

## **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.<sup>1</sup>

### **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.

### **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.

**DEFINITIONS****CHILDREN AND YOUTH WITH DISABILITIES**

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

**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).

**DATING RELATIONSHIP**

A dating relationship is defined as a relationship between individuals who have a relationship of a romantic or intimate nature. It does not include a casual acquaintanceship or ordinary fraternization in a business or social context. The following factors may be considered by the Superintendent or designee in addition to any other relevant factors in determining whether the relationship is of a romantic or intimate nature:

- (a) Declarations of romantic interest;
- (b) The relationship is characterized by the expectation of affection;
- (c) Attendance at social outings together as a couple;
- (d) The frequency and type of interaction between the persons, including whether the persons have been involved together over time and on a continuous basis during the course of the relationship;
- (e) The length and recency of the relationship; and
- (f) Other indications of a substantial connection that would lead a reasonable person to understand that a dating relationship exists.

**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:**

<sup>1</sup>[KRS 157.320](#); [102 KAR 001:036](#); [702 KAR 001:035](#)  
[KRS 158.144](#); [KRS 160.290](#); [KRS 160.340](#); [KRS 160.345](#)  
[KRS 161.1590](#)

KRS 405.028

701 KAR 008:010; 701 KAR 008:020; 701 KAR 008:030; 701 KAR 008:040

702 KAR 006:010; 702 KAR 006:020; 702 KAR 006:040

702 KAR 006:045; 702 KAR 006:075; 702 KAR 006:090

Adopted/Amended: 8/7/2018

Order #: 2018-177

## **Management**

### **STANDARDS OF PERSONNEL MANAGEMENT**

For purposes of this policy, 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.

Supervisors shall observe the following standards in providing direction to employees under their supervision:

1. Supervisors shall endeavor to establish an atmosphere of cooperation and professional courtesy.
2. Supervisors shall direct employees under their supervision in keeping with Board policies, administrative procedures and other legal requirements.
3. Supervisors shall assist employees in solving problems that arise in the workplace in a timely and supportive manner. This shall include providing information to help the employee to communicate to a higher level an employee's complaint, grievance or suggestion to improve performance of assigned tasks.
4. Supervisors shall monitor employee performance to document training needs and share this information with the Superintendent/designee.

Supervisors shall receive appropriate training to equip them to meet the standards in this policy.

Supervisors shall not have a dating relationship, as defined in Board Policy 01.0, with an employee they supervise. A supervisor who has a dating relationship with a person they supervise is subject to appropriate disciplinary action under the provisions of Board Policies 03.17 or 03.27, as applicable.

In addition, the Superintendent shall establish a process to monitor personnel management practices to include the opportunity for employees to communicate their concerns and recommendations about the working environment.

### **RELATED POLICIES:**

03.113/03.212  
03.132/03.232  
03.16/03.26  
03.162/03.262  
03.19/03.29

Adopted/Amended: 8/26/2013  
Order #: 2013-150

**- CERTIFIED PERSONNEL -****Assignment**

The assignment of all certified personnel shall be made by the Superintendent and shall be made in accordance with state law, Kentucky Administrative Regulations, and/or other legal agreements.<sup>1</sup> The Superintendent shall make all appointments, promotions, and transfers of certified personnel for positions authorized by the Board and, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. The Superintendent may designate Human Resources to provide notice of assignment. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

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

The Superintendent shall not assign the relative of a school Principal to the school where the Principal is assigned unless the relative is not the spouse and was employed in that school during the 1989-90 school year. No spouse of a Principal shall be assigned to the school where the Principal is assigned unless the spouse was assigned in that school during the 1989-90 school year and there is no other position in the District for which the spouse is certified. A Principal's spouse employed in the Principal's school shall be evaluated by another school administrator.<sup>1</sup>

No employee shall be assigned to a school, office, work group or other unit if the assignment would:

1. Cause a relative of such employee to be a supervisor of such employee; or
2. Cause such employee to supervise, or be supervised by, a person with whom such employee is in a dating relationship, as defined in Board Policy 01.0.

For purposes of this policy, a relative is defined as the employee's father, mother, brother, sister, husband, wife, son, 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. For purposes of this policy, 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 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 status of relative or the dating relationship to notify the Human Resources Department as soon as an assignment or employment status covered by 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 policy of all personnel assignments and shall make a final determination as to the appropriate action to implement this policy.

The Superintendent shall provide for an orientation and/or workshop before the employee assumes the new responsibilities.

The Superintendent shall not assign a certified employee to an alternative education program as defined in [KRS 160.380](#) as part of any disciplinary action pursuant to [KRS 161.790](#) or as part of a corrective action plan established pursuant to the District's evaluation plan.

**Assignment**

**REFERENCES:**

<sup>1</sup>[KRS 160.380](#); [OAG 76-360](#)  
[KRS 156.095](#); [KRS 158.060](#)  
[KRS 160.345](#); [KRS 160.390](#)  
[KRS 161.760](#); [KRS 161.790](#)  
[OAG 78-266](#); [OAG 91-28](#); [OAG 91-149](#); [OAG 92-1](#); [OAG 92-135](#); [OAG 11-001](#)

**RELATED POLICY:**

02.4244

Adopted/Amended: 8/11/2014  
Order #: 2014-125

**- CERTIFIED PERSONNEL -****Discipline/Nonrenewal/Resignation by Employee****TERMINATION AND NONRENEWAL**

The Superintendent shall exercise his/her power and authority to terminate or non-renew any employment contract in accordance with the limits set by law. The Principal/immediate supervisor shall provide the Superintendent with notice of recommended nonrenewals by March 15. Non-renewal of limited contracts of certified personnel shall be made no later than May 15, in compliance with the requirements of [KRS 161.750](#). The Superintendent shall, at the first meeting following the actions, notify the Board of terminations or non-renewals. Such notification shall be recorded in the Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

The termination of certified employment contracts shall be governed by the provisions of [KRS 161.790](#). A certified employee may be terminated for the following reasons:

1. Insubordination;
2. Immoral character or conduct unbecoming a teacher which may include being convicted of or entering an “Alford” plea, a 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;
3. Physical or mental disability; or
4. Inefficiency, incompetency, or neglect of duty.

For purposes of this Board Policy, “Insubordination” by an employee shall include engaging in a dating relationship, as defined in Board Policy 01.0, with an employee they supervise or who supervises them, after having failed to disclose the intention to enter into a dating relationship, or to give notice of the existence of a dating relationship, as applicable, as provided in this paragraph. An employee may avoid discipline under the provisions of this Board Policy if they disclose to their supervisor the intention to enter into a dating relationship with an employee they supervise or who supervises them, and request a reassignment prior to entering into the dating relationship. This grounds for termination shall apply even 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 a dating relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this policy exists or may exist. An employee may avoid discipline if they give such notice as soon as such an assignment or employment status exists or may exist. Any failure to give such notice shall result in disciplinary action.

Prior to notification of the Board, the Superintendent shall furnish the teacher with a written statement specifying in detail the charge against the teacher.<sup>1</sup>

The Superintendent shall develop procedures to afford employees due process as required by law.

**OTHER DISCIPLINARY ACTION**

The Superintendent may suspend a certified employee without pay. Such suspension shall not be effective prior to receipt of written notice of the action by the employee from the Superintendent. At the first meeting following the action, the Superintendent shall notify the Board of the action taken.<sup>2</sup> An employee may also be issued a public or private reprimand.

**Discipline/Nonrenewal/Resignation by Employee****RESIGNATION**

In compliance with [KRS 161.780](#), the Superintendent may accept resignations submitted to the District by its employees. This action by the Superintendent shall be subject only to notification of the Board.

**CODE OF ETHICS**

The Professional Code of Ethics for Kentucky School Certified Personnel provides that:

Section 1. Certified personnel in the Commonwealth:

1. Shall strive toward excellence, recognize the importance of the pursuit of truth, nurture democratic citizenship, and safeguard the freedom to learn and to teach;
2. Shall believe in the worth and dignity of each human being and in educational opportunities for all;
3. Shall strive to uphold the responsibilities of the education profession, including the following obligations to students, to parents, and to the education profession:

(a) To students:

1. Shall provide students with professional education services in a nondiscriminatory manner and in consonance with accepted best practice known to the educator;
2. Shall respect the constitutional rights of all students;
3. Shall take reasonable measures to protect the health, safety, and emotional well-being of students;
4. Shall not use professional relationships or authority with students for personal advantage;
5. Shall keep in confidence information about students which has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;
6. Shall not knowingly make false or malicious statements about students or colleagues;
7. Shall refrain from subjecting students to embarrassment or disparagement; and
8. Shall not engage in any sexually related behavior with a student with or without consent, but shall maintain a professional approach with students. Sexually related behavior shall include such behaviors 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.

(b) To parents:

1. Shall make reasonable effort to communicate to parents information which should be revealed in the interest of the student;
2. Shall endeavor to understand community cultures and diverse home environments of students;
3. Shall not knowingly distort or misrepresent facts concerning educational issues;
4. Shall distinguish between personal views and the views of the employing educational agency;



(CONTINUED)

**Discipline/Nonrenewal/Resignation by Employee****CODE OF ETHICS (CONTINUED)**

5. Shall not interfere in the exercise of political and citizenship rights and responsibilities of others;
6. Shall not use institutional privileges for private gain, for the promotion of political candidates, or for partisan political activities; and
7. Shall not accept gratuities, gifts, or favors that might impair or appear to impair professional judgment, and shall not offer any of these to obtain special advantage.

**(c) To the education profession:**

1. Shall exemplify behaviors which maintain the dignity and integrity of the profession;
2. Shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;
3. Shall keep in confidence information acquired about colleagues in the course of employment, unless disclosure serves professional purposes or is required by law;
4. Shall not use coercive means or give special treatment in order to influence professional decisions;
5. Shall apply for, accept, offer, or assign a position or responsibility only on the basis of professional preparation and legal qualifications; and
6. Shall not knowingly falsify or misrepresent records of facts relating to the educator's own qualifications or those of other professionals.

Section 2. Violation of this administrative regulation may result in cause to initiate proceedings for revocation or suspension of Kentucky certification as provided in [KRS 161.120](#) and [704 KAR 020:585](#).<sup>3</sup>

Employees who violate provisions of the Professional Code of Ethics for Kentucky School Certified Personnel may be subject to disciplinary action, up to and including termination.

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

**REPORTS TO EPSB**

The Superintendent shall comply with the reporting requirements of [KRS 161.120](#).

**REFERENCES:**

<sup>1</sup>[KRS 161.790](#)

<sup>2</sup>[KRS 160.390](#)

<sup>3</sup>[016 KAR 001:020](#)

[KRS 161.120](#); [KRS 161.750](#); [KRS 161.780](#)

Consolidated Omnibus Budget Reconciliation Act

[701 KAR 005:090](#)

[OAG 83-362](#); [OAG 92-135](#)

**RELATED POLICY:**

03.172

Adopted/Amended: 5/8/2018

Order #: 2018-98

**- CLASSIFIED PERSONNEL -****Assignment**

The assignment of all classified personnel shall be made by the Superintendent and shall be made in accordance with state law, Kentucky Administrative Regulations, and/or other legal agreements.<sup>1</sup> The Superintendent shall make all appointments, promotions, and transfers of classified personnel for positions authorized by the Board and, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. The Superintendent may designate Human Resources to provide notice of assignment. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

The Superintendent shall assign personnel only in positions for which they are qualified.

The Superintendent shall not assign the relative of a school Principal to the school where the Principal is assigned unless the relative is not the spouse and was employed in that school during the 1989-90 school year. No spouse of a Principal shall be assigned to the school where the Principal is assigned unless the spouse was employed in the 1989-1990 school year. A Principal's spouse employed in the Principal's school shall be evaluated by another school administrator.<sup>1</sup>

No employee shall be assigned to a school, office, work group or other unit if the assignment would:

1. Cause a relative of such employee to be a supervisor of such employee; or
2. Cause such employee to supervise, or be supervised by, a person with whom such employee is in a dating relationship, as defined in Board Policy 01.0.

For purposes of this policy, a relative is defined as the employee's father, mother, brother, sister, husband, wife, son, 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. For purposes of this policy, 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 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 status of relative or the dating relationship to notify the Human Resources Department as soon as an assignment or employment status covered by 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 policy of all personnel assignments and shall make a final determination as to the appropriate action to implement this policy.

The Superintendent shall provide for an orientation and/or workshop before the employee assumes the new responsibilities.

All assignments of employees shall be made in accordance with state law, Kentucky Administrative Regulations, and/or other legal agreements.

**Assignment**

The Superintendent shall not assign a classified employee to an alternative education program as defined in [KRS 160.380](#) as part of any disciplinary action pursuant to [KRS 161.011](#) or as part of a corrective action plan established pursuant to the District's evaluation plan.

**REFERENCES:**

<sup>1</sup>[KRS 160.380](#)  
[KRS 160.390](#); [KRS 161.011](#); [OAG 91-28](#); [OAG 92-1](#); [OAG 92-135](#)

Adopted/Amended: 8/11/2014  
Order #: 2014-125

**- 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.
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.

**Discipline, Suspension and Dismissal of Classified Employees****CAUSES FOR ACTION (CONTINUED)**

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.<sup>1</sup>
16. Engaging in a dating relationship, as defined in Board Policy 01.0, with an employee they supervise or who supervises them. An employee may avoid discipline under this reason for disciplinary action if they disclose to their supervisor the intention to enter into a dating relationship with an employee they supervise or who supervises them, and request a reassignment prior to entering into the dating relationship. This reason for disciplinary action shall apply even 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 a dating relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this policy exists or may exist. An employee may avoid discipline if they give such notice as soon as such an assignment or employment status exists or may exist. Any failure to give such notice shall result in disciplinary action.

**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.

**REFERENCES:**

- <sup>1</sup>Americans with Disabilities Act  
42 U.S.C. Section §12111 et seq.; KRS Chapter 344

[KRS 160.380](#); [KRS 160.390](#); [KRS 161.011](#)  
[OAG 76-290](#); [OAG 92-135](#), [OAG 96-3](#), [OAG 05-006](#)  
Consolidated Omnibus Budget Reconciliation Act

**RELATED POLICIES:**

03.212; 03.23251; 03.26; 03.271; 03.2711  
07.162; 09.14; 09.42811

Adopted/Amended: 8/7/2018  
Order #: 2018-177