

LEGAL: SB 1 DEFINES SCHOOL RESOURCE OFFICERS (SROS) AND MANDATES THAT SUCH OFFICERS MUST COMPLETE FORTY (40) HOURS OF ANNUAL IN-SERVICE TRAINING. THIS POLICY IS FOR DISTRICTS THAT CONTRACT WITH A LAW ENFORCEMENT AGENCY TO PROVIDE SROS.
FINANCIAL IMPLICATIONS: COST OF SALARY, BENEFITS AND INSURANCE; DAILY COMPENSATION WHILE SRO ATTENDS TRAINING

ADMINISTRATION

02.31

School Resource Officers (SROs)

DEFINITION

"School resource officer" or "SRO" means an officer who has specialized training to work with youth at a school site and is:

- (a) 1. A sworn law enforcement officer; or
2. A special law enforcement officer appointed pursuant to KRS 61.902; and
- (b) Employed:
1. Through a contract between a local law enforcement agency and a school district;
 2. Through a contract as secondary employment for an officer, as defined in KRS 16.010, between the Department of Kentucky State Police and a school district; ~~or~~
 3. Directly by a local Board of Education;¹ or
 4. Directly by the Kentucky School for the Blind (KSB) or the Kentucky School for the Deaf (KSD).

TRAINING REQUIREMENTS

Effective January 1, 2020, all School Resource Officers (SROs) shall successfully complete forty (40) hours of annual in-service training that has been certified or recognized by the Kentucky Law Enforcement Council for SROs. Any SRO who fails to successfully complete training requirements within the specified time periods, including approved extensions, shall lose his/her SRO certification and shall no longer work in a school.

SUPERINTENDENT TO REPORT

No later than November 1 of each year, the ~~Principal Superintendent~~ shall report to the Center for School Safety the number and placement of SROs ~~in the District at KSB/KSD~~. The report shall include the source of funding and method of employment for each position.

REFERENCES:

- ¹KRS 158.441
- KRS 61.902
- New Section of KRS 441

RELATED POLICY:

- 09.4361

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

PERSONNEL

03.11

- CERTIFIED PERSONNEL -

Hiring

PRINCIPAL'S RESPONSIBILITIES

All appointments, promotions, and transfers of certified personnel for positions authorized by the Commissioner/Designee shall be made by the Commissioner/Designee.

When a vacancy occurs, the Kentucky Department of Education 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 KSB/KSD, the Principal 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 Commissioner/Designee 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 Commissioner/Designee. Certified employees may be appointed by the Commissioner/Designee for any school year at any time after February 1 next preceding the beginning of the school year.

QUALIFICATIONS

The Commissioner/Designee 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.

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

All teachers shall meet applicable certification or licensure requirements as defined by state and federal regulation.³

CRIMINAL BACKGROUND CHECK AND TESTING

Applicants, employees, and student teachers assigned within KSB/KSD 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:

Hiring**CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)**

"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 felony sex crime or as a violent offender as defined in KRS 17.165 or other conviction determined by the Commissioner/Designee to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall also be contingent on receipt of a letter from the Cabinet provided by the individual documenting that the individual does not have a substantiated finding of child abuse or neglect in records maintained by the Cabinet.

Probationary employment shall terminate on receipt of a criminal history background check documenting a conviction for a felony sex crime or as a violent offender.

~~Employment shall also be contingent on receipt of a letter from the Cabinet provided by the individual documenting that the individual does not have a substantiated finding of child abuse or neglect in records maintained by the Cabinet.~~

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

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

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

REPORT TO COMMISSIONER

An employee shall report to the Commissioner 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.

JOB REGISTER

The Commissioner or the Commissioner's designee shall maintain in the school human resources office a job register listing all current job openings at KSB/KSD. The register shall describe the duties and qualifications for each opening, and school employment policies shall be attached to the register. The job register shall be open to public inspection during school office business hours.

VACANCIES POSTED

Under procedures developed by the Kentucky Department of Education, a listing of all KSB/KSD job openings shall be posted in the school human resources office on a timely basis and shall refer interested persons to the Central Office job register for additional information. Postings of vacancies may be made with other agencies, as appropriate.

Hiring**VACANCIES POSTED (CONTINUED)**

When a vacancy for a teaching position occurs at KSB/KSD, the Commissioner/Designee shall conduct a search to locate minority candidates to be considered for the position.

REVIEW OF APPLICATIONS

Under procedures developed by the Kentucky Department of Education, each application shall be reviewed and each applicant so notified upon initial application. Applications for candidates not employed shall be retained for three (3) years.

RELATIONSHIPS

The Commissioner/Designee shall not employ a relative of a member of the Board ~~unless the relative was initially employed by KSB/KSD prior to the tenure of the Board member and the member was seated on the Board prior to July 13, 1990.~~

A relative may be employed as a substitute for a certified or classified employee if the relative is not:

1. A regular full-time or part-time employee of the KSB/KSD;
2. Accruing continuing contract status or any other right to continuous employment;
3. Receiving fringe benefits other than those provided other substitutes; or
4. Receiving preference in employment or assignment over other substitutes.¹

A relative of the Commissioner shall not be employed except as provided by KRS 160.380.

CONTRACT

Except for noncontracted substitute teachers, all certified personnel shall enter into written contracts with KSB/KSD.

JOB DESCRIPTION

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

INTENT

Under procedures developed by the Commissioner/Designee, 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 school if 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, KSB/KSD 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.

Hiring

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

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

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

Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 02.4244; 03.132

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

NONDISCRIMINATION

The Commissioner/Designee shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, color, religion, sex, sexual orientation, gender identity, genetic information, national or ethnic origin, pregnancy, veteran status, age, ~~or~~ disabling condition, 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

KSB/KSD employment practices shall be in accordance with the state-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 KSB/KSD 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.

KSB/KSD 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 Commissioner/Designee 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.A. 794

³29 U.S.C. section 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](#)~~

42 C.F.R. 2000e-2; 42 C.F.R. 2000(k)

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

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

APPROVAL

Authorization of leave and time taken off from one's job shall be in accordance with specific leave policy. Absence from work that is not based on appropriate leave for which the employee is qualified may lead to disciplinary consequences, up to and including termination of employment.

NOTIFICATION

Employees on leave covered by the related policies listed below shall notify the Commissioner/Designee in writing by April 1 of the year the leave terminates of the date of their intent to return to the school system. Employees who fail to notify the Commissioner/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 Commissioner/Designee by April 1, the Commissioner/Designee is authorized to fill the position for the following school year. Where an employee in the final year of leave fails to contact the Commissioner/Designee by April 1, to either request an extension of leave or to provide a date of return, the Commissioner/Designee may determine whether personnel action is required.

LEAVE FOLLOWING ASSAULT

The KSB/KSD 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 ~~Commissioner/Designee 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 -

Maternity Leave

PAID SICK LEAVE

Childbirth and recovery therefrom, which prevent the employee from performing assigned duties, shall entitle the employee to utilize paid sick leave benefits as provided in Board Policy 03.1232.

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

UNPAID MATERNITY LEAVE (KRS 161.770)

On written request, the parent of a newborn or the employee who adopts a child or children shall be granted unpaid leave of absence not to exceed the remainder of the school year in which the birth or placement occurred. Thereafter, leave may be extended in increments of no more than one (1) year.

Employees on maternity leave shall notify the Commissioner/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 Commissioner/Designee of their return by the date prescribed in Policy 03.123 cannot be guaranteed employment for the following school year.

Employees taking a maternity 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 placement of the child.

REQUEST FOR MEDICAL INFORMATION

Per KRS 161.770, the ~~Commissioner/Designee~~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.

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

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

03.1234

- CERTIFIED PERSONNEL -

Extended Disability Leave

This policy shall be applied in a manner consistent with policy 03.113 and the Americans with Disabilities Act (ADA), when those provisions are applicable.

UNPAID LEAVE

Unpaid disability leave shall be granted to certified personnel by the Commissioner/Designee upon written request, for the remainder of the school year. Thereafter, leave may be extended by the Commissioner/Designee in increments of no more than one (1) year.

FMLA

In compliance with the Family and Medical Leave Act of 1993, medical leave shall be granted in accordance with Board Policy 03.12322.

NOTIFICATION OF RETURN

Employees on extended disability leave shall notify the Commissioner/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 Commissioner/Designee of their return by the date prescribed in Policy 03.123 cannot be guaranteed employment for the following school year.

VERIFICATION

The Commissioner/Designee may require the employee to secure a licensed physician's verification of disability.

REQUEST FOR MEDICAL INFORMATION

Per KRS 161.770, the ~~Commissioner/Designee~~ 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.

PLACEMENT UPON RETURN

Employees taking disability 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.

INVOLUNTARY DISABILITY LEAVE

When, in the opinion of the Commissioner/Designee, there is evidence that a teacher or the Principal is no longer able to perform satisfactorily the assigned duties, the Commissioner/Designee may require the employee to provide evidence of ability to perform the essential functions of the position in the form of an examination and report by a physician of the Commissioner/Designee's choosing. The Kentucky Department of Education shall bear the cost of this examination.

The Commissioner/Designee may suspend the employee temporarily pending the physician's examination and may grant an involuntary leave of absence and renewals thereof following the physician's examination.

Extended Disability Leave

INVOLUNTARY DISABILITY LEAVE (CONTINUED)

The certified employee shall have the right to a hearing on such involuntary leave and its renewal or extension in accordance with the provisions for hearing and appeal in KRS 161.790.¹

RETIREMENT DISABILITY

Retirement disability shall be handled in accordance with KRS 161.662.²

REFERENCES:

¹KRS 161.790; OAG 65-560, KRS 161.770

²KRS 161.662, OAG 80-151

OAG 84-43

Consolidated Omnibus Budget Reconciliation Act

Family & Medical Leave Act of 1993

Americans with Disabilities Act

RELATED POLICIES:

03.111

03.113

03.123

03.12322

03.173

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 KSB/KSD 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 KSB/KSD, 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 KSB/KSD.

~~The use of any tobacco products is prohibited on any building or premises owned or operated by the KSB/KSD.~~

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: 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

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 KSB/KSD property.

JOB DESCRIPTION

Prior to the authorization of any personnel position in the KSB/KSD budget, the Commissioner/Designee, collaborating with KSB/KSD Principals, shall develop a job description which establishes all essential functions of the position. The description shall encompass supervision responsibilities, completion of records and reports, and achievement of professional goals identified to enhance student achievement and help the school meet goals established by statute, The Commissioner/Designee, and/or KSB/KSD policy. Certified personnel shall also be held responsible for cooperation with students, professional associates, parents, staff, and community groups.

INVESTIGATIONS

All employees shall cooperate fully with all investigations conducted by the KSB/KSD 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); [KRS Chapter 344](#)
P. L. 101-336
Rehabilitation Act of 1973; P. L. 93-112 Sec. 504
KRS 158.645; KRS 158.6451
16 KAR 1:020 (Code of Ethics); OAG 91-10; OAG 92-1

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 of employees is unlawful behavior based on the race, color, national origin, age, religion, sex, sexual orientation, gender identity, pregnancy, veteran status, ~~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 or prejudice.

PROHIBITION

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

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

DISCIPLINARY ACTION

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

GUIDELINES

Employees who believe they or any other employee, student, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Commissioner/Designee. 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 Commissioner/Designee. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the KSB/KSD 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 Commissioner/Designee shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) working days of receipt of the original complaint, regardless of the manner in which the complaint is communicated to a KSB/KSD administrator. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency.

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

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

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

4. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination; and
5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

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. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Instances involving sexual violence;
4. Causing an employee to believe that he or she must submit to unwelcome sexual conduct in order to maintain employment or that a personnel decision will be based on whether or not the employee submits to unwelcome sexual conduct;

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

5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
6. Seeking to involve individuals with disabilities in antisocial, dangerous or criminal activity where they, because of disability, are unable to comprehend fully or consent to the activity; and
7. Destroying or damaging an individual's property based on any of the protected categories.

CONFIDENTIALITY

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

APPEAL

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

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

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

RETALIATION PROHIBITED

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

Upon the resolution of allegations, the Commissioner/Designee 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

Harassment/Discrimination

RELATED POLICIES:

| 03.113_{2,5}; 03.1325_{2,5}; 03.16_{2,5}; 09.2211_{1,5}; 09.422_{2,5}; 09.42811

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 -

Professional Development

PROGRAM TO BE PROVIDED

The KSB/KSD shall provide 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 Principal or designee and in conjunction with each school, the Principal or designee shall facilitate the development and implementation of this program for all certified employees.

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

The program shall be designed;

1. to help achieve student capacities established by KRS 158.645 and goals established by KRS 158.6451;
2. to support the KSB/KSD'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 be aligned with the KSB/KSD Comprehensive 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 KSB/KSD 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, KSB/KSD shall provide materials on how to respond to an active shooter situation.

SCHOOL RESPONSIBILITIES

Each school shall plan professional development with the Principal/designee and, when appropriate, with other schools to maximize training opportunities. In addition, each school's PD plan shall be submitted to the Commissioner/Designee for review and comment.

Professional Development**DOCUMENTATION**

The KSB/KSD 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 KSB/KSD 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: 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.

~~The use of any tobacco product is prohibited in any building owned or operated by the Board.~~

~~Adult employees may smoke in outside areas designated and supervised by the Superintendent or Principal.~~

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:

03.1327; 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

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 ~~Principal~~~~State Supervisor or the State Supervisor'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 Kentucky Board of Education harmless from any such claims against it;
 - c. Agreement to observe all fire and safety regulations;
 - d. Agreement that the use of any tobacco products, alternative nicotine product, or vapor product shall not occur on or in all property, within the building and that t~~The use of alcoholic beverages is prohibited in school buildings or on school grounds;~~
 - e. Observance that no immoral or illegal activity shall be allowed on the premises;
 - f. The presence of a school custodian at all times. The hourly wage of the custodian(s) must be included in the contract along with the social security and retirement payments required by law. If the employee is employed beyond the normal 40-hour week that s/he works for the ~~KSB/KSD-Kentucky Board of Education~~, overtime wages at two (2) times hourly rate must be paid. An exemption may be permissible, on a case by case basis and as determined by the ~~Principal-State Supervisor~~, for non-profit groups that work closely with the schools;
 - 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.
 - k. Agreement that the minimum rental fee shall be \$500.

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](#); [10.5](#)

Rental Application and Contract

APPLICATION AND AGREEMENT FOR USE OF STATE PROPERTY

NOTE: Please complete this form in duplicate and submit both copies to the Principal State Supervisor/designee for approval. If the application is approved, one (1) copy of the signed agreement will be returned to the using organization along with a contract prepared by the Kentucky Board of Education attorney. The contract shall be signed by the designated representative of the using organization and returned to the Principal State Supervisor/designee. If the application is not approved, both copies will be returned.

Name of Sponsoring Organization/Activity _____	Telephone _____
Representative's Name _____	
Address _____	
The above organization/individual requests the use of:	
<input type="checkbox"/> auditorium <input type="checkbox"/> gymnasium <input type="checkbox"/> dining room <input type="checkbox"/> other, specify _____	
Is the organization planning to use State-owned equipment? <input type="checkbox"/> YES <input type="checkbox"/> NO	
If yes, specify equipment _____ Operator's Name _____	
Is the organization planning to conduct sales on school premises? <input type="checkbox"/> YES <input type="checkbox"/> NO	
If yes, give a complete description of what is being sold and how the proceeds will be used. _____	
Building/school/facility _____	
Purpose _____	
Date(s) requested _____ Time(s) Requested _____	
Will public be admitted? <input type="checkbox"/> YES <input type="checkbox"/> NO	
Will advertisement(s) be used? <input type="checkbox"/> YES <input type="checkbox"/> NO	
Will admission be charged? <input type="checkbox"/> YES <input type="checkbox"/> NO	

When using school facilities, this organization agrees to observe the following:

1. **To schedule with the Principal the time(s) State property is to be used.** It is understood that the Principal/designee may cancel the use of the room or building at any time such use interferes with regular school activities.
2. **To be legally responsible for any and all damage to individuals and school equipment, building(s), grounds, or facilities, resulting from use by the organization.** To this end, the organization will procure sufficient liability insurance to indemnify the Kentucky Board of Education, school officers and employees for any injuries or property damage which might occur during the organization's use of the facilities. This insurance shall contain limits of \$1,000,000 for bodily injury and \$10,000 for property damage. A copy of the organization's insurance certificate shall be filed with the Kentucky Board of Education prior to the date the organization uses the building. The Kentucky Board of Education shall require the renting organization to assume all liability for injury to individuals by reason of the lease of State property and that the organization indemnify and save harmless the Kentucky Board of Education from any loss or damage thereby.
3. **To provide appropriate equipment for the use of State property.** When gymnasiums are used, the organization agrees to permit on the gym floor only those persons wearing shoes that will not mark the floor.
4. **To abide by the requirements of KSB/KSD policies 05.3 and 05.31 (see attached).** Disregard of the rules and regulations governing the use of the school buildings, equipment and facilities shall result in the refusal of the Kentucky Board of Education to grant the offending organization further use.
5. **To acknowledge that approval of this request does not signify State sponsorship,** endorsement or approval of your organization or the activity.

Rental Application and Contract
APPLICATION AND AGREEMENT FOR USE OF STATE PROPERTY

FEE SCHEDULE

The organization agrees to pay the applicable fee(s) for the use of School facilities.

	# of Employees Required	# of Hours	Hourly Rate (Overtime at 2.0 times)	Total
Custodians				
Food Service Employees				
Supervisory Personnel				
Other _____ _____				
TOTAL PERSONNEL CHARGE				

Signature - Representative of User Group

Date

Signature - ~~Principal~~ State Supervisor/designee

Date

IN THE EVENT SCHOOL IS CLOSED DUE TO WEATHER CONDITIONS, ALL SCHEDULED ACTIVITIES, WITH THE EXCEPTION OF DINNER MEETINGS, WILL BE CANCELED AND OPPORTUNITY TO RESCHEDULE OR REFUND RENTAL FEE(S) WILL BE MADE.

For Office Use Only - To be Completed by School Official			
Cost for use of State property \$ _____	Cost for school employee \$ _____	Total cost \$ _____	
Deposit \$ _____	Is deposit refundable?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Date Deposit Received _____	Balance Due \$ _____		
KSB/KSD _____	Board _____	employee(s)	assigned:
Board Action Date, if applicable _____	Board Order # _____		

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

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 **KSB/KSD** 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 **KSB/KSD**, 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.

~~While on the bus, bus drivers shall not use tobacco products and shall not permit students to use them.~~

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.

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;

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

- 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 Principal and human resources office any traffic violation specified in Kentucky Administrative 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 KSB/KSD 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 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.

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;

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

- 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 KSB/KSD. All current employee drug and alcohol testing including reasonable suspicion, random and post-accident testing costs shall be paid for by the KSB/KSD.

MATERIALS TO BE PROVIDED

KSB/KSD shall distribute educational materials to explain state and federal legal requirements for alcohol and controlled substance testing of CDL drivers and the KSB/KSD's policies and procedures to implement it and answer questions about the materials. 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. Each employee is required to sign a statement certifying that s/he has received a copy of these materials. If the KSB/KSD recognizes an organization to represent bus drivers, the KSB/KSD shall provide written notice to representatives of the organization of the availability of this information.⁴³

REFERENCES:

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

²702 KAR 5:080

³~~49 C.F.R. Part 382~~

~~KRS 438.050~~

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

RELATED POLICIES:

03.11; 03.13251; [03.1327](#); 03.17

03.21; 03.23251; [03.2327](#); 03.27

[09.4232](#); [10.5](#)

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

CURRICULUM AND INSTRUCTION

08.113

Graduation Requirements

In support of student development goals set out in KRS 158.6451 and the Kentucky Academic ~~Standards~~~~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.

~~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 Kentucky Board of Education. 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.³

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

~~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.~~

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:

1. Satisfy precollege curriculum as established by the Council on Postsecondary Education in 13 KAR 2:020;
2. 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;
3. 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;
4. Complete one (1) course and corresponding assessment meeting the following criteria:
 - a) Advanced placement (AP) with a score of three (3) or higher;
 - b) Cambridge Advanced International (CAI) with a score at E or higher; or
 - c) 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)**

5. Obtain an industry certification as approved by the Kentucky Workforce Innovation Board;
6. Complete four (4) credits from valid courses within a single Kentucky Department of Education approved career pathway;
7. 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
8. 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:

1. Satisfy precollege curriculum as established by the Council on Postsecondary Education in 13 KAR 2:020;
2. 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;
- ~~1-3.~~ 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)

4. Complete one (1) course and corresponding assessment meeting the following criteria:
 - a) Advanced placement (AP) with a score of three (3) or higher;
 - b) Cambridge Advanced International (CAI) with a score at E or higher; or
 - c) International baccalaureate (IB) with a score of five (5) or higher;
5. Obtain an industry certification as approved by the Kentucky Workforce Innovation Board;
6. Complete four (4) credits from valid courses within a single Kentucky Department of Education approved career pathway;
7. 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
8. Complete two (2) years in an approved Kentucky Department of Education or Kentucky Labor Cabinet pre-apprenticeship or apprenticeship program.

II. Meet one (1) of the following graduation prerequisites for reading and one (1) of the following graduation prerequisites for mathematics:

1. Score at or above the minimum criteria on the tenth (10th) grade state-required assessments in reading or mathematics;
2. Score proficient or higher for reading or mathematics on the eighth (8th) grade state required assessment; or
3. 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 KSB/KSD'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 [standards expectations](#);

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 [ILP individual learning plan](#). Such experiences shall be supervised by qualified instructors and aligned with State and KSB/KSD content and performance standards.

The high school student handbook shall include complete details concerning specific graduation requirements.

In keeping with statutory requirements, the KSB/KSD 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 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.¹

OTHER PROVISIONS

The KSB/KSD 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 KSB/KSD may award a diploma to a student posthumously indicating graduation with the class with which the student was expected to graduate.

The KSB/KSD, Principal, or teacher may award special recognition to students.

Consistent with the KSB/KSD'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 Principal a request that the KSB/KSD provide them with an alternative high school diploma to replace the certificate of attainment they received at time of graduation.

Graduation Requirements

OTHER PROVISIONS

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

The Commissioner/Designee 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.

Graduation Requirements**REFERENCES:**

¹KRS 158.622

²KRS 158.142; 704 KAR 3:305

³[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; KRS 156.160

20 U.S.C. sec. 1414

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: 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

CURRICULUM AND INSTRUCTION

08.14

Guidance

Guidance and counseling services shall be provided for students. Counselors may perform mental health services and provide implementation and training on trauma-informed practices as addressed in law.¹

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.

INDIVIDUAL LEARNING PLANS

In keeping with Kentucky Administrative Regulation, the KSB/KSD 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.⁴²

PRINCIPAL SUPERINTENDENT TO REPORT

No later than November 1, 2019, and each subsequent year, the Principal Superintendent shall report to the Kentucky Department of Education the number and placement of school counselors at KSB/KSD 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

⁴²KRE 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: REPEAL OF 703 KAR 5:200 REMOVES THE REQUIREMENT FOR END OF COURSE EXAMS THAT COUNT TOWARDS A STUDENT'S FINAL GRADE IN A COURSE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.221

Grading

~~Grades earned on end-of-course exams required for high school courses designated by Kentucky Administration Regulation shall count as twenty percent (20%) of a student's final grade in a course.~~

REFERENCES:

~~KRS 158.140; KRS 158.645; KRS 158.6451; KRS 158.860~~

~~KRS 161.200~~

~~703 KAR 5:200~~

RELATED POLICIES:

~~08.113~~

~~08.22~~

~~08.222~~

~~08.5~~

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

STUDENTS

09.22

Student Health and Safety

PRIORITY

Student health, welfare and safety shall receive priority consideration by KSB/KSD.

Rules and regulations on health and safety promulgated by the Kentucky Board of Education under Kentucky statute and by local and state boards of health relating to student safety and sanitary conditions shall be implemented at KSB/KSD.

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 or 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, KSB/KSD will maintain proof that the employee has completed the required training provided by the Kentucky Department of Education (KDE).

Employees to whom health service responsibilities have been delegated shall notify their immediate supervisor by April 15 of each year if they are not willing to perform the service(s) during the next school year.

SAFETY PROCEDURES

All pupils shall receive annual instruction in school bus safety.

The Health Nurse/Supervisor 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 six (6) through twelve (12) staff employed by the KSB/KSD biennially 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 KSB/KSD 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

Student Health and Safety**SUICIDE PREVENTION (CONTINUED)**

By September 15 of each ~~school~~-year, ~~each public school~~administrators shall provide suicide prevention awareness information to students in ~~grades six (6) through twelve (12)~~middle-school ~~grades and above~~, as provided by the Cabinet for Health and Family Services or a commercially developed suicide prevention training program.²

SEIZURE DISORDER MATERIALS

All staff employed by the KSB/KSD 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 158.836; KRS 158.838

702 KAR 5:030

RELATED POLICY:

09.2241

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 TO BE PROVIDED

First aid shall be provided to all pupils in case of an accident or sudden illness until the services of a health care professional become available.

FIRST-AID ROOM

A first-aid area with appropriate equipment, supplies and provisions for the child to recline shall be designated. At least two (2) adult employees, 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.

KSB/KSD shall have employees trained in accordance with the law to administer or help administer emergency medications.

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.

INFORMATION NEEDED

A number at which parents can be reached and the name of the family physician shall be maintained at KSB/KSD for all its pupils.¹ Parents will be notified in the event of an accident.

EMERGENCY CARE PROCEDURES

Schools shall have emergency care procedures comporting with regulation¹ and may utilize the Kentucky Department of Education's Health Services Reference Guide (HSRG) as a resource.

When an emergency arises and the student's parent/guardian or designee cannot be reached in a timely manner, the school will take action necessary to maintain the student's health, such as calling emergency medical personnel or taking the student to a health care facility. In such instances, school personnel shall notify health professionals of any medications that they are aware the student is taking.

REFERENCES:

¹702 KAR 1:160

KRS 156.160; KRS 156.502

KRS 158.836; KRS 158.838

Kentucky Department of Education Health Services Reference Guide (HSRG)

RELATED POLICIES:

09.21

09.22

09.2241

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

Tobacco, Alternative Nicotine, or Vapor Products

Students shall not be permitted to use or possess any tobacco product, alternative nicotine product, or vapor product as defined in KRS 438.305 ~~on property owned or operated by the~~ on or in all KSB/KSD property at all times, including any inside State-owned vehicles, owned, operated, leased, or contracted for use by the State and while attending or participating in any on the way to and from school, and during school-related studentsponsored trips andor activityactivities.

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 state, 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 local code of acceptable behavior and discipline.

REFERENCES:

P 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; 05.31; 06.221; 10.5

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.

PUPILS

Any pupil who threatens, assaults, batters or abuses another pupil shall be subject to appropriate disciplinary action, including suspension or expulsion.¹

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 pupil 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 LEA/KSB/KSD’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.

KSB/KSD shall designate the site(s) to which employees may remove students from a classroom setting and the employee(s) who will supervise the student at the site.

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.

REPORT TO LAW ENFORCEMENT AGENCY

When they have reasonable belief that a violation has taken place, the Principal shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves assault resulting in serious physical injury, a sexual offense, kidnapping or each instance of assault involving the use of a weapon.

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 Principal/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 KSB/KSD 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 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

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: 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

LOCAL CITIZENS

The Kentucky Board of Education encourages parents, professional educators, and others who have legitimate educational interests pertaining to the KSB/KSD's public school program to visit the schools. To ensure that school personnel are aware of visitors' presence, all visitors must report immediately to the designated visitors' check-in area 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 KSB/KSD school, except with the advance written permission of the Principal or the Kentucky Board of Education 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:

- To pick up or drop off their child each day.
- To pick up the child who is injured or ill.

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

- To confer with school staff concerning academic, disciplinary or placement issues involving the student, including matters required by federal or state law.
- To attend a school activity, including athletic practices and competition, in which the student is a participant.
- 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 Kentucky Department of Education 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 Commissioner/designee concerning requests from registrants, and the Commissioner/designee may seek further advice from the KSB/KSD Attorney.

For all other reasons and for all individuals making a request other than parent/legal guardian/designee, the Principal shall consult with the Commissioner/designee before making a final determination.

OUTSIDERS

Professional educators and citizens who are from other communities and who wish to observe the schools in operation are welcome. Arrangements for such visits must be made in advance with the Commissioner/designee.

CONDUCT

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.](#)

Visitors to the Schools**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 KSB/KSD shall notify the public of any requirements and/or deadline for requesting such accommodation.

WEBSITE ACCESSIBILITY

KSB/KSD are committed to ensuring accessibility of their websites for students, parents, and members of the community with disabilities. All pages on the KSB/KSD websites will conform to the W3C WAI's Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents.

Under school 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 KSB/KSD web presence which is developed by, maintained by, or offered through KSB/KSD or third party vendors and open sources.

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 any building owned or operated by the KSB/KSD all property, including any vehicle, that is owned, operated, leased, or contracted for use by the KSB/KSD 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 KSB/KSD, 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

Visitors to the Schools

REFERENCES:

¹[New Section of KRS 438](#)

²[KRS 438.050](#)

³[KRS 511.070; KRS 511.080; OAG 90-11](#)

[KRS 17.545; KRS 17.500; KRS 17.510](#)

[KRS 160.380; KRS 211.394, KRS 211.395; \[KRS 438.305\]\(#\)](#)

[KRS 600.020; KRS 620.146](#)

[OAG 91-137](#)

[P. L. 114-95, \(Every Student Succeeds Act of 2015\)](#)

[29 U.S.C. 794, Rehabilitation Act of 1973, \(Section 504\)](#)

[42 U.S.C. 2000, Civil Rights Act of 1964, Titles VI and VII](#)

[42 U.S.C. 12101 et seq., Americans with Disabilities Act](#)

RELATED POLICIES:

~~01.1~~

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

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

~~10.2~~

-CERTIFIED PERSONNEL -**Suspension****PENDING TERMINATION ACTION**

The Commissioner/Designee may suspend a certified employee without pay pending final action to terminate the contract if the character of the charges warrants such action. If a tribunal hearing is requested and the decision of the tribunal is against termination of the contract, the suspended teacher shall be paid full salary for the period of such suspension, except that the Commissioner may appeal the tribunal's decision to the circuit court.

SANCTIONS

The Commissioner/Designee may suspend a teacher without pay as a disciplinary measure in accordance with [KRS 161.790](#).

No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Commissioner/Designee.

TEMPORARY SUSPENSION WITH PAY PENDING INVESTIGATION

An employee shall be suspended with pay only when the Commissioner/Designee determines there is a justifiable need for an investigation of alleged employee actions necessary to protect the safety of students and staff or to prevent significant disruption of the workplace and/or educational process. The period of suspension with pay shall not exceed the time needed to determine whether the employee is to return to active service or face disciplinary action. ~~h~~However, placement on administrative leave suspension with pay shall not exceed ~~ten (10) twenty (20)~~ working days. If circumstances arise that require an investigation or other proceedings that may extend beyond ~~ten (10) twenty (20)~~ working days, the Commissioner/Designee may lengthen the period of leave suspension not to exceed an additional fifteen (15) working days.

Employees suspended with pay shall remain available for immediate recall to active service.

REFERENCES:

[KRS 160.390](#); [KRS 161.790](#)
[701 KAR 005:090](#)
[OAG 92-135](#), [OAG 96-3](#)
 938 S.W.2d 880 (Ky. 1996)

RELATED POLICIES:

03.1234; 03.172; 03.174

Adopted/Amended: 2/8/2017
 Order #: XXV

Authority for Use of Buses

APPROVAL FROM COMMISSIONER

Any use of school buses beyond the daily routing schedules will require approval from the Commissioner/~~Designee or the Commissioner's designee~~ KDE.

REFERENCES:

KRS 157.370

KRS 158.110

702 KAR 005:030

RELATED POLICIES:

06.5

09.36

Adopted/Amended: 8/3/2017

Order #: XXI

Home/Hospital Instruction

PURPOSE

Home/hospital instruction provides educational services to students who cannot attend school for extended periods due to temporary or recurring conditions, including fractures, surgical recuperation, or other physical, health, or mental conditions. An “extended period” refers to an absence for more than five (5) consecutive school days.

Home/hospital instruction will be a minimum of two (2) visits per week with one (1) hour of instruction per visit, which is equivalent to one (1) child’s attendance in school for five (5) days. Students on extended placement in home/hospital instruction may receive virtual/online instruction, which would be in addition to the minimum two (2) one (1)-hour visits per week. A parent or responsible adult must be present in the home/hospital room during the time the home/hospital teacher is present.

ELIGIBILITY

Determination of a student’s eligibility and provision of services for home/hospital instruction shall be made in compliance with applicable statutes and regulations. In accordance with [KRS 159.030\(2\)](#), the ~~KSB/KSD Kentucky Board of Education~~ shall require evidence for students exempted from school attendance more than six (6) months. An exemption shall be reviewed annually.

At any time based on changes in the student’s condition, the ~~Admissions and Release Committee (ARC) home/hospital review committee~~ may schedule a review of the student’s ~~continued~~ eligibility for home/hospital instruction.

~~For students with disabilities, The Admissions and Release Committee (ARC) shall determine homebound placement for a student with disabilities not the home/hospital review committee.~~

~~A student’s The 504 Team for a student~~ may facilitate submission of an application to the review committee.

KSB/KSD STUDENTS

Based on documentation of student need, including medical or mental health evaluation information, a KSB/KSD student may be placed in the home/hospital instructional program in the student’s district of residence/referring district if his/her individual education plan (IEP) specifies such placement is the least restrictive environment for providing services. The ARC Chair shall provide written notice of eligibility and documentation to the Principal of KSB/KSD for purposes of program enrollment, placing the student on home/hospital instruction in the student’s district of residence/referring district.

The Admissions and Release Committee (ARC) or 504 Team shall determine on a case-by-case basis the type and extent of homebound services for a student, including the number of credits a student at the secondary level will be permitted to earn while on home/hospital instruction.

Home/Hospital Instruction

REFERENCES:

[KRS 157.270](#); [KRS 157.360](#); [KRS 159.030](#)

[704 KAR 003:303](#); [704 KAR 007:120](#)

[707 KAR 001:320](#); [707 KAR 001:350](#)

Individuals with Disabilities Education Improvement Act (IDEA)

Section 504 of the Rehabilitation Act of 1973

34 C.F.R. 104.35

RELATED POLICIES:

09.122; 09.123

Adopted/Amended: 2/8/2017

Order #: XXV

Student Attendance Day

STUDENT ATTENDANCE DAY

The length of the student attendance day ~~designated by the Kentucky Board of Education~~ shall provide students with no less than the minimum number of student attendance days/hours required by law. The Principal may request approval of an alternative school calendar based on procedures set out in Kentucky Administrative Regulation.

EXCEPTIONS

Kindergarten (entry level of the primary program) shall be provided no less than the equivalent of one-half (1/2) day, five (5) days a week for a full school year for each kindergarten student.

~~Students with disabilities and students attending primary school may attend less than six (6) hours per day under programs approved by the Board and the Commissioner of Education.¹~~

Students with disabilities may attend a program of less than six (6) hours per day under procedures adopted by KSB/KSD and upon the recommendation of the Admissions and Release Committee (ARC).¹ Only the ARC shall determine placement and shortened days as provided in the Individual Education Program (IEP).

REFERENCES:

¹[KRS 158.060](#)
[KRS 157.320](#)
[KRS 157.360](#)
[KRS 158.030](#); [KRS 158.070](#)
[702 KAR 007:125](#)

RELATED POLICIES:

01.42; 08.3

Adopted/Amended: 8/7/2014
Order #: XX.III.B.1

Admissions and Attendance

Decisions concerning placement at/admission to KSB or KSD are made subject to applicable state and federal law and after full consideration of the obligation of local districts to provide educational services in the least restrictive environment.

HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

KSB/KSD shall provide educational and related services to homeless children and youth including preschool-aged homeless children, and homeless children or youth not in the physical custody of a parent or guardian (unaccompanied youth) in a manner that does not segregate or stigmatize students on the basis of their homeless status.

KSB/KSD shall provide its administrators with guidelines that detail the rights of homeless students and the responsibilities that schools have to meet their needs and eliminate barriers to school attendance. These guidelines shall emphasize the right of homeless students to:

1. Have equal access to all educational programs and services, including transportation, that non-homeless students enjoy;
2. Have access to preschool programs as provided to other children in the KSB/KSD;
3. Continue attending their school of origin, when deemed in the best interest of the child, for the duration of homelessness;
4. Attend regular public school with non-homeless students; and
5. Continue to receive all services for which they are eligible (i.e., special education, gifted and talented, English learner).

The local district of residence shall provide transportation to the school of origin for homeless children at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison) if the child continues to live within the area served by the local district of residence in which the school of origin is located. If the child locates to a local district other than that of his/her school of origin, the school districts shall work together to apportion transportation to and from the school of origin and associated costs. If the districts are unable to reach agreement, responsibility and costs for transportation shall be shared equally.

KSB/KSD shall designate an appropriate staff person to serve as liaison to homeless children and unaccompanied youth. In addition to coordination of McKinney-Vento implementation in the KSB/KSD, the liaison is responsible for:

- “Outreach” to other entities and agencies so that homeless students are identified;
- Providing public notice of the educational rights of homeless children in locations frequented by parents/guardians and unaccompanied youths. This notice is to be in a manner and form that is understandable;¹
- Seeing that school personnel who provide McKinney-Vento Services receive professional development and other support; and
- Ensuring that unaccompanied youths are enrolled in school and receive support to accrue credits and access to higher education.

Admissions and Attendance

HOMELESS CHILDREN AND UNACCOMPANIED YOUTH (CONTINUED)

KSB/KSD shall inform school personnel, service providers, advocates working with homeless families, parents, guardians and homeless children and unaccompanied youths of the duties of the liaison.

All concerns regarding the education of homeless children and unaccompanied youth shall be referred to the liaison. If a complaint arises regarding services or placement of homeless children and unaccompanied youth, the dispute resolution procedures as set forth in [704 KAR 007:090](#) shall apply.

Disputes over eligibility, school selection, or enrollment are to be appealed to the Kentucky Department of Education ([KDE](#)) using the Dispute Resolution for Homeless form located at the link below:

<https://education.ky.gov/federal/progs/txc/Documents/Homeless%20Dispute%20Resolution%20Form.pdf>

The liaison shall provide a copy of the referenced form to the complainant.

KSB/KSD shall provide services for homeless children and unaccompanied youths with disabilities as required by law.

CHILDREN IN FOSTER CARE

Students in foster care shall have equal access to all educational programs and services, including transportation, which all other students enjoy.

In the event foster children are enrolled at KSB/KSD, KSB/KSD shall collaborate with the [Cabinet for Health and Family Services \(CHFS\)](#) to ensure ~~immediate and appropriate~~ enrollment of the child and ~~immediately~~ contact the student's previous school for relevant records. The previous school shall provide the new school records maintained within the student information system by the ~~Kentucky Department of Education~~ [KDE](#) within three (3) working days of receipt of a request. Remaining records shall be provided within ten (10) working days of the request.

The Principal shall appoint a Foster Care Liaison to coordinate activities relating to the provision by KSB/KSD of services to children placed in foster care, including transportation services, when KSB/KSD is notified by the ~~Cabinet for Health and Family Services~~ [CHFS](#) in writing that the ~~Cabinet~~ [CHFS](#) has designated its foster care point of contact for the KSB/KSD. The Principal may appoint the KSB/KSD Foster Care Liaison prior to such notice from the ~~Cabinet~~ [CHFS](#).

Children in foster care, including preschool aged children if KSB/KSD offers a preschool program, shall be eligible to attend their "school of origin" unless a determination is made that it is not in the child's best interest. Such determination will be made in collaboration with the child welfare agency. Dispute resolutions shall be handled by all agencies involved in the determination of the foster child's placement.

When possible, a child exiting the foster care program during the school year shall be allowed to complete the school year in the school of origin.

Admissions and Attendance**BEST INTEREST OF THE CHILD**

Determining the best interest of the child takes into consideration the following factors, including but not limited to:

- The benefits to the child of maintaining educational stability;
- The appropriateness of the current educational setting;
- The child’s attachment and meaningful relationships with staff and peers at the current educational setting;
- The influence of the school’s climate on the child;
- The safety of the child; and
- The proximity of the placement to the school of origin, and how the length of a commute would impact the child.

NONRESIDENTS

Nonresident students designated as homeless or foster children may be required to be enrolled consistent with the “best interest of the child” or “school of origin” requirements under the Every Student Succeeds Act (ESSA) and the McKinney-Vento Act as amended by ESSA.

IMMIGRANTS

No student shall be denied enrollment based on his/her immigration status, and documentation of immigration status shall not be required as a condition of enrollment.

KSB/KSD may provide an approved high school program to a student who is a refugee or legal alien until the student graduates or until the end of the school year in which the student reaches the age of twenty-one (21), whichever comes first.

NON-IMMIGRANT FOREIGN STUDENTS

Non-immigrant foreign students qualifying for F-1 immigration status or who obtain an F-1 student visa may be admitted to KSB/KSD based on the following guidelines:

1. These students shall not be permitted to attend any publicly funded adult education program.
2. These students may be permitted to attend in grades nine through twelve (9-12), but not at earlier grade levels.
3. As required by law, these students shall pay a tuition fee equal to the full, unsubsidized per capita cost to KSB/KSD for providing education to the student for the period of attendance.
4. The period of attendance shall not exceed twelve (12) months.

These requirements do not apply to immigrant students residing in a local school district or foreign students in any other immigration status, including exchange students.

Admissions and Attendance**EXPELLED/CONVICTED STUDENTS**

The parent, guardian, Principal, or other person or agency responsible for the student shall provide to the school prior to admission, a sworn statement or affirmation concerning any of the following that have occurred in or outside Kentucky:

1. If a student has been expelled from school; or
2. If a student has been adjudicated guilty/convicted of, homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs.

Assault shall mean any physical assault, including sexual assault.

The sworn statement or affirmation shall be on a form provided by the appropriate state agency and shall be sent to the receiving school within five (5) working days of official notification that a student has requested enrollment in the new school.²

If a student is suspended or expelled for any reason, or faces charges that may lead to suspension or expulsion, but withdraws prior to a hearing from any public or private school in Kentucky or any other state and then moves into a local school district and seeks to enroll, the local school district shall review the details of the charges, suspension, or expulsion and determine if the student will be admitted, and if so, what conditions may be imposed upon the admission. Prior to a decision to deny admission, the local school district shall offer the student, parent/guardian, or other persons having legal custody or control of the student a hearing before the local district board of education.

REFERENCES:

¹42 U.S.C. 11431 et seq. (McKinney-Vento Act)

²[KRS 158.155](#); [KRS 157.330](#); [KRS 158.150](#)

[KRS 157.360](#); [KRS 158.100](#)

[KRS 158.120](#); [OAG 80-47](#); [OAG 79-327](#); [OAG 75-602](#)

[KRS 159.010](#); [OAG 78-64](#)

[KRS 199.802](#)

[704 KAR 007:090](#); [OAG 91-171](#)

P. L. 104-208

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

8 U.S.C. Sections 1101 and 1184; 8 C.F.R. Section 214

Plyler v. Doe, 457 U.S. 202 (1982)

Equal Educational Opportunities Act of 1974 (EEOA)

RELATED POLICIES:

06.32; 09.121; 09.123; 09.124; 09.125; 09.14; 09.211

Adopted/Amended: 8/2/2018

Order #: IV