

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

DRAFT 6/3/19

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.1

Formatted: Centered

Legal Status/Member Districts

NKCES is a legal body created by statutory authority of the State of Kentucky (KRS 65.210 - KRS 65.300).

NKCES personnel are under the management and control of the Board of Directors, which consists of the superintendents of member districts and representatives of Northern Kentucky University.

- Beechwood Independent School District
- Bellevue Independent School District
- Boone County School District
- Bracken County School District
- Campbell County School District
- Covington Independent School District
- Dayton Independent School District
- Erlanger-Elsmere Independent School District
- Ft. Thomas Independent School District
- Kenton County School District
- Ludlow Independent School District
- Newport Independent School District
- Pendleton County School District
- 
- Southgate Independent School District
- Walton-Verona Independent School District
- Williamstown Independent School District
- Northern Kentucky University

Deleted: Silver Grove Independent School District

As hereafter referenced in this manual, references to the "Board" shall refer to the Northern Kentucky Cooperative for Educational Services Board of Directors.

To be eligible for membership on the Board, a person must be a current superintendent or designated representative of a member district or agency.

The Board is a body politic and corporate with perpetual succession. Board members have no authority over NKCES affairs as individuals, but do retain authority, within state law, over NKCES affairs when they act at the Board of Directors.

Legal Status/Member Districts**NOTICE OF NONDISCRIMINATION**

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

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

WEBSITE ACCESSIBILITY

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

Under NKCES 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 NKCES web presence which is developed by, maintained by, or offered through NKCES or third party vendors and open sources.

REFERENCES:

[KRS Chapter 344](#)

Americans with Disabilities Act

Section 504 of the Rehabilitation Act of 1973

Title VI of the Civil Rights Act of 1964

42 U.S.C. 200e, Civil Rights Act of 1964, Title VII

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

Genetic Information Nondiscrimination Act of 2008

20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)

Web Content Accessibility Guidelines

RELATED POLICIES:

03.113; 03.212; 09.13

03.162; 03.262; 09.42811

05.3; 10.5

Deleted: federal

Deleted: or

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

Formatted: Font: Not Bold, Superscript

TRAINING REQUIREMENTS

Formatted: sideheading

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 Superintendent shall report to the Center for School Safety the number and placement of SROs in the District. The report shall include the source of funding and method of employment for each position.

Formatted: ksba normal

Formatted: policytext

REFERENCES:

¹KRS 158.441

KRS 61.902

New Section of KRS 441

Formatted: Font: Not Bold, Superscript

RELATED POLICY:

09.4361

Formatted: Space After: 6 pt

Formatted: ksba normal

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

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT 5/1/19

PERSONNEL

03.11

Formatted: Centered

Deleted: 03

- CERTIFIED PERSONNEL -

Hiring

AUTHORITY TO EMPLOY

Appointments, promotions, and terminations of employees will be made by the Executive Director, who shall inform the Board of such personnel actions at the next regularly scheduled Board meeting.

Hiring of staff is employment in the Cooperative only and not in a particular position.

The Executive Director, in determining the eligibility of a particular candidate for election to a position, will select that person whose qualifications best meet the requirements of the job as described by the job description.

No person will enter upon the duties of a position requiring certification qualifications until his/her certificate has been filed or credentials registered with the Cooperative.

CONTRACTS

Except for noncontracted substitute teachers, all certified employees shall receive a written contract. The Executive Director will prescribe the duties and recommend compensation as regulated by the salary schedule and/or any relevant addendums as adopted by the Board. Contract renewal is dependent on continued or available program funding.

For certified staff, contracts will be awarded for a maximum period of one (1) year (partial year for mid-year start).

Contracts for re-employment shall be presented to the employee on or before July 1 of each year. The contract should be returned to the immediate supervisor within ten (10) working days of receipt.

For employees who are hired pursuant to, and directly as a result of, an agreement with an outside agency, the terms of said employment shall be dictated by the agreement. If the policies stated above and the agreement differ or are in conflict, the terms of the agreement shall prevail.

HIRING OF RELATIVES

The Executive Director shall not employ an individual when employment would result in direct line supervision of, or by, a relative of a current employee. For purposes of this policy, "relative" shall refer to father, mother, brother, sister, husband, wife, son, and daughter.

Hiring

CREATION OF NEW POSITIONS

The creation of a new position shall require prior approval of Board of Directors. The Executive Director shall employ all employees, but is encouraged to use the committee process regarding employment of any employee. Terms and conditions of employment for all employees shall be determined by the Executive Director, in accordance with NKCES Board personnel policies.

No director, manager, supervisor, or representative of NKCES has the authority to enter into any employment agreement, promise, or commitment for any specific period of time except the Executive Director. Any employment agreement shall be in writing and be signed by the Executive Director.

JOB POSTING

New and vacant positions of the Cooperative will be advertised through posting links on the NKCES web site to both district and Cooperative vacancies. However, this process may be waived in filling those positions that are the direct result of a Memorandum of Agreement entered into by the Cooperative and an Agency.

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

When a vacancy needs to be filled in less than fifteen (15) days to prevent disruption of necessary instructional or support services of the school District, the Executive Director 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 Executive Director has been approved by the Commissioner of Education.

Formatted: Space After: 6 pt

CRIMINAL RECORDS CHECK

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

"FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT HAS 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."

Certified applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations.

The Executive Director or designee shall require all new employees to submit to a state criminal record check by the Administrative Office of the Courts (AOC) and a fingerprint police record check as part of the initial employment process. Additional background checks may be required for child care/daycare positions. NKCES will bear the cost of any of these services.

PERSONNEL

03.11
(CONTINUED)

Deleted: 03

Hiring

CRIMINAL RECORDS CHECK (CONTINUED)

The initial employment process for any new employee is not complete unless and until the Executive Director receives the results of any background check and verifies the employee qualified for final 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 Executive Director 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. After reviewing the background checks, the Executive Director shall either qualify the individual for final employment status or terminate the employment process. Reasons for terminating the employee on the basis of the background checks include, but are not limited to, past or present criminal behavior threatening to the welfare of children, other employees, school district employees, or the community. The Executive Director may also terminate the employment process as a result of the background checks if any reveal behavior or patterns of behavior inappropriate for an individual responsible for the welfare of children. In addition, the Executive Director may terminate the employment process if the background checks indicate criminal activity including but not limited to, fraud, embezzlement, or other misbehavior involving the handling of funds.

Deleted: E

All prospective employees whose job functions include financial management, budgeting, purchasing or executing payments, deposits, or preparing financial documents, shall be required to sign a document signifying their understanding of, and intent to comply with, established fraud prevention measures.

The Executive Director shall require an adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity to submit, at no expense to the school, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation and to provide clear CA/N check in keeping with KRS 160.380.

Deleted: The Executive Director may require through bid specs or negotiation requirements that a contractor submit to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation in keeping with KRS 160.380. "Contractor" shall refer to an adult who is permitted access to NKCS property pursuant to a current or prospective contractual agreement. The term "contractor" includes an employee of a contractor.

REPORT TO EXECUTIVE DIRECTOR

An employee shall report to the Executive Director 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.

Formatted: Font: Bold

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT

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

PERSONNEL

03.11
(CONTINUED)

Deleted: 03

Hiring

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT (CONTINUED)

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

EMPLOYEES SEEKING A JOB CHANGE

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

REFERENCES:

KRS 160.380
KRS 161.605; 702 KAR 1:150
P.L. 114-95, (Every Student Succeeds Act of 2015)
20 U.S.C. § 7926
KRS 17.160; KRS 17.165
KRS 156.106; KRS 160.345; KRS 160.390
KRS 161.042; KRS 161.611; KRS 161.750
KRS 335B.020; KRS 405.435
16 KAR 9:080; 704 KAR 7:130
OAG 18-017; OAG 73-333; OAG 91-10; OAG 91-149; OAG 91-206
OAG 92-1; OAG 92-59; OAG 92-78; OAG 92-131; OAG 97-6
Records Retention Schedule, Public School District

Deleted: 34 C.F.R. 200.55-200.56;

RELATED POLICIES:

01.11; 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

The Executive Director shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, color, religion, sex, genetic information, national or ethnic origin, political affiliation (per KRS 161.164), age, disabling condition, or limitations related to pregnancy, childbirth, or related medical conditions.¹

Deleted: or

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.

Employment practices shall be in accordance with the Board-approved procedures addressing requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

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

REASONABLE ACCOMMODATION

Employees who have a long-term or permanent disability may request their 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

NKCES 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 Executive Director shall inform all school employees of the provisions of this policy.¹

REFERENCES:

¹KRS 161.164; KRS Chapter 344; 42 U.S.C. 2000e, Civil Rights Act of 1964, Title VII
29 U.S.C.A. 794

³29 U.S.C. section 1630.14

KRS 207.135

34 C.F.R. 104.3 - 104.14

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

Deleted: 42 U.S.C. 200e, Civil Rights Act of 1964, Title VII,
KRS Chapter 344¶

R PERSONNEL

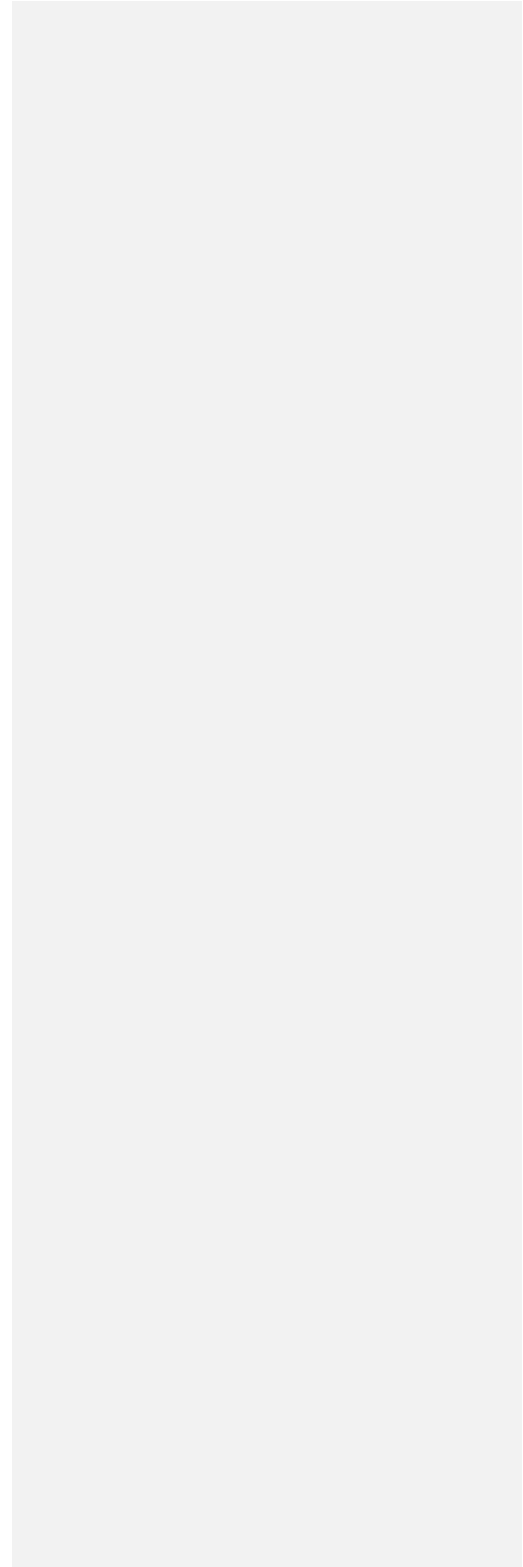
03.113

(CONTINUED)

Equal Employment Opportunity

ELATED POLICY:

03.133



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.

All leave days shall be reported to the payroll department. All leaves involving two (2) or more consecutive days must be reported in the following manner:

1. Directly reported to the immediate supervisor with advance notice given; and reported directly to payroll by the immediate supervisor; or
2. Reported in writing to payroll.

Failure to report in the required manner may result in loss of pay and benefits.

NOTIFICATION

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

LEAVE FOLLOWING ASSAULT

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

PLACEMENT UPON RETURN

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

FMLA

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

REQUEST FOR MEDICAL INFORMATION

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

Formatted: ksba normal

Formatted: Space After: 6 pt

PERSONNEL

03.123
(CONTINUED)

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 sick leave benefits as provided in Board Policy 03.1232.

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

An employee may use up to thirty (30) days of sick leave immediately following the birth or adoption of a child or children. Additional sick leave days may be used when the need is verified by a physician's statement.

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 work 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 Executive Director in writing of their intent to return to work on or before the date prescribed in Policy 03.123. Employees who fail to notify the Executive Director of their return by the date prescribed in Policy 03.123 cannot be guaranteed employment for the following work 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 work site 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 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

Formatted: ksba normal

Formatted: Font: Bold

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

Employees who anticipate an extended period of disability shall be granted by the Board, upon written request, leave without pay not to exceed the remainder of the contract year. Thereafter, leave may be extended 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 NKCES Policy 03.12322.

NOTIFICATION OF RETURN

Employees on extended disability leave shall notify the Executive Director in writing of their intent to return to the NKCES on or before the date prescribed. Employees who fail to notify the Executive Director of their return by the date prescribed shall not be guaranteed employment for the following year.

VERIFICATION

The Executive Director may require the employee to secure a licensed physician's verification of disability.

Employees taking disability leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position shall not be guaranteed.

REQUEST FOR MEDICAL INFORMATION

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

INVOLUNTARY DISABILITY LEAVE

When, in the opinion of the Executive Director, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties, the Executive Director may require the employee to provide evidence of fitness in the form of an examination and report by a physician of the Executive Director's choosing. The Board shall bear the cost of this examination.

The Executive Director may place the employee on involuntary disability leave pending the physician's examination. When the Executive Director's personal health is in question the Board may place the Executive Director on involuntary disability leave pending the physician's examination.

The employee shall have the right to a hearing on such an involuntary leave and its renewal or extension.

PERSONNEL

03.1234
(CONTINUED)

Extended Disability Leave

RETIREMENT DISABILITY

Retirement disability shall be handled in accordance with KRS 161.662.²

REFERENCES:

KRS 161.790; OAG 65-560, KRS 161.770
KRS 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 NKCES 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 NKCES, 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 NKCES.

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; 09.4232; 10.5

Formatted: ksba normal

Formatted: ksba normal

Formatted: ksba normal

Formatted: ksba normal, Superscript

Formatted: ksba normal

Formatted: ksba normal

Formatted: ksba normal

Formatted: ksba normal

Formatted: ksba normal

Formatted: ksba normal

Deleted: For its facilities, NKCES adheres to the statewide no smoking policy for all public buildings. As such, the Executive Director shall designate a smoking area for adults.[¶]
In keeping with federal law, smoking is prohibited in any building owned or operated by NKCES where children meet on a routine or regular basis.[¶]

Formatted: Superscript

Formatted: ksba normal

Formatted: ksba normal

Deleted: v

Formatted: ksba normal

Formatted: ksba normal

Formatted: ksba normal

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 NKCES property.

JOB DESCRIPTION

Prior to the authorization of any personnel position in the NKCES budget, the Executive Director shall develop for Board approval 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 and/or meet goals established by statute and/or Board NKCES. 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 NKCES 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, genetic information, disability, or limitations related to pregnancy, childbirth, or related medical conditions of an employee involving intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred or prejudice.

Deleted: or

PROHIBITION

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

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

DISCIPLINARY ACTION

Employees who engage in harassment/discrimination of another person 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. The Executive Director is the person responsible for receiving reports of harassment/discrimination at the building level. 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.

The Executive Director 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 submission of the original written complaint, regardless of the manner in which the complaint is communicated to an Executive Director. 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 Executive Director/designee may take interim measures to protect complainants during the investigation.

Harassment/Discrimination**GUIDELINES (CONTINUED)**

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:
 - a. written notice provided in publications such as handbooks, staff memoranda, and/or pamphlets;
 - b. postings in the same location as are documents that must be posted according to state/federal law; and/or
 - c. such other measures as determined by the Executive Director/designee.

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

- 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;
- Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
- Instances involving sexual violence;
- 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;
- Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
- 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
- Destroying or damaging an individual's property based on any of the protected categories.

Harassment/Discrimination**CONFIDENTIALITY**

NKCES 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 Executive Director.

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 an employee 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 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 Executive Director 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 and 03.1325.

REFERENCES:

¹KRS 158.156; KRS Chapter 344; 42 USC 2000e, Civil Rights Act of 1964, Title VII
29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations
Implementing Title VII
20 U.S.C. 1681, Education Amendments of 1972, Title IX
34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights
Regulations Implementing Title IX
Genetic Information Nondiscrimination Act of 2008
Age Discrimination Act, 42 U.S.C. 6101-6107; 34 C.F.R. 110.25

Deleted: 42 USC 2000e, Civil Rights Act of 1964, Title VII,
KRS Chapter 344¶

RELATED POLICIES:

03.113; 03.1325; 03.16; 09.2211; 09.422; 09.42811

Deleted: ,

Deleted: ,

Deleted: ,

Deleted: ,

Deleted: ,

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

Professional meetings include, but are not limited to: professional development, workshops, attendance at clinics and conferences, and attendance at state, regional, and national conventions. The Executive Director may grant absence with pay and reimbursement to personnel to attend approved professional meetings. Employees shall submit their requests in writing. Applications for leave to attend other professional meetings without pay and reimbursement may be made to the Executive Director who shall consider the request on an individual basis.

The Executive Director shall determine the number of personnel who can attend professional meetings at any one time. Those who attend professional meetings shall be expected to disseminate information gained among their colleagues.

The amount of reimbursement shall be based upon the number of applicants and budgetary limitations. Expense vouchers shall be submitted to the Executive Director.

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 NKCES 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, NKCES shall provide materials on how to respond to an active shooter situation.

REFERENCES:

KRS 156.095, KRS 156.553
KRS 158.645; KRS 158.6451
KRS 158.070, KRS 160.345
704 KAR 3:035, 704 KAR 3:325

RELATED POLICY:

09.22

Formatted: sideheading

Formatted: Not Highlight

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

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.21

- CLASSIFIED PERSONNEL -

Hiring

AUTHORITY TO EMPLOY

Appointments, promotions, and terminations of employees will be made by the Executive Director, who shall inform the Board of such personnel actions at the next regularly scheduled Board meeting.

Hiring of staff is employment in the Cooperative only and not in a particular position.

The Executive Director, in determining the eligibility of a particular candidate for election to a position, will select that person whose qualifications best meet the requirements of the job as described by the job description.

No person will enter upon the duties of a position requiring certification qualifications until his/her certificate has been filed or credentials registered with the Cooperative.

CONTRACTS

All classified employees shall receive a written contract. The Executive Director will prescribe the duties and recommend compensation as regulated by the salary schedule and/or any relevant addendums as adopted by the Board. Contracts will be awarded for a maximum period of one (1) year. Contract renewal is dependent on continued or available program funding.

Contracts for re-employment shall be presented to the employee on or before July 1 of each year. The contract should be returned to the immediate supervisor within ten (10) working days of receipt.

For employees who are hired pursuant to, and directly as a result of, an agreement with an outside agency, the terms of said employment shall be dictated by the agreement. If the policies stated above and the agreement differ or are in conflict, the terms of the agreement shall prevail.

HIRING OF RELATIVES

The Executive Director shall not employ an individual when employment would result in direct line supervision of, or by, a relative of a current employee. For purposes of this policy, "relative" shall refer to father, mother, brother, sister, husband, wife, son, and daughter.

CREATION OF NEW POSITIONS

The creation of a new position shall require prior approval of Board of Directors. The Executive Director shall employ all employees, but is encouraged to use the committee process regarding employment of any employee. Terms and conditions of employment for all employees shall be determined by the Executive Director, in accordance with NKCES Board personnel policies.

Hiring

CREATION OF NEW POSITIONS

No director, manager, supervisor, or representative of NKCES has the authority to enter into any employment agreement, promise, or commitment for any specific period of time except the Executive Director. Any employment agreement shall be in writing and be signed by the Executive Director.

JOB POSTING

New and vacant positions of the Cooperative will be advertised through posting links on the NKCES web site to both district and Cooperative vacancies. However, this process may be waived in filling those positions that are the direct result of a Memorandum of Agreement entered into by the Cooperative and an Agency.

CRIMINAL RECORDS CHECK

Each application or renewal form provided to employees shall conspicuously state the following:

“FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT HAS 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.”

Certified applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations.

The Executive Director or designee shall require all new employees to submit to a state criminal record check by the Administrative Office of the Courts (AOC) and a fingerprint police record check as part of the initial employment process. Additional background checks may be required for child care/daycare positions. NKCES will bear the cost of any of these services.

The initial employment process for any new employee is not complete unless and until the Executive Director receives the results of any background check and verifies the employee qualified for final 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 Superintendent 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. After reviewing the background checks, the Executive Director shall either qualify the individual for final employment status or terminate the employment process. Reasons for terminating the employee on the basis of the background checks include, but are not limited to, past or present criminal behavior threatening to the welfare of children, other employees, school district employees, or the community. The Executive Director may also terminate the employment process as a result of the background checks if any reveal behavior or patterns of behavior inappropriate for an individual responsible for the welfare of children. In addition, the Executive Director may terminate the employment process if the background checks indicate criminal activity including but not limited to, fraud, embezzlement, or other misbehavior involving the handling of funds.

Deleted: E

Hiring

CRIMINAL RECORDS CHECK

Link to DPP-156 Central Registry Check and more information on the required CA/N check;

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

All prospective employees whose job functions include financial management, budgeting, purchasing or executing payments, deposits, or preparing financial documents, shall be required to sign a document signifying their understanding of, and intent to comply with, established fraud prevention measures.

The Executive Director shall require an adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity to submit, at no expense to the school, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation and to provide clear CA/N check in keeping with KRS 160.380.

REPORT TO EXECUTIVE DIRECTOR

An employee shall report to the Executive Director 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.

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT

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

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

EMPLOYEES SEEKING A JOB CHANGE

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

Deleted: 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.

Deleted: Cabinet Letter

Deleted: The Executive Director may require through bid specs or negotiation requirements that a contractor submit to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation in keeping with KRS 160.380. "Contractor" shall refer to an adult who is permitted access to NKCES property pursuant to a current or prospective contractual agreement. The term "contractor" includes an employee of a contractor.

PERSONNEL

03.21
(CONTINUED)

Hiring

REFERENCES:

KRS 160.380
KRS 161.011
20 U.S.C. § 7926; 42 U.S.C. § 9843a(g)
34 C.F.R. 200.58; 45 C.F.R. § 1302.90
KRS 17.160; KRS 17.165; KRS 156.070; KRS 160.345; KRS 160.390
KRS 335B.020; KRS 405.435
OAG 18-017; OAG 91-10; OAG 91-149; OAG 91-206
OAG 92-1; OAG 92-59; OAG 92-78; OAG 92-131; OAG 97-6
P. L. 114-95, (Every Student Succeeds Act of 2015)
Kentucky Local District Classification Plan
13 KAR 3:030; 702 KAR 3:320; 702 KAR 5:080
Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 03.232; 03.27; 03.5

Deleted: -200.59

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

03.212

- CLASSIFIED PERSONNEL -

Equal Employment Opportunity

The Executive Director shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, color, religion, sex, genetic information, national or ethnic origin, political affiliation (per KRS 161.164), age, disabling condition, or limitations related to pregnancy, childbirth, or related medical conditions.¹

Deleted: or

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.

Employment practices shall be in accordance with the Board-approved procedures addressing requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

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

REASONABLE ACCOMMODATION

Employees who have a long-term or permanent disability may request their supervisor to provide reasonable accommodations necessary for them to perform the essential duties of the position. Reasonable accommodation shall be provided as required by law. Medical information obtained as part of an employee request shall be confidential.³

NKCES 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 Executive Director shall inform all school employees of the provisions of this policy.¹

REFERENCES:

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

29 U.S.C.A. 794

³29 U.S.C. section 1630.14

KRS 207.135

34 C.F.R. 104.3 - 104.14

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

Deleted: 42 U.S.C. 200e, Civil Rights Act of 1964, Title VII, KRS Chapter 344¶

PERSONNEL

03.212
(CONTINUED)

Equal Employment Opportunity

RELATED POLICY:
03.233

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 NKCES 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 NKCES, 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 NKCES.

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; 09.4232; 10.5

Formatted: ksba normal

Deleted: For its facilities, NKCES adheres to the statewide no smoking policy for all public buildings. As such, the Executive Director shall designate a smoking area for adults.[¶]
In keeping with federal law, smoking is prohibited in any building owned or operated by NKCES where children meet on a routine or regular basis.[¶]

Formatted: Superscript

Deleted: y

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

PERSONNEL

03.233

- CLASSIFIED PERSONNEL -

Duties

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 NKCES property.

JOB DESCRIPTION

Prior to the authorization of any personnel position in the NKCES budget, the Executive Director shall develop for Board approval 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 and/or meet goals established by statute and/or Board NKCES. 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 NKCES as authorized by policy or law. Failure to comply may be considered insubordination.

ACCOMMODATION

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

REFERENCES:

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

RELATED POLICY:

03.212

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

PERSONNEL

03.262

- CLASSIFIED PERSONNEL -

Harassment/Discrimination

DEFINITION

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

Deleted: or

PROHIBITION

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

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

DISCIPLINARY ACTION

Employees who engage in harassment/discrimination of another person 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. The Executive Director is the person responsible for receiving reports of harassment/discrimination at the building level. 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.

The Executive Director shall provide for the following:

6. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) working days of submission of the original written complaint, regardless of the manner in which the complaint is communicated to an Executive Director. 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 Executive Director/designee may take interim measures to protect complainants during the investigation.

Harassment/Discrimination**GUIDELINES (CONTINUED)**

7. 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.
8. 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:
 - a. written notice provided in publications such as handbooks, staff memoranda, and/or pamphlets;
 - b. postings in the same location as are documents that must be posted according to state/federal law; and/or
 - c. such other measures as determined by the Executive Director/designee.

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

9. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination; and
10. 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:

- 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;
- Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
- Instances involving sexual violence;
- 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;
- Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
- 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
- Destroying or damaging an individual's property based on any of the protected categories.

Harassment/Discrimination**CONFIDENTIALITY**

NKCES 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 Executive Director.

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 an employee 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 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 Executive Director shall take steps to protect employees and students against retaliation.

OTHER CLAIMS

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

REFERENCES:

¹KRS 158.156; ~~KRS Chapter 344~~; ~~42 USC 2000e, Civil Rights Act of 1964, Title VII~~
~~29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations~~
~~Implementing Title VII~~
~~20 U.S.C. 1681, Education Amendments of 1972, Title IX~~
~~34 C.F.R. 106.1-106.71, U. S. Department of Education Office for Civil Rights~~
~~Regulations Implementing Title IX~~
~~Genetic Information Nondiscrimination Act of 2008~~
~~Age Discrimination Act, 42 U.S.C. 6101-6107; 34 C.F.R. 110.25~~

Deleted: 42 USC 2000e, Civil Rights Act of 1964, Title VII, KRS Chapter 344¶

RELATED POLICIES:

03.212; 03.2325; ~~03.26~~; ~~09.2211~~; ~~09.422~~; 09.42811

Deleted: ,

Deleted: ,

Deleted: ,

Deleted: ,

Deleted: ,

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

PERSONNEL

03.29

- CLASSIFIED PERSONNEL -

Staff Development

Professional meetings include, but are not limited to: staff development opportunities, workshops, attendance at clinics and conferences, and attendance at state, regional, and national conventions. The Executive Director may grant absence with pay and reimbursement to personnel to attend approved professional meetings. Employees shall submit their requests in writing. Applications for leave to attend other professional meetings without pay and reimbursement may be made to the Executive Director who shall consider the request on an individual basis.

The Executive Director shall determine the number of personnel who can attend staff development meetings at any one time. Those who attend staff development meetings shall be expected to disseminate information gained among their colleagues.

The amount of reimbursement shall be based upon the number of applicants and budgetary limitations. Expense vouchers shall be submitted to the Executive Director.

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 NKCES 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, NKCES shall provide materials on how to respond to an active shooter situation.

REFERENCES:

KRS 156.095; KRS 158.070

P. L. 114-95, (Every Student Succeeds Act of 2015)
34 C.F.R. 200.58

Formatted: sideheading

Formatted: ksba normal, Not Highlight

Formatted: ksba normal

LEGAL: SB 15 AMENDS KRS 160.380 TO STATE THAT A SUPERINTENDENT MAY REQUIRE A STATE AND NATIONAL BACKGROUND CHECK AND CLEAR CA/N CHECK.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.6

Volunteers

DEFINITION

Volunteers are persons who do not receive compensation for assisting in school or NKCES programs. Volunteers are encouraged to use their time and effort to support such programs. The Executive Director shall develop procedures that encourage volunteers to assist in school and/or NKCES programs and to facilitate effective communication with persons who volunteer.

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

SUPERVISION

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

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

RECORDS CHECK

NKCES shall conduct a state criminal records check on all volunteers who have contact with students on a regularly scheduled and/or continuing basis, or who have supervisory responsibility for children at a school site or on school-sponsored trips. NKCES shall arrange to pay any cost required for the records check, but may use donations from any source, including volunteers, for this purpose.

Pursuant to KRS 160.380, the Executive Director/designee also may require volunteers to submit to a state and national criminal (fingerprint) history background check and to provide a clear CA/N check. With prior approval of the Executive Director/designee, the background checks will be conducted at NKCES expense. Otherwise, except as stated previously, the volunteer must pay for the background checks.

No volunteer shall be utilized to supervise students, or deemed to have the authority to supervise students, unless the volunteer has been designated to supervise students by the Principal and approved by the Executive Director/designee, and the volunteer has undergone the required records check.

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

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

Deleted: letter from the Cabinet for Health and Family Services stating that there are no findings of substantiated child abuse or neglect on record

Deleted: The Executive Director may also require such a volunteer to provide a letter from the Cabinet for Health and Family Services stating that there are no findings of substantiated child abuse or neglect on record.

Deleted: Cabinet Letter

Volunteers**WORK-BASED SITE SUPERVISORS**

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

ORIENTATION

The Executive Director/designee shall develop orientation materials to be provided to all volunteers who have contact with students on a regularly scheduled or continuing basis. These materials shall include, but not be limited to, pertinent policies and safety and emergency procedures.

REFERENCES:

¹KRS 161.148
KRS 160.380
KRS 161.044

RELATED POLICIES:

03.5
08.113; 08.1131

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

FINANCIAL IMPLICATIONS: LARGER AMOUNT FOR SMALL PURCHASE PROCEDURES

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT ALL NEW LANGUAGE 12/18/18

FISCAL MANAGEMENT

04.32

Model Procurement Code Purchasing

Deleted: Bidding

AUTHORITY

Purchasing procedures shall conform to the Model Procurement Code, KRS 45A.345 – KRS 45A.460.¹ All contracts or purchases shall be awarded by competitive sealed bidding or competitive negotiation, both of which may include the use of a reverse auction, except as otherwise provided by law.²

Deleted: Bidding

All purchases of Kentucky Education Technology System (KETS) components shall adhere to KETS architectural standards and procedures.

The NKCES may purchase supplies and/or equipment outside an established price contract of the federal government (GSA), the State Division of Purchases, a cooperative agency bid approved by the Board, or a NKCES bid if:

1. The supplies and/or equipment meet the specifications of contracts awarded by the Division of Purchases, a federal agency (GSA), a cooperative agency, or a NKCES bid;
2. The supplies and/or equipment are available for purchase at a lower price;
3. The purchase does not exceed \$2,500^{4 & 8}; and
4. The NKCES' finance or purchasing officer has certified compliance with the first and second requirements.

Prior to purchase of education technology components defined in the master technology plan, the Department of Education must certify that the items to be purchased meet or exceed the specifications of components of the original equipment of manufacturers currently holding Kentucky price contracts.⁴

FEDERAL AWARDS/CONFLICT OF INTEREST

No employee, officer, or agent of the NKCES may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.⁷

The officers, employees, and agents of the NKCES may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. In determining whether an activity constitutes an impermissible acceptance of a gratuity or item of monetary value, the definition of "gratuity" (covering anything of more than fifty dollars [\$50] value) set forth in KRS 45A.445 shall apply. Violation of these standards may result in disciplinary action including, but not limited, to suspension, dismissal, or removal.

Model Procurement Code Purchasing

ETHICAL STANDARDS

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

PREFERENCE FOR RESIDENT BIDDERS

For all contracts funded in whole or in part by the NKCES, the Board shall apply the reciprocal preference for resident bidders required by law. Geographical preferences relating to school nutrition service purchases may be utilized only as permitted by applicable federal law.³

EXEMPTIONS

Federal regulatory requirements do not provide a bidding exception for purchase of perishables using school nutrition service funds. Such purchases must follow applicable federal regulations.⁷

PRICE REDUCTIONS

Price reductions may be accepted on supplies and/or equipment being offered by the vendor with whom a price agreement has been made if the supplies and/or equipment meet all terms and conditions specified in the price agreement except for price and if the price reduction is offered to all participants in the price agreement. Price reductions may be accepted even if the reduced price requires the purchase of a specified quantity of units different from the quantity stated in the original price agreement.

SMALL PURCHASES

NKCES small purchase procedures may be used for any contract in which the aggregate amount does not exceed \$30,000.00.⁵

BACKGROUND CHECKS

The Executive Director shall require an adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity to submit, at no expense to the NKCES, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation and to provide a clear CA/N check in keeping with KRS 160.380.⁶

Deleted: Bidding

Deleted: \$20,000.00

Deleted: FOR CONTRACTORS

Deleted: that a contractor who works on school premises during school hours when students are present

Deleted: letter from the Cabinet for Health and Family Services stating that there are no findings of substantiated child abuse or neglect on record

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

Model Procurement Code Purchasing

Link to DPP-156 Central Registry Check and more information on the required CA/N check:
<http://manuals.sp.chfs.ky.gov/chapter30/33/Pages/3013RequestfromthePublicforCANCChecksandCentralRegistryChecks.aspx>

References:

- ¹KRS 45A.343
- ²KRS 45A.345; KRS 160.290; KRS 45A.380
- ³KRS 160.303; 200 KAR 5:400; KRS 45A.494
- ⁴KRS 156.076
- ⁵KRS 45A.385
- ⁶KRS 160.380
- ⁷2 C.F.R. 200.318
- ⁸KRS 45A.360
- OAG 79-501; OAG 82-170; OAG 82-407
- KRS 45A.352; KRS 45A.365; KRS 45A.370
- KRS 45A.420; KRS 45A.445; KRS 45A.455; KRS 45A.460; KRS 45A.620
- KRS 65.027; KRS 160.151; KRS 164A.575; KRS 176.080
- Kentucky Educational Technology Systems (KETS)

RELATED POLICIES:

05.6; 06.4; 07.13

Deleted: Bidding

Deleted: Cabinet Letter

Deleted: "Contractor" shall refer to any adult who is permitted access to school grounds pursuant to a current or prospective contractual agreement with the school, school board, school NKCES, or school-affiliated entity, at times when students are present. The term "contractor" includes an employee of a contractor.^{6¶}

Deleted: 070

Formatted: Superscript

Deleted: KRS 45A.343;

Deleted: KRS 45A.345; KRS 45A.360;

Formatted: policytext+right

LEGAL: SB 164 REPEALS KRS 160.325 WHICH HAD SET ENERGY REPORTING REQUIREMENTS FOR THE KENTUCKY POLLUTION PREVENTION CENTER (KPPC). THE STATUTORY PROGRAM ENDED WITH THE DEMISE OF FUNDING IN 2012. THIS POLICY MAINTAINS LANGUAGE THAT SUPPORTS SCHOOL DISTRICT ENGAGEMENT IN ENERGY SAVINGS PROGRAMS.
FINANCIAL IMPLICATIONS: REVISION MEMORIALIZES NO STATUTORY PROGRAM FOR ENERGY MANAGEMENT REPORTING OR GRANT FUNDING IMPLICATING NEED TO CONSIDER OTHER OPTIONS OR SELF-SUSTAINING PROGRAMS

FACILITIES

05.23

Energy Management

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

Deleted: It is the intent of the Board that the District

Deleted: ¶
To promote this effort, the Superintendent/designee shall direct the development of an energy management plan (EMP) for Board approval and oversee the implementation and maintenance of that plan, which shall address the following components:¶
<#>A District level committee shall be appointed by the Superintendent/designee to develop and implement the energy management plan (EMP).¶
<#>The District level committee shall track and monitor the EMP to determine progress toward managing and reducing energy costs.¶
<#>Effective with the 2011-2012 school year, the Superintendent/designee shall report the EMP results for each fiscal year, including annual District energy usage, costs and anticipated savings to KPPC - the Kentucky Pollution Prevention Center - by October 1st annually through the Kentucky Energy Efficiency Program for Schools (KEEPS).¶
A status report on implementation of the plan in Board-owned and Board-operated facilities shall be provided to the Board following the end of each fiscal year.¶
REFERENCE:¶
KRS 160.325

Formatted: ksba normal

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 Executive Director or 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 NKCES harmless from any such claims against it;
 - c. Agreement to observe all fire and safety regulations;
 - d. Agreement that the use of any tobacco product, alternative nicotine product, or vapor product shall not occur on or in all property. 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 NKCES, overtime wages must be paid;
 - g. Agreement that no alterations to the buildings or grounds be made without prior approval;
 - h. Agreement that the renting party shall not sublease or reassign any portion of the building or item of equipment covered by the rental contract;
 - i. Agreement that school equipment shall not be a part of the rental contract unless specifically enumerated; and
 - j. Agreement to leave the facilities in as good a condition as before used.

Deleted: s

Deleted: within the building and that t

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

Formatted: Default Paragraph Font

LEGAL: SB1 AMENDS KRS 158.162 TO DEVELOP AND ADHERE TO PRACTICES TO CONTROL ACCESS TO THE SCHOOL. NO LATER THAN JULY 1, 2022.

FINANCIAL IMPLICATIONS: ADDITIONAL COSTS OF CONTROLLING ACCESS TO SCHOOL

SCHOOL FACILITIES

05.4

Safety

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

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

1. Employment practices and employee management;
2. School facility design, maintenance, and usage;
3. Safety and security procedures, orientation and training in use and management of equipment and facilities;
4. Supervision of students;
5. Compliance with state and federal safety requirements;
6. Quarterly reports to the Board concerning implementation of the plan and its effects on NKCES students, personnel, and operations.
7. Emergency/crisis intervention;
8. Community involvement.

SCHOOL EMERGENCY PLANNING

The Executive Director shall adopt an emergency plan for NKCES that shall include procedures to be followed in cases of fire, severe weather, earthquake or a building lockdown as defined in KRS 158.164. A copy of the emergency plan, including a diagram of the facilities shall be given to first responders, including local fire, police, and emergency medical personnel.

Following the end of each school year, the Executive Director and first responders shall review the emergency plan and revise it as needed.

The school emergency plan shall address staff responsibilities for safely evacuating students needing special assistance during safety drills and actual emergency situations, including students with disabilities and those with 504 plans. The Executive Director shall discuss the emergency plan with all NKCES staff prior to the first instructional day annually and shall document the date and time.

Safety**SCHOOL EMERGENCY PLANNING (CONTINUED)**

Whenever possible, first responders shall be invited to observe emergency response drills.

In addition, the Executive Director shall:

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

Formatted: Indent: Left: 0.69", Bulleted + Level: 1 +
Aligned at: 0.25" + Indent at: 0.5", Font Alignment: Auto

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

PRECAUTIONS

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

REPORTING HAZARDS

Each employee observing a potential safety or security hazard shall report such hazard in writing to his/her immediate supervisor who shall cause the situation to be remedied or reported to the proper authority for remedy.

COMMUNICATION SYSTEM

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

SCHOOL FACILITIES

05.4
(CONTINUED)

Safety

REFERENCES:

KRS 158.148; KRS 158.162; KRS 158.164; KRS 158.445
KRS 160.290; KRS 160.445
KRS 311.667; KRS 411.148

RELATED POLICIES:

03.14; 03.24; 05.41; 05.411; 05.42; 05.45; 05.47
09.22; 09.221; 09.4 (entire section); [10.5](#)

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

SCHOOL FACILITIES

05.48

Weapons

This policy applies to students, staff members, and visitors.

PROHIBITIONS/RESTRICTIONS

All persons are prohibited from bringing into the NKCES office or school any weapon, including firearms or other dangerous instruments as specified in the following excerpts from the Kentucky Penal Code:

KRS 500.080:

Dangerous instrument means any instrument, which under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury.

Deadly weapon means any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged; any knife other than an ordinary pocket knife or hunting knife; billy, nightstick or club; blackjack or slapjack; nunchaku karate sticks; shuriken or death star; or artificial knuckles made from metal, plastic, or other similar hard material.

KRS 527.010:

Booby trap device; destructive device; firearm (any weapon which will expel a projectile by the action of an explosive); and handgun (any pistol or revolver originally designed to be fired by the use of a single hand, or any other firearm originally designed to be fired by the use of a single hand).

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

Violation of this policy by students shall require that the Principal immediately make a report to the Executive Director/designee, who shall collaborate with the Superintendent of the sending district to determine if charges for expulsion from the school should be filed. In addition, 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 student possession of a firearm in violation of the law or assault involving the use of a weapon.

Law enforcement officials, including peace officers and police as provided in KRS 527.070 and KRS 527.020, are authorized to bring weapons onto NKCES property in performance of their duties.

Formatted: ksba normal, Small caps

Weapons

FEDERAL REQUIREMENTS REGARDING STUDENTS

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

Formatted: Superscript

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

CONCEALED WEAPONS

Except for authorized law enforcement officials, including peace officers and police as provided in KRS 527.070 and KRS 527.020, no person may carry concealed weapons on NKCES property, unless the Executive Director grants an exception to an employee who has a compelling personal safety need. Such exceptions are at the sole discretion of the Executive Director. When an exception has been granted allowing a concealed weapon to be brought into the building during the normal workday, the Executive Director shall notify division directors.

Employees who have obtained a license to carry a concealed weapon may store the weapon in their personal motor vehicle while on NKCES property, provided the unoccupied vehicle remains locked during the workday and the weapon is not removed from the vehicle without the Executive Director's authorization.

When visiting school sites, employees shall adhere to local school district restrictions addressing weapons on school property.

Employees who observe that this policy has been violated should report it to the Executive Director or their immediate supervisor.

Violation of the provisions of this policy by employees shall constitute reason for immediate disciplinary action by the Executive Director, including possible termination.

Visitors who violate this policy shall be asked to leave the premises. Refusal to comply may result in a trespassing charge against the visitor.

Deleted: Although students are subject to disciplinary action for violating any restriction in this policy, the twelve (12) month expulsion penalty mandated by the Federal Gun-Free Schools Act does not apply to a firearm lawfully stored in a locked vehicle on school property.⁴

Weapons**STATE POSTING REQUIREMENTS**

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

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

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

STATE REPORTING REQUIREMENTS

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

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

ENFORCEMENT

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

REFERENCES:

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

RELATED POLICIES:

09.435; 09.4361

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

ACHIEVEMENT

Teachers shall maintain detailed, systematic records of the achievement of each student and shall report grades to parents and the sending district on a quarterly basis. Parents of students whose performance is deficient will be notified by the teacher by the middle of the grading period.

Each primary teacher shall provide parents with a comprehensive report that is based on samples of their child’s work and that includes a descriptive, narrative evaluation of all aspects of the child’s progress.

A student's grade shall not be lowered as a disciplinary action.

REFERENCES:

KRS 158.140; KRS 158.645; KRS 158.6451; KRS 158.860
KRS 160.345
KRS 161.200

RELATED POLICY:

08.222

Deleted: END-OF-COURSE EXAMS¶
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.¶

Deleted: 703 KAR 5:200¶

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 NKCES.

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 in each school.

HEALTH SERVICES TO BE PROVIDED

NKCES collaborates with the Dayton Independent Board of Education to provide required health services.

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, NKCES will maintain proof that the employee has completed the required training provided by the Kentucky Department of Education (KDE) or as allowed under KRS 158.838.

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

The Executive Director 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), 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 NKCES 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

Deleted: middle and high school teachers, principals, and guidance counselors

STUDENTS

09.22

(CONTINUED)

Student Health and Safety

SUICIDE PREVENTION (CONTINUED)

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

Deleted: school

Deleted: administrators

Deleted: middle school grades and above

SEIZURE DISORDER MATERIALS

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

REFERENCES:

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

²KRS 156.095

³KRS 158.070

KRS 156.160

KRS 158.836; 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 in each school. At least two (2) adult employees in each school, at least one (1) of whom shall be present at the school at all times during school hours, shall have completed and been certified in a standard first aid course that includes CPR for infants and children.

The District 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.

Formatted: ksba normal

Formatted: Font: Bold

Formatted: Font: Bold

INFORMATION NEEDED

A number at which parents can be reached and the name of the family physician shall be maintained at each school for all its 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:

09.22; 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 or in all NKCES property at all times, including any vehicle, owned, operated, leased, or contracted for use by NKCES, and while attending or participating in any school-related student trip or student activity,

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 NKCES, 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:

KRS 160.290; KRS 160.340; KRS 161.180
KRS 438.050; KRS 438.305; KRS 438.350; New Section of KRS 438
OAG 81-295; OAG 91-137
P. L. 1114-95, (Every Student Succeeds Act of 2015)

RELATED POLICIES:

03.1327; 03.2327; 05.31; 10.5

Deleted: or

Deleted: , inside NKCES-owned vehicles, on the way to and from school,

Deleted: during

Deleted: sponsored

Deleted: s

Deleted: and

Deleted: activities

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.

Threats, threatening behavior, or acts of violence against students, employees, visitors, guests, or other individuals by anyone on NKCES property will not be tolerated. Violations of this Policy will lead to disciplinary action, which may include dismissal, arrest, and prosecution.

EMPLOYEES/VISITORS

Any person who makes a substantial threat, exhibits threatening behavior, or engages in violent acts on NKCES property shall be removed from the premises pending the outcome of an investigation. NKCES will initiate an appropriate response, which may include, but is not limited to, suspension or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of person or persons involved.

No existing NKCES policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

All NKCES personnel are responsible for notifying the Executive Director of any threat that they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed that they regard as threatening or violent, when that behavior is job-related, could be carried out on a company controlled site, or is connected to company employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If a Human Resources representative is not available, personnel should report the threat to their immediate supervisor or another member of the management team.

All individuals who apply for or obtain a protective or restraining order that lists NKCES as being a protected areas must provide to the Executive Director a copy of the petition and declarations used to seek the order. They must also provide a copy of any temporary protective or restraining order that is granted and a copy of any protective or restraining order that is made permanent.

NKCES understands the sensitivity of the information requested and has developed confidentiality procedures that recognize and respect the privacy of the reporting employee(s).

PUPILS

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

Assault and Threats of Violence**PUPILS (CONTINUED)**

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.

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

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 pending any further disciplinary action that may occur. Threatening or violent behavior shall include, but not be limited to:

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

Removal of students from a bus shall be made in compliance with 702 KAR 5:080.

Each school shall 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 s/he has 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.

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.

Formatted: ksba normal

Formatted: ksba normal

Formatted: ksba normal

Formatted: ksba normal

Formatted: ksba normal

Formatted: ksba normal

Formatted: ksba normal

Formatted: ksba normal

Assault and Threats of Violence**DOMESTIC/DATING VIOLENCE REPORTING AND EDUCATION (CONTINUED)**

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 NKCES' area.

NOTIFICATIONS

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

REFERENCES:

¹KRS 158.150

²New 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

RELATED POLICIES:

03.123; 03.13253; 03.223; 03.23253; 05.4

06.34; 09.14; 09.2211; 09.422; 09.429

Formatted: ksba normal

Formatted: ksba normal, Not Superscript/ Subscript

Formatted: ksba normal

Formatted: ksba normal

Formatted: ksba normal

Formatted: ksba normal

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 School

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

REGISTRANTS

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

A registrant is defined as:

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

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

1. To pick up or drop off their child each day.
2. To pick up the child who is injured or ill.
3. To confer with school staff concerning academic, disciplinary or placement issues involving the student, including matters required by federal or state law.

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

4. To attend a school activity, including athletic practices and competition, in which the student is a participant.
5. To vote when the school has been designated as a polling place.

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

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

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

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

CONDUCT/PROHIBITION ON RECORDING

All visitors to the school 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 School**ACCOMMODATION**

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

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

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

WEBSITE ACCESSIBILITY

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

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

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 NKCES 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 NKCES, 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

Deleted: For its facilities, NKCES adheres to the statewide no smoking policy for all public buildings. As such, the Executive Director shall designate a smoking area for adults.[¶]
In keeping with federal law, smoking is prohibited in any building owned or operated by NKCES where children meet on a routine or regular basis.

Visitors to the School

REFERENCES

¹New Section of KRS 438
²KRS 438.050
³KRS 511.070; KRS 511.080; OAG 90-11
_KRS 17.545; KRS 17.500; KRS 17.510
_KRS 160.380; KRS 211.394, KRS 211.395; KRS 438.305
_KRS 600.020; KRS 620.146
_OAG 91-137
_P. L. 114-95, (Every Student Succeeds Act of 2015)
_29 U.S.C. 794, Rehabilitation Act of 1973, (Section 504)
_42 U.S.C. 2000, Civil Rights Act of 1964, Titles VI and VII
_42 U.S.C. 12101 et seq., Americans with Disabilities Act

RELATED POLICIES:

- 01.1
03.113; 03.1327; 03.162; 03.212; 03.2327; 03.262; 05.3; 05.31
09.1231; 09.227; 09.4232; 09.426; 09.42811

Formatted: Superscript

Formatted: Reference

Deleted: 09.3211;

Deleted: ¶
10.2