

# Smoking Prohibition

LEGAL: HB 11 REQUIRES ALL LOCAL BOARDS, ON OR BEFORE JULY 1, 2020, TO ADOPT AND IMPLEMENT POLICIES THAT PROHIBIT THE USE OF ANY TOBACCO PRODUCT, ALTERNATIVE NICOTINE PRODUCT, OR VAPOR PRODUCT FOR ALL PERSONS AND AT ALL TIMES ON OR IN ALL PROPERTY OF THE BOARD, AND WHEN STUDENTS ARE PRESENT IN ANY SCHOOL-RELATED TRIP OR STUDENT ACTIVITY. THE POLICIES MUST ALSO PROVIDE FOR ADEQUATE NOTICE TO STUDENTS, PARENTS/GUARDIANS, EMPLOYEES, AND THE PUBLIC. IN ADDITION, THE POLICIES MUST REQUIRE SIGNAGE ON OR IN ALL PROPERTY INCLUDING ANY VEHICLE OWNED, OPERATED, LEASED, OR CONTRACTED FOR USE BY A LOCAL BOARD. SUCH SIGNAGE SHALL CLEARLY STATE THAT THE USE OF SUCH PRODUCTS IS PROHIBITED AT ALL TIMES AND BY ALL PERSONS ON OR IN THE PROPERTY. SCHOOL EMPLOYEES ARE REQUIRED TO ENFORCE THE POLICIES. NOTE THAT DISTRICTS HAVE THE OPTION TO OPT OUT OF THESE PROVISIONS WITHIN THREE (3) YEARS OF JUNE 27, 2019.

FINANCIAL IMPLICATIONS: COST OF SIGNAGE

PERSONNEL

03.1327

- CERTIFIED PERSONNEL -

### Use of Tobacco, Alternative Nicotine, or Vapor Products

#### USE OF TOBACCO, ALTERNATIVE NICOTINE, OR VAPOR PRODUCTS PROHIBITED

The use of any tobacco product, alternative nicotine product, or vapor product as defined in KRS 438.305 is prohibited for all persons and at all times on or in all property, including any vehicle, that is owned, operated, leased, or contracted for use by the Board and while attending or participating in any school-related student trip or student activity and is in the presence of a student or students.<sup>1</sup>

Adequate notice shall be provided to students, parents and guardians, school employees, and the general public.

Signage shall be posted on or in all property, including any vehicle that is owned, operated, leased, or contracted for use by the Board, clearly stating that the use of all such products is prohibited at all times and by all persons on or in the property.

School employees shall enforce the policy. A person in violation of this policy shall be subject to discipline or penalties as set forth by the Board.

~~Employee use of tobacco products and electronic cigarettes is prohibited in or on any property owned or operated by the Board and in Board-owned vehicles. When on duty away from school property, including field trips, employees are prohibited from using tobacco products and electronic cigarettes in the presence of students.~~

~~To accomplish this goal, the District shall:~~

- ~~1. Engage representatives of employee groups, students, parents and the community in implementing and monitoring this policy;~~
- ~~2. Identify smoking cessation programs;~~
- ~~3. Educate students, employees and visitors about this policy and available smoking cessation programs;~~
- ~~4. Explore partnerships with community organizations to promote this policy;~~
- ~~5. Develop a communications plan for this policy;~~
- ~~6. Develop a process for feedback and complaints regarding this policy.~~

~~The Superintendent/designee shall develop procedures for the implementation and enforcement of this policy with input and recommendations from the representatives listed above.~~

**Use of Tobacco, Alternative Nicotine, or Vapor Products**

**REFERENCES:**

<sup>1</sup>New Section of KRS 438

KRS 160.290; KRS 160.340

KRS 438.050; KRS 438.305

OAG 81-295

OAG 91-137

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

**RELATED POLICIES:**

03.2327; 05.31; 06.221; 09.4232; 10.5



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FINANCIAL IMPLICATIONS: COST OF SIGNAGE

PERSONNEL

03.2327

- CLASSIFIED PERSONNEL -

### Use of Tobacco, Alternative Nicotine, or Vapor Products

#### USE OF TOBACCO, ALTERNATIVE NICOTINE, OR VAPOR PRODUCTS PROHIBITED

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Adequate notice shall be provided to students, parents and guardians, school employees, and the general public.

Signage shall be posted on or in all property, including any vehicle that is owned, operated, leased, or contracted for use by the Board, clearly stating that the use of all such products is prohibited at all times and by all persons on or in the property.

School employees shall enforce the policy. A person in violation of this policy shall be subject to discipline or penalties as set forth by the Board.

~~Employee use of tobacco products and electronic cigarettes is prohibited in or on any property owned or operated by the Board and in Board owned vehicles. When on duty away from school property, including field trips, employees are prohibited from using tobacco products and electronic cigarettes in the presence of students.~~

~~To accomplish this goal, the District shall:~~

- ~~1. Engage representatives of employee groups, students, parents and the community in implementing and monitoring this policy;~~
- ~~2. Identify smoking cessation programs;~~
- ~~3. Educate students, employees and visitors about this policy and available smoking cessation programs;~~
- ~~4. Explore partnerships with community organizations to promote this policy;~~
- ~~5. Develop a communications plan for this policy;~~
- ~~6. Develop a process for feedback and complaints regarding this policy.~~

~~The Superintendent/designee shall develop procedures for the implementation and enforcement of this policy with input and recommendations from the representatives listed above.~~

**Use of Tobacco, Alternative Nicotine, or Vapor Products**

**REFERENCES:**

<sup>1</sup>[New Section of KRS 438](#)

[KRS 160.290](#); [KRS 160.340](#)

[KRS 438.050](#); [KRS 438.305](#)

[OAG 81-295](#); [OAG 91-137](#)

~~[702 KAR 5:080 \(32\)](#)~~

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

**RELATED POLICIES:**

[03.1327](#); [05.31](#); [06.221](#); [09.4232](#); [10.5](#)



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FINANCIAL IMPLICATIONS: COST OF SIGNAGE

## SCHOOL FACILITIES

05.31

### **Rental Application and Contract**

#### **CONDITIONS OF RENTAL**

All rental of school facilities is subject to the following conditions:

1. An official application shall be made to the Superintendent or the Superintendent's designee.
2. Rentals will be made only to responsible and organized groups, and responsible officers of that group must sign the application and the contract.
3. Conditions of that contract shall include:
  - a. Acceptance of responsibility by officials of the renting organization for any damage or loss resulting from the rental;
  - b. Agreement that renting organizations, and officers thereof, shall assume all liability for any personal injuries incurred during their use of the facilities and shall hold the Board harmless from any such claims against it;
  - c. Agreement to observe all fire and safety regulations;
  - d. Agreement that the use of any tobacco products, alternative nicotine product, or vapor product shall not occur on or in all property. within the building and that t~~The use of~~ alcoholic beverages is prohibited in school buildings or on school grounds;
  - e. Observance that no immoral or illegal activity shall be allowed on the premises;
  - f. The presence of a school custodian at all times. The hourly wage of the custodian(s) must be included in the contract along with the social security and retirement payments required by law. If the employee is employed beyond the normal 40-hour week that s/he works for the Board, overtime wages must be paid;
  - g. Agreement that no alterations to the buildings or grounds be made without prior approval;
  - h. Agreement that the renting party shall not sublease or reassign any portion of the building or item of equipment covered by the rental contract;
  - i. Agreement that school equipment shall not be a part of the rental contract unless specifically enumerated; and
  - j. Agreement to leave the facilities in as good a condition as before used.

**Rental Application and Contract**

**REFERENCES:**

KRS 162.055; KRS 438.050; KRS 438.305; New Section of KRS 438  
OAG 81-295  
P. L. 114-95, (Every Student Succeeds Act of 2015)

**RELATED POLICIES:**

03.1327; 03.2327; 06.221; 09.4232; 10.3; 10.5

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FINANCIAL IMPLICATIONS: COST OF SIGNAGE

TRANSPORTATION

06.221

### **Bus Drivers' Use of Tobacco and Other Substances**

#### **TOBACCO, ALTERNATIVE NICOTINE, OR VAPOR PRODUCTS**

The use of any tobacco product, alternative nicotine product, or vapor product as defined in KRS 438.305 is prohibited for all persons and at all times on or in all property, including any vehicle, that is owned, operated, leased, or contracted for use by the Board and while attending or participating in any school-related student trip or student activity and is in the presence of a student or students.<sup>1</sup>

Adequate notice shall be provided to students, parents and guardians, school employees, and the general public.

Signage shall be posted on or in all property, including any vehicle that is owned, operated, leased, or contracted for use by the Board, clearly stating that the use of all such products is prohibited at all times and by all persons on or in the property.

School employees shall enforce the policy.

~~Employee use of tobacco products and electronic cigarettes is prohibited in or on any property owned or operated by the Board and in Board-owned vehicles. While on the bus, bus drivers shall not use tobacco products or electronic cigarettes and shall not permit students to use tobacco products or electronic cigarettes. When on duty away from school premises, including field trips, bus drivers are prohibited from using tobacco products and electronic cigarettes in the presence of students.~~

#### **DEFINITIONS**

The following definitions apply for purposes of drug and alcohol testing required by federal and state law:

"Drugs" refers to controlled substances as prohibited by the Omnibus Act, including but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

"Alcohol" refers to the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including but not limited to, methyl and isopropyl. Alcohol use includes the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.



**Bus Drivers' Use of Tobacco and Other Substances****USE PROHIBITED**

All employees subject to commercial driver's license (CDL) requirements shall be prohibited from:

1. The use of any drugs, that may affect the employee's ability to safely drive a school bus or perform other job responsibilities;
2. The use of alcohol:
  - a. While on duty;
  - b. Four (4) hours before driving;
  - c. Eight (8) hours following an accident; or
  - d. Consumption resulting in prohibited levels of alcohol in the system.

**REQUIRED REPORTS**

- Drivers taking medication either by prescription or without prescription shall report to the immediate supervisor and shall not drive if that medication may affect the driver's ability to safely drive a school bus or perform other driver responsibilities.<sup>2</sup>
- Drivers shall immediately report to the Superintendent or designee any traffic violation specified in Kentucky Administration Regulation.<sup>2</sup>

**TESTING**

All covered applicants and employees shall be subject to pre-employment testing (controlled substances only), and reasonable suspicion, random and post-accident testing for drugs and alcohol. Return-to-duty and follow-up testing shall also be required.

All offers of employment with the District shall be made contingent upon testing results. An applicant who tests positive shall not be employed.

Current employees who test positive shall be subject to immediate disciplinary action up to and including dismissal in accordance with Board policy and administrative procedures. A school bus driver, substitute driver, school bus mechanic or anyone performing safety-sensitive pupil transportation duties who tests 0.02 percent or higher on the confirmation alcohol test immediately before, during, or immediately following the performance of these duties shall be relieved of these duties immediately. (Drivers found under the influence of alcohol or any illegal drugs while on duty or with remaining driving responsibilities that same day shall be dismissed from employment in accordance with Kentucky Administrative Regulation and Board policy and shall not be eligible for reemployment for five [5] years.)

Employees who test positive shall also be notified of referral services. Additionally, employees shall be subject to CDL prohibitions and penalties under the Omnibus Act and applicable Federal Motor Carrier Safety Regulations.

Applicants who refuse drug testing shall be eliminated immediately from employment consideration. Current employees who refuse to comply with testing requirements will be regarded as insubordinate and shall be subject to disciplinary action, up to and including dismissal.

**Bus Drivers' Use of Tobacco and Other Substances****TESTING (CONTINUED)**

Refusal to submit to an alcohol or controlled substance test means that the individual demonstrated noncompliance, including but not limited to the following actions:

- Failed to appear for any test within a reasonable period of time as determined by the employer and consistent with applicable Department of Transportation agency regulation;
- Failed to remain at the testing site until the testing process was completed;
- Failed to provide a sample specimen for any required test;
- Failed to provide a sample in an amount sufficient for testing without an adequate medical reason for the failure;
- Failed to undergo a medical examination as directed by the Medical Review Officer as part of the verification process for the previous listed reason;
- Failed or declined to submit to a second test that the employer or collector has directed the driver to take;
- Failed to cooperate with any of the testing process; and/or
- Adulterated or substituted a test result as reported by the Medical Review Officer.

**TESTING COSTS**

Pre-employment drug testing costs shall be paid for by the District. All current employee drug and alcohol testing including reasonable suspicion, random and post-accident testing costs shall be paid for by the District.

**MATERIALS TO BE PROVIDED**

The Superintendent/designee shall distribute educational materials to explain state and federal legal requirements for alcohol and controlled substance testing of CDL drivers and the District's policies and procedures to implement such testing. Materials shall meet content requirements of state and federal regulations and shall be distributed to each driver prior to the start of alcohol and controlled substances testing each year and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle. If the District recognizes an organization to represent bus drivers, the District shall provide written notice to representatives of the organization of the availability of this information.<sup>43</sup>

**REFERENCES:**

<sup>1</sup>KRS 438.050; KRS 438.305; New Section of 43849 C.F.R. Part 382

<sup>2</sup>702 KAR 5:080

<sup>3</sup>49 C.F.R. Part 382

~~KRS 438.050~~

Omnibus Employee Testing Act of 1991, Public Law 102-143, Title V

**Bus Drivers' Use of Tobacco and Other Substances**

**RELATED POLICIES:**

03.11; 03.13251; [03.1327](#); 03.17  
03.21; 03.23251; [03.2327](#); 03.27  
[09.4232](#); [10.5](#)



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FINANCIAL IMPLICATIONS: COST OF SIGNAGE

STUDENTS

09.4232

### **Use of Tobacco, Alternative Nicotine, or Vapor Products**

Students ~~shall not be permitted to use or possess~~ possession of any tobacco products, ~~in any form, alternative nicotine products, or vapor products (including electronic cigarettes) as defined in KRS 438.305 is prohibited on or in all Board property at all times in or on any property owned or operated by the Board, including any Board-owned vehicles, owned, operated, leased, or contracted for use by the Board and while attending or participating in any, and on school-related student-sponsored trips or student activity. In addition, student use or possession of tobacco products, alternative nicotine products, or vapor products (including electronic cigarettes) as defined in KRS 438.305 is prohibited in outdoor facilities owned or operated by the Board during all activities, including sporting events.~~

Adequate notice shall be provided to students, parents and guardians, school employees, and the general public.

Signage shall be posted on or in all property, including any vehicle that is owned, operated, leased, or contracted for use by the Board, clearly stating that the use of all such products is prohibited at all times and by all persons on or in the property.

School employees shall enforce the policy. Students who violate these prohibitions while under the supervision of the school shall be subject to penalties set forth in the Code of Acceptable Behavior and Discipline.

#### **REFERENCES:**

KRS 160.290; KRS 160.340; KRS 161.180

KRS 438.050; KRS 438.305; KRS 438.350; New Section of KRS 438

OAG 81-295; OAG 91-137

P. L. 1114-95, (Every Student Succeeds Act of 2015)

#### **RELATED POLICIES:**

03.1327; 03.2327; 05.31; 06.221; 10.5

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FINANCIAL IMPLICATIONS: COST OF SIGNAGE

## COMMUNITY RELATIONS

10.5

### Visitors to the Schools

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

#### **REGISTRANTS**

No registrant, as defined in KRS 17.500, nor any person residing outside of Kentucky who would be required to register under KRS 17.510 if the person resided in Kentucky, shall be on the clearly defined grounds of a District school, except with the advance written permission of the Principal or the Board that has been given after full disclosure of the person's status under KRS 17.510 as a registrant or sex offender from another state and all registrant information as required in KRS 17.500.

A registrant is defined as:

1. Any person eighteen (18) years of age or older at the time of the offense or any youthful offender, as defined in KRS 600.020, who has committed:
  - a. A sex crime; or
  - b. A criminal offense against a victim who is a minor; or
2. Any person required to register under KRS 17.510; or
3. Any sexually violent predator; or
4. Any person whose sexual offense has been diverted pursuant to KRS 533.250, until the diversionary period is successfully completed.

A registrant who is the parent/legal guardian, or the person designated by the parent/legal guardian to have access to a student, must request and receive prior permission from the Principal to come onto school grounds. The Principal shall determine whether the requesting registrant is permitted to come onto school grounds for the following reasons:

1. To pick up or drop off their child each day.
2. To pick up the child who is injured or ill.
3. To confer with school staff concerning academic, disciplinary or placement issues involving the student, including matters required by federal or state law.
4. To attend a school activity, including athletic practices and competition, in which the student is a participant.

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

5. To vote when the school has been designated as a polling place.

Depending on the facts of the particular request, the Principal's response options may include, but are not be limited to the following:

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

The Principal shall notify the Superintendent/designee of each request from a registrant and the response made to the registrant. If questions arise about a request, the Principal shall consult with the Superintendent concerning requests from registrants, and the Superintendent may seek further advice from the Board Attorney.

For all other reasons and for all individuals making a request other than parent/legal guardian/designee, the Principal shall consult with the Superintendent as the executive agent of the Board before making a final determination.

**CONDUCT/PROHIBITION ON RECORDING**

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

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

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

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

**ACCOMMODATION**

Visitors with disabilities shall be accommodated as required by law. Individuals requesting accommodation shall contact the District ADA/504 Coordinator for assistance and guidance. Accommodations may include, but are not limited to, the following considerations:

- Effective communication
- Event ticket sales accommodation
- Companion seating at events
- Use of power driven mobility devices
- Use of service animals

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



**Visitors to the Schools****USE OF TOBACCO, ALTERNATIVE NICOTINE, OR VAPOR PRODUCTS PROHIBITED**

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Adequate notice shall be provided to students, parents and guardians, school employees, and the general public.

Signage shall be posted on or in all property, including any vehicle that is owned, operated, leased, or contracted for use by the Board, clearly stating that the use of all such products is prohibited at all times and by all persons on or in the property.

School employees shall enforce the policy. Persons in violation of this policy, in addition to fines which may be imposed by law<sup>2</sup>, are subject to verbal warnings to refrain from use of the subject product. Refusal to refrain from such use or repeated instances of prohibited use after prior warnings may subject the individual to a ban from school property as permitted by law and corresponding civil and criminal penalties.<sup>3</sup>

Use of tobacco is prohibited at all times in or on any property owned or operated by the Board. In addition, use of tobacco in any form shall not be permitted in outdoor facilities owned or operated by the Board during all District-sponsored activities, including sporting events.

**WEBSITE ACCESSIBILITY**

The District is committed to ensuring accessibility of its website for students, parents, and members of the community with disabilities. All pages on the District's website will conform to the W3C WAI's Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents.

Under District developed administrative procedures, students, parents, and members of the public may present a complaint regarding a violation of the Americans with Disabilities Act (ADA), Section 504 related to the accessibility of any official District web presence which is developed by, maintained by, or offered through the District or third party vendors and open sources.

**REFERENCES:**

<sup>1</sup>New Section of KRS 438

<sup>2</sup>KRS 438.050

<sup>3</sup>KRS 511.070; KRS 511.080; OAG 90-11

KRS 17.545; KRS 17.500; KRS 17.510

KRS 160.380; KRS 211.394, KRS 211.395; KRS 438.305

KRS 600.020; KRS 620.146

OAG 91-137

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

29 U.S.C. 794, Rehabilitation Act of 1973, (Section 504)

42 U.S.C. 2000, Civil Rights Act of 1964, Titles VI and VII

42 U.S.C. 12101 et seq., Americans with Disabilities Act

**Visitors to the Schools**

**RELATED POLICIES:**

01.1

03.113; [03.1327](#); 03.162; 03.212; [03.2327](#); 03.262; 05.3; [05.31](#); [06.221](#)

09.1231; 09.227; 09.3211; [09.4232](#); 09.426; 09.42811

10.2

# Miscellaneous



LEGAL: REVISIONS TO 701 KAR 5:140 AFFECT THE PROCESS FOR A SCHOOL TO BE INCLUDED IN THE DISTRICT OF INNOVATION APPLICATION.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.4241

### **School Council Policies (SBDM)**

#### **RESPONSIBILITIES OF SCHOOL COUNCIL**

The school council shall have the responsibility to set school policy, consistent with District Board policy, which shall provide an environment to enhance the students' achievement and help the school meet the goals established by KRS 158.645 and KRS 158.6451.

#### **ADOPTION OF POLICY**

The school council shall adopt policy to be implemented by the Principal in each of the following areas of responsibility:

1. Determination of curriculum including needs assessment and curriculum development;  
Such policies shall determine the writing program for the school, consistent with KRS 158.6453, to be submitted to the Kentucky Department of Education for review and comment.
2. Assignment of all instructional and non-instructional staff time;
3. Assignment of students to classes and programs within the school;
  - Assignment to classes in the elementary and middle school shall be made based on the judgment and decision of the Principal and counselor prior to the opening of school or upon the enrollment of a new student. Assignment to classes in high school shall be accomplished by course selection by the student and parent and the approval of the Principal or designee.
  - Placement of students from the household of an active duty service member or civilian military employee transferring into the District before or during the school year shall be based initially on enrollment in courses offered at the sending school and/or educational assessments conducted at that school. Course placement includes, but is not limited to, Honors, International Baccalaureate, Advanced Placement, Cambridge Advanced International, vocational, technical, and career pathways courses. Initial placement does not preclude the District/school from performing subsequent evaluations to ensure appropriate placement and continued enrollment of students in the course(s).
  - Each secondary school-based decision making council shall establish a policy on the recruitment and assignment of students to Advanced Placement (AP), International Baccalaureate (IB), Cambridge Advanced International, dual enrollment, and dual credit courses that recognizes that all students have the right to participate in a rigorous and academically challenging curriculum.
4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar, and transportation requirements established by the Board;
5. Determination of the use of school space during the school day related to improving classroom teaching and learning;
6. Planning and resolution of issues regarding instructional practices;

**School Council Policies (SBDM)****ADOPTION OF POLICY (CONTINUED)**

7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and Principal;  
As reflected in the Student Support and Behavior Intervention Handbook, loss of physical activity periods shall not be used as a disciplinary consequence.
8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision;  
The school shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities to the extent they are otherwise qualified, regardless of application deadlines.
9. Adoption of a school emergency plan and implementation of safety practices required by KRS 158.162;
10. Procedures, consistent with local Board policy, for determining alignment with state standards, technology utilization, and program appraisal;
11. Commitment to a parent involvement process that provides for:
  - a. Establishing an open, parent-friendly environment;
  - b. Increasing parental participation;
  - c. Improving two-way communication between school and home, including what their child will be expected to learn; and
  - d. Developing parental outreach programs.
12. Procedures to assist the council with consultation in the selection of personnel by the Principal, including, but not limited to, meetings, timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation.
13. Schools with K-5 organization, or any configuration thereof, shall develop and implement, in compliance with requirements of federal and state law and board policy, a wellness policy that includes moderate to vigorous physical activity each day, encourages healthy choices among students, and incorporates an assessment tool to determine each child's level of physical activity on an annual basis. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. (In the absence of a council, the Principal of the school shall develop and implement the required wellness policy.)  
The Superintendent/designee shall provide assistance in identifying strategies and options to promote daily moderate to vigorous physical activity for students, which may include those that increase strength and flexibility, speed heart rate and breathing and stress activities such as stretching, walking, running, jumping rope, dancing, and competitive endeavors that involve all students.

**School Council Policies (SBDM)****OTHER POLICIES**

Councils may adopt policies for areas other than those listed above to provide an environment that enhances student achievement and to help the school meet goals established by law and by the Board, provided the policies adopted are consistent with Board policies in those areas.

**REVIEW OF POLICIES**

Before final adoption of a council policy, it shall be reviewed by the Superintendent/designee who may request that the proposed policy be reviewed by the General Counsel. Any concerns shall be shared with the council within ten (10) working days of the Superintendent/designee's receipt of the draft policy.

The review process is not intended to interfere with a council's authority to adopt and implement legally and operationally permissible policies. Therefore, it is the Board's intent that information resulting from the review process be shared with the council in a timely manner.

**COMPLIANCE WITH BOARD POLICY**

In the development and application of school policies as permitted by statute, schools operating under SBDM shall comply with those policies that fall within the authority of the Board, including but not limited to those prohibiting discrimination based on age, race, sex, color, religion, national origin, political affiliation, or disability.

**WAIVER OF STATE REGULATIONS**

School councils who decide to request 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 shall submit the supporting information to the Superintendent as required by law. The Superintendent shall then forward the request to the Kentucky Board of Education.

**SCHOOLS OF INNOVATION**

In a designated **s**School of **i**Innovation participating in a **d**District of **i**Innovation application and plan, the council may request a waiver from KRS 160.345 or specific provisions within that statute by conducting a vote as set out in KRS 160.107.

The school council shall **vote and** be responsible for conducting a vote to determine if the school shall be an applicant as a **s**School of **i**Innovation in the District's application for **d**District of **i**Innovation status and to approve the school's plan of innovation before it is submitted to the District. The vote shall be taken by secret ballot among eligible employees as defined in KRS 160.107. At least seventy percent (70%) of those casting votes in the affirmative shall be required before the school requests to be included in the District's plan and to approve the school's plan of innovation.

**REFERENCES:**

KRS 156.072; KRS 156.160; KRS 156.730; KRS 156.735  
KRS 158.197; KRS 158.162; KRS 158.645; KRS 158.6451; KRS 158.6453  
KRS 160.345; KRS 160.348  
KRS 156.108; KRS 160.107; 701 KAR 5:140  
OAG 93-55; OAG 94-29; 702 KAR 7:140; 704 KAR 3:510  
*Board of Educ. of Boone County v. Bushee, Ky.*, 889 S.W. 2d 809 (1994)  
*U. S. Dept. of Agriculture's Dietary Guidelines for Americans*



ADMINISTRATION

02.4241  
(CONTINUED)

**School Council Policies (SBDM)**

**RELATED POLICIES:**

01.11; 02.422; 02.4231; 03.112; 08.1

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

LEGAL: SB 164 REPEALS KRS 160.325 WHICH HAD SET ENERGY REPORTING REQUIREMENTS FOR THE KENTUCKY POLLUTION PREVENTION CENTER (KPPC). THE STATUTORY PROGRAM ENDED WITH THE DEMISE OF FUNDING IN 2012. THIS POLICY MAINTAINS LANGUAGE THAT SUPPORTS SCHOOL DISTRICT ENGAGEMENT IN ENERGY SAVINGS PROGRAMS.

FINANCIAL IMPLICATIONS: REVISION MEMORIALIZES NO STATUTORY PROGRAM FOR ENERGY MANAGEMENT REPORTING OR GRANT FUNDING IMPLICATING NEED TO CONSIDER OTHER OPTIONS OR SELF-SUSTAINING PROGRAMS

FACILITIES

05.23

### **Energy Management**

~~It is the intent of the Board that the District~~In order to use energy resources in a safe and efficient manner with an on-going focus on identifying and implementing cost saving measures and developing staff and student commitment to identified energy management practices, the Board may participate in energy-saving measures to implement an effective energy management program.

~~To promote this effort, the Superintendent/designee shall direct the development of an energy management plan (EMP) for Board approval and oversee the implementation and maintenance of that plan. The Superintendent/designee shall report the EMP results for each fiscal year, including annual District energy usage, costs and anticipated savings to KPPC—the Kentucky Pollution Prevention Center—by October 1st annually through the Kentucky Energy Efficiency Program for Schools (KEEPS).~~

~~A status report on implementation of the plan in Board-owned and Board-operated facilities shall be provided to the Board periodically.~~

#### **REFERENCE:**

~~KRS 160.325~~

LEGAL: HB 399 CREATES A NEW SECTION OF KRS CHAPTER 159 TO ALLOW CHILDREN OF MILITARY FAMILIES WHO ARE TRANSFERRING TO KENTUCKY ON OFFICIAL MILITARY ORDERS TO PRE-ENROLL IN A SCHOOL DISTRICT WITH OFFICIAL DOCUMENTATION.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.126

### **Students of Military Families**

The following are key provisions that apply to students from military families that are based on the compact agreed upon by states belonging to the Interstate Commission on Educational Opportunity for Military Children:

#### **ENROLLMENT**

A child of a military family may pre-enroll or participate in pre-admission in the District if the parent or guardian of the child is transferred to or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order. The District shall accept an application for enrollment and course registration by electronic means for the child, including enrollment in a specific school or program within the District.

The parent or guardian of a child of a military family shall provide proof of residence to the District within ten (10) days after the arrival date provided on official documentation. The parent or guardian may use, as proof of residence, the address of:

1. A temporary on-post billeting facility;
2. A purchased or leased home or apartment; or
3. Any federal government housing or off-post military housing, including off-post military housing that may be provided through a public-private venture.

Until actual attendance or enrollment in the District, the child of a military family shall not:

1. Count for the purposes of average daily attendance;
2. Be charged tuition pursuant to KRS 158.120; or
3. Be included in the state assessment and system.<sup>1</sup>

Students from a household of an active duty service member who are moving into the District shall be enrolled and appropriately placed as quickly as possible based on information provided in the student's unofficial records pending validation by the official record that the District shall request from the sending school.

Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent. A transitioning child of a military family who is placed in the care of a non-custodial parent or other person standing in loco parentis and living in a jurisdiction other than that of the custodial parent may continue to attend the school in which s/he was enrolled while residing with the custodial parent.

#### **TUITION**

Tuition shall not be charged for a transitioning child of a military family who is placed in the care of a non-custodial parent or other person standing in loco parentis and living in the jurisdiction other than that of the custodial parent.

**Students of Military Families****IMMUNIZATION REQUIREMENTS**

Students from military families shall have thirty (30) days from the date of enrollment to obtain required immunizations or additional time as may be determined by the Interstate Commission Compact rules.

**PLACEMENT**

Kindergarten and first grade students from a household of an active duty service member moving into the District from an accredited school in another state shall be allowed to continue placement at their current grade level, regardless of age.

Decisions about placement of students from military families in educational programs shall be based on current educational assessments conducted at the sending school or participation/placement in like programs in the sending state. Such programs include, but are not limited to the following programs:

1. Gifted and talented; and
2. English as a second language (ESL).

This shall not preclude the District/school from performing subsequent evaluations to ensure appropriate placement of a student.

**SPECIAL EDUCATION SERVICES**

The District shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program (IEP).

The District shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing Section 504 (Title II) Plan\*, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

\* In Kentucky, a student Title II Plan is the same as a Section 504 Plan.

**DEPLOYMENT-RELATED ABSENCES**

Students whose parent or legal guardian is an active member of the uniformed services, as defined by this compact, and has been called to active duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the Superintendent to visit with their parent or legal guardian relative to such leave or deployment.

**EXTRACURRICULAR PARTICIPATION**

The District shall facilitate the opportunity for transitioning children of military families to participate in extracurricular activities to the extent they are otherwise qualified, regardless of application deadlines.



**Students of Military Families****GRADUATION REQUIREMENTS**

The District shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another school district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the District shall provide alternative means of acquiring required coursework so that graduation may occur on time. Otherwise, the District shall ensure receipt of a diploma from the sending school district if the student completed graduation requirements of that district.

Exit exam scores from sending schools shall be accepted in accordance with the Interstate Commission Compact.

**CHILDREN OF CIVILIAN MILITARY EMPLOYEES**

Children of civilian military employees shall be afforded the same rights as children of military families under KRS 156.730 if the parents are required to move to perform their job responsibilities resulting in the students having to change schools.

**REFERENCES:**

[1New Chapter of KRS 159](#)

[KRS 156.730; KRS 156.735; KRS 158.020](#)

[Individuals with Disabilities Education Improvement Act of 2004](#)

[Section 504 of the Rehabilitation Act; District 504 procedures](#)

[Americans with Disabilities Act](#)

**RELATED POLICIES:**

02.4241; 08.113; 08.131; 08.132; 08.13452; [08.222](#)

09.12; 09.121; 09.123; 09.124; 09.211; 09.3; 09.313

LEGAL: REVISIONS TO 702 KAR 1:160 INCLUDE MEDICATIONS TO BE ADMINISTERED PURSUANT TO A STUDENT'S SEIZURE ACTION PLAN.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.224

## **Emergency Medical Treatment**

### **FIRST-AID ROOM**

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

In accordance with state law, every school shall have personnel trained each school year to administer emergency medication to students for seizures, diabetes, life threatening allergic reactions and asthma as prescribed by the student's health care practitioner or the District School Health.

### **STOCK EPINEPHRINE**

As suggested in KRS 158.836, each school shall stock epinephrine, so that trained staff may administer epinephrine to any student believed to be having a life-threatening allergic or anaphylactic reaction.<sup>1</sup>

When enrolled students, for whom documentation under KRS 158.838, [including seizure action plans](#), has been provided to the school, are present during school hours or as participants in school-related activities, a school employee who has been appropriately trained to administer or assist with the self-administration of glucagon, insulin, seizure rescue medications, or medication prescribed to treat seizure disorder symptoms [approved by the FDA and administered pursuant to a student's seizure action plan](#), shall be present.

### **EMERGENCY CARE PROCEDURES**

Schools shall have emergency care procedures comporting with regulation<sup>2</sup> and may utilize the Kentucky Department of Education's Health Services Reference Guide (HSRG) as a resource.

### **INFORMATION NEEDED**

A number at which parents can be reached and the name of the family physician shall be maintained at each school for all its students.<sup>2</sup> Parents will be notified in the event of an accident.

### **REFERENCES:**

<sup>1</sup>KRS 158.836

<sup>2</sup>702 KAR 1:160

KRS 156.160; KRS 156.502; KRS 158.838

Kentucky Department of Education Health Services Reference Guide (HSRG)

### **RELATED POLICIES:**

09.21; 09.22; 09.2241