED)

A teacher will be credited for a year of experience when the teacher is employed for at least one hundred forty (140) days of a school year and performs teaching duties for the equivalent of at least seventy (70) full school days during that school year or is employed at least one hundred forty (140) days during each of two (2) school years and performs teaching duties for the equivalent of at least (70) full school days during those years.

Experience credit shall not be given for the following:

- Substitute teaching
- Summer school teaching
- Nursery/Pre-school teaching (unless teaching certification was required)
- Student teaching

In no event shall more than one (1) year of experience be credited for professional experience during a given school year.

EXTENDED EMPLOYMENT

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

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

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

EXTRA SERVICES, AND SUPPLEMENTARY PAY

The Board shall approve a schedule of compensation for extra services. As provided under law, teachers who attain certification from the National Board for Professional Teaching Standards shall be given an annual salary supplement of \$2000 for the life of the certificate.

RANK AND EXPERIENCE

The rank and experience of certified personnel shall be determined at time of hire. The Board shall direct the Superintendent to validate all experience of professional personnel employed in the District.

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

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

SENIORITY

Seniority shall be computed from the first compensable day of employment as a permanent employee in the District following last break in service, if any.

PERSONNEL

03.121
(CONTINUED)

Salaries

EXCEPTION

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

PAYROLL DISTRIBUTION

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

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

QUALIFICATIONS

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

NOTICE OF SALARY

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

LIST OF SALARIES

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

PAYROLL DEDUCTIONS

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

REFERENCES:

KRS 157.075; KRS 157.320; KRS 157.350; KRS 157.360
KRS 157.390; KRS 157.395; KRS 157.397; KRS 157.420
KRS 160.290~~;~~ KRS 160.291~~;~~ **KRS 160.346**
KRS 161.1211~~;~~ KRS 161.134~~;~~ KRS 161.168; KRS 161.760
KRS 337.070; KRS 424.120; ~~KRS 424.220;~~ 16 KAR 1:040; OAG 97-25
702 KAR 3:060~~;~~ 702 KAR 3:070~~;~~ 702 KAR 3:100~~;~~ 702 KAR 3:310
29 C.F.R. Section 541.303~~;~~ 29 C.F.R. Section 541.602~~;~~ 29 C.F.R. Section 541.710

RELATED POLICIES:

03.114; 03.1211; 03.4

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

LEGAL: KRS 160.1592 REQUIRES A LOCAL BOARD TO GRANT A TWO-YEAR LEAVE OF ABSENCE TO TEACHERS UNDER CONTINUING SERVICE CONTRACTS WHO HAVE BEEN OFFERED EMPLOYMENT IN PUBLIC CHARTER SCHOOLS.

FINANCIAL IMPLICATIONS: HIRING ADDITIONAL PERSONNEL

PERSONNEL

03.1235

- CERTIFIED PERSONNEL -

Educational/Professional Leave

EDUCATIONAL/PROFESSIONAL PURPOSE

Long-term educational/professional leave may be granted to employees of the District for educational or professional purposes for a period of not more than two (2) consecutive years. The employee may request a renewal. Such a renewal is subject to approval by the Board upon recommendation of the Superintendent.

When the leave is requested, the intended educational and/or professional purpose of the leave shall be included with the request. Evidence of such educational/professional work must be presented upon return from leave. Time spent on educational/professional leave shall not count toward continuing contract status.

Leave may be granted for full-time attendance at universities or other training or professional activities when those activities are related to the employee's job or to other jobs an employee might hold in the school system. Leave will not be granted for part-time educational activities.

EMPLOYMENT WITH A CHARTER SCHOOL

The Board shall grant a two (2) year leave of absence (without pay) to a teacher under a continuing service contract who has been offered employment with a charter school. A teacher who submits a timely request for return to a teaching position in the District within the two (2) years of leave, shall be allowed to do so at the appropriate salary for their experience and educational level. After two (2) years on leave, the relationship between the teacher and the Board shall be determined by the Board and the Board shall notify the teacher of the decision.

CONVERSION CHARTER SCHOOL

A teacher with continuing status who is employed by a conversion charter school shall notify the District of the teacher's intent to work in the converted charter school or to return to employment with the District the next school year by April 15 of each school year of the granted leave.

STAFF VISITATIONS AND CONFERENCES

District employees may apply for and be granted a leave of absence by the Superintendent/designee for the purpose of attending professional meetings, conferences and workshops outside the District which are adjudged to be in the interest of the District. Administrative procedures may cover assignment, payment of expenses, waiving of salary deductions and other relevant matters.

Payment of allowable expenses of individuals attending such meetings and the cost of necessary substitutes may be made upon approval of the appropriate authority.

LIMITATIONS

Part-time certified, temporary, seasonal and substitute employees are not eligible for educational/professional leave unless approved by the Superintendent/designee.

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

PERSONNEL

03.1235

(CONTINUED)

Educational/Professional Leave

NOTIFICATION OF RETURN

Employees on educational/professional leave, including those on professional leave serving in charter schools, shall notify the Superintendent/designee in writing of their intent to return to the school system on or before the date prescribed in Policy 03.123 or April 15 in the case of employees serving in conversion charter schools. Teachers working in charter schools during a second year of leave shall provide written notice by the applicable date to the Superintendent and the Board Chairperson. Employees who fail to notify the Superintendent/designee of their return by the date prescribed in Policy 03.123 cannot be guaranteed employment for the following school year.

PLACEMENT UPON RETURN

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

REFERENCES:

KRS 158.782; KRS 160.1592; KRS 161.770

701 KAR 8:040

OAG 79-106; OAG 84-43; OAG 91-134

RELATED POLICY:

03.123

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

LEGAL: CHANGES TO 704 KAR 3:370 REQUIRE THE DISTRICT'S CERTIFIED EVALUATION PLAN TO UTILIZE THE KENTUCKY FRAMEWORK FOR PERSONNEL EVALUATION. ADDITIONAL CHANGES CLARIFY APPEAL LANGUAGE. CHECK FOR CONFORMITY WITH YOUR DISTRICT CERTIFIED EVALUATION PLAN.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.18

- CERTIFIED PERSONNEL -

Evaluation

The Superintendent shall recommend for approval by the Board and the Kentucky Department of Education a personnel evaluation system, developed by an evaluation committee, for all certified employees below the level of District Superintendent, which is in compliance with and which shall be implemented consistent with applicable statute and regulation. The District's certified evaluation plan shall be aligned with the Kentucky Framework for Personnel Evaluation.¹

The Superintendent shall delegate the responsibility of supervision for improvement of instruction to those persons who have been identified for the task within the organizational structure. All staff shall be informed of the name of their immediate supervisor. The goal of supervision shall be to maximize employee capabilities in the pursuit of educational excellence.

The purpose of the personnel evaluation system shall be to: support and improve performance of all certified school personnel, and to inform individual personnel decisions. The District certified evaluation plan for certified personnel assigned to the District level for purposes of evaluation shall be specific to the evaluatee's job category.

FREQUENCY OF SUMMATIVE EVALUATIONS

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

REPORTING

Results of evaluations shall not be included in the accountability system under KRS 158.6455.

NOTIFICATION

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

CONFIDENTIALITY

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

The procedures for such evaluations shall be established and implemented by the Superintendent in accordance with state statute/regulations. Evaluations, along with any response materials an individual employee wishes to submit, will become a part of the employee's personnel record.

Evaluation

REVIEW

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

APPEAL TO PANEL

Any certified employee who believes that he or she was not fairly evaluated on the summative evaluation may appeal to the District local evaluation appeals panel within five (5) working days of the receipt of the summative evaluation. Both the evaluator and the evaluatee shall be given the opportunity, at least five (5) days in advance of the hearing to review documents that are to be presented to the District local evaluation appeals panel, and the evaluatee may have representation of their choosing.

REVISIONS TO PREVIOUSLY APPROVED DISTRICT EVALUATION PLAN

If a revision adding or removing a source of evidence or changing a decision rule or calculation in the summative rating formula in the District's certified evaluation plan is made by the local certified evaluation committee, the revised certified evaluation plan shall be reviewed and approved by the Board. If the Board determines that changes do not meet the requirements of KRS 156.557, the certified evaluation plan shall be returned to the certified evaluation committee for revision. The Superintendent shall submit proposed revisions to the evaluation plan to the Board for its review to ensure compliance with applicable statute and regulation. Upon adoption, all revisions to the plan shall be submitted to the Kentucky Department of Education for approval.

REFERENCES:

¹KRS 156.557; 704 KAR 3:370

703 KAR 5:225

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

RELATED POLICIES:

02.14; 03.15; 03.16

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

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

SUPERINTENDENT'S RESPONSIBILITIES

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

The Superintendent shall determine, pursuant to state law, when vacancies exist and shall post such staff vacancies as necessary to recruit applicants for positions.

EFFECTIVE DATE

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

PRE-EMPLOYMENT INQUIRIES

Pre-employment inquiries may include, but are not limited to, requests for licensure/certification, conviction and criminal history records, references, job attendance data, traffic/accident records, and physical examinations. Information obtained from pre-employment inquiries concerning an applicant's conviction and criminal history record, toxicology screens, results of job-related competency/skills assessments and other pre-employment inquiry information shall be confidential to the extent permitted by law, but shall be considered in determining employment status.

CRIMINAL BACKGROUND CHECK AND TESTING

Applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations.^{1 & 2}

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

Hiring

CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)

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

~~Beginning July 1, 2018, individual applicants, employees, and student teachers 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 classified position shall conspicuously state the following:

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

Employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a sexual offense, a drug offense, a violent offense as defined in KRS 17.165, any felony offense or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall terminate on receipt of a criminal history background check documenting a conviction for an offense listed above. Employees shall immediately notify their supervisor if they are arrested for or charged with one of the offenses listed above. The supervisor shall immediately notify employee relations.

~~Additionally, beginning July 1, 2018, EE~~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. Employment shall terminate upon receipt of a letter from the Cabinet documenting a substantiated finding of child abuse or neglect.

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>

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. Any failure to report this finding shall result in the employee being subject to dismissal or termination.

PERSONNEL

03.21

(CONTINUED)

Hiring

EDUCATIONAL REQUIREMENTS

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

All paraprofessionals shall satisfy educational requirements specified by federal law.⁴

VACANCIES POSTED

A job register listing vacancies to be filled shall be posted on the District's website.

Vacancies may also be posted and advertised outside the District.

The Superintendent shall implement procedures for emergency hiring of staff to prevent disruption of necessary instructional or support services.

REVIEW OF APPLICATIONS

Under procedures developed by the Superintendent, each application shall be reviewed. Applications for candidates not employed shall be retained for three (3) years.

References shall be required on applicants for all positions and will be carefully reviewed as part of the employment decision.

RELATIONSHIPS

All applications shall require a response concerning the relationship as defined in KRS 160.180 and KRS 160.380 of each applicant to the Superintendent, other District employees or a Board member. The hiring of relatives of the Superintendent, Board members and principals of the District is subject to the restrictions provided in KRS 160.180 and KRS 160.380.

A relative of the Superintendent shall not be employed except as provided by KRS 160.380.¹

The Superintendent shall not employ a relative of a Board member as defined in either KRS 160.180 or KRS 160.380 unless the relative was initially employed by the District prior to the tenure of the Board member and the member was seated on the Board prior to No employee may use his/her employment status to influence the employment in the Jefferson County School District of a relative which is defined for the purposes of this paragraph of this policy as the employee's father, mother, brother, sister, husband, wife, son, and daughter, ~~grandparent, aunt, uncle, niece, nephew, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, or brother-in-law.~~

Hiring

RELATIONSHIPS (CONTINUED)

No employee shall be assigned to a school, office, or unit if the assignment would cause a relative of such an employee to be a supervisor of such employee. For purposes of this paragraph of this policy, a relative is defined as the employee's father, mother, brother, sister, husband, wife, son, ~~and daughter, grandparent, aunt, uncle, niece, nephew, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, or brother-in-law~~; and a supervisor is defined as a person who has authority to oversee and direct work assignments, assign tasks, schedule hours of work, evaluate work performance, or recommend the hiring, discipline or termination of an employee. This paragraph of this policy shall apply even if the status of relative results from a marriage after an initial assignment, or if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having the relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this paragraph of this policy exists or may exist. Any failure to give such notice shall result in disciplinary action. The Superintendent shall develop procedures to implement this paragraph of this policy for all personnel assignments and shall make a final determination as to the appropriate action to implement this paragraph of this policy.

EMERGENCY HIRING

The Superintendent shall implement procedures for emergency hiring of staff to prevent disruption of necessary instructional or support services.

JOB DESCRIPTION

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

CONTRACT

The District shall enter into written contracts with all full-time and part-time classified staff.

JOB SHARING

District employees may be permitted to participate in a job sharing program in accordance with procedures established by the Superintendent. However, initial probationary, temporary, seasonal and substitute employees and student workers are not eligible for the job sharing program.

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT

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

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

PERSONNEL

03.21

(CONTINUED)

Hiring

EMPLOYEES SEEKING A JOB CHANGE

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

REFERENCES:

¹KRS 160.380

²702 KAR 5:080

³KRS 161.011

⁴P. L. 114-95, (Every Student Succeeds Act of 2015)

20 U.S.C. § 7926; 42 U.S.C. § 9843a(g)

34 C.F.R. 200.58-200.59; 45 C.F.R. § 1302.90

KRS 17.160, KRS 17.165; KRS 156.070

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

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

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

Kentucky Local District Classification Plan; 13 KAR 3:030; 702 KAR 3:320

Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

LEGAL: HB 366 AMENDS KRS 160.463 AND KRS 424.220 REMOVING THE REQUIREMENT FOR THE FACTUAL LIST OF INDIVIDUAL SALARIES TO BE FURNISHED TO A QUALIFIED NEWSPAPER.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.221

- CLASSIFIED PERSONNEL -

Salaries

The Board shall approve salary schedules for all employees based on job qualifications, duties, and responsibilities for each position.

HOURLY OR SALARY BASIS

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

WORK DAY/WORK WEEK

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

QUALIFICATIONS

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

DETERMINATION OF EXPERIENCE

Upon initial employment or transfer of a classified employee, the Superintendent shall determine experience credit to be granted from any previous employment consistent with applicable salary schedules adopted by the Board and in compliance with the Salary Placement Procedures.

~~LIST OF SALARIES~~

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

PAYROLL DISTRIBUTION

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

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

PAYROLL DEDUCTION

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

EXTRA SERVICES AND SUPPLEMENTARY PAY

The Board shall approve a schedule of compensation for extra services.

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

PERSONNEL

03.221

(CONTINUED)

Salaries

SENIORITY

Seniority shall be computed from the first compensable day of employment as a permanent employee in the District following the last break in service, if any.

OVERTIME

Approved overtime for hourly employees over forty (40) hours shall be paid at one and one-half (1½) times the normal hourly rate of pay as authorized.

REFERENCES:

KRS 78.615; KRS 160.291; KRS 161.011

KRS 337.070; KRS 337.285; KRS 424.120; ~~KRS 424.220~~

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

Fair Labor Standards Act

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

RELATED POLICY:

03.2211

LEGAL: 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

Classified employees may be subject to the following actions, to include, but not limited to:

1. Oral warning or reprimand by Superintendent/designee
2. Written warning or private reprimand by Superintendent/designee
3. Disciplinary probation status imposed by Superintendent/designee
4. Reassignment (temporary or permanent) by Superintendent
5. Public reprimand by Superintendent/designee
6. Suspension without pay by Superintendent
7. Nonrenewal by Superintendent
8. Dismissal (termination of contract) by Superintendent

The Superintendent may terminate a classified employment contract pursuant to the provisions of KRS 161.011.

ACTIONS WHICH MAY REQUIRE HEARING PROCEDURES

The Superintendent may 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 Superintendent. The Superintendent shall notify the Board at the first meeting following a reassignment, suspension without pay, nonrenewal or termination and such notification shall be recorded in the Board minutes. An employee may also be issued a public or private reprimand.

CAUSES FOR ACTION

Any classified employee may be subject to appropriate disciplinary action for one (1) or more of the following reasons:

1. Dishonesty, neglect of duty, incompetence, inefficiency or insubordination.
2. Reporting to work under the influence of or use or possession of alcohol or controlled substances while on duty, or the illegal use or possession of controlled substances at any time.
3. Unsatisfactory evaluation of any factor on the employee's performance evaluation report.
4. Repeated unexcused absence, tardiness, absence without notification or abuse of sick leave.

Discipline, Suspension and Dismissal of Classified Employees

CAUSES FOR ACTION (CONTINUED)

5. Violation of or refusal to obey local policies or state regulations adopted by the Kentucky Board of Education or by the Board.
6. Failure to notify the Superintendent 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.
7. Refusal to comply with safety directives.
8. Falsifying information supplied to the District including information on application forms, absence reports, or any other information.
9. Violation of local policy, state, or federal statutes or regulations that apply to assigned duties.
10. Being convicted of or entering an “Alford” plea, guilty plea or plea of nolo contendere to crimes, including but not limited to, sexual misconduct, drugs, alcohol, violent crime, illegal transaction with a minor or any felony offense.
11. Immorality, misconduct, or conduct unbecoming a school employee.
12. Loss of licensure or certification required for the position.
13. Failure to maintain the confidentiality of information about students or staff obtained in the course of employment, unless disclosure serves a legitimate job-related purpose or is required by law.
14. 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.
15. Physical or mental disability, consistent with applicable laws protecting employees with disabilities.¹

DUE PROCESS PROVISIONS

Negotiated agreements with recognized employee organizations shall provide due process procedures. The Superintendent shall develop due process procedures for employees exempt from representation.

Employees shall act in compliance with District Ethics Guidelines at all times.

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

PERSONNEL

03.27

(CONTINUED)

Discipline, Suspension and Dismissal of Classified Employees

REFERENCES:

¹Americans 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
07.162; 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

The District may use substitute teachers in accordance with state law and Kentucky Administrative Regulations. Substitute teachers shall have the same authority as the teacher while engaged for services in the place of the regularly assigned teacher.

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 policies 03.11 and 03.111. 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>

SUBSTITUTE LIST

The Superintendent or designee shall maintain a list of qualified substitute teachers. The Superintendent or designee shall engage substitutes from this list. Refusal of assignment as a substitute shall be documented, along with any reason provided.

RETIRED TEACHERS

Retired teachers and administrators may be reemployed as a part-time, temporary, or substitute teacher in accordance with applicable state law, Kentucky Administrative Regulations and requirements of the Teachers' Retirement System.

TEACHERS ON LEAVE

Teachers on leave of absence may not substitute teach in the District, except for those who qualify for educational/professional or child rearing/adoption leave.

Paid leaves of absence and other benefits reserved for full-time regular employees are not applicable to part-time classified, temporary, seasonal and substitute employees.

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 Superintendent 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. Seniority and rights to reassignment and/or re-employment shall not accrue as a result of service in any part-time classified, temporary, seasonal or substitute staff assignment.

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

PERSONNEL

03.4

(CONTINUED)

Substitute Teachers

EMPLOYMENT NOTIFICATION

References are required which will be reviewed as part of the decision to employ or re-employ. References will include former and current supervisors.

Each year, substitute teachers on the District's 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.

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 POLICIES:

03.11;~~03.111~~; 03.121

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

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 defined as adults who assist teachers, administrators, or other staff in public school classrooms, schools, or District programs and who do not receive compensation for their assistance. Volunteers are encouraged to use their time and effort to support school and District programs. The Superintendent shall develop procedures that encourage volunteers to assist in school and/or District 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.

Classified hourly employees shall not be permitted to volunteer for duties related to their primary job.

SUPERVISION OF VOLUNTEERS

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 District on a scheduled and/or continuing basis shall be provided with the same liability insurance coverage as a District 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

The District shall conduct, at District expense, 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.

Pursuant to KRS 160.380, the Superintendent/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 Superintendent/designee, the background checks will be conducted at District expense.

The required criminal records check shall be repeated every five (5) years for continuing volunteers.

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 Superintendent/designee, and the volunteer has undergone the required records check. The Superintendent 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.

Volunteers

RECORDS CHECK (CONTINUED)

[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>

BASIS FOR DISQUALIFICATION

The Superintendent/designee shall have the authority to disqualify any individual from participating in school and/or District programs as a volunteer.

Applicants with the following convictions shall not be authorized to volunteer:

1. Any conviction for sex-related offenses;
2. Any conviction for offenses against minors;
3. Any conviction for felony offenses except as provided in number 5 below;
4. Any conviction for deadly weapon-related offenses;
5. Any conviction for drug-related offenses, including felony drug offenses, within the past seven (7) years;
6. Any conviction for violent, abusive, threatening or harassment related offenses;
7. Other convictions determined by the Superintendent/designee to bear a reasonable relationship to the ability of the applicant to serve as a volunteer.

Volunteers shall immediately notify the school Principal or the Volunteer Talent Center if they are convicted of or plead guilty to one of the criminal offenses listed above.

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 the time of employment or within the past twelve (12) months, whichever is the more recent.

TRANSPORTATION OF STUDENTS

Volunteers who transport students shall annually complete a Volunteer Auto Insurance Affidavit and shall provide the Superintendent/designee with a copy of their driving record from the Kentucky Department of Transportation. Any traffic citation received during the year or any loss of the volunteer's auto liability insurance shall be reported to the Superintendent/designee prior to transporting students.

ORIENTATION

The Superintendent/designee shall develop orientation materials and procedures to be provided to all volunteers in the District. These materials shall include, but not be limited to, pertinent policies and safety and emergency procedures.

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

PERSONNEL

03.6

(CONTINUED)

Volunteers

REFERENCES:

¹KRS 161.148

KRS 160.380

KRS 161.044

RELATED POLICIES:

03.5; 08.113; 08.1131

LEGAL: SB 236 (2017) AMENDED KRS 160.380 TO GENERALLY REQUIRE A CONTRACTOR WHO WORKS ON SCHOOL PREMISES DURING SCHOOL HOURS WHEN STUDENTS ARE PRESENT TO SUBMIT TO A NATIONAL AND STATE CRIMINAL 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. THE SUPERINTENDENT MAY REQUIRE A CONTRACTOR WHO DOES NOT HAVE CONTACT WITH STUDENTS TO SUBMIT TO THE BACKGROUND CHECK AND TO PROVIDE THE LETTER. SB 101 (2018) HAS AN EMERGENCY CLAUSE MAKING THE AMENDMENTS CURRENTLY EFFECTIVE
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

FISCAL MANAGEMENT

04.32

Purchasing

AUTHORITY

The Kentucky Model Procurement Code contains specific provisions in KRS 45A.345 to 45A.460 that may be adopted by local public agencies, including local boards of education. The Board has adopted the local public agency provisions of the Code. KRS 45A.343 provides that no other statutes governing purchasing shall apply to the local public agency upon adoption of these provisions. The Board has adopted procurement regulations, not inconsistent with the local public agency provisions, as permitted by KRS 45A.360. The Superintendent shall develop procedures for the implementation of the local public agency provisions of the Code and the Board's procurement regulations.

GENERAL PURCHASING REQUIREMENTS

All contracts and purchases shall comply with the local public agency provisions of the Code and the Board's procurement regulations. All contracts and purchases shall be made through competitive sealed bidding¹ or competitive negotiation, both of which may include the use of a reverse auction, unless the purchase or contract satisfies the requirements for noncompetitive negotiation or small purchases.

ETHICAL STANDARDS

To avoid conflicts that may arise during the decision-making process for procurement of services and products for the District, employees shall adhere to the ethical standards set out in KRS 45A.455 and the Board's procurement regulations.

FEDERAL AWARDS/CONFLICT OF INTEREST

No employee, officer, or agent of the District may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.³

The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. In determining whether an activity constitutes an impermissible acceptance of a gratuity or item of monetary value, "gratuity" means a payment, loan, subscription, advance, deposit of money, services, or anything of more than twenty-five dollars (\$25.00) in value, present or promised, unless consideration of substantially equal or greater value is received. Violation of these standards may result in disciplinary action including, but not limited to, suspension, dismissal, or removal.

PREFERENCE FOR RESIDENT BIDDERS

For all contracts funded in whole or in part by the District, the Board shall apply the reciprocal preference for resident bidders required by law. Geographical preferences relating to school nutrition service purchases may be utilized only as permitted by applicable federal law.²

Purchasing

EXEMPTIONS

Federal regulatory requirements do not provide a bidding exception for purchase of perishables using school nutrition service funds. Such purchase must follow applicable federal regulations.³

BACKGROUND CHECK FOR CONTRACTORS

The Superintendent shall require ~~that~~ a contractor who works on school premises during school hours ~~when students are present~~ to submit, at no expense to the District, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation and 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 in keeping with KRS 160.380.

The Superintendent may require ~~that~~ a contractor who does not have contact with students to submit, at no expense to the District, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation and 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. These provisions shall become part of the contractual obligation of the contractor and shall be reflected in the bid specifications, or, if the contract is not subject to bid requirements, in the negotiations with the contractor.

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>

“Contractor” shall refer to any adult who is permitted access to school grounds pursuant to a current or prospective contractual agreement with the school, school board, school district, or school-affiliated entity, at times when students are present. The term “contractor” includes an employee of a contractor.⁴

REFERENCES:

¹Includes the State Bid List

²KRS 160.303; 200 KAR 5:400; KRS 45A.494

³2 C.F.R. 200.318

⁴KRS 160.380

KRS 156.076; KRS 160.290

KRS 45A.070; KRS 45A.343; KRS 45A.345; KRS 45A.352; KRS 45A.360; KRS 45A.370

KRS 45A.380; KRS 45A.385; KRS 45A.420; KRS 45A.445; KRS 45A.455

KRS 45A.460; KRS 45A.620

KRS 65.027; KRS 160.151; KRS 162.070; KRS 164A.575; KRS 176.080

OAG 79-501; OAG 82-170; OAG 82-407

Kentucky Educational Technology Systems (KETS)

RELATED POLICIES:

05.1; 06.4; 07.13

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

LEGAL: HB 366 AMENDS KRS 160.463 TO INCLUDE INFORMATION FOR PUBLICATION OF ANNUAL FINANCIAL REPORT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 200 (BUDGET BILL) INCLUDES INFORMATION FOR A FINANCIAL REPORT TO BE PREPARED AND PRESENTED TO THE LEGISLATIVE RESEARCH COMMISSION AND THE KENTUCKY DEPARTMENT OF EDUCATION BY DECEMBER 1 OF EACH FISCAL YEAR FOR THE PREVIOUS FISCAL YEAR.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

FISCAL MANAGEMENT

04.91

Financial Statements and Reports

Financial reports and statements shall be developed on a regular schedule in order to meet legal requirements and to keep the Board informed of the status of the District's fiscal affairs. The Superintendent shall cause financial statements and annual financial reports to be produced and reported in accordance with ~~KRS 424.220~~KRS 160.431 and KRS 160.463. Annual financial reports shall be posted on the District website as required by law.

Once the Board has approved the annual financial statement, it shall be posted on the District web site and advertised as required by law.

The finance officer shall present a monthly financial report for Board approval to include the previous month's revenues and expenditures of the District. Financial reports shall be posted on the District website as required by law.

As required by HB 200/EN (2018 RS) for the 2018-2020 Fiscal Biennium, the Executive Branch Budget for the Commonwealth of Kentucky, for fiscal year 2018-2019 and fiscal year 2019-2020, The District shall submit a report to the Legislative Research Commission and the Kentucky Department of Education no later than December 1 of each fiscal year for the past fiscal year. The report shall include the following:

1. All expenses charged to Instruction, Student Support Services, Instructional Staff Support Services, District Administrative Support Services, School Administrative Support Services and Business Support Services delineated by the relevant subfunction codes, for the previous fiscal year;
2. A comparison of the previous fiscal year's expenses as detailed in #1 with the same expenses in the preceding fiscal year;
3. A detailed section explaining steps to reduce administrative expenditures while maintaining and expanding instructional expenditures; and
4. A copy of the District's policy for maintaining a reserve fund balance in compliance with appropriate government and accounting standards.

REFERENCES:

KRS 160.431

KRS 160.463

~~KRS 424.220~~

2018 Budget Bill

Governmental Accounting Standards Board

RELATED POLICY:

04.1

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

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 of Facilities

The Superintendent/designee shall develop procedures to protect, to the extent possible, students and employees from criminal acts while they are on school property and to implement a plan to promote the reasonable security of District property.

Restitution shall be sought, whenever possible, for damaged, lost, stolen or vandalized school property.

RESPONSIBILITY

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

REFERENCE:

KRS 158.162

RELATED POLICIES:

05.21

05.4

09.421

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

LEGAL: THIS CLARIFIES THAT THE PRINCIPAL OR DESIGNEE SHALL HAVE AUTHORIZATION TO PERMIT A STUDENT TO BE DISCHARGED AT A LOCATION OTHER THAN THE REGULAR BUS STOP.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TRANSPORTATION

06.33

Regular Bus Stops

DISCHARGE OF PUPILS

The bus driver shall discharge pupils at their regularly scheduled stops only, except with written authorization from the Principal/designee to discharge a pupil at another location.¹ Preschool students shall be transported in accordance with applicable regulations.²

The Principal/designee shall have authorization from a child's parents before permitting discharge at a location other than the regular stop.

EXCEPTION

The driver may discharge a pupil for disciplinary reasons in accordance with Policy 06.34 of this manual and with 702 KAR 5:080.¹

REFERENCES:

¹702 KAR 5:080

²702 KAR 5:150

KRS 158.110

KRS 189.370

KRS 189.375

KRS 189.540

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

CURRICULUM AND INSTRUCTION

08.1341

Essential Workplace Programs

INDICATORS

Beginning with the 2019-2020 school year, the District 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;
- c) Initiative, including taking appropriate action when needed without waiting for direct instruction;
- 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;
- e) Reliability, including showing up on time, wearing appropriate attire, self-control, motivation, and ethical behavior;
- f) Remaining drug free; and
- 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.

The District 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.

ATTAINMENT

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.

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

CURRICULUM AND INSTRUCTION

08.1341

(CONTINUED)

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 District's essential work ethics programs and their implementation at each school.

REFERENCE:

KRS 158.1413

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

LEGAL: THIS REVISES POLICY TO CONFORM WITH THE EVERY STUDENT SUCCEEDS ACT (ESSA),
UNIFORM GUIDANCE, AND UPDATES REFERENCES TO SUCH.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.1345

Federal ProgramsFunding

The ~~DistrictBoard~~ may participate in federal programs which in the judgment of the administrative staff shall be beneficial to the total school program. All projects written to secure federal funds shall be on the recommendation of the Superintendent and approval of the Board.

In keeping with the requirements of the Every Student Succeeds Act (ESSA)~~ESSIA¹ and~~
~~EDGAR²~~, the ~~DistrictBoard~~ shall provide the Kentucky Department of Education with a written
~~assures~~assurance that the District has established and implemented:

1. A District-wide salary schedule~~which applies to all instructional personnel;~~
2. A policy to ensure Equivalence among schools in teachers, administrators, and other
~~staff~~auxiliary personnel; and
3. A policy to ensure Equivalence among schools in the provision of curriculum materials
and instructional supplies~~;~~ and
4. ~~Parental consultation in project planning, implementation and evaluation.~~

The ~~DistrictBoard~~ shall comply with all federal and state certification requirements, including those for alcohol and drug abuse education and prevention programs.

REFERENCES:

~~¹Elementary and Secondary School Improvement Amendments~~

~~²Education Department General Administrative Regulations~~

~~20 USCA, Sec. 3801, et. seq.~~

~~704 KAR 3:292~~

~~34 C.F.R. 200.53 Parts 75, 76, and 98~~

~~P. L. 101-226~~

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

RELATED POLICIES:

01.11

03.13251; 03.23251

04.92

09.423

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

RECOMMENDED: THIS CLARIFIES THAT TO BE CONSISTENT WITH FERPA NOT ALL FAMILY MEMBERS HAVE ACCESS TO INDIVIDUAL TEST RESULTS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.13451

Title I - Parent and Family Engagement Policy

MEANING OF THE TERM “PARENTS AND FAMILY” WITHIN THIS POLICY

Within this policy, the term “parents and family” is inclusive of adults who interact with the District in support of their child, which generally, includes biological, adoptive, and foster parents; grandparents; legal and informal guardians; and adult siblings. This policy shall not be construed to authorize the disclosure of personally identifiable information relating to an individual student as protected under FERPA and KFERPA other than to the parent(s) or eligible student unless there is a valid consent, an exception applies, or disclosure is otherwise required by law.

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

EXPECTATIONS FOR PARENT AND FAMILY ENGAGEMENT

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

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

The Title I program shall be designed to assist students to acquire the capacities and achieve the goals established by law, as well as the goals and standards established by the Board. Consistent with law and policy covering student records confidentiality, ~~T~~hese goals and standards shall be shared with parents and family in a manner that will give them: (1) timely information about programs; (2) a description and explanation of the school's curriculum, the forms of academic assessment used to measure student progress, the achievement levels in the challenging state academic standards; the achievement level of their child (to the parent(s) only) on the challenging state academic standards assessments; and (3) if requested by the parent(s), opportunities for regular meetings to formulate suggestions and to participate in decisions relating to the education of their children.

SUPPORT FOR PROGRAM

If the District's Title I allocation is \$500,000 or more, the District shall reserve not less than one per cent (1%) of its allocation for the purpose of promoting parent and family engagement and shall distribute to Title I schools not less than ninety percent (90%) of the reserved funds. Parents and family of participating students shall be provided the opportunity to help decide how this portion of the Title I funds will be allotted for parent and family engagement activities.

Title I - Parent and Family Engagement Policy

SUPPORT FOR PROGRAM (CONTINUED)

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

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

SCHOOL POLICY

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

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

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

CURRICULUM AND INSTRUCTION

08.13451

(CONTINUED)

Title I - Parent and Family Engagement Policy

RECEIVING AND RESOLVING COMPLAINTS

The District shall establish a written procedure for a parent, family member, or other individual to submit a complaint alleging a violation of Title I, Part A. The written procedure shall be available on the District Website, and upon request from a school or the District Title I office.

REFERENCES:

Section 1118 of Improving America's Schools Act (IASA) of 1994

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

KRS 157.077; KRS 158.645, KRS 158.6451

KRS 158.865; KRS 158.866; KRS 158.867

Family Educational Rights and Privacy Act of 1974 (20 U.S.C. § 1232g, as amended)

Kentucky Family Education Rights and Privacy Act (KRS 160.700, et seq., as amended)

20 U.S.C. § 6318; 34 C.F.R. § 200.28; 34 C.F.R. § 299.12;

704 KAR 3:365.

RELATED POLICIES:

03.112; 08.1345; 09.11; 09.14

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

LEGAL: SB 73 (2018) AMENDS KRS 158.070 TO ALLOW FOR APPOINTMENTS TO THE CALENDAR COMMITTEE IN ADDITION TO THOSE LISTED BELOW

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.3

School Calendar

CALENDAR COMMITTEE

1. ~~Beginning with the 2018-2019 school year, t~~The Board, upon recommendation of the Superintendent, shall annually appoint a District Calendar Committee to review, develop, and recommend school calendar options.
2. The District Calendar Committee shall consist of at least the following:
3. One (1) District Principal;
4. One (1) District office administrator other than the Superintendent;
5. One (1) local Board member;
6. Two (2) parents of students attending a school in the District;
7. One (1) District elementary teacher;
8. One (1) District middle or high teacher;
9. Two (2) District classified employees; and
10. Two (2) community members from the local chamber of commerce, business community, or tourism commission

DEVELOPMENT OF CALENDAR

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

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

The meetings may be regular or special.

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

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

School Calendar

DEVELOPMENT OF CALENDAR (CONTINUED)

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

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

ADDITIONAL REQUIREMENTS

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

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

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

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

School Calendar

CALENDAR OPTIONS

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

A variable student instructional year means at least one thousand sixty-two (1,062) hours of instructional time delivered on the number of student attendance days adopted by the Board which shall be considered proportionally equivalent to one hundred and seventy (170) student attendance days and calendar days for the purposes of a student instructional year, employment contracts that are based on the school term, service credit under KRS 161.500, and funding under KRS 157.350.¹

AMENDING THE CALENDAR

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

EMERGENCY WAIVERS

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

REFERENCES:

KRS 157.350; KRS 158.070; KRS 161.500
KRS 2.190; KRS 118.035
KRS 157.320; KRS 157.360
KRS 158.6453
02 KAR 7:130; 702 KAR 7:140

RELATED POLICIES:

01.42; 08.31

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

LEGAL: KRS 160.1592 PROHIBITS A LOCAL SCHOOL DISTRICT FROM ASSIGNING OR REQUIRING ANY STUDENT ENROLLED IN THE LOCAL SCHOOL DISTRICT TO ATTEND A PUBLIC CHARTER SCHOOL.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.11

School Attendance Areas

ASSIGNMENT OF STUDENTS TO SCHOOLS

Each student enrolled in the District shall be required to attend the school assigned by the Board.

The Board may revise attendance zones from time to time.

No student may be assigned to or required to attend a charter school by the District.

REQUESTS FOR TRANSFER

Requests for transfer to another school within the District shall be considered pursuant to procedures developed by the Superintendent. All decisions by the Superintendent/designee regarding transfer shall be final.

In addition, the District may permit students to transfer to another school as set forth in the Every Student Succeeds Act of 2015.¹

REFERENCES:

¹P. L. 114-95, (Every Student Succeeds Act of 2015); 20 U.S.C. § 6301 et seq.

KRS 160.1592

McKinney-Vento Act, 42 U.S.C. 11431 et seq.; 20 U.S.C. § 7912(a)

34 C.F.R. 200.44

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

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 pursuant to the original written instructions provided by the parent/guardian.

Unless the school has been informed and given evidence of a state law or court order concerning the status of the student, both parents shall have the right to release of the student under their care.

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.

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

STUDENTS

09.1231
(CONTINUED)

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 v~~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, the Board 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:

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

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

LEGAL: 902 KAR 2:060 REQUIRES A CURRENT IMMUNIZATION CERTIFICATE FOR HOME-SCHOOLED STUDENTS WHO ARE ATTENDING IN-SCHOOL CLASSES OR PARTICIPATING IN SPORTS OR OTHER SCHOOL SPONSORED EXTRA-CURRICULAR ACTIVITIES. ADDITIONALLY, CERTIFICATES MAY NO LONGER HAVE HANDWRITTEN INFORMATION. PARENT/GUARDIANS MUST SUBMIT IMMUNIZATION CERTIFICATES TO THE SCHOOL PER THE SCHEDULE LISTED BELOW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.211

School Health Requirements

IMMUNIZATIONS

A valid immunization certificate shall be on file within two (2) weeks of a student's enrollment in school.^{1, 2 & 4} Forms relating to exemptions from immunization requirements shall be available at each school. Immunizations/exemptions shall be reported on the state-required forms. Students enrolling in Head Start or State Funded Pre-K programs will not be placed without a current immunization certificate.

A current immunization certificate shall be required for home-schooled students prior to attending one (1) or more in-school classes or participating in sports or other school-sponsored extra-curricular activities.

Immunization certificates shall be kept current.¹

The parent/guardian shall provide a current immunization certificate at enrollment in a day care center, kindergarten, seventh grade, eleventh grade, and for the 2018-2019 school year for twelfth grade; new enrollment at any grade resulting from transfer; upon legal name change; and at a school required examination pursuant to 702 KAR 1:160.

As required by Kentucky Administrative Regulation, all pupils shall undergo preventive student health care examinations within one (1) year prior to the student's initial admission to school and again upon entry into sixth grade. The results shall be submitted to the school within two (2) months of enrollment. Results of the examinations shall be reported on the state-required form or an electronic medical record that includes all of the data equivalent to that on the Preventive Student Health Care form.

DENTAL EXAM

A dental screening or examination shall be required for five (5) and six (6) year old students enrolling in the District and shall be submitted no later than January 1 of the first year that the student is enrolled in the District. This is a one-time requirement. Results of the examination shall be reported on the state-required form or an electronic medical record that includes all of the data equivalent to that on the Dental Screening/Examination Form for School Entry.

VISION EXAM

A vision examination performed by an optometrist or ophthalmologist shall be required for three (3), four (4), five (5) or six (6) year old students enrolling in the District and shall be submitted no later than January 1 of the first year that the student is enrolled in the District. This is a one-time requirement. Results of the examination shall be reported on the state-required form or an electronic medical record that includes all of the data equivalent to that on the Kentucky Eye Examination Form for School Entry.

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

STUDENTS

09.211

(CONTINUED)

School Health Requirements

REFERENCES:

¹KRS 156.160; 702 KAR 1:160

²KRS 214.036; KRS 214.034

³902 KAR 2:090

⁴~~902 KAR 2:060~~; KRS 158.035

~~902 KAR 2:060~~; OAG 82-131

Health Services Reference Guide, Kentucky Department of Education

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

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

RELATED POLICIES:

09.121

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

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

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 the Board.

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

HEALTH SERVICES TO BE PROVIDED

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, nurse practitioner or registered 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, the District will maintain proof that the employee has completed the required training provided by Health Services in accordance with the Kentucky Department of Education (KDE) requirements or as allowed under KRS 158.838.

SAFETY PROCEDURES

All students shall receive annual instruction in school bus safety.

The Superintendent 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.

STUDENTS

09.22

(CONTINUED)

Student Health and Safety

SUICIDE PREVENTION

Beginning with the 2018-2019 school year, and every other year thereafter, All middle and high school teachers, principals, and guidance counselors shall ~~annually~~ complete a minimum ~~one of two~~ (12) hours of ~~training on high-quality~~ suicide prevention 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 District 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 158.838

702 KAR 5:030

RELATED POLICY:

09.2241

LEGAL: HB 1 (2018) 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 Superintendent/designee who shall also promptly report to the proper authorities for investigation.

Only agencies designated by law are authorized to conduct an investigation of a report of alleged child abuse. Therefore, the District 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 the District, 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 the District that are submitted to authorities in compliance with the child abuse law are educational records and subject to inspection by the parents of the alleged victim of child abuse. Whether the records are considered "internal records", and not maintained with the students' "permanent records", is immaterial if such records are directly related to students and are maintained by the school or school District.

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

OTHER

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

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

STUDENTS

09.227
(CONTINUED)

Child Abuse

REFERENCES:

¹KRS 600.020 (1)(15)

²KRS 620.030; KRS 620.040

³OAG 85-134; OAG 92-138

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

RELATED POLICIES:

09.1231; 09.3; 09.31; 09.42811; 09.4361; 10.5

YELLOW HIGHLIGHTS = Recommended changes from JCPS General Counsel

BLUE HIGHLIGHTS = Recommended changes from JCPS Staff

LEGAL: KRS 160.1592 REQUIRES STUDENTS ENROLLED IN A PUBLIC CHARTER SCHOOL THAT DOES NOT OFFER INTERSCHOLASTIC ATHLETIC ACTIVITIES ARE TO BE ELIGIBLE TO PARTICIPATE IN THAT ACTIVITY AT THE DISTRICT SCHOOL OF THE STUDENT'S RESIDENCE.

FINANCIAL IMPLICATIONS: POTENTIAL INCREASED COSTS FOR THE DISTRICT ATTRIBUTABLE TO ATHLETIC PARTICIPATION

STUDENTS

09.313

Eligibility (Athletics)

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

District standards for playing up from middle school (grades seven and eight [7 & 8]) to high school in sports other than football and soccer may include, but are not limited to, considerations related to safety, physical readiness, use of school space after the school day, transportation, funding, the student's disciplinary status and record, any substance testing restrictions, equitable opportunities for participation, and harmonizing any conflicting school-based decision making ("SBDM") requirements. SBDM Council policies apply to the selection of sports activities, and student participation based on academic qualifications and attendance requirements, program evaluation, and supervision.¹

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

STUDENT TRANSFERS

After enrolling in any Jefferson County Public High School, any student who is granted a transfer will be ineligible for athletic participation, regardless of prior participation, for one calendar year from date of transfer. This rule is in addition to the KHSAA Transfer Rule.

CHARTER SCHOOL STUDENTS

A student enrolled in a public charter school that offers any interscholastic athletic activity shall be ineligible to participate in interscholastic activities at any other school. Subject to applicable law, regulations, and bylaws (e.g. KHSAA, Title IX) and the terms of the charter contract, students who are enrolled in a charter school that does not offer any interscholastic athletic activities sanctioned by the KHSAA shall be eligible to participate in such activities at the District school of that student's residence.

REFERENCES:

¹KRS 160.345

KRS 156.070; **KRS 160.1592**

702 KAR 7:065; OAG 15-022

Kentucky High School Athletic Association (KHSAA)

RELATED POLICIES:

02.4241

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

09.423