

**WOODFORD COUNTY BOARD OF EDUCATION
AGENDA ITEM**

ITEM #: X M DATE: July 18, 2019

TOPIC/TITLE: Update Applicable Policy/Procedures

PRESENTER:

ORIGIN:

- TOPIC PRESENTED FOR INFORMATION ONLY (No board action required.)
- ACTION REQUESTED AT THIS MEETING
- ITEM IS ON THE CONSENT AGENDA FOR APPROVAL
- ACTION REQUESTED AT FUTURE MEETING: (DATE)
- BOARD REVIEW REQUIRED BY

- STATE OR FEDERAL LAW OR REGULATION
- BOARD OF EDUCATION POLICY
- OTHER:

PREVIOUS REVIEW, DISCUSSION OR ACTION:

- NO PREVIOUS BOARD REVIEW, DISCUSSION OR ACTION
- PREVIOUS REVIEW OR ACTION

DATE: July 15, 2019

ACTION: Board approved additional language to be added to all applicable policies and procedures.

BACKGROUND INFORMATION:

Per Policy 01.5 "School Board Policies": "Additional readings shall not be required if the Board amends the policy proposal under consideration at either the first or second reading." Per KSBA, only one additional reading required for those policy/procedures that were already on the agenda at the July 15, 2019 Board Meeting. Board has the authority to make an exception as an "emergency situation" per 01.5 to approve the one policy that was not on the July 15, 2019 agenda due to wanting all language to be approved and put in place before school begins.

SUMMARY OF MAJOR ELEMENTS:

For approval: 01.1; 03.113; 03.162; 03.212; 03.262; 03.11 AP.25; 03.21 AP.25 and 09.42811 (emergency exception to be made to approve in one reading).

IMPACT ON RESOURCES:

TIMETABLE FOR FURTHER REVIEW OR ACTION:

SUPERINTENDENT'S RECOMMENDATION: Recommended Not Recommended

D. Scott Hawkins by Mrs

Legal Status of the Board

CORPORATE POWERS

1. The school district is under the management and control of the Board of Education consisting of five (5) members.
2. The Board is a body politic and corporate with perpetual succession.
3. The Board shall be known as the “Board of Education of Woodford County,” Kentucky.
4. The Board may sue and be sued; make contracts; expend funds necessary for liability insurance premiums and for the defense of any civil action brought against an individual Board member in his official or individual capacity, or both, on account of an act made in the scope and course of his performance of legal duties as a Board member; purchase, receive, hold, and sell property; issue its bonds to build and construct improvements; and do all things necessary to accomplish the purposes for which it is created.¹

STUDENT BOARD REPRESENTATIVE

In order to ensure appropriate information and participation from students in the system, one (1) Student Board Representative shall be elected annually from the high school to sit as a non-voting member of the Board of Education. The Student Board Representative shall be entitled to attend and participate in Board meetings held in open session and may express opinions and advise the Board on all issues which come before it.

ELIGIBILITY

Student Board Representatives must be juniors/seniors in good standing in the District. Student Board Representatives will be elected from the high school student body. Students may not be directly related to a Board Member or to a District/building administrator staff including counselors. They must have and maintain an overall grade point average of 2.5 or higher both before the time of their election and during their term on the Board. They may not have any unexcused absences during the year in which the election is held and must have maintained an exemplary discipline record during their academic career.

ELECTION OF STUDENT BOARD REPRESENTATIVES

The election of the student Board Representative will occur during the month of May of each school year prior to the last day of school. Nomination forms will be available from the Guidance Office and returned to the Guidance Office at a time determined by the Student Council in each school. The Student Council will coordinate and establish the procedures for the election of the representative by majority vote.

Students who wish to run for election must be nominated by three (3) teachers and three (3) students currently in their school (signatures required) and must submit a brief essay as to why they want to be the Student Board Representative.

Legal Status of the Board

ELECTION OF STUDENT BOARD REPRESENTATIVES (CONTINUED)

The Guidance Counselors in each school will validate the eligibility of each nominee and submit them to the Principal for final approval prior to submission to the Student Council as Nominees.

Students in grades 9, 10, and 11 will be eligible to vote for the election of a Student Representative to the Board of Education.

TERM

Students will serve a one (1) year term beginning August 1 until June 30. Students may be elected for a second term.

UNEXPIRED TERMS

If a Student Board Representative vacancy on the Board shall occur, it will be filled by the Superintendent. The member so chosen shall hold office until the term expires.

STUDENT BOARD REPRESENTATIVE GUIDELINES

- The Student Board Representative will be non-voting representatives on the Board of Education. Their involvement is solely for the purpose of providing input from a student viewpoint. The Student Board Representative will not be permitted to participate in Closed Sessions and must adhere to the same standards of confidentiality and responsibility as Board Members.
- The Student Board Representative is required to attend the monthly planning meeting.
- The Student Board Representative must understand that Board activities hold priority over most other engagements that might conflict.
- The Student Board Representative will not receive a per diem.

IRREGULAR ATTENDANCE

Any Student Board Representative failing to attend two (2) meetings, unless excused by the Board for a reason satisfactory to it, shall be removed from the Board of Education.

REMOVAL

A Student Board Representative may be removed by majority vote of the Members of the Board for failure to perform the duties of the office or for irregular attendance or for misconduct.

NOTICE OF NONDISCRIMINATION

As required by law, the District does not discriminate on the basis of race, color, national origin, sex, genetic information, disability, age, or limitations related to pregnancy, childbirth, or related medical conditions in its programs and activities and provides equal access to its facilities to the Boy Scouts and other designated youth groups. In addition, the District does not discriminate on the basis of sexual orientation or gender identity.

Notice of the name, work address and telephone number of the Title IX Coordinator and the Section 504 Coordinator for the District shall be provided to employees, applicants for employment, students, parents/guardians, and other beneficiaries such as participants in activities offered to the public.

Legal Status of the Board

WEBSITE ACCESSIBILITY

The District is committed to ensuring accessibility of its website for students, employees, visitors, and members of the community with disabilities. All pages on the District's website shall conform to Level AA of the Web Content Accessibility Guidelines (WCAG) 2.0 developed by the World Wide Web Consortium (W3C) Web Accessibility Initiative (WAI), or updated equivalents of these guidelines.

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:

'KRS 160.160
KRS 160.370
KRS Chapter 344
Americans with Disabilities Act
Section 504 of the Rehabilitation Act of 1973
Title VI of the Civil Rights Act of 1964
42 U.S.C. 200e, Civil Rights Act of 1964, Title VII
20 U.S.C. 1681, Education Amendments of 1972, Title IX
Genetic Information Nondiscrimination Act of 2008
20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)
Web Content Accessibility Guidelines

RELATED POLICIES:

03.113; 03.212; 03.162; 03.262
05.3; 09.13; 09.3211; 09.42811
10.5

CERTIFIED PERSONNEL

Equal Employment Opportunity

NONDISCRIMINATION

The Superintendent shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, color, religion, sex, genetic information, national or ethnic origin, political affiliation, age, disabling condition, or limitations related to pregnancy, childbirth, or related medical conditions.¹ In addition, the District does not discriminate on the basis of sexual orientation or gender identity.

INDIVIDUALS WITH DISABILITIES

No qualified person with a disability, as defined by law, shall, on the basis of the disability, be subject to discrimination in employment.²

District employment practices shall be in accordance with the Boardapproved procedures addressing requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

No human immunodeficiency virus (HIV) related test shall be required as a condition of hiring, promotion, or continued employment, unless the absence of HIV infection is a bona fide occupational qualification for the job in question as defined in KRS 207.135.

REASONABLE ACCOMMODATION

Employees who have a long-term or permanent disability may request the District supervisor to provide reasonable accommodations necessary for them to perform the essential duties of the position, including assistive technology. Medical information obtained as part of an employee request shall be confidential.³

The District shall engage in a timely, good faith and interactive process to determine reasonable accommodations for an employee’s limitations related to pregnancy, childbirth, or related medical conditions. Reasonable accommodation shall be provided as required by law.

ADVISING EMPLOYEES

The Superintendent shall inform all school employees of the provisions of this policy.¹

REFERENCES:

- ¹KRS 161.164; KRS Chapter 344; 42 U.S.C. 2000e, Civil Rights Act of 1964, Title VII
- ²29 U.S.C.A. 794
- ³29 U.S.C. section 1630.14
- KRS 207.135
- 34 C.F.R. 104.3 104.14
- Americans with Disabilities Act
- Kentucky Education Technology System (KETS)
- Section 504 of the Rehabilitation Act of 1973
- Title IX of the Education Amendments of 1972
- Genetic Information Nondiscrimination Act of 2008

RELATED POLICIES:

03.133; 05.11

CERTIFIED PERSONNEL

Harassment/Discrimination

DEFINITION

Harassment/Discrimination of employees is unlawful behavior based on the race, color, national origin, age, religion, sex, sexual orientation, gender identity, genetic information, disability, or limitations related to pregnancy, childbirth, or related medical conditions of an employee involving intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred or prejudice.

PROHIBITION

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

DISCIPLINARY ACTION

Employees who engage in harassment/discrimination of another employee or a student on the basis of any of the areas mentioned above shall be subject to disciplinary action including, but not limited to, termination of employment.

GUIDELINES

Employees who believe they or any other employee, student, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. If an employee is not assigned to a particular school, a report of harassment/discrimination may be made to the employee's immediate supervisor or to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.¹

Harassment/Discrimination

GUIDELINES (CONTINUED)

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than five (5) working days of receipt of the original complaint, regardless of the manner in which the complaint is communicated to a District administrator. Investigations shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency. Following completion of the investigation, the investigator shall complete a written report of all findings.

The Superintendent/designee may take interim measures to protect complainants during the investigation.

2. A process to identify and implement, within five (5) working days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
3. A process to be developed and implemented to communicate requirements of this policy to all staff, which may include, but not be limited to, the following:
 - written notice provided in publications such as handbooks, staff memoranda, and/or pamphlets;
 - postings in the same location as are documents that must be posted according to state/federal law; and/or
 - such other measures as determined by the Superintendent/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District's complete policy.

4. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination; and
5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation. If an alternate method of filing complaints is needed, the ADA Coordinator shall be contacted.

PROHIBITED CONDUCT

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written or electronic materials or pictures that are lewd, vulgar, demeaning or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Instances involving sexual violence;

Harassment/Discrimination

PROHIBITED CONDUCT (CONTINUED)

4. Causing an employee to believe that he or she must submit to unwelcome sexual conduct in order to maintain employment or that a personnel decision will be based on whether or not the employee submits to unwelcome sexual conduct;
5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
6. Seeking to involve individuals with disabilities in antisocial, dangerous or criminal activity where they, because of disability, are unable to comprehend fully or consent to the activity; and
7. Destroying or damaging an individual's property based on any of the protected categories.

CONFIDENTIALITY

District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of all parties involved.

APPEAL

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent.

If a supervisory staff member is an alleged party in the harassment/discrimination complaint, provision shall be made for addressing the complaint to a higher level of authority.

Failure by employees to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy or to take corrective action shall be cause for disciplinary action.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because s/he submits a grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

Upon the resolution of allegations, the Superintendent shall take steps to protect employees and students against retaliation.

FALSE COMPLAINTS

Deliberately false or malicious complaints of harassment/discrimination may result in disciplinary action taken against the complainant.

OTHER CLAIMS

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 03.113, 03.1325 and/or 09.422.

Harassment/Discrimination

REFERENCES:

'KRS 158.156; KRS Chapter 344; 42 USC 2000e, Civil Rights Act of 1964, Title VII
29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations
Implementing Title VII
20 U.S.C. 1681, Education Amendments of 1972, Title IX
34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights
Regulations Implementing Title IX
Genetic Information Nondiscrimination Act of 2008
Age Discrimination Act, 42 U.S.C. 6101-6107; 34 C.F.R. 110.25

RELATED POLICIES:

03.113; 03.1325; 03.16; 09.2211; 09.422; 09.

CLASSIFIED PERSONNEL

Equal Employment Opportunity

NONDISCRIMINATION

The Superintendent shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, color, religion, sex, genetic information, national or ethnic origin, political affiliation, age, disabling condition, or limitations related to pregnancy, childbirth, or related medical conditions.¹ In addition, the District does not discriminate on the basis of sexual orientation or gender identity.

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REASONABLE ACCOMMODATION

Employees who have a long-term or permanent disability may request the District supervisor to provide reasonable accommodations necessary for them to perform the essential duties of the position, including assistive technology. Medical information obtained as part of an employee request shall be confidential.³

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ADVISING EMPLOYEES

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REFERENCES:

¹KRS 161.164; KRS Chapter 344; 42 U.S.C. 2000e, Civil Rights Act of 1964, Title VII

²29 U.S.C.A. 794

³29 U.S.C. section 1630.14

KRS 207.135

34 C.F.R. 104.3 104.14

Americans with Disabilities Act

Kentucky Education Technology System (KETS)

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

Genetic Information Nondiscrimination Act of 2008

RELATED POLICIES:

03.233; 05.11

CLASSIFIED PERSONNEL

Harassment/Discrimination

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PROHIBITION

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

DISCIPLINARY ACTION

Employees who engage in harassment/discrimination of another employee or a student on the basis of any of the areas mentioned above shall be subject to disciplinary action including but not limited to termination of employment.

GUIDELINES

Employees who believe they or any other employee, student, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. If an employee is not assigned to a particular school, a report of harassment/discrimination may be made to the employee's immediate supervisor or to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.¹

Harassment/Discrimination

GUIDELINES (CONTINUED)

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than five (5) working days of receipt of the original complaint, regardless of the manner in which the complaint is communicated to a District administrator. Investigations shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency. Following completion of the investigation, the investigator shall complete a written report of all findings.

The Superintendent/Designee may take interim measures to protect complainants during the investigation.

2. A process to identify and implement, within five (5) working days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
3. A process to be developed and implemented to communicate requirements of this policy to all staff, which may include, but not be limited to the following:
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 - such other measures as determined by the Superintendent/designee.

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Harassment/Discrimination

PROHIBITED CONDUCT (CONTINUED)

4. Causing an employee to believe that he or she must submit to unwelcome sexual conduct in order to maintain employment or that a personnel decision will be based on whether or not the employee submits to unwelcome sexual conduct;
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OTHER CLAIMS

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 03.212, 03.2325 and/or 09.422.

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REFERENCES:

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Implementing Title VII
20 U.S.C. 1681, Education Amendments of 1972, Title IX
34 C.F.R. 106.1-106.71, U. S. Department of Education Office for Civil Rights
Regulations Implementing Title IX
Genetic Information Nondiscrimination Act of 2008
Age Discrimination Act, 42 U.S.C. 6101-6107; 34 C.F.R. 110.25

RELATED POLICIES:

03.212; 03.2325; 03.26; 09.2211; 09.422; 09.42811

Recommendation for Employment

TO: Director of Staff and Student Services

FROM: _____ **LOCATION:** _____ **DATE:** _____

Name of Applicant: _____

Is this applicant currently employed by WCPS? Yes No If yes, what position? _____

WAS THE POSITION POSTED FOR 30 DAYS BEFORE MAKING AN EMPLOYMENT OFFER? Yes No

IF "NO", CHECK APPROPRIATE BOX: CRITICAL SHORTAGE AREA PREVENT SERVICE DISRUPTION

Position (Administrative/Teaching): _____

Check one: Full-time Part-time Temporary

Will this person be issued a contract or work on a limited contract only basis? _____

Tenths of time (if not full-time): _____ Is this a new position? Yes No

If no, name of employee vacating this position: _____

Date of resignation from vacating employee: _____

FIRST DATE TO BEGIN WORK: _____ References Checked: Yes No

PLEASE DESCRIBE ANY VARIANCES TO THE TYPICAL WORK SCHEDULE FOR THIS POSITION:

POSITION (SUPPLEMENTAL): _____

PERCENTAGE OF POSITION (EXAMPLE 100%): _____

YEARS OF IN-DISTRICT PAID EXPERIENCE IN SUPPLEMENTAL POSITION: _____

IS THIS A NEW POSITION? Yes No

If no, name of employee vacating this position: _____

Date of resignation from vacating employee: _____

FIRST DATE TO BEGIN WORK: _____ References Checked: Yes No

IS THIS PERSON RETIRED FROM EITHER ~~K~~TRS OR KRS? (PLEASE CIRCLE ONE OR MORE IF APPROPRIATE.)

IF RETIRED, HAS CENTRAL OFFICE AND ~~K~~TRS/KRS BEEN CONTACTED TO DETERMINE ELIGIBILITY? Yes No

SOURCE	%	SOURCE	%
Sect. IV/Staffing Allocation		ESS	
KERA Preschool		Title I	
IDEA Preschool		Title Ii	
IDEA B		Title III	
Exceptional Child Add-On		LEP	
Prof Dev		RTA	
KECSAC			
Other (indicate org/obj/pro/)			

Superintendent

Date

The Board of Education does not discriminate on the basis of race, color, national origin, age, religion, sex, genetic information, limitations due to pregnancy, childbirth, or related medical conditions, or disability in employment, educational programs, or activities. In addition, the District does not discriminate on the basis of sexual orientation or gender identity.

- CLASSIFIED PERSONNEL -

Recommendation for Employment
CLASSIFIED/PARAPROFESSIONAL/VOLUNTEER

TO: Director of Staff and Student Services

FROM: _____ LOCATION: _____ DATE: _____

Name of Applicant: _____

Is this applicant currently employed by WCPS? Yes No If yes, what position? _____

NEW POSITION: _____

Check one: Full-time Part-time Temporary/timesheet only Coach Volunteer

Hours per day: _____ Days per year: _____ Percentage of Position (COACHES ONLY) _____

IS THIS A NEW POSITION? Yes No Years of Experience _____

If no, name of employee vacating this position: _____

Date of resignation from vacating employee: _____

FIRST DATE TO BEGIN WORK: _____ REFERENCES CHECKED: Yes No

PLEASE DESCRIBE ANY VARIANCES TO THE TYPICAL WORK SCHEDULE FOR THIS POSITION:

IS THIS PERSON RETIRED FROM EITHER ~~K~~TRS OR KRS? (PLEASE CIRCLE ONE OR MORE IF APPROPRIATE.)
IF RETIRED, HAS CENTRAL OFFICE AND ~~K~~TRS/KRS BEEN CONTACTED TO DETERMINE ELIGIBILITY? Yes No
Total Number of Applicants: _____ Minorities Interviewed: _____

SOURCE	%	SOURCE	%
Section V/Staffing Allocation		Adult Ed. (Indicate)	
ETC		RTA	
IDEA B		Health Services	
Exceptional Child Add-On		KERA Preschool	
IDEA Preschool		KECSAC	
Prof Dev		Title I	
Food Service		Title II	
Transportation		Title III	
ESS		LEP	
Other (indicate org/obj/pro/)			

Superintendent Date

The Board of Education does not discriminate on the basis of race, color, national origin, age, religion, sex, genetic information, limitations due to pregnancy, childbirth, or related medical conditions, or disability in employment, educational programs, or activities. In addition, the District does not discriminate on the basis of sexual orientation or gender identity.

Harassment/Discrimination

DEFINITION

Harassment/Discrimination is unlawful behavior based on race, color, national origin, age, religion, sex, sexual orientation, gender identity, or disability that is sufficiently severe, pervasive, or objectively offensive that it adversely affects a student's education or creates a hostile or abusive educational environment.

The provisions of this policy shall not be interpreted as applying to speech otherwise protected under the state or federal constitutions where the speech does not otherwise materially or substantially disrupt the educational process, as defined by policy 09.426, or where it does not violate provisions of policy 09.422.

PROHIBITION

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

DISCIPLINARY ACTION

Students who engage in harassment/discrimination of an employee or another student on the basis of any of the areas mentioned above shall be subject to disciplinary action, including but not limited to suspension and expulsion.

GUIDELINES

Students:

Students who believe they or any other student, employee, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent.

Employees:

Employees who believe prohibited behavior is occurring or has occurred shall notify the victim's Principal/designee.

Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.

Harassment/Discrimination**GUIDELINES (CONTINUED)**

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than five (5) working days of receipt of the original complaint, regardless of the manner in which the complaint is communicated to a District administrator. Investigations shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency. Following completion of the investigation, the investigator shall complete a written report of all findings.

The Superintendent/designee may take interim measures to protect complainants during the investigation.

2. A process to be developed and implemented to communicate requirements of this policy to all students, which may include, but not be limited to, the following:
 - written notice provided in publications such as handbooks, codes, and/or pamphlets; and/or
 - such other measures as determined by the Superintendent/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District's complete policy/procedures and obtain assistance in reporting and responding to alleged incidents. Students, parents or guardians, as appropriate, will be directed to sign an acknowledgement form verifying receipt of information concerning this policy as part of the Board-approved code of acceptable behavior and discipline.

3. Age appropriate training during the first month of school to include an explanation of prohibited behavior and the necessity for prompt reporting of alleged harassment/discrimination; and
4. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

When sexual harassment is alleged, the District's Title IX Coordinator, as designated in the student handbook/code, shall be notified.

NOTIFICATIONS

Within twenty-four (24) hours of receiving a serious allegation of harassment/discrimination, District personnel shall attempt to notify parents of both student victims and students who have been accused of harassment/discrimination.

In circumstances also involving suspected child abuse, additional notification shall be required by law. (See Policy 09.227.)

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.¹

Harassment/Discrimination

PROHIBITED CONDUCT

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written or electronic materials or pictures that are lewd, vulgar, demeaning or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Instances involving sexual violence;
4. Causing a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity or that an educational decision will be based on whether or not the student submits to unwelcome sexual conduct;
5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
6. Seeking to involve students with disabilities in antisocial, dangerous or criminal activity where the students, because of disability, are unable to comprehend fully or consent to the activity; and
7. Destroying or damaging an individual's property based on any of the protected categories.

CONFIDENTIALITY

District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of both victims and persons accused of violations.

APPEAL

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent.

If a supervisor is an alleged party in the harassment/discrimination complaint, procedures shall also provide for addressing the complaint to a higher level of authority.

Failure by employees to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy, or to take corrective action shall be cause for disciplinary action.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because s/he submits a grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

Upon the resolution of allegations, the Superintendent shall take steps to protect employees and students against retaliation.

Harassment/Discrimination

FALSE COMPLAINTS

Deliberately false or malicious complaints of harassment/discrimination may result in disciplinary action taken against the complainant.

OTHER CLAIMS

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 09.426.

REFERENCES:

KRS 158.156

42 USC 2000e, Civil Rights Act of 1964, Title VII

Racial Incidents and Harassment Against Students at Educational Institutions;
Investigative Guidance (U.S. Department of Education)

U. S. Supreme Court - Franklin vs. Gwinnett County

29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC)
Regulations Implementing Title VII

20 U.S.C. 1681, Education Amendments of 1972, Title IX

34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights
Regulations Implementing Title IX

Gebser v. Lago Vista Independent School Dist., 118 S. Ct. 1989 (1998)

Davis v. Monroe County Bd. of Educ., 119 S. Ct. 1661 (1999)

RELATED POLICIES:

03.162, 03.262, 09.13, 09.2211, 09.227, 09.422, 09.426, 09.438