

Kentucky School Boards Association 2019 Annual Policy Update

Prohibition of Discrimination of Pregnant People

LEGAL: SB 18 AMENDS KRS CHAPTER 344 BY ADDING PROTECTIONS COVERING PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS TO STATE EMPLOYMENT DISCRIMINATION LAW.

FINANCIAL IMPLICATIONS: POTENTIAL COST OF PROVIDING NOTICE AND ACCOMMODATIONS

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.1

Legal Status of the Board

CORPORATE POWERS

1. The Jefferson County Public School District shall be made up of the entire geographic area of Jefferson County, Kentucky, with the exception of the area included within the boundaries of the Anchorage Independent School District.
2. The District is under the management and control of the Board of Education consisting of seven (7) members. Each member shall be elected by the voters of his/her respective division on a non-partisan ballot, in a November general election, for a term of four years.
3. The Board shall always act as a body politic and corporate with perpetual succession. No individual member and no group comprised of less than the full membership shall act to bind the Board.
4. The Board shall be known as the "Board of Education of Jefferson County, Kentucky."
5. 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/her official or individual capacity, or both, on account of an act made in the scope and course of his/her 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.

NOTICE OF NONDISCRIMINATION

The District does not discriminate on the basis of race, color, national origin, age, religion, marital or parental status, political affiliations or beliefs, sex, sexual orientation, gender identity, gender expression, veteran status, genetic information, ~~or disability~~, 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.²

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.

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.

Legal Status of the Board

REFERENCES:

¹KRS 160.160

²Americans with Disabilities Act

[KRS Chapter 344](#)

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; 09.13; 03.162; 03.262; 09.42811

05.3; 09.3211; 10.5

LEGAL: SB 18 AMENDS KRS CHAPTER 344 BY ADDING PROTECTIONS COVERING PREGNANCY, LEGAL: REVISIONS TO 701 KAR 5:140 REMOVE THE CATEGORY "PERSISTENTLY LOW-ACHIEVING" AND REPLACE IT WITH A SCHOOL IDENTIFIED FOR "COMPREHENSIVE SUPPORT AND IMPROVEMENT" AS IT PERTAINS TO THE DISTRICT'S PLAN OF INNOVATION. IN ADDITION, IN ORDER TO QUALIFY AS A DISTRICT OF INNOVATION, THE SUBMITTED PLAN MUST CALL FOR AN EXEMPTION FROM REGULATION OR STATUTE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 46 AMENDS KRS 158.195 TO REQUIRE LOCAL BOARDS TO REQUIRE EACH ELEMENTARY AND SECONDARY SCHOOL TO DISPLAY THE NATIONAL MOTTO "IN GOD WE TRUST" IN A PROMINENT LOCATION IN THE SCHOOL BEGINNING WITH THE 2019-2020 SCHOOL YEAR. IT ALSO STATES THE DISPLAY MAY BE, BUT IS NOT LIMITED TO, A PLAQUE OR STUDENT ARTWORK. PROMINENT LOCATION IS DEFINED AS THE SCHOOL'S ENTRYWAY, CAFETERIA, OR COMMON AREA WHERE STUDENTS ARE LIKELY TO SEE IT.

FINANCIAL IMPLICATIONS: POTENTIAL COST OF THE DISPLAY/ANY INSTALLATION

KSBA UPDATE DID NOT INCLUDE INCREASE IN AMOUNT FOR PROFESSIONAL SERVICES CONTRACTS FROM \$5,000 TO \$20,000 AS REQUIRED BY SB 250. JCPS STAFF ADDED THE CHANGE.

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.11

General Powers and Duties of the Board

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

ESTABLISHMENT OF SCHOOLS

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

CHARTER SCHOOLS

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

REQUEST FOR WAIVERS AND EXEMPTIONS

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

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

SCHOOL FUNDS AND PROPERTY

The Board shall have control and management of all school funds and all public school property of the District and may use its funds and property to promote public education.

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

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

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

MANAGEMENT

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

SUBPOENA

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

INSURANCE

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

As long as they pay the full cost of premiums required, Board members may choose to participate in any group life insurance¹² or any group medical or dental insurance provided by the District for employees.¹⁰

FREE SUPPLIES

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

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

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

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

LEVY OF TAX RATES

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

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

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

POWER TO BORROW FUNDS

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

CONTRACT WITH CONSULTANTS

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

Professional service contracts for ~~\$20,000 \$5,000~~ or more shall be submitted to the Board prior to approval. The Superintendent is authorized to contract for all other professional services ~~contracts~~ necessary for carrying out the policies of the Board without prior Board approval. ¹³ A list of all professional service contracts (regardless of dollar amount) shall be presented to the Board on a monthly basis.

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

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

General Powers and Duties of the Board**APPLICATIONS FOR GRANTS**

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

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

NATIONAL MOTTO

The Board shall require each elementary and secondary school to display the national motto, "In God We Trust," in a prominent location which means a school entryway, cafeteria, or common area where students are likely to see it. Per KRS 158.195, the display may take the form of, but is not limited to, a plaque or student artwork.

RESPONSIBILITIES OF THE BOARD

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

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

General Powers and Duties of the Board

REFERENCES:

- ¹KRS 160.290
²KRS 160.300
³KRS 160.310
⁴KRS 160.160
⁵KRS 160.330
⁶KRS 160.340
⁷KRS 160.470
⁸KRS 160.540
⁹KRS 160.345
¹⁰KRS 160.280
¹¹KRS 156.108; KRS 160.107; KRS 160.346; 701 KAR 5:140
¹²KRS 18A.205; KRS 18A.210
¹³KRS 160.370

KRS 116.200; KRS 156.072; KRS 156.160; KRS 158.195
KRS 160.1590; KRS 160.1592; KRS 160.1593; KRS 160.1594; KRS 160.1595
KRS 160.1599; KRS 161.158; KRS 162.010; KRS 416.560
OAG 91-10; OAG 91-122; OAG 95-10; 702 KAR 3:220; 702 KAR 4:160

RELATED POLICIES:

01.41; 01.5; 01.7
03.124; 03.224; 04.92

LEGAL: SB 18 AMENDS KRS CHAPTER 344 BY ADDING PROTECTIONS COVERING PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS TO STATE EMPLOYMENT DISCRIMINATION LAW.

FINANCIAL IMPLICATIONS: POTENTIAL COST OF PROVIDING NOTICE AND ACCOMMODATIONS

PERSONNEL

03.113

- CERTIFIED PERSONNEL -

Equal Employment Opportunity

The District shall promote equal opportunities through a vigorous affirmative action program as an integral part of personnel policy and practice in the employment, development, advancement, and treatment of employees.

NONDISCRIMINATION

The Superintendent shall adhere to a policy of equal employment opportunity in all personnel matters. The District shall not discriminate in recruitment, employment, retention, promotion, demotion, transfer, or dismissal on the basis of race, color, national origin, age, religion, marital or parental status, political affiliations or beliefs, sex, sexual orientation, gender identity, gender expression, veteran status, genetic information, ~~or~~ disability, or limitations related to pregnancy, childbirth, or related medical conditions.¹

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 Board-approved 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. Medical information obtained as part of an employee request shall be confidential.³

If assistive technology is deemed necessary for an employee, every effort will be made to obtain that technology in a timely fashion.

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

Equal Employment Opportunity

REFERENCES:

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

²29 U.S.C. 794

³29 U.S.C. 1630.14

KRS 207.135; 34 C.F.R. 104.3 - 104.14

~~42 U.S.C. 200e, Civil Rights Act of 1964, Title VII; KRS Chapter 344~~

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

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FINANCIAL IMPLICATIONS: POTENTIAL COST OF PROVIDING NOTICE AND ACCOMMODATIONS

PERSONNEL

03.212

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KRS 207.135

34 C.F.R. 104.3 - 104.14

~~42 U.S.C. 200e, Civil Rights Act of 1964, Title VII; KRS Chapter 344~~

Americans with Disabilities Act; Section 504 of the Rehabilitation Act of 1973

Kentucky Education Technology System (KETS)

Title IX of the Education Amendments of 1972

Genetic Information Nondiscrimination Act of 2008

RELATED POLICIES:

03.233; 05.11

LEGAL: SB 18 AMENDS KRS CHAPTER 344 BY ADDING LIMITATIONS RELATED TO PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS TO CATEGORIES INCLUDED IN STATE LAW REGARDING DISCRIMINATION, NOTICE REQUIREMENT, AND ACCOMMODATIONS.
FINANCIAL IMPLICATIONS: POTENTIAL COST IN PROVIDING NOTICE OR ACCOMMODATIONS

PERSONNEL

03.133

- CERTIFIED PERSONNEL -

Duties

Each employee of the District shall carry out the duties and responsibilities under such standards as will assure ethical performance of duty. As public employees working for the District, all employees are expected, to the best of their ability, to perform their duties honestly and faithfully. Employees shall not place themselves in positions that will cause them to act in any manner other than in the best interest of the public and the District.

All employees are expected to use sound judgment in the performance of their duties and to take reasonable measures to protect the health, safety, and well-being of others, as well as District property.

JOB DESCRIPTION

The Board shall establish such positions as necessary for the efficient and orderly operation of the school system and shall prescribe the duties for all employees by approving job descriptions and organizational charts. The Board shall approve classifications of employees for compensation purposes.

Prior to the authorization of any personnel position in the District budget, the Superintendent shall develop, for Board approval, a job description which establishes all essential functions of the position. There shall be a written job description for each employees of the District.

Job descriptions shall include:

- A descriptive title;
- Qualifications and competencies;
- A detailed explanation of performance responsibilities;
- Assignment to a Board adopted salary schedule and the number of days to be worked each year;
- Physical demands;
- Fair Labor Standards Act (FLSA) status - exempt or non-exempt;
- The immediate links to the chain of command, a statement identifying the supervisor and a statement identifying all the positions supervised by the employee holding the position or that the employee has no supervisees;
- A description of the alignment to staff appraisal instruments that reflect the competencies and responsibilities of the written job descriptions. The job description and related appraisal instruments should include the responsibility for the implementation of Board policies and District strategic priorities, as well as the relationship of the position to professional development and teaching and learning in the District. All job descriptions and related appraisal instruments should detail precise duties (performance and products) and expectations against which the employee will be evaluated and the time frame(s) when formal evaluations will be conducted.

Duties**JOB DESCRIPTION (CONTINUED)**

- The ratio of teachers to students shall be flexible depending upon grade levels, course offerings, accrediting standards, other applicable state laws and regulations and provisions of negotiated agreements; and
- The date approved or most recently revised.

The Superintendent shall conduct a periodic review of job descriptions to be sure they are accurate, complete, and consistent with the table of organization and include accountability for both the design and delivery of aligned written, taught, and test curricula. The Superintendent shall recommend revisions to the Board for approval.

Any person who is designated to be an acting administrator in the absence of the administrative head shall be identified in the job description or by written memorandum. In case of extended absences of the unit administrator, the Superintendent shall notify the Board of the action taken.

School employees, within the limitations of training and competency, may be assigned by the immediate supervisor/Principal to such non-classroom duties as deemed necessary for the proper functioning of the schools by the District or its administrative staff.

INVESTIGATIONS

All employees shall cooperate fully with all investigations conducted by the District as authorized by policy or law. Failure to comply may be considered insubordination.

ACCOMMODATION

Reasonable accommodation shall be provided each qualifying employee with a disability or limitations related to pregnancy, childbirth, or related medical conditions to comply with the requirements of law and regulation.¹

REFERENCES:

- ¹Americans With Disabilities Act (ADA); Rehabilitation Act of 1973; [KRS Chapter 344](#)
KRS 158.645, KRS 158.6451, OAG 91-10
P. L. 93-12 Sec. 504; P. L. 101-336

RELATED POLICIES:

03.113; 09.221

LEGAL: SB 18 AMENDS KRS CHAPTER 344 BY ADDING LIMITATIONS RELATED TO PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS TO CATEGORIES INCLUDED IN STATE LAW REGARDING DISCRIMINATION, NOTICE REQUIREMENT, AND ACCOMMODATIONS.
FINANCIAL IMPLICATIONS: POTENTIAL COST IN PROVIDING NOTICE OR ACCOMMODATIONS

PERSONNEL

03.233

- CLASSIFIED PERSONNEL -

Duties

Each employee of the District shall carry out the duties and responsibilities under such standards as will assure ethical performance of duty. As public employees working for the District, all employees are expected, to the best of their ability, to perform their duties honestly and faithfully. Employees shall not place themselves in positions that will cause them to act in any manner other than in the best interest of the public and the District.

All employees are expected to use sound judgment in the performance of their duties and take reasonable measures to protect the health, safety, and well-being of others, as well as District property.

JOB DESCRIPTION

The Board shall establish such positions as necessary for the efficient and orderly operation of the school system and shall prescribe the duties for all employees by approving job descriptions and organizational charts. The Board shall approve classifications of employees for compensation purposes.

Prior to the authorization of any personnel position in the District budget, the Superintendent, collaborating with other District authorities with personnel assignment responsibilities, shall develop, for Board approval, a job description which establishes all essential functions of the position. There shall be a written job description for each employee of the District. Job descriptions shall include:

- A descriptive title;
- Qualifications and competencies;
- A detailed explanation of performance responsibilities,
- Assignment to a Board adopted salary schedule and the number of days to be worked each year;
- Physical demands.
- Fair Labor Standards Act (FLSA) status – exempt or non-exempt;
- The immediate links to the chain of command, a statement identifying the supervisor and a statement identifying all the positions supervised by the employee holding the position or that the employee has no supervisees;
- A description of the alignment to staff appraisal instruments that reflect the competencies and responsibilities of the written job descriptions. The job description and related appraisal instruments should include the responsibility for the implementation of Board policies and District strategic priorities, as well as the relationship of the position to professional development and teaching and learning in the District. All job descriptions and related appraisal instruments should detail precise duties (performance and products) and expectations against which the employee will be evaluated and the time frame(s) when formal evaluations will be conducted.

Duties**JOB DESCRIPTION (CONTINUED)**

- The ratio of teachers to students shall be flexible depending upon grade levels, course offerings, accrediting standards, other applicable state laws and regulations and provisions of negotiated agreements; and
- The date approved or most recently revised.

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Any person who is designated to be an acting administrator in the absence of the administrative head shall be identified in the job description or by written memorandum. In case of extended absences of the unit administrator, the Superintendent shall notify the Board of the action taken.

School employees, within the limitations of training and competency, may be assigned by the immediate supervisor/Principal to such non-classroom duties as deemed necessary by the District or its administrative staff for the proper functioning of the schools.

INVESTIGATIONS

All employees shall cooperate fully with all investigations conducted by the District as authorized by policy or law. Failure to comply may be considered insubordination.

ACCOMMODATION

Reasonable accommodation shall be provided each qualifying employee with a disability or limitations related to pregnancy, childbirth, or related medical conditions to comply with the requirements of law and regulation.¹

REFERENCES:

- ¹Americans With Disabilities Act (ADA); Rehabilitation Act of 1973; [KRS Chapter 344](#)
KRS 158.645, KRS 158.6451, OAG 91-10
P. L. 93-12 Sec. 504; P. L. 101-336

RELATED POLICY:

03.113

LEGAL: SB 18 AMENDS KRS CHAPTER 344 BY ADDING LIMITATIONS RELATED TO PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS TO CATEGORIES INCLUDED IN STATE LAW REGARDING DISCRIMINATION, NOTICE REQUIREMENT, AND ACCOMMODATIONS.
FINANCIAL IMPLICATIONS: POTENTIAL COST IN PROVIDING NOTICE OR ACCOMMODATIONS

PERSONNEL

03.162

- CERTIFIED PERSONNEL -

Harassment/Discrimination

DEFINITION

Harassment/Discrimination is unlawful behavior based on the race, color, national origin, age, religion, marital or parental status, political affiliations or beliefs, sex, sexual orientation, gender identity, gender expression, veteran status, genetic information, ~~or 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, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual.

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.

Failure by employees, to report, notify, and/or initiate an investigation of alleged harassment/discrimination, to follow approved procedures, or to take corrective action shall be cause for disciplinary action.

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 develop grievance/complaint procedures providing for:

1. Investigation of allegations of harassment/discrimination to include the submission of a written report of all findings of an investigation, regardless of the manner in which the complaint is communicated to a District administrator;
2. Establishment of measures to provide confidentiality in the complaint process;
3. A process to identify and employ methods to correct and prevent recurrence of the harassment/discrimination;
4. A process to address the complaint to a higher level of authority if a supervisory staff member is an alleged party in the harassment/discrimination;
5. A process where the provisions of this policy are disseminated in writing annually to all staff and students;
6. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination;
7. Alternate methods of filing complaints for individuals with disabilities and others who may need accommodation; and
8. An appeal of the findings and corrective action to the Superintendent.

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 materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
3. Instances involving sexual violence;
4. 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
5. Destroying or damaging an individual's property based on any of the protected categories.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

Harassment/Discrimination**PROHIBITED CONDUCT (CONTINUED)**

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because she/he submits a grievance which she/he believes to be true, assists or participates in an investigation, proceeding, or hearing regarding a charge of harassment/discrimination or opposes language or conduct that violates this policy.

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

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.

REFERENCES:

¹KRS 158.156; [KRS Chapter 344](#); [42 USC 2000e, Civil Rights Act of 1964, Title VII](#)
~~42 USC 2000e, Civil Rights Act of 1964, Title VII, KRS Chapter 344~~

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; 09.42811

LEGAL: SB 18 AMENDS KRS CHAPTER 344 BY ADDING LIMITATIONS RELATED TO PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS TO CATEGORIES INCLUDED IN STATE LAW REGARDING DISCRIMINATION, NOTICE REQUIREMENT, AND ACCOMMODATIONS.
FINANCIAL IMPLICATIONS: POTENTIAL COST IN PROVIDING NOTICE OR ACCOMMODATIONS

PERSONNEL

03.262

- CLASSIFIED PERSONNEL -

Harassment/Discrimination

DEFINITION

Harassment/Discrimination is unlawful behavior based on the race, color, national origin, age, religion, marital or parental status, political affiliations or beliefs, sex, sexual orientation, gender identity, gender expression, veteran status, genetic information, ~~or 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, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual.

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.

Failure of employees to report, notify, and/or initiate an investigation of alleged harassment/discrimination, to follow approved procedures, or to take corrective action shall be cause for disciplinary action.

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 develop grievance/complaint procedures providing for:

1. Investigation of allegations of harassment/discrimination; to include the submission of a written report of all findings of an investigation, regardless of the manner in which the complaint is communicated to a District administrator;
2. Establishment of measures to provide confidentiality in the complaint process;
3. A process to identify and employ methods to correct and prevent recurrence of the harassment/discrimination;
4. A process to address the complaint to a higher level of authority if a supervisory staff member is an alleged party in the harassment/discrimination;
5. A process where the provisions of this policy are disseminated in writing annually to all staff and students;
6. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination;
7. Alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.; and
8. An appeal of the findings and corrective action to the Superintendent.

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 materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
3. Instances involving sexual violence;
4. 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
5. Destroying or damaging an individual's property based on any of the protected categories.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

4. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
5. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

Harassment/Discrimination**PROHIBITED CONDUCT (CONTINUED)**

6. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because she/he submits a grievance which she/he believes to be true, assists or participates in an investigation, proceeding, or hearing regarding a charge of harassment/discrimination or opposes language or conduct that violates this policy.

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

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.

REFERENCES:

¹KRS 158.156; [KRS Chapter 344](#); [42 USC 2000e, Civil Rights Act of 1964, Title VII](#)

~~42 USC 2000e, Civil Rights Act of 1964, Title VII, KRS Chapter 344~~

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:

03.212₃; 03.2325₃; 03.26₃; 09.2211₃; 09.422₃; 09.42811

Child Abuse & Neglect (CA/N) Checks

LEGAL: SB 15 AMENDS KRS 160.380 TO CLARIFY THAT A NEWLY ELECTED SCHOOL COUNCIL PARENT MEMBER WHO IS TO PROVIDE A LETTER (CA/N CHECK) FROM THE CABINET FOR HEALTH AND FAMILY SERVICES MAY SERVE PENDING RECEIPT OF A CLEAR CHECK.
FINANCIAL IMPLICATIONS: POSSIBLE COST OF REPRINTING SBDM ELECTION FORMS
BOARD POLICY COMMITTEE RECOMMENDED ADDING DEFINITION OF CLEAR CA/N CHECK.

ADMINISTRATION

02.421

Election of School Council Members (SBDM)

ELECTION OF TEACHER MEMBERS

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

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

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

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

ELECTION OF PARENT MEMBERS

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

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

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

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

Election of School Council Members (SBDM)**ELECTION OF PARENT MEMBERS (CONTINUED)**

is a minor as defined in KRS 17.500 or as a violent offender as defined in KRS 17.165 and no further procedures shall be required.

Link to DPP-156 Central Registry Check and more information on the required [CAN check](#) ~~Cabinet Letter~~:

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

MINORITY REPRESENTATIVES

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

MINORITY REPRESENTATIVES (CONTINUED)

1. The Principal shall organize a special election no sooner than ten (10) and no later than twenty (20) calendar days following the elections described above to elect a minority parent to the council by ballot. The Principal shall notify all parents of the date, time, and location of the election. The notice shall call for nominations of minority parents for the ballot. The election shall be conducted using the same procedures as the election of the two (2) other parent members of the council.
2. The Principal shall call a meeting of all teachers in the building within seven (7) days following the initial election of parent and teacher council members. The teachers shall elect one (1) minority teacher to serve as a teacher member on the council.

If there are no minority teachers who are members of the faculty, an additional teacher member shall be elected by a majority of all teachers. Procedures for election of the teacher representative shall be the same as the procedures for election of the other three (3) teacher members of the council.

TERMS

Terms of school council members shall be for one (1) year and shall begin on July 1 and end on June 30 of the following year. A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected. Term limitations shall not apply for a minority teacher member who is the only minority on faculty. Annual elections for the following year's terms should be held no later than the preceding May, but the specific date shall be set by the council.

COUNCIL ELECTIONS FOR NEW OR CONSOLIDATED SCHOOLS

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

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

Election of School Council Members (SBDM)

- Following the opening of a new or consolidated school, elections shall be held to form a council.

CONFLICT OF INTEREST

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

REMOVAL OF COUNCIL MEMBERS

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

VACANCIES

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

REFERENCES:

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

LEGAL: SB 15 AMENDS KRS 160.380 TO CLARIFY EMPLOYMENT RECORDS CHECK REQUIREMENTS. SB 15 ALSO REMOVES THE EXCEPTION ON HIRING A RELATIVE OF A BOARD MEMBER WHO WAS AN EMPLOYEE OF THE DISTRICT AS OF JULY 13, 1990.

FINANCIAL IMPLICATIONS: COST OF REPRINTING APPLICATIONS

BOARD POLICY COMMITTEE RECOMMENDED SUBSTITUTING LANGUAGE RELATING TO "CLEAR CAN CHECK" FOR CLARITY AND STANDARDIZATION OF LANGUAGE ACROSS POLICES.

PERSONNEL

03.11

- CERTIFIED PERSONNEL -

Hiring

SUPERINTENDENT'S RESPONSIBILITIES

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

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

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

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

EFFECTIVE DATE

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

QUALIFICATIONS

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

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

PRE-EMPLOYMENT INQUIRIES

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

Hiring

CRIMINAL BACKGROUND CHECK AND TESTING

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

Each application or renewal form provided to applicants for a certified position shall conspicuously state the following:

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

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

Employment shall also be contingent on receipt of a clear CA/N check, defined in KRS 160.380 as "a letter from the Cabinet for Health & Family Services indicating that there are no substantiated findings of child abuse or neglect relating to a specific individual."~~letter from the Cabinet provided by the individual documenting that the individual does not have a substantiated finding of child abuse or neglect in records maintained by the Cabinet.~~ Employment shall terminate upon receipt of a letter from the Cabinet documenting a substantiated finding of child abuse or neglect.

Link to DPP-156 Central Registry Check and more information on the required CA/N check~~Cabinet Letter~~:

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

REPORT TO SUPERINTENDENT

An employee shall report to the Superintendent if the employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal. Any failure to report this finding shall result in the employee being subject to dismissal or termination.

VACANCIES POSTED

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

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

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

Hiring

REVIEW OF APPLICATIONS

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

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

RELATIONSHIPS

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

The Superintendent shall not employ a relative of a member of the Board ~~unless the relative was initially employed by the District prior to the tenure of the Board member and the member was seated on the Board prior to July 13, 1990.~~

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

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

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

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

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

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

Hiring

RELATIONSHIPS (CONTINUED)

paragraph of this policy for all personnel assignments and shall make a final determination as to the appropriate action to implement this paragraph of this policy.

Exception to the above is substitute personnel.

CONTRACT

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

JOB DESCRIPTION

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

INTENT

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

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT

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

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

EMPLOYEES SEEKING A JOB CHANGE

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

JOB SHARING

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

EXCHANGE OF TEACHERS

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

REFERENCES:

¹KRS 160.380

²KRS 161.605; 702 KAR 1:150

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

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

[34 C.F.R. 200.55-200.56](#); 45 C.F.R. § 1302.90

KRS 17.160; KRS 17.165; KRS 156.106; KRS 160.345; KRS 160.390

KRS 161.042; KRS 161.611; KRS 161.750; KRS 335B.020; KRS 405.435

16 KAR 9:080; 702 KAR 3:320; 704 KAR 7:130

PERSONNEL

03.11
(CONTINUED)

Hiring

REFERENCES (CONTINUED):

OAG 18-017; OAG 73-333; OAG 91-10; OAG 91-149; OAG 91-206
OAG 92-1; OAG 92-59; OAG 92-78; OAG 92-131; OAG 97-6
| Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 02.4244; 03.132

LEGAL: SB 15 AMENDS KRS 160.380 TO CLARIFY EMPLOYMENT RECORDS CHECK REQUIREMENTS. SB 15 ALSO REMOVES THE EXCEPTION ON HIRING A RELATIVE OF A BOARD MEMBER WHO WAS AN EMPLOYEE OF THE DISTRICT AS OF JULY 13, 1990.

FINANCIAL IMPLICATIONS: COST OF REPRINTING APPLICATIONS

BOARD POLICY COMMITTEE RECOMMENDED SUBSTITUTING LANGUAGE RELATING TO "CLEAR CA/N CHECK" FOR CLARITY AND STANDARDIZATION OF LANGUAGE ACROSS POLICES.

PERSONNEL

03.21

- CLASSIFIED PERSONNEL -

Hiring

SUPERINTENDENT'S RESPONSIBILITIES

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

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

EFFECTIVE DATE

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

PRE-EMPLOYMENT INQUIRIES

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

CRIMINAL BACKGROUND CHECK AND TESTING

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

Each application or renewal form provided to applicants for a classified position shall conspicuously state the following:

"FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND ~~HAVE~~ A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE ~~APPLICANT HAS EMPLOYEE IS CLEAR TO HIRE BASED ON~~ NO FINDINGS OF SUBSTANTIATED CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES ~~AS A CONDITION OF EMPLOYMENT.~~"¹

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

Hiring

CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)

or charged with one of the offenses listed above. The supervisor shall immediately notify employee relations.

Employment shall also be contingent on receipt of a clear CA/N check, defined in KRS 160.380 as "a letter from the Cabinet for Health & Family Services indicating that there are no substantiated findings of child abuse or neglect relating to a specific individual."~~letter from the Cabinet provided by the individual documenting that the individual does not have a substantiated finding of child abuse or neglect in records maintained by the Cabinet.~~ Employment shall terminate upon receipt of a letter from the Cabinet documenting a substantiated finding of child abuse or neglect.

Link to DPP-156 Central Registry Check and more information on the required [CA/N check](#)~~Cabinet Letter~~:

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

REPORT TO SUPERINTENDENT

An employee shall report to the Superintendent if the employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal. Any failure to report this finding shall result in the employee being subject to dismissal or termination.

EDUCATIONAL REQUIREMENTS

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

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

VACANCIES POSTED

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

Vacancies may also be posted and advertised outside the District.

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

REVIEW OF APPLICATIONS

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

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

RELATIONSHIPS

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

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

Hiring

RELATIONSHIPS (CONTINUED)

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

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

EMERGENCY HIRING

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

JOB DESCRIPTION

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

CONTRACT

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

JOB SHARING

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

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT

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

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

Hiring**EMPLOYEES SEEKING A JOB CHANGE**

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

REFERENCES:

¹KRS 160.380

²702 KAR 5:080

³KRS 161.011

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

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

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

KRS 17.160, KRS 17.165; KRS 156.070

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

OAG 18-017; OAG 91-10; OAG 91-149; OAG 91-206

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

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

Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221

LEGAL: SB 15 AMENDS KRS 160.380 TO STATE THAT A SUPERINTENDENT MAY REQUIRE A STATE AND NATIONAL BACKGROUND CHECK AND CLEAR CA/N CHECK.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

BOARD POLICY COMMITTEE RECOMMENDED ADDING DEFINITION OF "CLEAR CA/N CHECK."

PERSONNEL

03.6

Volunteers

DEFINITION

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

Teacher education students or students enrolled in an educational institution and who participate in observations and educational activities under direct supervision of a local school teacher or administrator in a public school shall not be considered volunteers.

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

SUPERVISION OF VOLUNTEERS

All volunteers shall provide assistance only under the direction and supervision of a member of the professional administrative and teaching staff.¹

Volunteers who assist in the District on a scheduled and/or continuing basis shall be provided with the same liability insurance coverage as a District employee and shall be provided with a written task description detailing responsibilities and expectations, as well as specific qualifications that may be required.

RECORDS CHECK

The District shall conduct, at District expense, a state criminal records check on all volunteers who have contact with students on a regularly scheduled and/or continuing basis, or who have supervisory responsibility for children at a school site or on school-sponsored trips.

Pursuant to KRS 160.380, the Superintendent/designee also may require volunteers to submit to a state and national criminal (fingerprint) history background check and to provide a clear CA/N check, defined in KRS 160.380 as "a letter from the Cabinet for Health and Family Services indicating that there are no substantiated findings of child abuse or neglect relating to a specific individual."~~letter from the Cabinet for Health and Family Services stating that there are no findings of substantiated child abuse or neglect on record.~~ With prior approval of the Superintendent/designee, the background checks will be conducted at District expense.

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

No volunteer shall be utilized to supervise students, or deemed to have the authority to supervise students, unless the volunteer has been designated to supervise students by the Principal and approved by the Superintendent/designee, and the volunteer has undergone the required records check. ~~The Superintendent may also require such a volunteer to provide a letter from the Cabinet for Health and Family Services stating that there are no findings of substantiated child abuse or neglect on record.~~

Volunteers

RECORDS CHECK (CONTINUED)

Link to DPP-156 Central Registry Check and more information on the required [CA/N check](#)~~Cabinet Letter~~:

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

BASIS FOR DISQUALIFICATION

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

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

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

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

WORK-BASED SITE SUPERVISORS

Work-based learning site supervisors are considered volunteers. Pursuant to KRS 160.380 and KRS 161.148, prior to being assigned to supervise a student for more than one (1) day in a work-based learning experience, the site supervisor shall have undergone a state criminal background check either as required by their employer at the time of employment or within the past twelve (12) months, whichever is the more recent.

TRANSPORTATION OF STUDENTS

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

ORIENTATION

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

PERSONNEL

03.6
(CONTINUED)

Volunteers

REFERENCES:

¹KRS 161.148
KRS 160.380; KRS 161.044

RELATED POLICIES:

03.5; 08.113; 08.1131

Superintendent & Board

LEGAL: HB 227 AMENDS KRS 160.280 INCREASING, AS OF JULY 1, 2019, THE PER DIEM AMOUNT AND INCREASING THE "CAPS" ON THE PER DIEM AND IN-DISTRICT EXPENSES A BOARD MEMBER MAY RECEIVE. AS BEFORE, STATUTE REQUIRES THE BOARD TO AUTHORIZE THE PER DIEM. BOARD MEMBERS INDIVIDUALLY MAY ELECT TO WAIVE THE PER DIEM. CONTACT YOUR POLICY CONSULTANT FOR A SAMPLE WAIVER FORM 01.821 AP.2.
FINANCIAL IMPLICATIONS: INCREASED PER DIEMS

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.821

Board Member Compensation and Expenses

PER DIEM

Board members shall receive a per diem of ~~one-hundred-fiftyseveny-five~~ dollars (\$~~15075~~) ~~perfor~~ each day a regular or special Board meeting is attended or for each day a training session required by law is attended ~~as required by law~~, not to exceed ~~\$6,000~~~~\$3,000~~ per calendar year per member.

IN-DISTRICT EXPENSES

Members shall be reimbursed for actual and necessary expenses incurred within the District while attending to Board business, not to exceed ~~\$6,000~~~~\$3,000~~ per calendar year per member.

Actual mileage shall be reimbursed at the same rate as for employees of the District.

Meals incurred inside the District shall not be reimbursed, except for banquets that members attend representing the District.

DEDUCTIONS

At the request of a Board member, deductions from per diem and expense reimbursement may be made for, but not be limited to, membership dues that provide a reasonable business benefit, health insurance purchases, scholarship funds, and contributions to a political action committee.

OUT-OF-DISTRICT TRAVEL

Board members shall be reimbursed for actual and necessary expenditures incurred outside the District. Board members are encouraged to attend school board conferences, conventions and workshops on a local, regional, state and national level and other officially called meetings related to education or school matters. Board members shall obtain Board approval prior to incurring out-of-district expenses.

All claims for reimbursement of necessary expenses incurred in attending such meetings, and/or conferences shall be made out according to law and filed with the secretary of the Board for approval and payment. Reimbursement for meals and mileage shall be at the same rates as that for employees of the District. Reimbursement for other necessary expenses shall be documented by receipts. With prior Board approval, expenses such as airfare and hotel costs may be paid directly to the vendor. No other advancements for anticipated expenses shall be made.

Expenses for personal entertainment shall not be reimbursed.

Expenses not in compliance with this policy shall not be reimbursed or paid by the Board.

CREDIT CARDS

Board members shall not be issued District credit cards.

SPOUSE'S TRAVEL

All travel expenses of spouses shall be paid by the Board member at the time the expense is incurred. There shall be no reimbursement of such expenditures.

Board Member Compensation and Expenses

REFERENCES:

KRS 160.280; KRS 161.158
OAG 76-329; OAG 80-395; OAG 85-53; OAG 92-136

RELATED POLICIES:

01.4; 03.125; 03.225

LEGAL: SB 1 CREATES A NEW SECTION OF KRS 158 THAT REQUIRES DISTRICTS TO HAVE A THREAT
LEGAL: SB 250 AMENDS KRS 160.345 TO PROVIDE THAT THE SELECTION OF A PRINCIPAL BY A
MAJORITY VOTE OF THE COUNCIL SHALL BE SUBJECT TO APPROVAL BY THE SUPERINTENDENT.
IF THE SUPERINTENDENT DOES NOT APPROVE THE PRINCIPAL SELECTED BY THE COUNCIL, THEN
THE SUPERINTENDENT MAY SELECT THE PRINCIPAL.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.4244

School Hiring (SBDM)

PRINCIPAL SELECTION

When a vacancy exists in the position of school Principal, the outgoing Principal shall not serve on the council during the Principal selection process.

The Superintendent/designee shall serve as the Chair of the council for the purpose of the hiring process and shall have voting rights during the selection process. The council shall have access to the applications of all persons certified for the position. The Principal shall be elected on a majority vote of the membership of the council.

The selection of a Principal by a majority vote of the council shall be subject to approval by the Superintendent. If the Superintendent does not approve the Principal selected by the council, then the Superintendent may select the Principal.

No Principal who has been previously removed from a position in the District for cause may be considered for appointment as Principal in the District.

A vacancy is created in the position of Principal by the resignation, removal, transfer, retirement or death of the current Principal.

The council shall undergo training, with a trainer of its choice, in recruitment and interviewing techniques prior to carrying out the process of selecting a new Principal. The Board encourages the council to follow one (1) or more of the following practices when arranging for this training:

1. Selection of a trainer approved by the Kentucky Association of School Councils (KASC);
2. Selection of a trainer certified by the Kentucky Department of Education (KDE); and/or
3. Requiring the trainer selected to emphasize recruiting and interviewing techniques that reflect model standards developed by KASC.

ALTERNATIVE PRINCIPAL SELECTION PROCESS

The following Principal selection process may be used by the school council:

Prior to a meeting called to select a Principal, all school council members shall receive informational materials regarding Kentucky Open Records and Open Meetings laws and sign a nondisclosure agreement forbidding the sharing of information shared and discussions held in the closed session;

1. The Superintendent shall convene the school council and move into closed session as provided in KRS 61.810(1)(f) to confidentially recommend a candidate;
2. The council shall have the option to interview the recommended candidate while in closed session; and
3. After any discussion, at the conclusion of the closed session, the council shall decide, in a public meeting by majority vote of the membership of the council, whether to accept or reject the recommended Principal candidate;

School Hiring (SBDM)**ALTERNATIVE PRINCIPAL SELECTION PROCESS (CONTINUED)**

If the recommended candidate is selected, and the recommended candidate accepts the offer, the name of the candidate shall be made public during the next meeting in open session;¹

If the recommended candidate is not accepted by the school council under the Alternative Principal Selection Process, then the Principal Selection process above applies.¹

If the recommended candidate is not accepted by the school council, the confidentially recommended candidate's name and the discussions of the closed session shall remain confidential under KRS 61.810(1)(f), and any documents used or generated during the closed meeting shall not be subject to an open records request as provided in KRS 61.878(1)(i) and (j).

A school council member who is found to have disclosed confidential information regarding the proceeding of the closed session shall be subject to removal from the school council by the Kentucky Board of Education.

Discretionary authority exercised by a school council pursuant to the statutory alternative principal selection process shall not violate provisions of any employer-employee bargained contract existing between the District and its employees.

OTHER VACANCIES

When the position to be filled in the school is other than that of Principal, the Principal, after consulting with the council in accordance with procedures established by the council, shall fill the position from a list of qualified applicants provided by the Superintendent. The Superintendent shall provide names of all additional applicants to the Principal upon request when qualified applicants are available.

The Superintendent may forward to the council names of qualified applicants who have certification pending from the Education Professional Standards Board pursuant to state law. Applicants subsequently employed shall provide evidence they are certified prior to assuming the duties of their position.

If the applicant is the spouse of the Superintendent and meets the requirements of KRS 160.380, s/he shall only be employed upon the recommendation of the Principal and the approval of a majority vote of the school council.

REFERENCES:

¹KRS 160.345
KRS 61.810; KRS 61.878
KRS 160.380
OAG 91-149; OAG 92-131; OAG 92-78
OAG 95-10; OAG 96-38

RELATED POLICIES:

02.4241; 03.11; 03.21

LEGAL: SB 250 AMENDS KRS 161.720 AND KRS 161.740 AND KRS 161.765 REGARDING CONTINUING SERVICE CONTRACTS ENTERED INTO ON OR AFTER JULY1, 2019. IF THE TEACHER BEGINS EMPLOYMENT IN A DISTRICT-LEVEL ADMINISTRATIVE POSITION IN A LOCAL SCHOOL DISTRICT THAT HAS ADMINISTRATIVE LEVEL-DUTIES RESPONSIBILITIES THAT ARE NOT LIMITED TO ONE (1) SCHOOL IN THE DISTRICT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TEXT IN BLUE WAS ADDED AT THE RECOMMENDATION OF THE BOARD POLICY COMMITTEE TO CLARIFY THAT A CERTIFIED CENTRAL OFFICE ADMINISTRATOR WHOSE CONTRACT IS NOT RENEWED WILL RECEIVE AN APPROPRIATE ASSIGNMENT WITH A CONTINUING SERVICE CONTRACT.

PERSONNEL

03.114

-CERTIFIED PERSONNEL-

Contract

CONTRACT

The District shall enter into written contracts, either limited or continuing, for the employment of certified personnel as required by law.¹ The contract shall designate the number of days of employment which shall be worked pursuant to a working calendar approved by the Superintendent. Contracts for certified personnel shall not exceed two hundred sixty-two (262) days per fiscal year.²

VOCATIONAL

Vocational agriculture teachers shall be allotted sufficient days of extended employment to provide for twelve (12) months instructional salary per year, as required by law.³

TENURE STATUS

Certified staff shall gain tenure as teachers in accordance with the provisions of KRS 161.740, and tenure as administrators in accordance with the provisions of KRS 161.765. Continuing service contracts, issuance of four (4) limited contracts in a six (6) year period, shall remain in effect until the teacher resigns or retires.

A teacher who begins employment in a District-level administrative position in ~~the local school~~ District that has administrative level-duties and responsibilities that are not limited to one (1) school in the District shall not be issued a written continuing contract. However, if a teacher had a written continuing contract prior to becoming employed in a District-level administrative position and transfers to another position in the District that is not a District-level administrative position, then the teacher shall revert to continuing service contract status. If the teacher becomes employed in another District, the teacher shall revert to continuing service contract status subject to the provisions of KRS 161.740 regarding probation and the time period for transferring a continuing service contract to another school District.⁴

A teacher who had a written continuing contract prior to becoming employed in a District-level administrative position and whose contract as a District-level administrator is not renewed, shall revert to continuing service contract status and shall be assigned an appropriate position in accordance with District policies and procedures.

REFERENCES:

¹KRS 161.730

²KRS 161.220

³KRS 157.360

PERSONNEL

03.114
(CONTINUED)

-CERTIFIED PERSONNEL-

Contract

⁴KRS 161.740
KRS 161.765
16 KAR 4:040

RELATED POLICY:

03.121

Human Resources – Leave

LEGAL: SB 8 AMENDS KRS 161.770 BY STATING SPECIFIC REQUIREMENTS FOR BOARDS OF EDUCATION IN THEIR COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT, AND ANY OTHER FEDERAL LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.123

- CERTIFIED PERSONNEL -

Leaves and Absences

The Superintendent shall establish procedures for granting leaves of absence authorized by law/Board policy.

APPROVAL

Authorization of leave and time taken off from one's job shall be in accordance with specific leave policy. An absence from duty not associated with an approved leave shall be treated as job abandonment regardless of intent to return to work and may result in termination.

NOTIFICATION OF RETURN

Employees on leave covered by the related policies listed below shall notify the Superintendent/designee in writing by April 1 of the year the leave terminates of the date of their intent to return to the District. Employees who fail to notify the Superintendent/designee of their return by April 1 cannot be guaranteed employment for the following school year. If an employee on leave has not contacted the Superintendent/designee by April 1, the Superintendent is authorized to fill the position for the following school year. Where an employee in the final year of leave fails to contact the Superintendent/designee by April 1, to either request an extension of leave or to provide a date of return, the Superintendent may determine whether personnel action is required.

LEAVE FOLLOWING ASSAULT

The District shall provide leave with pay for employees assaulted while performing their assigned duties when the assault results in injuries that qualify the employee for workers' compensation benefits. The period of leave shall not exceed one (1) calendar year following the assault. During that period, the employee shall not experience loss of income or benefits, including sick leave, under terms and conditions set forth in KRS 161.155.

PLACEMENT UPON RETURN

Employees taking any long term leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position or the same school cannot be guaranteed.

FMLA

Eligible employees may apply for leave under the provisions of the Family and Medical Leave Act of 1993.

REQUEST FOR MEDICAL INFORMATION

Per KRS 161.770, the Board may only request medical information necessary to decide whether to grant a leave of absence; shall not request or retain unnecessary medical information; and shall not disclose any medical information received, except as permitted by state and federal law.

Leaves and Absences

REFERENCES:

KRS 161.155; KRS 161.770
OAG 01-9
Family and Medical Leave Act of 1993

RELATED POLICIES:

03.1232, 03.12322, 03.1233, 03.1234, 03.1235, 03.124, 03.17

LEGAL: SB 8 AMENDS KRS 161.770 BY STATING SPECIFIC REQUIREMENTS FOR BOARDS OF EDUCATION IN THEIR COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT, AND ANY OTHER FEDERAL LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.1233

- CERTIFIED PERSONNEL -

Child Rearing/Adoption Leave

PAID SICK LEAVE

Childbirth and recovery therefrom, which prevents the employee from performing assigned duties, shall entitle the employee to sick leave benefits as provided in Board Policy 03.1232. An employee may use up to thirty (30) days of sick leave immediately following the birth or adoption of a child or children.

An illness of the newborn shall entitle the employee to sick leave benefits as provided in Board Policy 03.1232.

Additional sick leave days may be used when the need is verified by a physician's statement.

UNPAID CHILD REARING/ADOPTION LEAVE

An employee of the District may be granted upon written request an unpaid leave of absence for the purpose of fulfilling adoption requirements or for rearing the employee's pre-school child(ren).

A single child rearing/adoption leave may be granted for a period of no less than thirty (30) days and no more than two (2) consecutive school years or a major portion thereof. Part-time, initial probationary, temporary, seasonal and substitute employees and student workers are not eligible for child rearing/adoption leave, except as provided by federal law.

Employees on child rearing/adoption leave shall notify the Superintendent/designee in writing of their intent to return to the school system on or before the date prescribed in Policy 03.123. Employees who fail to notify the Superintendent/designee of their return by the date prescribed in Policy 03.123 cannot be guaranteed employment for the following school year.

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

FMLA

In compliance with the Family and Medical Leave Act of 1993, eligible employees are entitled to up to twelve (12) workweeks of unpaid leave to care for the employee's child after birth or placement of a child with the employee for adoption or foster care. Leave to care for an employee's healthy newborn baby or minor child who is adopted or accepted for foster care must be taken within twelve (12) months of the birth or receipt of the child.

REQUEST FOR MEDICAL INFORMATION

Per KRS 161.770, the Board may only request medical information necessary to decide whether to grant a leave of absence; shall not request or retain unnecessary medical information; and shall not disclose any medical information received, except as permitted by state and federal law.

PERSONNEL

03.1233
(CONTINUED)

Maternity Leave

REFERENCES:

KRS 161.155; KRS 161.770
OAG 80-151; OAG 84-43; OAG 86-66
Family and Medical Leave Act of 1993

RELATED POLICIES:

03.123; 03.1232; 03.12322

Finance

LEGAL: SB 18 AMENDS KRS CHAPTER 344 BY ADDING PROTECTIONS COVERING PREGNANCY, LEGAL: REVISIONS TO 701 KAR 5:140 REMOVE THE CATEGORY "PERSISTENTLY LOW-ACHIEVING" AND REPLACE IT WITH A SCHOOL IDENTIFIED FOR "COMPREHENSIVE SUPPORT AND IMPROVEMENT" AS IT PERTAINS TO THE DISTRICT'S PLAN OF INNOVATION. IN ADDITION, IN ORDER TO QUALIFY AS A DISTRICT OF INNOVATION, THE SUBMITTED PLAN MUST CALL FOR AN EXEMPTION FROM REGULATION OR STATUTE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 46 AMENDS KRS 158.195 TO REQUIRE LOCAL BOARDS TO REQUIRE EACH ELEMENTARY AND SECONDARY SCHOOL TO DISPLAY THE NATIONAL MOTTO "IN GOD WE TRUST" IN A PROMINENT LOCATION IN THE SCHOOL BEGINNING WITH THE 2019-2020 SCHOOL YEAR. IT ALSO STATES THE DISPLAY MAY BE, BUT IS NOT LIMITED TO, A PLAQUE OR STUDENT ARTWORK. PROMINENT LOCATION IS DEFINED AS THE SCHOOL'S ENTRYWAY, CAFETERIA, OR COMMON AREA WHERE STUDENTS ARE LIKELY TO SEE IT.

FINANCIAL IMPLICATIONS: POTENTIAL COST OF THE DISPLAY/ANY INSTALLATION

KSBA UPDATE DID NOT INCLUDE INCREASE IN AMOUNT FOR PROFESSIONAL SERVICES CONTRACTS FROM \$5,000 TO \$20,000 AS REQUIRED BY SB 250. JCPS STAFF ADDED THE CHANGE.

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.11

General Powers and Duties of the Board

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

ESTABLISHMENT OF SCHOOLS

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

CHARTER SCHOOLS

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

REQUEST FOR WAIVERS AND EXEMPTIONS

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

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

SCHOOL FUNDS AND PROPERTY

The Board shall have control and management of all school funds and all public school property of the District and may use its funds and property to promote public education.

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

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

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

MANAGEMENT

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

SUBPOENA

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

INSURANCE

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

As long as they pay the full cost of premiums required, Board members may choose to participate in any group life insurance¹² or any group medical or dental insurance provided by the District for employees.¹⁰

FREE SUPPLIES

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

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

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

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

LEVY OF TAX RATES

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

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

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

POWER TO BORROW FUNDS

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

CONTRACT WITH CONSULTANTS

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

Professional service contracts for ~~\$20,000 \$5,000~~ or more shall be submitted to the Board prior to approval. The Superintendent is authorized to contract for all other professional services ~~contracts~~ necessary for carrying out the policies of the Board without prior Board approval. ¹³ A list of all professional service contracts (regardless of dollar amount) shall be presented to the Board on a monthly basis.

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

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

General Powers and Duties of the Board

APPLICATIONS FOR GRANTS

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

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

NATIONAL MOTTO

The Board shall require each elementary and secondary school to display the national motto, "In God We Trust," in a prominent location which means a school entryway, cafeteria, or common area where students are likely to see it. Per KRS 158.195, the display may take the form of, but is not limited to, a plaque or student artwork.

RESPONSIBILITIES OF THE BOARD

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

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

General Powers and Duties of the Board

REFERENCES:

- ¹KRS 160.290
²KRS 160.300
³KRS 160.310
⁴KRS 160.160
⁵KRS 160.330
⁶KRS 160.340
⁷KRS 160.470
⁸KRS 160.540
⁹KRS 160.345
¹⁰KRS 160.280
¹¹KRS 156.108; KRS 160.107; KRS 160.346; 701 KAR 5:140
¹²KRS 18A.205; KRS 18A.210
¹³KRS 160.370

KRS 116.200; KRS 156.072; KRS 156.160; KRS 158.195
KRS 160.1590; KRS 160.1592; KRS 160.1593; KRS 160.1594; KRS 160.1595
KRS 160.1599; KRS 161.158; KRS 162.010; KRS 416.560
OAG 91-10; OAG 91-122; OAG 95-10; 702 KAR 3:220; 702 KAR 4:160

RELATED POLICIES:

01.41; 01.5; 01.7
03.124; 03.224; 04.92

LEGAL HB 26 AMENDS KRS 45A.385 INCREASING THE AGGREGATE CONTRACT AMOUNT MAXIMUM FOR SMALL PURCHASE TO \$30,000.

FINANCIAL IMPLICATIONS: LARGER AMOUNT FOR SMALL PURCHASE PROCEDURES

LEGAL: SB 15 AMENDS KRS 160.380 TO ELIMINATE THE DEFINITION OF “CONTRACTOR” AND THE SCOPE OF REQUIRED VENDOR/CONTRACTOR BACKGROUND CHECKS TO ADULTS ACCESSING SCHOOL GROUNDS UNDER A WRITTEN AGREEMENT TO PROVIDE DIRECT STUDENT SERVICES AS PART OF A SCHOOL-SPONSORED PROGRAM ACTIVITY.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: SB 256 REVISES KRS 160.370 TO PROVIDE THAT THE BOARD AUTHORIZE THE SUPERINTENDENT TO APPROVE PURCHASES, IN ACCORDANCE WITH SMALL PURCHASE PROCEDURES ADOPTED BY THE BOARD, FOR ANY CONTRACT FOR WHICH A DETERMINATION IS MADE THAT THE AGGREGATE AMOUNT OF THE CONTRACT DOES NOT EXCEED TWENTY THOUSAND DOLLARS (\$20,000) AND REQUIRE THE SUPERINTENDENT TO PROVIDE A QUARTERLY REPORT TO THE BOARD ON ANY PURCHASES MADE UNDER THIS PROVISION.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

BOARD POLICY COMMITTEE RECOMMENDED ADDING A DEFINITION OF “CLEAR CA/N CHECK.”

DRAFT 3/19/19, REVISED 4/3/19, 4/23/19

FISCAL MANAGEMENT

04.32

Model Procurement Code Purchasing

AUTHORITY

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

GENERAL PURCHASING REQUIREMENTS

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

SMALL PURCHASES

District small purchase procedures may be used for any contract in which the aggregate amount does not exceed \$30,000.⁴

SUPERINTENDENT TO APPROVE PURCHASES

The Board shall authorize the Superintendent to approve purchases, in accordance with small purchase procedures adopted by the Board, for any contract for which a determination is made that the aggregate amount of the contract does not exceed twenty thousand dollars (\$20,000) and require the Superintendent to provide a quarterly report to the Board on any purchases made under this provision.⁵

PURCHASING FROM MINORITY, WOMEN, AND VETERAN-OWNED ENTERPRISES

The Board supports the purchase of goods; construction, renovation and repair services; and other services from minority, women, and veteran business enterprises (M/W/VBE) by the District.

Model Procurement Code Purchasing**PURCHASING FROM MINORITY, WOMEN, AND VETERAN-OWNED ENTERPRISES (CONTINUED)**

The District shall develop and implement purchasing procedures, in accordance with the Kentucky Model Procurement Code (KRS 45A.345 to 45A.460) and related administrative regulations, and other pertinent state and federal laws that actively promote increasing opportunities for M/W/VBE to become vendors providing goods and services to the District.

This policy and related procedures shall establish expectations of good faith efforts by prospective vendors for M/W/VBE participation and include mechanisms to document and measure those efforts.

LEADERSHIP

District leadership shall take an active role to ensure effective implementation of this policy. The Superintendent, Chief Operations Officer, Chief Financial Officer, and Chief Equity Officer shall:

1. Review the results of the performance of the District's implementation of this policy with internal management personnel on a periodic basis;
2. Articulate in written and verbal communication, internally and externally, the District's interest in achieving the goal of increasing opportunities for M/W/VBE participation with District procurement;
3. Issue periodic reports to the Board and to other internal and external stakeholders; and
4. Engage in other leadership activities contributing to increasing the utilization and meeting of M/W/VBE goals of this policy.

ADMINISTRATION

The Purchasing Department and Facility Planning Department shall incorporate procedures established under this policy as part of their financial and management responsibilities over District procurement processes. The Chief Equity Officer and the staff of the Diversity, Equity, and Poverty Division shall be responsible for supporting effective implementation of this policy.

DEFINITIONS

As used in this policy:

Construction, renovation, and repair services means the erection, construction, alteration, or repair of District facilities.

Goods means supplies, materials, and equipment.

Other services means services procured by District that are not construction, renovation, and repair services.

Minority Business Enterprise (MBE) means a business that is certified as being at least fifty-one percent (51%) controlled by one (1) or more racial/ethnic minority persons of either sex. A racial/ethnic minority person shall be described as follows: Black or African American, Asian, American Indian and Alaska Native, Native Hawaiian and Other Pacific Islander, Hispanic or Latino.

Woman Business Enterprise (WBE) means a business that is certified as being at least fifty-one percent (51%) controlled by one or more non-minority women.

Model Procurement Code Purchasing**DEFINITIONS (CONTINUED)**

Veteran Business Enterprise (VBE) means a small business that is certified as being at least fifty-one percent (51%) controlled by one (1) or more veterans, and that has one or more veterans managing day-to-day operations and also making long-term decisions.

M/WBE means a minority and women business enterprise.

M/W/VBE means a minority, women and veteran-business enterprise.

CERTIFICATION OF M/W/VBE

M/W/VBE are certified and classified by a variety of entities. The District shall accept M/W/VBE certification from any bona fide certifying entity, including, but not limited to Louisville Metro Government, the Kentucky Finance and Administration Cabinet, Tri-State Minority Supplier Development Council, and the National Women's Business Enterprise Council. Additionally, District staff may classify businesses that are not certified by the above entities if a business demonstrates that it meets the certifying entities' definition of an M/W/VBE.

SUPPORT FOR M/W/VBE VENDOR UTILIZATION

The District shall maintain a master database of MBE, WBE, and VBE vendors, and establish procedures for its use, to assist District staff responsible for bidding and purchase process in meeting good faith effort requirements.

The District shall establish an ongoing outreach effort to M/W/VBE vendors, including, but not limited to providing information and guidance regarding doing business with the District, assisting vendors with the District's e-procurement system. The District shall establish and maintain partnerships with existing management and technical assistance providers to assist M/W/VBE in securing and meeting performance expectation for District contracts.

M/W/VBE GOALS AND GOOD FAITH EFFORT

For Construction, Renovation, and Repair Services Projects, the District's goals are as follows:

1. Fifteen percent (15%) MBE participation;
2. Ten percent (10%) WBE participation; and
3. VBE participation at a rate established by the Chief Equity Officer and the Chief Financial Officer based on research of best practices of peer school districts and other governmental entities.

Bidders who utilize subcontractors shall make good faith efforts to meet the District's M/W/VBE goals for subcontractors used for each project on which they bid. Bidders who do not meet the goals shall submit documentation of their good faith efforts in soliciting pricing, as set forth in the District's procedures for bidders. Award of contract shall be conditional upon the bidder's satisfaction of these requirements.

Model Procurement Code Purchasing

PURCHASE OF GOODS AND OTHER SERVICES

District staff shall make good faith efforts to utilize M/W/VBE vendors in accordance with standards and documentation requirements set forth in District purchasing procedures. At a minimum, District staff responsible for soliciting three price quotes for non-bid items shall make a good faith effort to include at least one M/W/VBE vendor per bid, identified utilizing the master database maintained by the staff of the Diversity, Equity, and Poverty Division and other means.

DETERMINATION OF ANNUAL GOALS

Each year, the Chief Equity Officer establish a goal-setting work group to set aspirational goals for M/W/VBE utilization the next fiscal year in the following categories:

1. Construction;
2. Architecture and Engineering;
3. Professional Services;
4. Goods; and
5. Other Services.

DOCUMENTATION, REPORTING, AND EVALUATION

The Chief Equity Officer and staff of the Diversity, Equity, and Poverty Division shall establish procedures for the collection, maintenance, and tracking of records at the District, division, department and school level relating to implementation of this policy to include, but not be limited to:

1. Documentation of compliance with the good faith effort requirements including periodic site visits; and
2. Statistics regarding the utilization of M/W/VBE by District Divisions, Departments, and Schools.

The Chief Equity Officer shall:

1. Submit quarterly written reports to the Board regarding the implementation of this policy; and
2. Conduct periodic formal evaluations of the effectiveness of the M/W/VBE program.

ETHICAL STANDARDS

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

FEDERAL AWARDS/CONFLICT OF INTEREST

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

Model Procurement Code Purchasing

FEDERAL AWARDS/CONFLICT OF INTEREST (CONTINUED)

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

PREFERENCE FOR RESIDENT BIDDERS

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

EXEMPTIONS

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

BACKGROUND CHECKS FOR CONTRACTORS

The Superintendent ~~shall~~may require an adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity~~that a contractor who works on school premises during school hours when students are present~~ to submit, at no expense to the District, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation and to provide a clear CA/N check, defined in KRS 160.380 as “a letter from the Cabinet for Health & Family Services indicating that there are no substantiated findings of child abuse or neglect relating to a specific individual.”~~a letter from the Cabinet for Health and Family Services stating that there are no findings of substantiated child abuse or neglect on record in keeping with KRS 160.380.~~⁶

~~The Superintendent may require a contractor who does not have contact with students to submit, at no expense to the District, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation and to provide a letter from the Cabinet for Health and Family Services stating that there are no findings of substantiated child abuse or neglect on record. These provisions shall become part of the contractual obligation of the contractor and shall be reflected in the bid specifications, or, if the contract is not subject to bid requirements, in the negotiations with the contractor.~~

Link to DPP-156 Central Registry Check and more information on the required CA/N check~~Cabinet Letter~~:

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

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

Model Procurement Code Purchasing

REFERENCES:

¹Includes the State Bid List

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

³2 C.F.R. 200.318

⁴[KRS 45A.385](#);

⁵[KRS 160.370](#)

⁴⁶KRS 160.380

KRS 156.076; KRS 160.290

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

KRS 45A.380; [KRS 45A.385](#); KRS 45A.420; KRS 45A.445; KRS 45A.455

KRS 45A.460; KRS 45A.620

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

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

Kentucky Educational Technology Systems (KETS)

RELATED POLICIES:

05.1; 06.4; 07.13

LEGAL: HB 69 AMENDS KRS 66.480 AND THE REQUIREMENTS FOR INVESTMENTS INCLUDING A PHYSICAL PRESENCE IN KENTUCKY FOR INSTITUTIONS ISSUING CERTIFICATES OF DEPOSIT, CHANGES "NATIONALLY RECOGNIZED" TO COMPETENT, AND ADDS NEW INVESTMENT CATEGORIES/OPTIONS. IT ALSO AMENDS PERCENTAGE LIMITS FOR CERTAIN INVESTMENT CATEGORIES/OPTIONS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

FISCAL MANAGEMENT

04.6

Investments

It is the policy of the Board to invest public funds in a manner that will provide in order of priority, maximum security of principal, sufficient liquidity, and maximum return on investment.

The Board directs that the following provisions be implemented pursuant to and in compliance with the requirements of KRS 66.480.¹ Except as provided below, this policy and related procedures apply to financial assets held directly by the Board. These financial assets are accounted for or referred to in the Board's annual financial report and include moneys in the funds and accounts identified in such report.

Financial assets of the Board held and invested by trustees or fiscal agents are not covered by this policy; however, such assets shall be invested in accordance with KRS 66.480 and in accordance with the Board's primary investment objectives.

INVESTMENT OBJECTIVES

The Board's primary investment objectives, in order of priority, are the following:

- A. *Legality.* All investments shall be made in accordance with applicable legal requirements.
- B. *Safety.* Safety of principal is the foremost objective of the Board's investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.
- C. *Liquidity.* The Board's investment portfolio shall remain sufficiently liquid to enable the Board to meet all operating requirements which might be reasonably anticipated.
- D. *Return on Investment.* The Board's investment portfolio shall be designed with the objective of attaining the highest rate of return available throughout the budgetary and economic cycles, taking into account the Board's investment risk constraints and the cash flow characteristics of the portfolio.

INVESTMENT AUTHORITY

Management responsibility for the Board's investment program is hereby delegated to the Treasurer of the Board. The Treasurer shall establish additional specific written procedures for the operation of the investment program which are consistent with this investment policy. The Treasurer shall maintain all records related to the District's investment program.

STANDARDS FOR WRITTEN AGREEMENTS

The Board shall not enter into an agreement if the terms of that agreement would cause or require the Board to act in a manner inconsistent with the standards or procedures established by this written investment policy. The Treasurer shall maintain a copy of each agreement pursuant to which investments are to be made.

Investments

PRUDENT PERSON RULE

The actions of the Treasurer in the investment of the Board's funds shall be evaluated by the Board using the "prudent person" standard. Investments shall be made with judgment and care under prevailing circumstances which person of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment considering the probable safety of their capital as well as the probable income to be derived.

AUTHORIZED INVESTMENTS

The funds of the Board available for investment shall be invested in accordance with this policy only in the following types of investment instruments:

1. Obligations of the United States and of its agencies and instrumentalities, including obligations subject to repurchase agreements, provided that delivery of these obligations subject to repurchase agreements is taken either directly or through an authorized custodian;:-
2. Obligations and contracts for future deliver or purchase of obligations backed by the full faith and credit of the United States or a United States government agency;:-
3. Obligations of any corporation of the United States government;:-
4. Certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution having a physical presence in Kentucky which are insured by the Federal Deposit Insurance Corporation or similar entity or which are collateralized, to the extent uninsured, by any obligations permitted by KRS 41.240(4);:-
5. Uncollateralized certifications of deposit issued by any bank or savings and loan institution having a physical presence in Kentucky rated in one (1) of the three (3) highest categories by a nationally-recognizedcompetent rating agency;:-
6. Bankers' acceptances for banks rated in one (1) of the three (3) highest categories by a nationally-recognizedcompetent rating agency;:-
7. Commercial paper rated in the highest category by a nationally-recognizedcompetent rating agency;:-
8. Bonds or certificates of indebtedness of the Commonwealth of Kentucky and of its agencies and instrumentalities;:-
9. Securities issued by a state or local government, or any instrumentality or agency thereof, in the United States, but only if fully defeased by direct obligations of or guaranteed by the United States of America;:-
10. Shares of mutual funds and exchange traded funds, as permitted by KRS 66.480(1)(j);:-
11. Individual equity securities if the funds being invested are managed by a professional investment manager regulated by a federal regulatory agency. The individual equity securities shall be included within the Standard & Poor's 500 Index, and a single sector shall not exceed twenty five percent (25%) of the equity allocation; and

Investments

AUTHORIZED INVESTMENTS (CONTINUED)

12. Individual high-quality corporate bonds that are managed by a professional investment manager that are issued, assumed, or guaranteed by a solvent institution created and existing under the laws of the United States; have a standard maturity of no more than ten (10) years; and are rated in the three (3) highest rating categories by at least two (2) competent credit rating agencies.

With regard to the investments authorized in this section, no investment shall be purchased for the Board on a margin basis or through the use of any similar leveraging technique. In addition, the amount of money the District invests at any time in one (1) or more of the categories/options 5, 6, 7, 11, and 12 listed above shall not exceed twenty percent (20%) of the total amount of money invested. The amount of money the District invests in categories/options 10, 11, and 12 above shall not, aggregately, exceed forty percent (40%) of the total money invested.

At the time the investment is made, no more than five percent (5%) of the total amount of money invested by the District shall be invested in any one (1) issuer unless:

1. The issuer is the United States government or an agency or instrumentality of the United States government, or an entity which has its obligations guaranteed by either the United States government or an entity, agency, or instrumentality of the United States government;
2. The money is invested in a certificate of deposit or other interest-bearing accounts as authorized by law;
3. The money is invested in bonds or certificates or indebtedness of this state and its agencies and instrumentalities as authorized by law; or
4. The money is invested in securities issued by a state or local government, or any instrumentality or agency thereof, in the United States as authorized by law.

DIVERSIFICATION OF INVESTMENTS

The Board's funds shall be diversified by security type and institution as follows. With the exception of fully insured or fully collateralized investments, authorized investment pools, and investments described in item 1 or 2 above, no more than 20% of the Board's total investment portfolio shall be invested in a single financial institution.

To the extent possible, the Board will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow need, the Board's funds should not, in general, be invested in securities maturing more than five (5) years from the date of purchase.

The Treasurer, with Board approval, shall maintain a list of financial institutions authorized to provide investment services to the Board. In addition, a list approved by the Board shall be maintained of approved security brokers/dealers selected by creditworthiness and licensure status and who maintain an office in the Commonwealth of Kentucky. Each broker/dealer approved by the Board shall have obtained and maintained all applicable licenses and/or permits from the appropriate licensing agency or board.

Investments**DIVERSIFICATION OF INVESTMENTS (CONTINUED)**

All financial institutions and broker/dealers who desire to provide investment services to the Board shall supply the Treasurer with information sufficient to enable the Treasurer to adequately evaluate the financial condition, creditworthiness and capacity of the institution or broker/dealer, and to answer any and all inquiries posed by the Treasurer or the Board. The information supplied to the Treasurer shall include the following information if available:

1. Audited financial statements.
2. Regulatory reports on financial condition.
3. Any additional information considered necessary to allow the Treasurer to evaluate the institution.

The Treasurer shall evaluate the financial capacity and creditworthiness of financial institutions and broker/dealers prior to the placement of the Board's funds. The Treasurer shall conduct an annual review of the financial condition and registrations of financial institutions and broker/dealers and, based on the review, make any recommendations regarding investment policy or program changes determined to be necessary.

SAFEKEEPING AND CUSTODY

To protect against potential fraud and embezzlement, investment assets shall be secured through third-party custody and safekeeping procedures to the extent practicable. The Treasurer and any other officers or employees of the Board authorized by the Treasurer or the Board to engage in investment transactions shall be bonded in an amount established by the Board.

Collateralized securities, such as repurchase agreements shall be purchased using the delivery vs. payment procedure. The safekeeping procedures utilized in the Board's investment program shall be reviewed annually by the independent auditor.

COLLATERAL

- A. Except as set forth in subsection C of this section, the Board requires that all cash and investments maintained in any financial institution named as a depository be fully insured or collateralized. In order to anticipate market changes and provide a level of security for all funds, the collateralization level shall be 103% of the market value of the principal, plus accrued interest. Collateral shall be limited to the types of instruments authorized as collateral for state funds in KRS 41.240.

Collateral shall always be held by an independent custodian. The right of collateral substitution is hereby granted.

- B. The Treasurer or the Treasurer's designee shall ensure that any current custodial agreement contains a requirement that the custodian of collateral shall provide a monthly certification with respect to the value and status of all collateral held by that custodian.
1. The Treasurer or the Treasurer's designee shall verify, on a quarterly basis, that all cash and investments maintained in any financial institution named as a depository are fully insured or collateralized in accordance with the criteria set forth in this investment policy.

Investments**COLLATERAL (CONTINUED)**

2. The auditor of the Board's investment program shall verify, on an annual basis, that all cash and investments maintained in any financial institution named as a depository are fully insured or collateralized in accordance with the criteria set forth in this investment policy.
- C. The Treasurer may invest funds in the investments described in options 1, 2 or 3 of the **AUTHORIZED INVESTMENTS** section of this policy, without any collateralization.

REPORTING

The Treasurer shall prepare and submit to the Board a quarterly report regarding the status of the entity's investment program, including an explanation of the total investment return and a comparison of the return with budgetary expectations. In addition, the Treasurer shall prepare an annual report.

AUDIT

In connection with the audit of Board funds conducted by an independent certified public accountant, the auditor shall incorporate, as part of his audit procedures, a review of the Board's investment program, including internal controls and procedures, and, to the extent that any material weaknesses are noted, these weaknesses and any recommended changes shall be reported to the Board in accordance with standard auditing procedures.

REFERENCES:

¹KRS 66.480
KRS 160.570
KRS 41.240
KRS 160.431
702 KAR 3:090

RELATED POLICIES:

04.2
04.21
04.9

LEGAL: LEGAL: IN CONJUNCTION WITH THE AUTHORIZATION FOR THE BOARD TO ACCEPT DONATIONS FOR SCHOOL PURPOSES IN CONFORMITY WITH KRS 160.580, SB1 PROVIDES FOR RESTRICTED GIFTS AND DONATIONS TO THE BOARD TO BE USED IN FURTHERANCE OF LAWFUL SCHOOL SAFETY, SECURITY, AND STUDENT HEALTH PURPOSES TO THE EXTENT ALLOWED BY APPLICABLE FEDERAL TAX LAWS.

FINANCIAL IMPLICATIONS: ADDITIONAL FUNDING FOR SCHOOL SECURITY AND SAFETY

LEGAL: THE BOARD MAY ESTABLISH A POLICY ALLOWING SCHOOLS TO MAINTAIN DONATIONS AND HAS DISCRETION DETERMINING DONATION VALUE TO BE RETAINED AT SCHOOL LEVEL.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 21 AMENDS KRS 156.496 TO PERMIT DISTRICTS TO ACCEPT MONETARY DONATIONS FOR FAMILY RESOURCE AND YOUTH SERVICE CENTERS. SUCH DONATIONS MAY BE GIVEN FOR THE OPERATION AND MAINTENANCE OF THE CENTER AND SHALL BE USED FOR THAT PURPOSE ONLY.

FINANCIAL IMPLICATIONS: NO COST TO DISTRICT, DONATIONS BENEFIT THE CENTERS

FISCAL MANAGEMENT

04.61

Gifts, Donations, and Grants

The Board may directly accept gifts or donations that are restricted by the grantor to be used in furtherance of lawful school safety, security, and student health purposes to the extent allowed by applicable laws and shall use any accepted gift or donation for the purpose for which it was granted.¹

DONATIONS

With the Principal's approval, schools may receive any gifts of real or personal property for the benefit of the school or for the students of the school that is valued less than \$1000 and hold and use it as requested. Donations valued at more than \$1000 must be approved by the Board.

A listing of all donations shall be submitted to the Board by at-year-end.

FAMILY RESOURCE AND YOUTH SERVICE CENTERS

The District may accept monetary donations for the operation and maintenance of Family Resource and Youth Service Centers (FRYSCs). Any donations given to the District for operation and maintenance of FRYSCs shall be used for that purpose only.²

The Board shall accept gifts and grants from private sources subject to the provisions of KRS 160.580 and with the understanding that the purpose must be consistent with policies and programs approved by the Board. Professional services provided to the District as a gift or donation through a professional services contract or Memorandum of Agreement shall be approved by the Board prior to acceptance of the donation and before beginning services within the District.

REFERENCES:

¹KRS 160.580

²KRS 156.496

KRS 158.441

702 KAR 3:130 Accounting Procedures for Kentucky School Activity Funds (Redbook)

RELATED POLICY

04.312

School Safety

LEGAL: SB 1 AMENDS KRS 156.095 TO REQUIRE TRAINING FOR HOW TO RESPOND TO AN ACTIVE SHOOTER SITUATION FOR ALL SCHOOL DISTRICT EMPLOYEES WITH JOB DUTIES REQUIRING DIRECT CONTACT WITH STUDENTS.

FINANCIAL IMPLICATIONS: COST OF TRAINING

PERSONNEL

03.19

- CERTIFIED PERSONNEL -

Staff Meetings and Professional Development

The Board expects all employees to participate in meetings or activities designed to increase their skills and competencies or to contribute to their professional growth.

STAFF ORIENTATION

The District shall provide orientation for all new and/or selected personnel at the beginning of the school year. The orientation shall provide information and activities to enhance effective job performance. Orientation may be held at other times as necessary.

PROFESSIONAL DEVELOPMENT PROGRAM TO BE PROVIDED

The Board shall provide for its instructional and administrative staff a high quality, personalized, and evidence based professional development (PD) program that meets the goals established in KRS 158.6451, the Every Student Succeeds Act (ESSA), and in the local needs assessment. At the direction of the Superintendent or designee and in conjunction with each school, the PD coordinator shall facilitate the development and implementation of this program for all certified employees. Programs may also include classified staff and parent members of school councils and committees.

The PD program for the District and each school shall be incorporated into the Comprehensive District Improvement Plan. Prior to the implementation of the program, the school PD plan shall be made public, and the District PD plan shall be posted to the District web site.

The program shall be based on a Board-approved PD plan for the District, which is designed (1) to help achieve student capacities established by [KRS 158.645](#) and goals established by [KRS 158.6451](#); (2) to support the District's mission, goals and assessed needs; and (3) to increase teachers' understanding of curriculum content and methods of instruction appropriate for each content area based on individual school plans. The PD plan shall reflect individual needs of schools and shall be aligned with the Comprehensive School/District Improvement Plan, ESSA requirements, and teacher growth plans.

ACTIVE SHOOTER SITUATIONS

By November 1, annually, a minimum of one (1) hour of training on how to respond to an active shooter situation shall be required for all District employees with job duties requiring direct contact with students. The training shall be provided either in person, by live streaming, or via a video recording prepared by the Kentucky Department of Education in collaboration with the Kentucky Law Enforcement Council and the Center for School Safety and may be included in the four (4) days of professional development under KRS 158.070. When a staff member subject to the training requirements of this subsection is initially hired after the training has been provided for the school year, the District shall provide materials on how to respond to an active shooter situation.

SCHOOL RESPONSIBILITIES

Each school shall plan professional development with the PD coordinator and, when appropriate, with other schools to maximize training opportunities.

Professional Development**DOCUMENTATION**

The school/District PD plan shall include the method for evaluating impact on student learning and using evaluation results to improve professional learning.

Documentation of completed professional development, including a written evaluation, shall be required. Unless an employee is granted leave under an appropriate Board policy, failure to complete and document the required hours of professional development during the academic year shall result in a reduction in salary and may be reflected in the employee's evaluation.

REFERENCES:

KRS 156.095; KRS 156.553; KRS 158.070; KRS 158.645; KRS 158.6451; KRS 160.345
704 KAR 3:035; 704 KAR 3:325; P. L. 114-95 (Every Student Succeeds Act of 2015)

RELATED POLICIES:

03.1911; 09.22

LEGAL: SB 1 AMENDS KRS 156.095 TO REQUIRE TRAINING FOR HOW TO RESPOND TO AN ACTIVE SHOOTER SITUATION FOR ALL SCHOOL DISTRICT EMPLOYEES WITH JOB DUTIES REQUIRING DIRECT CONTACT WITH STUDENTS.

FINANCIAL IMPLICATIONS: COST OF TRAINING

PERSONNEL

03.29

- CLASSIFIED PERSONNEL -

Staff Meetings and Professional Development

The Board expects all employees to participate in meetings or activities designed to increase their skills and competencies or to contribute to their professional growth. Accordingly, the District shall provide professional development opportunities for employees to develop their skills and to receive training necessary for the performance of duties.

STAFF ORIENTATION

The District shall provide orientation for all new and/or selected personnel at the beginning of the school year. The orientation shall provide information and activities to enhance effective job performance. Orientation may be held at other times as necessary.

ACTIVE SHOOTER SITUATIONS

By November 1, annually, a minimum of one (1) hour of training on how to respond to an active shooter situation shall be required for all District employees with job duties requiring direct contact with students. The training shall be provided either in person, by live streaming, or via a video recording prepared by the Kentucky Department of Education in collaboration with the Kentucky Law Enforcement Council and the Center for School Safety and may be included in the four (4) days of professional development under KRS 158.070. When a staff member subject to the training requirements of this subsection is initially hired after the training has been provided for the school year, the District shall provide materials on how to respond to an active shooter situation.

REFERENCES:

[KRS 156.095; KRS 158.070](#)

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

34 C.F.R. 200.58

LEGAL: SBI CREATES A NEW SECTION OF KRS 158 THAT REQUIRES THE SUPERINTENDENT TO APPOINT A DISTRICT-LEVEL SCHOOL ADMINISTRATOR TO SERVE AS THE DISTRICT'S SCHOOL SAFETY COORDINATOR AND PRIMARY POINT OF CONTACT FOR PUBLIC SCHOOL SAFETY AND SECURITY FUNCTIONS.

REQUIRES THE SUPERINTENDENT TO SEND VERIFICATION TO THE STATE SCHOOL SECURITY MARSHAL AND KDE THAT ALL SCHOOLS WITHIN THE DISTRICT HAVE COMPLETED THE SCHOOL SECURITY RISK ASSESSMENT FOR THE PREVIOUS YEAR.

REQUIRES THE SUPERINTENDENT TO REPORT TO THE CENTER FOR SCHOOL SAFETY THE NUMBER AND PLACEMENT OF SCHOOL RESOURCE OFFICERS (SROS) IN THE DISTRICT.

AMENDS KRS 158.162 TO DEVELOP AND ADHERE TO PRACTICES TO CONTROL ACCESS TO THE SCHOOL. NO LATER THAN JULY 1, 2022.

FINANCIAL IMPLICATIONS: ADDITIONAL STAFF AS FUNDING BECOMES AVAILABLE

POLICY COMMITTEE RECOMMENDED ADDING LANGUAGE REQUIRING DISTRICT SCHOOL SAFETY COORDINATOR TO ENSURE TRAINING FOR THREAT ASSESSMENT TEAM MEMBERS REQUIRED UNDER BOARD POLICY 09.429, TO INCLUDE IMPLICIT BIAS TRAINING

SCHOOL FACILITIES

05.4

Safety

BOARD TO ADOPT PLAN

The Board shall adopt a plan for immediate and long-term strategies to address school safety and discipline, which shall be reviewed annually and revised, as needed. This plan shall utilize information gathered from the District assessment of school safety and student discipline required by law and shall include the Board's code of acceptable behavior and discipline and a description of instructional placement options for threatening or violent students. The committee that develops the initial plan for Board consideration shall include at least one (1) representative from each school in the District, as well as representatives from the community as required by law. The annual review and revision of the plan shall be completed by District Administration, in consultation with appropriate stakeholders.

The plan shall identify measures to be taken in protecting students, staff, visitors, and property. Areas addressed by the plan shall include, but not be limited to, the following:

1. School facility design, maintenance, and usage;
2. Safety and security procedures, orientation and training in use and management of equipment and facilities;
3. Supervision of students;
4. Compliance with state and federal safety requirements;
5. Periodic reports to the Board concerning implementation of the plan and its effects on District students, personnel, and operations.
6. Community involvement.

DISTRICT SCHOOL SAFETY COORDINATOR

The Superintendent shall appoint a District-level school administrator to serve as the District's School Safety Coordinator (SSC) and primary point of contact for public school safety and security functions.¹The SSC shall:

1. Complete the school safety coordinator training program developed by the Center for School Safety within six (6) months of his or her date of appointment;
2. Designate a school safety and security threat assessment team at each school in the District consisting of two (2) or more staff members to identify and respond to students exhibiting behavior that indicates a potential threat to school safety or security. Members of a threat assessment team may include school administrators, school counselors, school resource

SafetyDISTRICT SCHOOL SAFETY COORDINATOR (CONTINUED)

- officers, school-based mental health services providers, teachers, and other school personnel;
3. Ensure that members of threat assessment teams receive training as required under Board Policy 09.429 regarding the purpose of the team, team guiding principles, and the members' roles in enhancing school safety and school security through identifying and responding to students exhibiting behavior that indicates a potential threat to school safety or school security. Training shall address the following: strategies to properly respond to students who provide information about a threatening or concerning situation, ways to assess and respond to potential threats, how and to whom they should report threatening communications or behavior, and strategies to understand, identify, and address implicit biases of team members.
 4. Provide training to school Principals on procedures for completion of the school security risk assessment;
 5. Review all school security risk assessments completed within the District and prescribe recommendations as needed in consultation with the state school security marshal;
 6. Advise the Superintendent by July 1, 2021, and annually thereafter of completion of required security risk assessments;
 7. Formulate recommended policies and procedures, which shall be excluded from the application of KRS 61.870 to KRS 61.884, for an all-hazards approach including conducting emergency response drills for hostage, active shooter, and building lockdown situations in consultation and coordination with appropriate public safety agencies to include but not be limited to fire, police, and emergency medical services for review and adoption as part of the school emergency plan required by KRS 158.162. The recommended policies shall encourage the involvement of students, as appropriate, in the development of the school's emergency plan; and
 8. Ensure each school campus is toured at least once per school year, in consultation and coordination with appropriate public safety agencies, to review policies and procedures and provide recommendations related to school safety and security.
 9. The SSC, and any school employees participating in the activities of a School Safety and Security Threat Assessment Team, acting in good faith upon reasonable cause in the identification of students shall be immune from any civil or criminal liability that might otherwise be incurred or imposed from:
 - a. Identifying the student and implementing a response pursuant to policies and procedures adopted as required above; or
 - b. Participating in any judicial proceeding that results from the identification.

SUPERINTENDENT TO REPORT

No later than November 1 of each year, the Superintendent shall report to the Center for School Safety the number and placement of School Resource Officers (SROs) in the District. The report shall include the source of funding and method of employment for each position.

Safety**SCHOOL EMERGENCY PLANNING**

The school council or, if none exists, the Principal charged with the responsibility of operating a building site, shall have a plan of action to provide for any natural or man-made disaster which affects the safety of students and employees housed in that facility. That plan shall include procedures to be followed in cases of fire, severe weather, earthquake or a building lockdown as defined in KRS 158.164. A copy of all emergency plans, including a diagram of the facilities, shall be given to first responders, including local fire, police, and emergency medical personnel and shall be made available to all occupants of the building. A master copy shall be sent to the Security Unit for evaluation and permanent filing. Following the end of each school year, the school council, or if none exists, the Principal, and first responders shall review the emergency plan and revise it as needed.

The school emergency plan shall address staff responsibilities for safely evacuating students needing special assistance during safety drills and actual emergency situations, including students with disabilities and those with 504 plans. The Principal shall discuss the emergency plan with all school staff prior to the first instructional day annually and shall document the date and time. Whenever possible, first responders shall be invited to observe emergency response drills.

In addition, the school council or, if none exists, the Principal shall:

1. Establish and post primary and secondary evacuation routes in each room by any doorway used for evacuation;
2. Identify the best available severe weather safe zones, in consultation with local and state safety officials and informed by guiding principles set forth by the National Weather Service and the Federal Emergency Management Agency, and post the location of the safe zones in each room. These safe zones are to be reviewed by the local fire marshal or fire chief;
3. Develop school procedures to follow during an earthquake; and
4. Develop and adhere to practices to control access to the school. **As soon as practicable, but no later than July 1, 2022, practices shall include but not be limited to:**
 - Controlling outside access to exterior doors during the school day;
 - Controlling the main entrance of the school with electronically locking doors, a camera, and an intercom system;
 - Controlling access to individual classrooms;
 - Requiring classroom doors to be equipped with hardware that allows the door to be locked from the outside but opened from the inside;
 - Requiring classroom doors to remain closed and locked during instructional time;
 - Requiring classroom doors with windows to be equipped with material to quickly cover the window during a building lockdown;
 - Requiring all visitors to report to the front office of the building, provide valid identification, and state the purpose of the visit; and

SCHOOL EMERGENCY PLANNING (CONTINUED)

- Providing a visitor's badge to be visibly displayed on a visitor's outer garment.

No later than November 1 of each school year, the Superintendent shall send verification to the Kentucky Department of Education that all schools are in compliance with school emergency planning requirements.

PRECAUTIONS

Precautions will be taken for the safety of the students, employees, and visitors.

REPORTING HAZARDS

Each employee observing a potential safety or security hazard shall report such hazard in writing to building administrators who shall then report the physical hazard using the work order system to the Department of Facilities/Transportation who, in turn, shall make a prompt inspection and initiate steps to remedy the condition.

COMMUNICATION SYSTEM

The Board shall establish a process for a two-way communication system for employees to notify the Principal, supervisor or other administrator of an existing emergency. The process may include, but is not limited to, use of intercoms, telephones, and two-way radios.

REFERENCES:¹New Section KRS 158

KRS 61.870 to KRS 61.884

KRS 158.148; KRS 158.162; KRS 158.164; KRS 158.445

KRS 160.290; KRS 160.445

KRS 311.667; KRS 411.148

RELATED POLICIES:

02.31; 03.14; 03.24; 05.2; 05.21; 05.41; 05.411; 05.42; 05.45; 05.47; 05.5

09.214; 09.22; 09.221; 09.4 (entire section); 10.5

LEGAL: HB 328 AMENDS KRS 527.070 TO SPECIFY THAT THE CURRENT EXCEPTION FOR ADULTS WITH A FIREARM LAWFULLY STORED IN A LOCKED VEHICLE ON SCHOOL PROPERTY DOES NOT APPLY TO STUDENTS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

SCHOOL FACILITIES

05.48

Weapons

This policy applies to all individuals on District property including students, staff members, and visitors to the school. Violations of this policy shall be reported to a law enforcement agency.

WEAPONS PROHIBITED

Except where expressly and specifically permitted by Kentucky Revised Statute, the carrying, bringing, using, or possessing any weapon or dangerous instrument in any school building, on school grounds, in any school vehicle or at any school-sponsored event is prohibited.³

Violation of this policy by employees is grounds for disciplinary action up to and including termination.

Violation of this policy by students shall require that the Principal immediately make a report to the Superintendent/designee, who shall recommend to the Board whether charges for expulsion for a minimum of one (1) calendar year from the District schools should be filed under Policy 09.435 or if the student should be assigned to an alternative school or otherwise disciplined pursuant to the Student Support and Behavior Intervention Handbook. In addition, when they have reasonable belief that a violation has taken place, principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored event that involves student possession of a firearm in violation of the law or assault involving the use of a weapon.

LOOK-ALIKE WEAPONS

Any toy or model weapon that looks enough like an authentic weapon to be reasonably mistaken for one will be considered a look-alike weapon. Any student who represents a look-alike weapon to a staff member or another student as a real weapon and/or who uses it to intimidate, threaten, or harass someone will be treated as if he or she used a real weapon.

Exceptions:

- An exception may be made for students participating in an authorized curricular or extracurricular activity or team involving the use of firearms and to those persons listed in KRS 527.070.
- Law enforcement officials, including peace officers and police as provided in KRS 527.070 and KRS 527.020, are authorized to bring weapons onto school property in the performance of their duties.

FEDERAL REQUIREMENTS REGARDING STUDENTS

The penalty for students possessing a firearm at school or bringing a firearm or other deadly weapon, destructive device, or booby trap device to school or onto the school campus/property under jurisdiction of the District shall be expulsion for a minimum of twelve (12) months under Policy 09.435. However, the Board may modify such expulsions on a case-by-case basis. Any case-by-case modification of the one (1)-year expulsion requirement, including those made for students with disabilities to meet the requirements of IDEA and Section 504, shall be in writing and may be based upon a recommendation of the Superintendent/designee.¹

Weapons

FEDERAL REQUIREMENTS REGARDING STUDENTS (CONTINUED)

Any student who possesses a firearm at school or brings to school a firearm or other deadly weapon, destructive device, or booby trap device shall be referred to the criminal justice or juvenile delinquency system.

~~Although students are subject to disciplinary action for violating any restriction in this policy, the twelve (12) month expulsion penalty mandated by the Federal Gun-Free Schools Act does not apply to a firearm lawfully stored in a locked vehicle on school property.¹~~

STATE POSTING REQUIREMENTS

The Superintendent shall post the following notice in prominent locations in the schools, including, but not limited to, sports arenas, gymnasiums, stadiums, and cafeterias. The notice shall be at least six (6) inches high and fourteen (14) inches wide and shall state:

UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL PROPERTY IN KENTUCKY IS A FELONY PUNISHABLE BY A MAXIMUM OF FIVE (5) YEARS IN PRISON AND A TEN THOUSAND DOLLAR (\$10,000) FINE.¹

The above criminal penalty shall not apply to those persons listed in KRS 527.070 (3).

STATE REPORTING REQUIREMENTS

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the carrying, possession, or use of a deadly weapon on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.

For state reporting purposes, a deadly weapon shall be defined as:

1. a weapon of mass destruction;
2. any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged;
3. any knife other than an ordinary pocket knife or hunting knife;
4. billy, nightstick or club;
5. blackjack or slapjack;
6. nunchaku karate sticks;
7. shuriken or death star; or
8. artificial knuckles made from metal, plastic, or other similar hard material.

Employees who receive information from a student or other person regarding conduct required to be reported shall report the conduct in the same manner as stated above.

Weapons

ENFORCEMENT

In the enforcement of this policy, principals may authorize, if they have reasonable suspicion, searches in compliance with applicable Board policies.

REFERENCES:

¹KRS 527.070; KRS 158.150; 20 U.S.C. §7141; (Gun-Free Schools Act); 18 U.S.C. §921(a)
KRS 158.154; KRS 158.155, KRS 160.290, KRS 160.340, KRS 161.790
KRS 237.106; KRS 237.110, KRS 237.138 to KRS 237.142
KRS 500.080; KRS 508.075, KRS 508.078; KRS 527:020
Individuals with Disabilities Education Improvement Act (IDEA)
Section 504 of the Rehabilitation Act of 1973, as amended

RELATED POLICIES:

09.4341
09.435
09.436
09.4361

LEGAL: SB1 CREATES A NEW SECTION OF KRS 158 THAT REQUIRES THE SUPERINTENDENT TO SEND VERIFICATION TO THE STATE SCHOOL SECURITY MARSHAL AND KDE THAT ALL SCHOOLS WITHIN THE DISTRICT HAVE COMPLETED THE SCHOOL SECURITY RISK ASSESSMENT FOR THE PREVIOUS YEAR.

FINANCIAL IMPLICATIONS: TIME TO CONDUCT RISK ASSESSMENTS AND ADDITIONAL STAFF AS FUNDING BECOMES AVAILABLE

SCHOOL FACILITIES

05.5

Security of Facilities

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

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

SCHOOL SECURITY RISK ASSESSMENT

No later than July 15, 2021, and each subsequent year, Superintendent shall send verification to the state school security marshal and KDE that all schools within the District have completed the school security risk assessment for the previous year.¹

RESPONSIBILITY

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

REFERENCES:

¹New Section of KRS 158
KRS 158.162

RELATED POLICIES:

05.21

05.4

09.421

LEGAL: SB 1 CREATES A NEW SECTION OF KRS 158 TO INCORPORATE TRAUMA-INFORMED PRACTICES IN COUNSELING AND MENTAL HEALTH SERVICES AND REQUIRES THE SUPERINTENDENT TO REPORT ON THE NUMBER AND PLACEMENT OF SCHOOL COUNSELORS IN THE DISTRICT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: REVISIONS TO 704 KAR 3:035 REQUIRE DISTRICTS TO INCORPORATE KENTUCKY ACADEMIC STANDARDS FOR CAREER STUDIES.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

BOARD POLICY COMMITTEE RECOMMENDED PROVIDING CLARIFICATION OF THE MEANING THE TERM "COUNSELOR," AND THE ROLES AND RESPONSIBILITIES OF SCHOOL COUNSELORS AND SCHOOL-BASED MENTAL HEALTH PROVIDERS FOR MENTAL HEALTH SERVICES AND TRAUMA INFORMED PRACTICES UNDER SENATE BILL 1.

CURRICULUM AND INSTRUCTION

08.14

Guidance and Mental Health Services

DEFINITIONS

1. "School counselor" means an individual who holds a valid school counselor certificate issued in accordance with the administrative regulations of the Education Professional Standards Board.
2. "School-based mental health services provider" means a licensed or certified school counselor, school psychologist, school social worker, or other qualified mental health professional as defined in KRS 202A.011.¹

GUIDANCE SERVICES

The Board shall staff all schools with certified counselors necessary to provide a guidance program for students. ~~Counselors may perform mental health services and provide implementation and training on trauma-informed practices as addressed in law.~~

SERVICES

SERVICES PROVIDED BY THE GUIDANCE PROGRAM SHALL CONSIST OF EDUCATIONAL COUNSELING; CAREER AND PERSONAL COUNSELING; TESTING, AND OTHER SERVICES REQUESTED BY STUDENTS, PARENTS, OR STAFF.

MENTAL HEALTH SERVICES

School counselors and mental health service providers may perform mental health services and provide implementation and training on trauma-informed practices as part of a school-based team as set forth in law.¹

INDIVIDUAL LEARNING PLANS

In keeping with Kentucky Administrative Regulation, the District shall implement an advising and guidance process to support development and implementation of an Individual Learning Plan (ILP) for each student that includes career development and awareness. The ILP shall specifically address the content as provided in the Kentucky Academic Standards for career studies.

CONFIDENTIAL MATERIAL

All records and counseling information shall be kept in confidence as provided by applicable law.²

Guidance and Mental Health Services**SUPERINTENDENT TO REPORT**

No later than November 1, 2019, and each subsequent year, the Superintendent shall report to the Kentucky Department of Education the number and placement of school counselors in the District. The report shall include the source of funding for each position, as well as a summary of the job duties and work undertaken by each counselor and the approximate percent of time devoted to each duty over the course of the year.

REFERENCES:

¹New Section of KRS 158

²KRE 506 (Kentucky Rules of Evidence); KRS 158.154; KRS 158.155; KRS 158.156
KRS 61.878; KRS 620.030

~~KRS 61.878~~; 703 KAR 4:060; 704 KAR 3:303; 704 KAR 3:305; 704 KAR Chapter 8

RELATED POLICIES:

08.113; 09.14

LEGAL: SB1 AMENDS KRS 156.095 REQUIRING SUICIDE PREVENTION TRAINING TO INCLUDE THE RECOGNITION OF SIGNS AND SYMPTOMS OF POSSIBLE MENTAL ILLNESS FOR ALL SCHOOL DISTRICT EMPLOYEES WITH JOB DUTIES REQUIRING DIRECT CONTACT WITH STUDENTS IN GRADES SIX (6) THROUGH TWELVE (12) AND MODIFIES SUICIDE TRAINING REQUIREMENTS.

FINANCIAL IMPLICATIONS: COST OF TRAINING

TEXT HIGHLIGHTED IN YELLOW WAS AMENDED BY STAFF TO REFLECT CURRENT JCPS PRACTICE.

STUDENTS

09.22

Student Health and Safety

PRIORITY

Student health, welfare and safety shall receive priority consideration by the Board.

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

HEALTH SERVICES TO BE PROVIDED

In keeping with applicable legal requirements, only licensed medical professionals or school employees who have been appropriately trained and authorized to do so shall provide health services to students.

Employees to whom health service responsibilities have been delegated must be approved in writing by the delegating physician, nurse practitioner or registered nurse. The approval form shall state the employee consents to perform the health service when the employee does not have the administration of health services in his/her contract or job description as a job responsibility, possesses sufficient training and skills, and has demonstrated competency to safely and effectively perform the health service. The approval form shall be maintained as required by law. Delegation of health service responsibilities shall be valid only for the current school year.¹

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

SAFETY PROCEDURES

All students shall receive annual instruction in school bus safety.

The Superintendent shall develop procedures designed to promote the safety of all students. Said procedures shall specify specific responsibilities for line positions having responsibility for student supervision.

SUICIDE PREVENTION

All employees with job duties requiring direct contact with students in grades four (4) six (6) through twelve (12) ~~middle and high school teachers, principals, and guidance counselors~~ shall complete a minimum one (1) hour of high-quality suicide prevention training, including the recognition of signs and symptoms of possible mental illness. Such training shall be in-person, by live streaming, or via video recording and may be included in the four (4) days of professional development required by statute. The District shall provide suicide prevention materials for review by any employee subject to training hired during a year in which the in-person, live streaming, or video recording training is not required.³

By September 15 of each ~~school~~-year, each public school administrators shall provide suicide prevention awareness information to students in grades four (4) six (6) through twelve (12) ~~middle~~

Student Health and Safety**SEIZURE DISORDER MATERIALS**

~~school grades and above~~, as provided by the Cabinet for Health and Family Services or a commercially developed suicide prevention training program.²

All principals, guidance counselors, and teachers shall complete at least one (1) hour of self-study review of seizure disorder materials no later than July 1, 2019. At least one (1) hour of self-study review of seizure disorder materials shall also be required for all principals, guidance counselors, and teachers hired after July 1, 2019.³

REFERENCES:

¹KRS 156.501; KRS 156.502; 702 KAR 1:160

²KRS 156.095

³KRS 158.070

KRS 156.160; KRS 158.838

702 KAR 5:030

RELATED POLICY:

09.2241

LEGAL: SB1 CREATES A NEW SECTION OF KRS 158 REQUIRING THE PRINCIPAL TO PROVIDE WRITTEN NOTICE TO ALL STUDENTS, PARENTS, AND GUARDIANS OF STUDENTS WITHIN TEN (10) DAYS OF THE FIRST INSTRUCTIONAL DAY OF EACH SCHOOL YEAR OF THE PROVISION OF KRS 508.078 AND POTENTIAL PENALTIES UNDER KRS 532.060 AND KRS 534.030 UPON CONVICTION:
FINANCIAL IMPLICATIONS: COST OF PROVIDING NOTICE

STUDENTS

09.425

Assault and Threats of Violence

For purposes of this policy, a “threat” shall refer to a communication made by any means, including, but not limited to, electronic and/or online methods.

STUDENTS

Any student who threatens, assaults, batters or abuses another student shall be subject to appropriate disciplinary action, including suspension or expulsion.¹ Procedures for dealing with aggressive and assaultive behavior and the resulting consequences shall be set out in the Student Support and Behavior Intervention Handbook.

Students may also be subject to prosecution or juvenile justice interventions for assault, threats, or other abusive conduct.

The Principal shall provide written notice to all students, parents, and guardians of students within ten (10) days of the first instructional day of each school year of the provision of KRS 508.078 and potential penalties under KRS 532.060 and KRS 534.030.²

SCHOOL PERSONNEL

Any student who threatens, assaults, batters or physically or verbally abuses a teacher or other school personnel shall be subject to appropriate disciplinary action¹ up to and including expulsion from school and/or legal action.

REMOVAL OF STUDENTS

School administrators, teachers, or other school personnel may immediately remove or cause to be removed threatening or violent students from a classroom setting or from the District's transportation system pending any further disciplinary action that may occur. Threatening or violent behavior shall include, but not be limited to:

1. Verbal or written statements or gestures by students indicating intent to harm themselves, others or property.
2. Physical attack by students so as to intentionally inflict harm to themselves, others or property.

Removal of students from a bus shall be made in compliance with 702 KAR 5:080. Each school shall develop procedures for the immediate removal of a threatening or violent student from the classroom and submit them to the Superintendent/designee for approval.

When teachers or other personnel remove a student, they shall complete and submit a form to document the removal and the causes as soon as practicable. The Principal/designee shall review the removal as soon as possible to determine if further disciplinary action is warranted or if the student is to be returned to the classroom.

Assault and Threats of Violence

DOMESTIC/DATING VIOLENCE REPORTING AND EDUCATION

Upon the request of a victim, school personnel shall report an act of domestic violence and abuse or dating violence and abuse to a law enforcement officer. School personnel shall discuss the report with the victim prior to contacting a law enforcement officer.

School personnel shall report to a law enforcement officer when s/he has a belief that the death of a victim with whom s/he has had a professional interaction is related to domestic violence and abuse or dating violence and abuse.

These reporting requirements covering domestic violence and abuse or dating violence and abuse do not relieve school personnel of the duty to report any known or suspected abuse, neglect, or dependency of a child pursuant to KRS 620.030. This separate reporting requirement covers abuse, neglect or dependency of a child committed or caused by a parent, guardian, other person exercising control or supervision, or a person in a position of authority or special trust.

If individual school personnel has reasonable cause to believe that a victim with whom s/he has had a professional interaction has experienced domestic violence and abuse or dating violence and abuse, s/he shall provide educational materials to the victim relating to such form(s) of abuse and including information on access to regional domestic violence programs or rape crisis centers and how to access protective orders. These materials shall be made available to school personnel in print form or on the web by the primary domestic violence, shelter, and advocacy service provider designated by the Cabinet for Health and Family Services to serve the school District's area.

NOTIFICATIONS

As soon as the Superintendent/designee confirms that a serious threat has been confirmed, designated personnel shall attempt to notify staff members and/or students who have been threatened and parents of students who are the subject of a threat. Such notification shall observe and comply with confidentiality requirements of applicable law including, but not limited to, state and federal Family Educational Rights and Privacy Act (FERPA) laws.

Any District employee assigned to work directly with, or who comes in contact with, a student with a documented history of physical abuse of a school employee or of carrying a concealed weapon on school property or at a school function, shall be notified in writing of the student's history by the Principal or designee, guidance counselor or other school official who has knowledge of the student's behavior prior to the assignment or contact.

REFERENCES:

¹KRS 158.150

²[New Section of KRS 158](#)

KRS 158.154; KRS 160.290

KRS 161.155; KRS 161.190; KRS 161.195

KRS 209A:020; KRS 209.160

KRS 209A.100; KRS 209A.110; KRS 209A.130

KRS 211.160; KRS 403.720; KRS 456.010

KRS 508.025; KRS 508.075; KRS 508.078; KRS 525.080

[KRS 532.060](#); [KRS 534.030](#); KRS 620.030

702 KAR 5:080

STUDENTS

09.425

(CONTINUED)

Assault and Threats of Violence

RELATED POLICIES:

03.123; 03.13253; 03.223; 03.23253; [05.4](#)
06.34; 09.14; 09.2211; 09.422; [09.429](#)

LEGAL: SB 1 CREATES A NEW SECTION OF KRS 158 THAT REQUIRES DISTRICTS TO HAVE A THREAT ASSESSMENT POLICY COVERING THE DESIGNATION OF A THREAT ASSESSMENT TEAM THAT IS TO IDENTIFY AND RESPOND TO STUDENTS EXHIBITING BEHAVIOR THAT INDICATES A POTENTIAL THREAT TO SCHOOL SAFETY OR SECURITY.

FINANCIAL IMPLICATIONS: HIRING AND TRAINING OF TEAM MEMBERS

CHANGES IN BLUE REFLECT RECOMMENDED CHANGES OF THE BOARD POLICY COMMITTEE.

STUDENTS

09.429

Threat Assessments

DEFINITIONS

"School safety" shall mean a program of prevention that protects students and staff from substance abuse, violence, bullying, theft, the sale or use of illegal substances, exposure to weapons and threats on school grounds, and injury from severe weather, fire, and natural disasters.

"School security" shall mean procedures followed and measures taken to ensure the security of school buildings, classrooms, and other school facilities and properties.

"Threat assessment team" and "team" shall mean a school safety and security threat assessment team established pursuant to this policy and a new section of KRS 158.

ESTABLISHMENT AND MEMBERSHIP OF TEAMS

A school safety and security threat assessment team shall be established at each school of the District. The members of the team at each school shall be designated by the District School Safety Coordinator, and shall consist of two (2) or more school staff members. School staff members that may be designated as a member of the team at any given school may include: school administrators; school counselors; school resource officers; school-based mental health services providers; teachers; and other school personnel. If necessary, a threat assessment team may serve more than one (1) school of the District.

PURPOSE OF TEAM

The purpose of a team shall be to identify and respond to students exhibiting behavior that indicates a potential threat to school safety or school security.

GENERAL COMPONENTS OF SCHOOL SAFETY AND SCHOOL SECURITY PLANNING

According to the U.S. Secret Service Guide, Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence, key components of a comprehensive school safety and school security plan include efforts to:

1. Foster a climate of respect and trust;
2. Build relationships;
3. Promote communication;
4. Identify concerning behaviors;
5. Maintain a threat assessment team;
6. Reinforce clear policies and procedures;
7. Provide resources to appropriately respond to students;

Threat Assessments

GENERAL COMPONENTS OF SCHOOL SAFETY AND SCHOOL SECURITY PLANNING (CONTINUED)

8. Promote information-sharing between the school District and appropriate community stakeholders as allowed by law;
9. ~~Serve as District liaison~~ ~~Liaison~~ with law enforcement; and
10. Provide consistent training to stakeholders.

GUIDING PRINCIPLES OF COMPREHENSIVE THREAT ASSESSMENT PLANNING

The District School Safety Coordinator, members of threat assessment teams, and other appropriate District administrators and staff, shall give appropriate consideration to the following non-exhaustive list of general principles as threat assessment teams are established and as they plan for and conduct their work:

1. A threat assessment process best functions as one component of overall school safety, in conjunction with physical school security and emergency management.
2. Students may engage in a continuum of concerning behaviors, the vast majority of which will be non-threatening and non-violent, but may still call for some type of response.
3. Students should feel empowered to communicate their own concerns to appropriate school staff without fear of reprisal. Incoming reports regarding concerning behavior or statements presenting a threat to school safety and school security should be given due consideration and assessed.
4. The goal of a threat assessment process is to identify, assess, and respond to potential threats to school safety and school security. The process begins with establishing a comprehensive plan for schools to:
 - a. Identify students or situations of concern;
 - b. Gather additional relevant information in a lawful manner;
 - c. Assess the student or situation risk, in context based on the totality of the information available; and
 - d. Identify and implement or recommend appropriate response strategies to address the concern.

THREAT ASSESSMENT TEAM MEMBER TRAINING

Training to members of threat assessment teams should be provided or arranged by the District regarding the purpose of the team, the guiding principles stated above, and the members' roles in enhancing school safety and school security through identifying and responding to students exhibiting behavior that indicates a potential threat to school safety or school security. Training shall address the following: strategies to properly respond to students who provide information about a threatening or concerning situation, ways to assess and respond to potential threats, and how and to whom they should report threatening communications or behavior, and strategies to understand, identify, and address implicit bias of team members.

Threat Assessments

THREAT ASSESSMENT TEAM MONITORING

The District School Safety Coordinator and the Superintendent/designee shall monitor the work of the threat assessment team in each school of the District.

ACCESS TO STUDENT RECORDS

Threat assessment team members, including any members who are not school District employees, are hereby designated as “school officials” for purposes of the Family Educational Rights and Privacy Act (FERPA), and as such may access student records to the extent necessary in connection with the work of the team, in accordance with FERPA and Board Policy 09.14.

INTERACTION OF TEAM ACTIVITIES WITH SCHOOL DISCIPLINARY ACTION AND/OR LAW ENFORCEMENT

Threat assessment team activities and any responses undertaken or recommended by a team, do not negate or override applicable disciplinary procedures or action under Board policy or the ~~Student Behavior Support and Intervention Handbook Code of Acceptable Behavior and Discipline~~ or legal reporting requirements, including those covering bullying or criminal activity; dependency, neglect or abuse; or domestic and dating violence.²

IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY

A school District, School Safety Coordinator, and any school employees participating in the activities of a school safety and security threat assessment team, ~~acting in good faith upon reasonable cause, shall be immune enjoy immunity from any~~ civil and criminal liability regarding their participation in the threat assessment process as provided in New section of 158.¹

REFERENCES:

¹New Section of KRS 158

U.S. Secret Service Guide, *Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence*

RELATED POLICIES:

²09.2211; 09.227; 09.438

05.4; 09.14;; 09.425

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.¹

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:

¹New 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

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

03.2327

- CLASSIFIED 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.¹

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:

[¹New 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](#)

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

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 tThe 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

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

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.¹

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.²
- Drivers shall immediately report to the Superintendent or designee any traffic violation specified in Kentucky Administration Regulation.²

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.⁴³

REFERENCES:

¹KRS 438.050; KRS 438.305; New Section of 43849 C.F.R. Part 382

²702 KAR 5:080

³49 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

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

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

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

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

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 in the presence of a student or students.¹

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 law², 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.³

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:

¹New Section of KRS 438

²KRS 438.050

³KRS 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

BOARD POLICY COMMITTEE RECOMMENDED LANGUAGE CLARIFYING LANGUAGE RELATING TO SCHOOL OF INNOVATION VOTES.

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 **of teachers and staff as set out in KRS 160.107** 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

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: AMENDMENTS TO 704 KAR 3:305 CHANGE GRADUATION REQUIREMENTS FOR STUDENTS ENTERING 9TH GRADE IN THE 2018-2019, 2019-2020 AND 2020-2021 SCHOOL YEARS. LOCAL BOARDS MAY ADOPT THEIR OWN REQUIREMENTS THAT MAY GO FARTHER THAN THE STATE MINIMUM. ANY DISTRICT CHANGES OR ADDITIONAL REQUIREMENTS SHOULD BE SENT TO YOUR POLICY CONSULTANT.

FINANCIAL IMPLICATIONS: REQUIREMENTS FOR MORE OFFERINGS MAY ADVERSELY IMPACT DISTRICT BUDGETS

CHANGES IN BLUE ARE JCPS STAFF RECOMMENDATIONS, DIRECTING PEOPLE TO THE BOARD-APPROVED STUDENT PROGRESSION, PROMOTION, AND GRADING HANDBOOK (SPP&G) FOR SPECIFIC CREDIT REQUIREMENTS, RATHER THAN SETTING THEM FORTH IN BOARD POLICY.

CURRICULUM AND INSTRUCTION

08.113

Graduation Requirements

In support of student development goals set out in KRS 158.6451 and the Kentucky Academic Standards, students must complete a minimum of twenty-two (22) credits, including demonstrated performance-based competency in technology, and all other state and local requirements in order to graduate from high school in the District.

Credit shall include content standards as provided in Kentucky Academic Standards established in 704 KAR 3:303 and 704 KAR Chapter 8.

The required credits and demonstrated competencies for high school graduation shall be set forth in the Board-approved High School Student Progression, Promotion, and Grading Handbook, and shall include the minimum requirements established by the Kentucky Board of Education in 704 KAR 3:305.

~~Graduation requirements specified by state regulations and by the Board shall be completed before a student is awarded a high school diploma or alternative high school diploma for qualifying students with disabilities. The Superintendent/designee shall develop procedures to give reasonable prior notification of graduation requirements to all students.~~

~~Beginning July 1, 2018, s~~Students wishing to receive a regular diploma must pass a civics test made up of one hundred (100) questions selected from the civics test administered to persons seeking to become naturalized citizens and prepared or approved by the Board. A minimum score of sixty percent (60%) is required to pass the test and students may take the test as many times as needed to pass. Students that have passed a similar test within the previous five (5) years shall be exempt from this civics test. This shall be subject to the requirements and accommodations of a student's individualized education program (IEP) or a Section 504 Plan.⁵

~~In support of student development goals set out in KRS 158.6451 and the Kentucky Academic Expectations, students must complete a minimum of twenty-two (22) credits, including demonstrated performance-based competency in technology, and all other state and local requirements in order to graduate from high school in the District. Students that do not meet the college readiness benchmarks for English and language arts and/or mathematics shall take a transitional course or intervention before exiting high school.~~

In addition to the ~~credits required~~content requirements established by the Kentucky Academic Standards, and the credits required by the minimum requirements for high school graduation in 704 KAR 3:305, the Board may impose other ~~credit~~ requirements for graduation from high school. Students shall complete an ~~i~~Individual ~~L~~earning ~~p~~lan (ILP) that focuses on career exploration and related postsecondary education and training needs.

Graduation Requirements

FOR STUDENTS ENTERING GRADE NINE (9) ON OR BEFORE THE FIRST DAY OF THE 2018-2019 ACADEMIC YEAR

Credits shall include content standards as provided by the Kentucky Academic Standards established in 704 KAR 3:303 and 704 KAR Chapter 8. The required credits and demonstrated competencies shall include the following minimum requirements:

<u>Language Arts</u>	<u>Four (4) Credits (English I, II, III, and IV) taken each year of high school. Students that do not meet the college readiness benchmarks for English and language arts shall take a transitional course or intervention, which is monitored to address remediation needs, before exiting high school.</u>
<u>Social Studies</u>	<u>Three (3) Credits</u>
<u>Mathematics</u>	<u>Three (3) Credits (Algebra I, Geometry and Algebra II) (An integrated, applied, interdisciplinary, occupational, or technical course that prepares a student for a career path based on the student's ILP may be substituted for a traditional Algebra I, Geometry, or Algebra II course on an individual student basis if the course meets the content standards in the Kentucky Academic Standards, established in 704 KAR 3:303 and 704 Chapter 8. A mathematics course or its equivalent as determined by the District shall be taken each year of high school to ensure readiness for postsecondary education or the workforce. Any mathematics course other than Algebra I, Geometry, or Algebra II shall be counted as an elective. Students that do not meet the college readiness benchmarks for mathematics shall take a transitional course or intervention, which is monitored to address remediation needs, before exiting high school.</u>
<u>Science</u>	<u>Three (3) Credits incorporating lab-based scientific investigation</u>
<u>Health</u>	<u>One-half (1/2) Credit</u>
<u>P.E.</u>	<u>One-half (1/2) Credit</u>
<u>Visual and Performing Arts</u>	<u>One (1) Credit or a standards-based specialized arts course based on the student's ILP</u>
<u>Academic and Career Interest Standards-based Learning Experiences</u>	<u>Seven (7) Credits total (Three (3) plus four (4) standards-based credits in an academic or career interest based on the student's ILP)</u>
<u>Technology</u>	<u>Demonstrated performance-based competency</u>

Graduation Requirements

FOR STUDENTS ENTERING GRADE NINE (9) ON OR AFTER THE FIRST DAY OF THE 2019-2020 ACADEMIC YEAR

Credits shall include content standards as provided by the Kentucky Academic Standards established in 704 KAR 3:303 and 704 KAR Chapter 8. The required credits and demonstrated competencies shall include the following minimum requirements:

<u>Language Arts</u>	<u>Four (4) Credits total (English I and II plus two (2) credits aligned to the student's ILP)</u>
<u>Social Studies</u>	<u>Three (3) Credits total (Two (2) plus one (1) credit aligned to the student's ILP)</u>
<u>Mathematics</u>	<u>Four (4) Credits total (Algebra I and Geometry plus two (2) credits aligned to the student's ILP)</u>
<u>Science</u>	<u>Three (3) Credits total (Two (2) credits incorporating lab-based scientific investigation experiences plus one (1) credit aligned to the student's ILP)</u>
<u>Health</u>	<u>One-half (1/2) Credit</u>
<u>P.E.</u>	<u>One-half (1/2) Credit</u>
<u>Visual and Performing Arts</u>	<u>One (1) Credit or a standards-based specialized arts course based on the student's ILP</u>
<u>Academic and Career Interest Standards-based Learning Experiences</u>	<u>Six (6) Credits total (Two (2) plus four (4) standards-based credits in an academic or career interest based on the student's ILP)</u>
<u>Technology</u>	<u>Demonstrated performance-based competency</u>
<u>Additional qualifiers as follows:</u>	

Complete one (1) or more of the following graduation qualifiers:

- Satisfy precollege curriculum as established by the Council on Postsecondary Education in 13 KAR 2:020;
- Achieve benchmark score as established by the Council on Postsecondary Education in 13 KAR 2:020 in one (1) section of a college admissions or placement examination;
- Complete three (3) postsecondary credit hours or more of a Kentucky Department of Education approved dual credit course with a grade of C or higher;
- Complete one (1) course and corresponding assessment meeting the following criteria:
 - Advanced placement (AP) with a score of three (3) or higher;
 - Cambridge Advanced International (CAI) with a score at E or higher; or
 - International Baccalaureate (IB) with a score of five (5) or higher;

Graduation Requirements

FOR STUDENTS ENTERING GRADE NINE (9) ON OR AFTER THE FIRST DAY OF THE 2019-2020 ACADEMIC YEAR (CONTINUED)

- Obtain an industry certification as approved by the Kentucky Workforce Innovation Board;
- Complete four (4) credits from valid courses within a single Kentucky Department of Education approved career pathway;
- Complete a Kentucky Department of Education approved process to verify 500 hours of exceptional work experience, or alternative requirements as determined by a student's Admissions and Release Committee and specified in the student's IEP; and
- Complete two (2) years in an approved Kentucky Department of Education or Kentucky Labor Cabinet pre-apprenticeship or apprenticeship program.

Graduation Requirements

FOR STUDENTS ENTERING GRADE NINE (9) ON OR AFTER THE FIRST DAY OF THE 2020-2021 ACADEMIC YEAR

Credits shall include content standards as provided by the Kentucky Academic Standards established in 704 KAR 3:303 and 704 KAR Chapter 8. The required credits and demonstrated competencies shall include the following minimum requirements:

<u>Language Arts</u>	<u>Four (4) Credits total (English I and II plus two (2) credits aligned to the student's ILP)</u>
<u>Social Studies</u>	<u>Three (3) Credits total — (Two (2) plus one (1) credit aligned to the student's ILP)</u>
<u>Mathematics</u>	<u>Four (4) Credits total (Algebra I and Geometry plus two (2) credits aligned to the student's ILP)</u>
<u>Science</u>	<u>Three (3) Credits total — (Two (2) credits incorporating lab-based scientific investigation experiences plus one (1) credit aligned to the student's ILP)</u>
<u>Health</u>	<u>One-half (1/2) Credit</u>
<u>P.E.</u>	<u>One-half (1/2) Credit</u>
<u>Visual and Performing Arts</u>	<u>One (1) Credit or a standards-based specialized arts course based on the student's ILP</u>
<u>Academic and Career Interest Standards-based Learning Experiences</u>	<u>Six (6) Credits total (Two (2) plus four (4) standards-based credits in an academic or career interest based on the student's ILP)</u>
<u>Technology</u>	<u>Demonstrated performance-based competency</u>
<u>Financial Literacy</u>	<u>One (1) or more courses or programs that meet the financial literacy requirements pursuant to KRS 158.1411.</u>
<u>Additional qualifiers and prerequisites as follows:</u>	

I. — Complete one (1) or more of the following graduation qualifiers:

- Satisfy precollege curriculum as established by the Council on Postsecondary Education in 13 KAR 2:020;
- Achieve benchmark score as established by the Council on Postsecondary Education in 13 KAR 2:020 in one (1) section of a college admissions or placement examination;
- 1. Complete three (3) postsecondary credit hours or more of a Kentucky Department of Education approved dual credit course with a grade of C or higher;

Graduation Requirements

FOR STUDENTS ENTERING GRADE NINE (9) ON OR AFTER THE FIRST DAY OF THE 2020-2021 ACADEMIC YEAR (CONTINUED)

- Complete one (1) course and corresponding assessment meeting the following criteria:
 - Advanced placement (AP) with a score of three (3) or higher;
 - Cambridge Advanced International (CAI) with a score at E or higher; or
 - International baccalaureate (IB) with a score of five (5) or higher;
- Obtain an industry certification as approved by the Kentucky Workforce Innovation Board;
- Complete four (4) credits from valid courses within a single Kentucky Department of Education approved career pathway;
- Complete a Kentucky Department of Education approved process to verify 500 hours of exceptional work experience, or alternative requirements as determined by a student's Admissions and Release Committee and specified in the student's IEP; and
- Complete two (2) years in an approved Kentucky Department of Education or Kentucky Labor Cabinet pre-apprenticeship or apprenticeship program.
- Meet one (1) of the following graduation prerequisites for reading and one (1) of the following graduation prerequisites for mathematics:
 - Score at or above the minimum criteria on the tenth (10th) grade state required assessments in reading or mathematics;
 - Score proficient or higher for reading or mathematics on the eighth (8th) grade state required assessment; or
 - A student collection of evidence submitted by the Principal to the Superintendent/designee for review and approval. The collection of evidence shall include the following:
 - The student's ILP that includes student transcript;
 - If applicable, for students with IEPs, evidence that the student has achieved progress on measurable annual IEP goals as determined by the Admissions and Release Committee;
 - Performance on the tenth (10th) grade state required assessments in reading or mathematics;
 - Appropriate interventions, targeted to the student's needs;
 - Student work demonstrating the student's competency in reading or mathematics; and
- The student's post-graduation plans.

Graduation Requirements

PERFORMANCE-BASED CREDITS

In addition to Carnegie units, students may earn credit toward high school graduation through the District's standards-based, performance-based credit system that complies with requirements of Kentucky Administrative Regulation. Procedures for developing and amending the system shall address the following:

1. Conditions under which high school credit will be granted under the system that allow students to demonstrate proficiency and earn credit for learning acquired outside the normal classroom setting, outside of school, or in prior learning;

Performance-based credit may be earned while the student is still "in school," but the instructional setting will look different from a traditional "seat time" environment.

2. Performance descriptors and their linkages to State content standards and academic [standardsexpectations](#);

At the high school level, performance descriptors and evaluation procedures shall be established to determine if the content and performance standards have been met.

3. Assessments and the extent to which state-mandated assessments will be used;
4. An objective grading and reporting process; and
5. Criteria to promote and support school and community learning experiences, such as internships and cooperative learning, in support of a student's [ILPindividual learning plan](#). Such experiences shall be supervised by qualified instructors and aligned with State and District content and performance standards.

The high school student progression, promotion, and grading handbook shall include complete details concerning specific graduation requirements.

In keeping with statutory requirements, the District shall accept for credit toward graduation and completion of high school course requirements an advanced placement or a high school equivalent course taken by a student in grades 5, 6, 7, or 8 if that student attains performance levels expected of high school students in the District as determined by achieving a score of "3" or higher on a College Board Advanced Placement examination or a grade of "B" or better in a high school equivalent.²

GRADUATION EXERCISES

Students shall complete all requirements for graduation before taking part in graduation exercises. Summer graduation exercises may be provided for pupils completing requirements in summer school. Students are not required to participate in graduation exercises. Schools shall comply with state regulations regarding participation of students with disabilities in graduation exercises.

OTHER PROVISIONS

The Board may grant different diplomas to those students who complete credits above the minimum number as established by the Kentucky Board of Education. In addition, the Board may award a diploma to a student posthumously indicating graduation with the class with which the student was expected to graduate.

The Board, Superintendent, Principal, or teacher may award special recognition to students.

Graduation Requirements

OTHER PROVISIONS (CONTINUED)

Consistent with the District's graduation practices for all students, an alternative high school diploma shall be awarded to students with disabilities in compliance with applicable legal requirements. In addition, former students may submit to the Superintendent a request that the District provide them with an alternative high school diploma to replace the certificate of attainment they received at the time of graduation from the District.³

A student who is at least seventeen (17) years of age and who is a state agency child, as defined in KRS 158.135, shall be eligible to seek attainment of a High School Equivalency Diploma.

The District shall report individual student data regarding the completion of each graduation qualifier and each graduation prerequisite to the Kentucky Department of Education.

The Board may substitute an integrated, applied, interdisciplinary, occupational, technical, or higher-level course for a required course if the alternative course provides rigorous content.

EARLY GRADUATION CERTIFICATE

Students who meet all applicable legal requirements shall be eligible for early graduation in relation to receipt of a graduation diploma and an Early Graduation Certificate. Students wishing to follow an early graduation pathway shall notify the Principal of their intent prior to the beginning of grade nine (9) or as soon thereafter as the intent is known, but within the first thirty (30) school days of the academic year in which they wish to graduate. A Letter of Intent to Apply shall be entered into the student information system by October 1 of the year the student declares intent to graduate early.⁴

Students working toward receipt of an Early Graduation Certificate shall be supported by development and monitoring of an ILP individual learning plan to support their efforts.

To graduate early and earn an Early Graduation Certificate, a student shall:

1. Score proficient or higher on the state-required assessments; and
2. Meet the college readiness exam benchmarks established 13 KAR 2:020 for placement in credit-bearing courses without the need for remediation.

A student who has indicated an intent to graduate early may participate in the student's state administration of the college readiness exam prior to the junior year, if needed. Students who meet all applicable legal requirements shall be awarded a diploma and an Early Graduation Certificate.

DIPLOMAS FOR VETERANS

In keeping with statute and regulation, upon request, the Board shall award an authentic high school diploma to an honorably discharged veteran who did not complete high school prior to being inducted into the United States Armed Forces during World War II, the Korean conflict, or the Vietnam War.¹

Graduation Requirements

REFERENCES:

¹KRS 40.010; KRS 158.140; 704 KAR 7:140

²KRS 158.622

³KRS 156.160; 20 U.S.C. sec. 1414

⁴KRS 158.142; 704 KAR 3:305

⁵[KRS 158.141](#)

KRS 156.027; KRS 158.135

~~KRS 158.141~~; [KRS 158.1411](#); KRS 158.143; KRS 158.183; KRS 158.281

KRS 158.302; KRS 158.645; KRS 158.6451

KRS 158.860

13 KAR 2:020; 702 KAR 7:125; 703 KAR 4:060

704 KAR 3:303; 704 KAR 3:306; [704 KAR Chapter 8](#)

OAG 78-348; OAG 82-386

Kentucky Academic Standards

RELATED POLICIES:

08.1131; 08.14; 08.22; 08.222

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

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.¹

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.¹

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 regulation² 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.² Parents will be notified in the event of an accident.

REFERENCES:

¹KRS 158.836

²702 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