

RECOMMENDED: THE ADDITION CLARIFIES THAT REFERENCES TO "FOOD SERVICE" REFERS TO THE SCHOOL NUTRITION PROGRAM AS NOW REFERENCED IN 702 KAR 6:010 - 702 KAR 6:090.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED
THIS CHANGE IS NOT REQUIRED BY LAW.

POWERS AND DUTIES OF THE BOARD

A01.0

DEFINITIONS

The following expressions are defined with respect to their intended meanings in the context of this manual:

POLICIES

An expression of the will of the elected Board of Education or the school council. Although other statutes may have Board policy implications, the general scope of Board policies is defined by KRS 160.290 and KRS 160.340. The scope of council policies is defined by KRS 160.345.

ADMINISTRATIVE REGULATIONS

References such as "State Board regulations", "state regulations", and "administrative regulations" shall mean Kentucky Administrative Regulations (KAR) promulgated by the Kentucky Board of Education.

FULL-TIME/PART-TIME STATUS

Employment status shall be determined in compliance with statute and regulation and shall be defined in the employee's contract.¹

SUPERINTENDENT

Policies that charge the Superintendent with preparing and/or implementing provisions of procedures, plans or programs for Board review also direct any other employee to whom the Superintendent may delegate such charges.

PRINCIPAL/HEAD TEACHER

In this manual the term principal refers to principal or head teacher as appropriate and includes any other employee to whom the principal or head teacher may delegate responsibility for a specific task.

TEACHER

Except for referenced statutes which specify a different definition for the purposes of those statutes, in this manual the term teacher shall refer to any person, other than the Superintendent, for whom certification is required as a basis for employment.

PARENT OR GUARDIAN

Parent, as used in the policy manual, means custodial parent or legal guardian.

GENDER

Unless otherwise noted, all gender references include both male and female.

CHILDREN AND YOUTH WITH DISABILITIES

In compliance with federal law and unless otherwise indicated, use of the terms "handicapped/special education/exceptional" shall refer to children and youth with disabilities.

DEFINITIONS

SCHOOL NUTRITION PROGRAM

Use of the term "food service" shall also refer to the District's School Nutrition Program.

RELATED POLICIES

The listing of related policies at the bottom of a document is a generic list and may include some policy numbers that this MANUAL does not contain.

REFERENCES

Legal references listed in this manual, such as state and federal statutes and regulations, Kentucky Attorney General Opinions, and court cases are provided as a tool for additional research and are not intended to be viewed as a complete listing of legal resources applicable to a particular topic.

REFERENCES:

¹KRS 157.320

¹102 KAR 1:036

¹702 KAR 1:035

KRS 160.290, KRS 160.340, KRS 160.345

702 KAR 6:010, 702 KAR 6:020, 702 KAR 6:040

702 KAR 6:045, 702 KAR 6:075, 702 KAR 6:090

LEGAL: 704 KAR 3:390 HAS BEEN REVISED TO REQUIRE THE DISTRICT IMPROVEMENT PLAN TO ADDRESS PARTNERSHIP OPPORTUNITIES IN SUPPORT OF EXTENDED SCHOOL SERVICES.
FINANCIAL IMPACT: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

AZ01.111

District Planning

RESPONSIBILITY

The school council shall develop, monitor, and annually update a ~~Comprehensive~~ District Improvement Plan (CDIP). The school council shall organize a planning process, consistent with the District's established planning process.

PLAN SHALL INCLUDE

The ~~CDIP~~ plan shall include, at a minimum, the following components:

- a mission statement,
- short- and long-term goals and objectives,
- a comprehensive needs assessment process, as required by Board policy,
- established gap targets,
- plan to achieve the objectives,
- strategies and activities along with supporting budgetary information, ~~and~~
- opportunities to collaborate with businesses, colleges, and community organizations in providing services as part of or aligned with the District's extended school services (ESS) program, and
- a method of and schedule for evaluating the plan that includes implementation and impact checks on completion of CSIP activities and achievement of plan goals and objectives.

In addition, the school council shall review annually the school's disaggregated student data and revise the school's ~~comprehensive~~ improvement plan, as required by applicable statute and regulation, to address any achievement gaps between various groups of students.

The plan shall also address reduction of physical and mental health barriers to learning, student equity, District safety and student discipline assessments, and District goals established by the Board. Planning Cycle

The District's planning cycle shall run from November 1-October.

The Superintendent shall present to the Board for review and approval the form and function of the District planning process, including format and timelines.

Planning activities shall draw on information from a variety of sources that shall include an opportunity for citizens of the community to have input into the plan.

As part of the District planning process, the Board shall review District academic performance on the state assessments for various groups of students in compliance with legal requirements. Upon agreement of the council and the Superintendent, the Board shall establish a biennial target for the school for reducing identified gaps in achievement.¹

PUBLIC REVIEW

The ~~CDIP~~ plan shall have public review prior to presentation to the Board for final adoption. Opportunity for public and school staff review shall be provided for a period of at least two (2) weeks, including the option to post the ~~CDIP~~ plan on the District Web site and provide for electronic review and feedback.

District Planning**BOARD APPROVAL**

The ~~CDIP~~plan shall be presented to the Board for approval by December 1. If revisions are needed, the District planning committee shall forward proposed revisions to the Superintendent. Revisions must reflect requirements of No Child Left Behind and KRS 158.649. All recommendations for revisions require approval by the Board.

The Principal shall sign the assurance certification required as part of the plan application, prior to the Superintendent and Board Chair signing the certification.

The Superintendent shall submit required assurances to the Kentucky Department of Education via e-mail no later than ~~the~~ July 1 of each year.

IMPLEMENTATION

The District shall maintain a copy of each ~~CDIP~~plan for at least five (5) years and, consistent with the District's planning cycle, post the current ~~CDIP~~plan on the District's web site.

The ~~CDIP~~plan shall serve as a resource for Board decision making.

SCHOOL PLANS

The ~~CDIP~~District plan shall be broad enough to allow each school to develop its own plan, within the goals and objectives of the District ~~Plan~~.

REFERENCES:

¹KRS 158.649

KRS 156.500; KRS 160.290; KRS 160.345; 704 KAR 3:390

RELATED POLICIES:

02.44

09.21

LEGAL: THE 2009 GENERAL ASSEMBLY AMENDED KRS 160.380 TO REQUIRE CRIMINAL BACKGROUND CHECKS ON PARENT COUNCIL MEMBERS.

FINANCIAL IMPACT: COSTS OF OBTAINING BACKGROUND CHECKS FOR PARENT COUNCIL MEMBERS

ADMINISTRATION

BH02.421

Election of School Council Members (SBDM)

Following a two-thirds (2/3) vote in favor of SBDM, the Principal shall give appropriate notice of elections of teacher and parent members to the school council. Elections shall be held not less than twenty (20) nor more than thirty (30) school days from the vote of the faculty authorizing SBDM.

ELECTION OF TEACHER MEMBERS

Procedures for holding elections for teacher council members shall be the same as those governing the election to determine if the school will adopt SBDM. Teachers may nominate themselves or another teacher. Nominations shall be made in writing to the Principal no later than five (5) days before the election. The Principal shall prepare a ballot containing the names of all qualified teachers nominated. The teachers attending the meeting shall choose a chairperson to chair the meeting to elect teacher members to the council. Balloting will continue until three (3) teachers are elected. Teacher members must be employees of the District and currently assigned to the school where they are elected as council member. Election shall be by majority vote of all teachers assigned to the school.

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

ELECTION OF PARENT MEMBERS

The president of the parent-teacher organization shall organize and oversee the election of parent council members. If the school does not have a parent-teacher organization, then the Principal shall set the date and time for parents to elect parent council members and shall provide notice of the election to parents.

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

A parent council member shall submit to a state and national fingerprint-supported criminal history background as required by KRS 160.380. A parent member may serve prior to the receipt of the criminal history background check report, but shall be removed from the council on receipt by the District of a report documenting a record of a sex crime or criminal offense against a victim who is a minor as defined in KRS 17.500 or as a violent offender as defined in KRS 17.165.

Election of School Council Members (SBDM)**MINORITY REPRESENTATIVES**

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

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

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

TERMS

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

CONFLICT OF INTEREST

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

REMOVAL OF COUNCIL MEMBERS

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

VACANCIES

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

REFERENCES:

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

LEGAL: THE 2009 GENERAL ASSEMBLY AMENDED KRS 158.6453 TO REQUIRE SCHOOL COUNCILS TO DEVELOP POLICIES TO DETERMINE THE WRITING PROGRAM FOR THE SCHOOL. ALSO, A NEW SECTION OF KRS CHAPTER 156 WAS CREATED MAKING KRS 156.730 APPLICABLE TO CHILDREN OF CIVILIAN MILITARY EMPLOYEES WHO ARE REQUIRED TO MOVE AS PART OF THEIR JOB, THUS RESULTING IN A CHANGE OF SCHOOLS FOR THEIR CHILDREN.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

A02.4241

School Council Policies (SBDM)

ADOPTION OF POLICY

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

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

As reflected in the District Code of Acceptable Behavior and Discipline, loss of physical activity periods shall not be used as a disciplinary consequence.

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

8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision;

The school shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities to the extent they are otherwise qualified, regardless of application deadlines.

9. Procedures, consistent with local Board policy, for determining alignment with state standards, technology utilization, and program appraisal;
10. Commitment to a parent involvement process that provides for:
 - a. Establishing an open, parent-friendly environment;
 - b. Increasing parental participation;
 - c. Improving two-way communication between school and home, including what their child will be expected to learn; and
 - d. Developing parental outreach programs.
11. Procedures to assist the council with consultation in the selection of personnel by the Principal, including, but not limited to, meetings, timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation.
12. Schools with K-5 organization, or any configuration thereof, shall develop and implement, in compliance with requirements of federal and state law and board policy, a wellness policy that includes moderate to vigorous physical activity each day, encourages healthy choices among students, and incorporates an assessment tool to determine each child's level of physical activity on an annual basis. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. (In the absence of a council, the Principal of the school shall develop and implement the required wellness policy.)

The Superintendent/designee shall provide assistance in identifying strategies and options to promote daily moderate to vigorous physical activity for students, which may include those that increase strength and flexibility, speed heart rate and breathing and stress activities such as stretching, walking, running, jumping rope, dancing, and competitive endeavors that involve all students.

As an alternative to adopting separate policies, school councils may adopt Board policy or standards established by the Board as council policy in the above areas, or they may delegate responsibility for developing a policy to the Principal.

OTHER POLICIES

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

School Council Policies (SBDM)**REVIEW OF POLICIES**

Before final adoption of a council policy, it shall be reviewed by the Superintendent who may request that the proposed policy be reviewed by the Board Attorney. Any concerns shall be shared with the council within ten (10) working days of the Superintendent's receipt of the draft policy. If there are concerns, the Superintendent shall provide a copy of the council policy to the Board for review, along with any concerns s/he and the Board Attorney may have noted, such as possible conflicts with state and federal laws or contractual obligations, liability and/or health and safety questions, and budgetary issues.

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

COMPLIANCE WITH BOARD POLICY

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

WAIVER OF STATE REGULATIONS

School councils who decide to request a waiver of state regulations and/or reporting requirements established by a Kentucky Revised Statute requiring paperwork to be submitted to the Kentucky Board of Education or the Department of Education shall submit the supporting information to the Superintendent as required by law. The Superintendent shall then forward the request to the Kentucky Board of Education.

REFERENCES:

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

RELATED POLICIES:

02.422; 02.4231, 03.112; 08.1
09.126 (re requirements/exceptions for students from military families)

LEGAL: THE 2009 GENERAL ASSEMBLY AMENDED KRS 158.6453 TO REVISE REQUIREMENTS FOR REVIEW AND REPORTING OF STUDENT ASSESSMENT RESULTS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

A02.441

Assessment of Student Progress

REVIEW OF ASSESSMENT DATA

By April 1 of each year and in keeping with the Comprehensive Improvement Planning process and timeline, the school council shall review student assessment data provided annually by the Kentucky Department of Education. After reviewing the data, the council shall adopt, modify, or revise the school's plan to assist each student in making progress toward statutory goals. This process shall address achievement gaps between various groups of students as required by law. In addition, the plan shall be submitted to the Superintendent and Board for review. In a school without a council, the Principal shall complete the review and planning process with the involvement of parents, faculty, and staff.

Beginning with the 2012-2013 school year, the assessment data review process shall be completed by October 1 of each year.

REPORT TO BOARD

The Superintendent shall devise a schedule for Principals to present written reports to the Board regarding progress being made toward their school's educational objectives. The reports shall be in a format easily understood by parents and the community and shall make comparisons with the school's performance the previous year and any data available that compares the school to state or national standards.

The information to be reported shall include, but not be limited to, results on the state-mandated accountability test(s), high school and college readiness tests, college entrance exams (high school only), Advanced Placement/International Baccalaureate Exams (high school only), and summaries of grades assigned by teachers.

SUMMARY REPORT TO COMMUNITY AND PARENTS

The information reported to the Board shall be put in summary format and shall be reported to parents of each student and made available to the community. The Superintendent shall devise the format to be used.

INDIVIDUAL REPORTS

Each year, an individual student report shall be provided to parents of students in grades three through eight (3-8) in accordance with statutory requirements. Beginning with the 2010-2011 school year, teachers and parents/guardians of each primary student shall be informed of results from reading and mathematics diagnostic assessments and prompts.

REFERENCES:

KRS 158.645; KRS 158.6451; KRS 158.6453; KRS 158.6455; KRS 158.6457
KRS 158.6459; KRS 158.649; KRS 158.650; KRS 160.345

RELATED POLICIES:

02.442, 08.221, 08.222, 08.5

LEGAL: THE RECOMMENDED CHANGE IS IN KEEPING WITH THE LATEST AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

A03.113

- CERTIFIED PERSONNEL -

Equal Employment Opportunity

NONDISCRIMINATION

The Superintendent shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, color, religion, sex, national or ethnic origin, political affiliation, age or disabling condition.¹

INDIVIDUALS WITH DISABILITIES

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

District employment practices shall be in accordance with the Board-approved procedures addressing requirements of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

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

REASONABLE ACCOMMODATION

Employees who have a long-term or permanent disability may request the District supervisor to provide reasonable accommodations necessary for them to perform the essential duties of the position. If assistive technology is deemed necessary for an employee, every effort will be made to obtain that technology in a timely fashion.

Reasonable accommodation shall be provided as required by law.

ADVISING EMPLOYEES

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

REFERENCES:

¹KRS 161.164

²29 U.S.C.A. 794

KRS 207.135

34 C.F.R. 104.3 - 104.14

Americans with Disabilities Act of 1990

Kentucky Education Technology System (KETS)

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

RELATED POLICIES:

03.133, 05.11

RECOMMENDED: KSBA LOSS CONTROL STAFF RECOMMENDS THESE CHANGES TO BRING THIS POLICY IN LINE WITH STATE AND FEDERAL SAFETY REQUIREMENTS.
THIS CHANGE IS NOT REQUIRED BY LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

A03.14

- CERTIFIED PERSONNEL -

Health and Safety

SAFETY

It is the intent of the Board to provide a safe and healthful working environment for all employees. Employees shall report any conditions they believe to be unsafe to their immediate supervisor, who shall examine the situation and take appropriate action.

The District shall develop, maintain and implement health and safety plans in compliance with state and federal law including, but not limited to, those addressing hazard communication, bloodborne pathogens, lockout/tagout issues, and personal protective equipment (PPE).

HAZARD COMMUNICATION PLAN

The Superintendent/designee shall develop a District Hazard Communication Plan. The plan shall include:

1. The assignment of a District employee to be responsible for the implementation and coordination of the Hazard Communication Plan;
2. The inventory of all chemicals used at each school and worksite;
3. The identification of each chemical in the inventory that is covered by the OSHA Hazard Communication Standard;
4. Maintenance of a Material Safety Data Sheet (MSDS) for each substance on the chemical inventory list for as long as the District uses the substance, plus thirty (30) years;
5. Labeling of all containers of each chemical identified as required by the Hazard Communication Standard;
6. The development of an employee Hazard Communication Information and Training Program; and
7. The development, implementation and maintenance of a written Hazard Communication Program.

BLOODBORNE PATHOGEN CONTROL

The Superintendent/designee shall develop an Exposure Control Plan to eliminate or minimize District occupational exposure to bloodborne pathogens. The plan shall address:

1. Identification of employees at-risk of occupational exposure and their assigned tasks and procedures which could lead to such exposure;
2. Communication of hazards to employees;
3. Vaccinations of at-risk employees for Hepatitis B at no cost to these employees;

Health and Safety**BLOODBORNE PATHOGEN CONTROL (CONTINUED)**

4. Determination of universal precautions to be observed, including adequate engineering controls and housekeeping procedures;
5. Appropriate training of employees;
6. Provision of personal protective equipment including an opportunity provided annually for employees who use medical sharps in performance of their duties to identify, evaluate and select engineering and work practice controls to be implemented by the District, as appropriate;
7. Maintenance of a sharps injury log;
8. Medical follow-up and counseling for employees after a work-site exposure;
9. Maintenance of confidential records of each exposure incident; and
10. A schedule for implementing all provisions required by the OSHA standard.

The Superintendent/designee shall review and update the Exposure Control Plan at least once each year and when needed to reflect new or modified tasks and procedures that affect occupational exposure or new or revised employee positions with occupational exposure. The review and update shall also address:

1. Changes in technology that eliminate or reduce exposure to bloodborne pathogens; and
2. Annual documentation that appropriate, commercially available and effective safer medical devices that are designed to eliminate or minimize occupational exposure have been obtained and are now in use.

LOCKOUT/TAGOUT

The Superintendent/designee shall develop a lockout/tagout program to eliminate or minimize the unexpected startup or release of stored energy in mechanical or electronically powered equipment. The plan shall address:

1. Assignment of a District employee to be responsible for implementation and coordination of the lockout/tagout program;
2. A written program consisting of energy control procedures;
3. Development, documentation and utilization of energy control procedures for the control of potentially hazardous energy when employees are engaged in servicing and maintaining equipment;
4. Periodic review of the lockout/tagout program to assure authorized employees are properly controlling unexpected startup or release of stored energy; and
5. Annual training of employees authorized to use lockout/tagout to emphasize program procedures and retraining whenever a periodic review reveals deficiencies in employee performance.

Health and Safety**PERSONAL PROTECTIVE EQUIPMENT (PPE)**

Each year, the Superintendent/designee shall conduct a hazard assessment to determine when and where the use of personal protective equipment (PPE) is necessary. The hazard assessment shall address:

1. Assignment of a District employee responsible for assessing the workplace for hazards;
2. Selection of appropriate PPE to safeguard employees from hazards that cannot be eliminated;
3. A training program to be conducted to educate employees about the need for PPE and when it must be worn;
4. Training of employees on the use and care of PPE, how to recognize deterioration and failure and the need for replacement; and
5. Requiring employees to wear designated PPE, as deemed necessary by the hazard assessment.

REFERENCES:

Kentucky Department for Public Health
Center for Disease Control
Kentucky Labor Cabinet, 803 KAR 2:308, 803 KAR 2:404, 803 KAR 2:500
OSHA 29 CFR 1910
132 PPE Hazard Assessment
147 Lockout/Tagout
1200 Hazard Communication
1030 Bloodborne Pathogens

LEGAL: THE RECOMMENDED CHANGE IS IN KEEPING WITH THE LATEST AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

A03.212

- CLASSIFIED PERSONNEL -

Equal Employment Opportunity

NONDISCRIMINATION

The Superintendent shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, color, religion, sex, national or ethnic origin, political affiliation, age, or disabling condition.¹

INDIVIDUALS WITH DISABILITIES

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

District employment practices shall be in accordance with the Board-approved procedures addressing requirements of the Americans with Disabilities Act of 1990 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 occupation qualification for the job in question as defined in KRS 207.135.

REASONABLE ACCOMMODATION

Employees who have a long-term or permanent disability may request the District supervisor to provide reasonable accommodations necessary for them to perform the essential duties of the position. If assistive technology is deemed necessary for an employee, every effort will be made to obtain that technology in a timely fashion.

Reasonable accommodation shall be provided as required by law.

ADVISING EMPLOYEES

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

REFERENCES:

¹KRS 161.164

²29 U.S.C.A. 794

KRS 207.135

34 C.F.R. 104.3 - 104.14

Americans with Disabilities Act of 1990 (ADA)

Kentucky Education Technology System (KETS)

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

RELATED POLICIES:

03.233, 05.11

RECOMMENDED: KSBA LOSS CONTROL STAFF RECOMMENDS THESE CHANGES TO BRING THIS POLICY IN LINE WITH STATE AND FEDERAL SAFETY REQUIREMENTS.
THIS CHANGE IS NOT REQUIRED BY LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

A03.24

- CLASSIFIED PERSONNEL -

Health and Safety

SAFETY

It is the intent of the Board to provide a safe and healthful working environment for all employees. Employees shall report any conditions they believe to be unsafe to their immediate supervisor, who shall examine the situation and take appropriate action.

The District shall develop, maintain and implement health and safety plans in compliance with state and federal law including, but not limited to, those addressing hazard communication, bloodborne pathogens, lockout/tagout issues, and personal protective equipment (PPE).

HAZARD COMMUNICATION

The Superintendent/designee shall develop a District Hazard Communication Plan. The plan shall include:

1. The assignment of a District employee to be responsible for the implementation and coordination of the Hazard Communications Plan;
2. An inventory of all chemicals used at each school and worksite;
3. The identification of each chemical in the inventory that is covered by the OSHA Hazard Communication Standard;
4. Maintenance of a Material Safety Data Sheet (MSDS) for each substance on the chemical inventory list for as long as the District uses the substance, plus thirty (30) years;
5. Labeling of all containers of each chemical identified as required by the Hazard Communication Standard;
6. The development of an employee Hazard Communication Information and Training Program; and
7. The development, implementation and maintenance of a written Hazard Communication Program.

BLOODBORNE PATHOGEN CONTROL

The Superintendent/designee shall develop an Exposure Control Plan to eliminate or minimize District occupational exposure to bloodborne pathogens. The plan shall address:

1. Identification of employees at-risk of occupational exposure and their assigned tasks and procedures which could lead to such exposure;
2. Communication of hazards to employees;
3. Vaccinations of at-risk employees for Hepatitis B at no cost to these employees;

Health and Safety**BLOODBORNE PATHOGEN CONTROL (CONTINUED)**

4. Determination of universal precautions to be observed, including adequate engineering controls and housekeeping procedures;
5. Appropriate training of employees;
6. Provision of personal protective equipment including an opportunity provided annually for employees who use medical sharps in performance of their duties to identify, evaluate and select engineering and work practice controls to be implemented by the District, as appropriate;
7. Maintenance of a sharps injury log;
8. Medical follow-up and counseling for employees after a work-site exposure;
9. Maintenance of confidential records of each exposure incident; and
10. A schedule for implementing all provisions required by the OSHA standard.

The Superintendent or designee shall review and update the Exposure Control Plan at least once each year and when needed to reflect new or modified tasks and procedures that affect occupational exposure or new or revised employee positions with occupational exposure. The review and update shall also address:

1. Changes in technology that eliminate or reduce exposure to bloodborne pathogens; and
2. Annual documentation that appropriate, commercially available and effective safer medical devices that are designed to eliminate or minimize occupational exposure have been obtained and are now in use.

LOCKOUT/TAGOUT

The Superintendent/designee shall develop a lockout/tagout program to eliminate or minimize the unexpected startup or release of stored energy in mechanical or electronically powered equipment. The plan shall address:

1. Assignment of a District employee to be responsible for implementation and coordination of the lockout/tagout program;
2. A written program consisting of energy control procedures;
3. Development, documentation and utilization of energy control procedures for the control of potentially hazardous energy when employees are engaged in servicing and maintaining equipment;
4. Periodic review of the lockout/tagout program to assure authorized employees are properly controlling unexpected startup or release of stored energy; and
5. Annual training of employees authorized to use lockout/tagout to emphasize program procedures and retraining whenever a periodic review reveals deficiencies in employee performance.

Health and Safety**PERSONAL PROTECTIVE EQUIPMENT (PPE)**

Each year, the Superintendent/designee shall conduct a hazard assessment to determine when and where the use of personal protective equipment (PPE) is necessary. The hazard assessment shall address:

1. Assignment of a District employee responsible for assessing the workplace for hazards;
2. Selection of appropriate PPE to safeguard employees from hazards that cannot be eliminated;
3. A training program to be conducted to educate employees about the need for PPE and when it must be worn;
4. Training of employees on the use and care of PPE, how to recognize deterioration and failure and the need for replacement; and
5. Requiring employees to wear designated PPE, as deemed necessary by the hazard assessment.

REFERENCES:

Kentucky Department for Public Health
Center for Disease Control
Kentucky Labor Cabinet, 803 KAR 2:308, 803 KAR 2:404, 803 KAR 2:500
OSHA 29 CFR 1910
132 PPE Hazard Assessment
147 Lockout/Tagout
1200 Hazard Communication
1030 Bloodborne Pathogens

RECOMMENDATION: THE CHANGES MARKED ARE SUGGESTED TO CLARIFY THE BASIS FOR NONRENEWAL OF CLASSIFIED STAFF.
THIS CHANGE IS NOT REQUIRED BY LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

A03.2711

- CLASSIFIED PERSONNEL -

Nonrenewal

Nonrenewal of contracts for classified personnel shall be made in compliance with the requirements of KRS 161.011, with written notice being mailed or provided to the employee by the Superintendent.

BASIS FOR NONRENEWAL (LESS THAN FOUR YEARS OF SERVICE)

The Superintendent may nonrenew the contracts of classified employees with less than four (4) years of continuous active service in the District for any legal reason.

BASIS FOR NONRENEWAL (FOUR OR MORE YEARS OF SERVICE)

Classified employees with four (4) or more years of continuous active service in the District may be nonrenewed for the following reasons:

1. Incompetency,
2. Neglect of duty,
3. Insubordination,
4. Inefficiency,
5. Misconduct,
6. Immorality,
7. Other grounds contained in Board policy, including, but not limited to, causes for action set forth in Board policy 03.27,
8. Loss of, or reduction in, of funding, and/or
9. A position becomes obsolete or redundant, due to program reorganization, ~~or~~ changes to program requirements, ~~for improved delivery of services~~ elimination or reduction of a program, including a council decision that fewer employees are needed at the school, or any other change in District personnel staffing policies or guidelines.

REFERENCE:

KRS 161.011

RELATED POLICIES:

03.27

03.271

LEGAL: THESE CHANGES REFLECT REVISIONS MADE TO 702 KAR 3:090 CONCERNING BONDS OF DEPOSITORIES.

FINANCIAL IMPACT: NONE ANTICIPATED

FISCAL MANAGEMENT

V04.2

Depositories

SELECTION

The local depository(s) for all school funds, including internal accounts of schools, shall be determined every two (2) years by the Board. The depository(s) so selected shall be accessible, capable of handling short-term investments, capable of providing those services necessary for the efficient operation of the schools, and subject to the requirements of KRS 160.570.

BOND OF DEPOSITORY

At least thirty (30) days prior to the depository entering upon its duties and Bby July 1 of each fiscal year thereafter, on the advice of the Superintendent, the Board shall determine the penal sum of the bond of depository in compliance with requirements of Kentucky Administrative Regulation.

The District shall obtain approval for the bond of depository from the Commissioner of Education prior to the depository entering upon its duties.

REFERENCES:

KRS 41.240

KRS 160.570

702 KAR 3:090

RECOMMENDED: ACCORDING TO THE INTERNAL REVENUE SERVICE (IRS), FUND-RAISING ACTIVITIES THAT RESULT IN MONEY BEING MADE TO BENEFIT AN INDIVIDUAL STUDENT, RATHER THAN ALL STUDENTS AS A GROUP, COULD HAVE REPORTABLE INCOME IMPLICATIONS. LANGUAGE MARKED TO BE ADDED WILL PROHIBIT SUCH A PRACTICE.
THIS CHANGE IS NOT REQUIRED BY LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

FISCAL MANAGEMENT

BI04.312

School Activity Funds

School activity funds may be expended for purposes which contribute generally to the benefit of the students, provided expenditures are consistent with requirements set out in Accounting Procedures for Kentucky School Activity Funds.

UNIFORM ACCOUNTING

All personnel shall comply with the uniform financial accounting system¹ and activity fund accounting procedures set out in Kentucky Administrative Regulation.²

TWO SIGNATURES REQUIRED

The Principal, or school councils in SBDM schools, shall be responsible for the manner in which accounts are kept and preserved. Two (2) signatures shall be required on each check drawn against school activity funds, neither of which may be a signature stamp. The two (2) signatures shall be the manual signatures of the Principal/designee and the school treasurer.

PURCHASE ORDERS

Internal account purchases must be supported by a properly executed purchase request and authorization for payment by the Principal.

FINANCIAL REPORTS

Each month the Principal shall provide the Superintendent with a financial report for activity fund accounts. On or before July 25, following the end of the fiscal year, the Principal shall submit to the Superintendent an annual financial report for those accounts.

DEFINITION OF SCHOOL ACTIVITY FUNDS

School activity funds refer to all school funds including funds derived from fund-raising activities sponsored under the auspices of the school. Funds raised or received by organizations that do not come under the direct supervision of school authorities shall not be considered activity funds.

AUDIT OF FUNDS

All school activity funds shall be audited annually by a certified public accountant. All audit reports shall be reviewed and appropriate action taken as required by Kentucky Administrative Regulation.¹

School Activity Funds**SUPPORT/BOOSTER CLUB FUNDS**

Parent-teacher associations and booster club funds are not subject to deposit and accounting procedures as school activity funds.³ However, each year the Principal shall obtain the following from all support/booster club organizations as required by the state activity fund accounting procedures:

1. Names of club officers;
2. A copy of the annual budget within the first thirty (30) days of the school year or within thirty (30) days of the first transaction for the group; and
3. An annual financial report by July 25 for the year ending June 30 reporting receipts, expenditures and beginning and ending balances.¹

All booster groups wishing to be recognized by and/or affiliated with the District shall comply with the following:

- Adhere to applicable state and federal laws, including taxable income reporting requirements, when conducting fund-raising activities to benefit the school or District; and
- Conduct fund-raising activities to benefit the entire group and not permit credit to be earned through fund-raising for an individual student in lieu of participation fees or related activity costs.

FUND-RAISING PROJECTS

Schoolwide fund-raising projects must be approved by the Board.⁴

All fund-raising activities conducted by school-sponsored groups shall be for the benefit of the entire school or group.

REFERENCES:

¹702 KAR 3:130; Accounting Procedures for Kentucky School Activity Funds

²702 KAR 3:120

³OAG 79-556

⁴KRS 158.290

KRS 139.497; KRS 156.070; KRS 160.290; KRS 160.340

RELATED POLICY:

09.33

LEGAL: THESE CHANGES REFLECT REVISIONS MADE TO 702 KAR 3:080 CONCERNING FIDELITY BONDING REQUIREMENTS.
FINANCIAL IMPACT: NONE ANTICIPATED

FISCAL MANAGEMENT

A04.4

Bonding of Employees

TREASURER FIDELITY BOND REQUIRED

The treasurer of the Board shall be bonded in an amount sufficient to meet the requirements of Kentucky Administrative Regulation.

The finance officer and ~~All other employees of the District~~ who ~~hold similar positions~~ handle or and are responsible for ~~school monies~~ District funds and who receive and expend funds on behalf of the District also shall be covered by a ~~blanket~~ fidelity bond provided by the Board.

~~By July 1 of e~~Each year ~~and on~~ advice of the Commissioner of Education, the Board shall determine the amount of the fidelity bond of the treasurer of the Board and other school employees responsible for ~~Board~~ District funds. No later than July 31 of each year, the Board shall submit the fidelity bonds to the Commissioner of Education for approval.

REFERENCES:

KRS 160.560
702 KAR 3:080

RECOMMENDED: THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) AND THE NATIONAL SCHOOL LUNCH ACT REQUIRE THE DISTRICT TO ESTABLISH A PROCESS TO PROTECT THE CONFIDENTIALITY OF INFORMATION CONCERNING STUDENT ELIGIBILITY FOR FREE/REDUCED-MEALS.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

SUPPORT SERVICES

AG07.11

Free and Reduced-Price Meals

POLICY

The Superintendent/designee shall annually submit, for Board approval, a fee schedule governing the price of all meals and, in keeping with state and federal requirements, implement a policy process to protect the confidentiality of information concerning student eligibility for free and reduced-price meals.

Only District employees and contractors designated by the Superintendent/designee and representatives of agencies directly connected with the administration or enforcement of the District's School Nutrition Program shall have access to individual student eligibility information without parental consent. A list of designated District employees and contractors by position shall be maintained at the school and in the Central Office.

MEAL CHARGES

Students may charge a maximum of five (5) breakfasts and five (5) lunches. If a student needs to charge more than this amount before previous charges have been collected, the additional charges must be approved by a written note from the Principal.

No ala carte items may be charged.

At the end of each calendar month, parents shall be notified of their children's lunchroom charges.

FRINGE BENEFIT MEALS

Fringe benefit meals are available only to those employees whose time is one hundred percent (100%) attributable to the operation of the ~~food service~~ school nutrition program.

REFERENCES:

KRS 160.290

702 KAR 6:010

702 KAR 6:050

7 C.F.R. §245.6

20 U.S.C. 1232g, 34C.F.R. 99.1 – 99.67

RELATED POLICY:

09.14

LEGAL: NEWLY REVISED NO CHILD LEFT BEHIND (NCLB) REGULATIONS REQUIRE THE DISTRICT TO POST CERTAIN INFORMATION ON ITS WEB SITE(S) ABOUT SUPPLEMENTAL EDUCATIONAL SERVICES (SES) OPTIONS. OTHER CHANGES REFLECT CHANGES TO 704 KAR 3:390.
FINANCIAL IMPLICATIONS: STAFF TIME REQUIRED TO MAKE THE REQUIRED POSTINGS AND KEEP THEM CURRENT

CURRICULUM AND INSTRUCTION

A08.133

Extended School/Supplemental Educational Services

PLAN FOR DIAGNOSING

~~In accordance with applicable federal and state laws or regulations, t~~The Superintendent/designee shall develop a plan for diagnosing and addressing student academic deficiencies. ~~The District shall provide~~ by providing extended school services (ESS) and supplemental educational services (SES) as required by federal or state law.

EXTENDED SCHOOL SERVICES

The Board shall provide extended school services ~~in compliance with applicable statutes and administrative regulations~~ consistent with students' intervention or individual learning plans, requirements of 704 KAR 3:390, and local plans and procedures.

The District ~~shall~~ may provide extended school services during the regular school day when a waiver for alternative service delivery has been obtained. ~~available during the summer school program~~ Extended school services offered during the summer shall be available to all eligible students residing in the District regardless of whether they attend District schools.

SUPPLEMENTAL EDUCATIONAL SERVICES

Eligible students shall be provided supplemental educational services as required by federal law.¹

The District shall post on the District/school web site(s) information about available supplemental educational services in keeping with federal regulatory requirements.

REFERENCES:

- ¹P. L. 107-110 (No Child Left Behind Act of 2001)
- 34 CFR 200.45 – 200.48
- KRS 158.070
- 704 KAR 3:390

LEGAL: THESE CHANGES ARE IN KEEPING WITH REQUIREMENTS OF 701 KAR 5:120 AND, IF THE DISTRICT PARTICIPATES IN THE FEDERAL E-RATE PROGRAM, ARE REQUIRED BY FEDERAL LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

A08.2323

Access to Electronic Media

(Acceptable Use Policy)

The Board supports reasonable access to various information formats for students, employees and the community and believes it is incumbent upon users to utilize this privilege in an appropriate and responsible manner.

SAFETY PROCEDURES AND GUIDELINES

The Superintendent shall develop and implement appropriate procedures to provide guidance for access to electronic media. Guidelines shall address teacher supervision of student computer use, ethical use of electronic media (including, but not limited to, the Internet, e-mail, and other District technological resources), and issues of privacy versus administrative review of electronic files and communications. In addition, guidelines shall prohibit utilization of networks for prohibited or illegal activities, the intentional spreading of embedded messages, or the use of other programs with the potential of damaging or destroying programs or data.

Students shall be provided instruction about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms and cyberbullying awareness and response.

Internet safety measures shall be implemented that effectively address the following:

- Controlling access by minors to inappropriate matter on the Internet and World Wide Web;
- Safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
- Preventing unauthorized access, including “hacking” and other unlawful activities by minors online;
- Unauthorized disclosure, use and dissemination of personal information regarding minors; and
- Restricting minor’s access to materials harmful to them.

The District shall provide reasonable public notice of, and at least one (1) public hearing or meeting to address and communicate, its Internet safety measures.

Specific expectations for appropriate Internet use shall be reflected in the District’s code of acceptable behavior and discipline including appropriate orientation for staff and students.

PERMISSION/AGREEMENT FORM

A written parental request shall be required prior to the student being granted independent access to electronic media involving District technological resources.

The required permission/agreement form, which shall specify acceptable uses, rules of on-line behavior, access privileges, and penalties for policy/procedural violations, must be signed by the parent or legal guardian of minor students (those under 18 years of age) and also by the student. This document shall be kept on file as a legal, binding document. In order to modify or rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the Superintendent with a written request.

Access to Electronic Media

(Acceptable Use Policy)

EMPLOYEE USE

Employees shall use electronic mail only for purposes directly related to work-related activities.

Employees shall not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. (Authorization is not required each time the electronic media is accessed in performance of one's duties.) Each employee is responsible for the security of his/her own password.

COMMUNITY USE

On recommendation of the Superintendent/designee, the Board shall determine when and which computer equipment, software, and information access systems will be available to the community.

Upon request to the Principal/designee, community members may have access to the Internet and other electronic information sources and programs available through the District's technology system, provided they attend any required training and abide by the rules of usage established by the Superintendent/designee.

DISREGARD OF RULES

Individuals who refuse to sign required acceptable use documents or who violate District rules governing the use of District technology shall be subject to loss or restriction of the privilege of using equipment, software, information access systems, or other computing and telecommunications technologies.

Employees and students shall be subject to disciplinary action, up to and including termination (employees) and expulsion (students) for violating this policy and acceptable use rules and regulations established by the school or District.

RESPONSIBILITY FOR DAMAGES

Individuals shall reimburse the Board for repair or replacement of District property lost, stolen, damaged, or vandalized while under their care. Students or staff members who deface a District web site or otherwise make unauthorized changes to a web site shall be subject to disciplinary action, up to and including expulsion and termination, as appropriate.

RESPONDING TO CONCERNS

School officials shall apply the same criterion of educational suitability used to review other educational resources when questions arise concerning access to specific databases or other electronic media.

AUDIT OF USE

Users with network access shall not utilize District resources to establish electronic mail accounts through third-party providers or any other nonstandard electronic mail system.

The Superintendent/designee shall establish a process to determine whether the District's education technology is being used for purposes prohibited by law or for accessing sexually explicit materials. The process shall include, but not be limited to:

Access to Electronic Media

(Acceptable Use Policy)

AUDIT OF USE (CONTINUED)

1. Utilizing technology that meets requirements of Kentucky Administrative Regulations and that blocks or filters internet access for both minors and adults to certain visual depictions that are obscene, child pornography, or, with respect to computers with Internet access by minors, harmful to minors;
2. Maintaining and securing a usage log; and
3. Monitoring online activities of minors.

REFERENCES:

KRS 156.675; 47.U.S.C.§ 254; 701 KAR 5:120

Public Law 110-385, Broadband Data Improvement Act/Protecting Children in the 21st Century Act.

Kentucky Education Technology System (KETS)

RELATED POLICIES:

03.1325/03.2325

08.1353; 08.2322

09.14; 09.421; 09.422; 09.425; 09.426

LEGAL: THE 2009 GENERAL ASSEMBLY AMENDED KRS 158.6453 THAT BY THE 2011-2012 SCHOOL YEAR WILL REQUIRE THAT THE ANNUAL STATE ASSESSMENT TO LAST NO MORE THAN FIVE (5) DAYS AND TAKE PLACE DURING THE FINAL FOURTEEN (14) DAYS OF THE SCHOOL YEAR.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

A08.3

School Calendar

DEVELOPMENT OF CALENDAR

The Superintendent shall develop and present to the Board for adoption a school calendar for the upcoming school year on or before May 15 of each year. The calendar shall establish the following:

1. Opening and closing dates of the school term,
2. Beginning and ending dates of each school month,
3. Number and minimum length of instructional days,
4. Instructional time required for kindergarten if in excess of the minimum three (3) hours of daily instruction,
5. Any instructional time to be banked to make up for full days that may be missed due to an emergency, ~~and~~
6. Days on which schools shall be dismissed, and
7. A testing window in accordance with KRS 158.6453 and KRS 164.302 to accommodate state-mandated assessments.

The Board may schedule days for breaks in the calendar that shall not be counted as part of the minimum school term.

Schools shall be closed on the Tuesday after the first Monday in November in Presidential election years.

Schools shall be closed on the day of a regular or primary election, and those days may be used for professional development activities, professional meetings, or parent-teacher conferences.

REFERENCES:

~~702 KAR 7:125~~; 702 KAR 7:130; 702 KAR 7:140
KRS 2.190; KRS 118.035
KRS 157.360; KRS 158.070
KRS 158.6453; KRS 164.302

LEGAL: THE 2009 GENERAL ASSEMBLY AMENDED KRS 158.6453 ADDRESSING HOW CERTAIN INSTRUCTIONAL PROGRAMS THAT NO LONGER WILL BE INCLUDED IN THE STATE-MANDATED ASSESSMENT SYSTEM ARE TO BE EVALUATED AT THE LOCAL LEVEL.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

J08.5

Program Evaluation

IMPLEMENTATION OF PLAN

The Superintendent shall develop and implement a plan for the evaluation of educational programs. This plan shall include both objective and subjective measures of student outcomes in relation to District educational objectives developed and approved by the Board.

Effective with the 2011-2012 academic year and based on the timeline, criteria and procedures developed by the Kentucky Department of Education, the District's program evaluation plan shall include audits and reviews in the areas of writing, arts and humanities, practical living skills and career studies.

REFERENCES:

KRS 158.645; KRS 158.6451; KRS 158.6453; KRS 158.650

RELATED POLICIES:

02.44, 02.441

08.222

LEGAL: THE 2009 GENERAL ASSEMBLY AMENDED KRS 159.035 TO ALLOW CHILDREN OF PARENT/GUARDIANS WHO ARE IN THE U.S. ARMED FORCES AND ON ACTIVE DUTY OUTSIDE THE COUNTRY 10 DAYS OF EXCUSED ABSENCES WHEN THE PARENT IS GRANTED REST AND RECUPERATION LEAVE. ALSO, A CHANGE TO 702 KAR 7:125 IS PENDING THAT WILL REVISE HOW ABSENCES ARE TO BE RECORDED FOR STATE FUNDING PURPOSES.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

CE09.123

Absences and Excuses

Pupils are required to attend regularly and punctually the school in which they are enrolled. Recording of absences and tardies shall be made in compliance with the requirements of 702 KAR 7:125.¹

TRUANCY DEFINED

Any student who has attained the age of six (6), but has not reached his/her eighteenth (18th) birthday, who has been absent from school without valid excuse for three (3) days or more, or tardy without valid excuse on three (3) days or more, is a truant.

Any student enrolled in a public school who has attained the age of eighteen (18) years, but has not reached his/her twenty-first (21st) birthday, who has been absent from school without valid excuse for three (3) or more days, or tardy without valid excuse on three (3) or more days, is a truant.

Any student who has been reported as a truant two (2) or more times is an habitual truant.

~~A student who is absent for sixty (60) minutes or less of the regularly scheduled school day is tardy.~~

For the purposes of establishing a student's status as a truant, a student's attendance record is cumulative for an entire school year. When students transfer from one Kentucky district to another, attendance information from the previous district shall become part of their official attendance record for that school year.

EXCUSED ABSENCES

An excused absence or tardiness is one for which work may be made up, such as:

1. Death or severe illness in the pupil's immediate family,
2. Illness of the pupil,
3. Participation in school related activities approved by the Principal,
4. One (1) day for attendance at the Kentucky State Fair,
5. Documented military leave,
6. One (1) day prior to departure of parent/guardian called to active military duty,
7. One (1) day upon the return of parent/guardian from active military duty, or
8. Visitation for up to ten (10) days with the student's parent, de facto custodian, or person with legal custody who, while on active military duty stationed outside of the country, is granted rest and recuperation leave, or
9. Other valid reasons as determined by the Principal, including trips qualifying as educational enhancement opportunities.

Absences and Excuses**EXCUSED ABSENCES (CONTINUED)**

Students shall be granted an excused absence for up to ten (10) school days to pursue an educational enhancement opportunity determined by the Principal to be of significant educational value. This opportunity may include, but not be limited to, participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts.

Unless the Principal determines that extenuating circumstances exist, requests for date(s) falling within State or District testing periods shall not be granted.

The Principal's determination may be appealed to the Superintendent/designee whose decision may then be appealed to the Board under its grievance policy and procedures.

Students receiving an excused absence under this section shall have the opportunity to make up school work missed and shall not have their class grades adversely affected for lack of class attendance or class participation due to the excused absence.

SCHOOL HANDBOOKS

Each school handbook shall include specific attendance requirements.

SUSPENSION

Projects or homework assigned prior to suspension shall be accepted for credit. Students shall be responsible for submitting assignments due during the time of the suspension.

Long-term projects assigned during the suspension and due at a later date shall be accepted.

Work assigned and due during suspension shall not be accepted for credit.

REFERENCES:

¹702 KAR 7:125

KRS 36.396, KRS 38.470, KRS 40.366

KRS 158.070, KRS 158.183, KRS 158.293, KRS 158.294

KRS 159.035, KRS 159.140, KRS 159.150, KRS 159.180

OAG 76-566, OAG 79-68, OAG 79-539, OAG 91-79, OAG 96-28

RELATED POLICIES:

09.111, 09.122, 09.4281

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

LEGAL: THE 2009 GENERAL ASSEMBLY CREATED A NEW SECTION OF KRS CHAPTER 156 MAKING KRS 156.730 APPLICABLE TO CHILDREN OF CIVILIAN MILITARY EMPLOYEES WHO ARE REQUIRED TO MOVE AS PART OF THEIR JOB, THUS RESULTING IN A CHANGE OF SCHOOLS FOR THEIR CHILDREN.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

A09.126

Students of Military Families

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

ENROLLMENT

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

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

TUITION

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

IMMUNIZATION REQUIREMENTS

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

PLACEMENT

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

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

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

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

Students of Military Families**SPECIAL EDUCATION SERVICES**

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

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

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

DEPLOYMENT-RELATED ABSENCES

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

EXTRACURRICULAR PARTICIPATION

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

GRADUATION REQUIREMENTS

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

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

CHILDREN OF CIVILIAN MILITARY EMPLOYEES

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

REFERENCES:

KRS 156.730; KRS 156.735

Individuals with Disabilities Education Improvement Act of 2004

Section 504 of the Rehabilitation Act; District 504 procedures

Americans with Disabilities Act

RELATED POLICIES:

02.4241

08.113; 08.131; 08.132; 08.13452

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

LEGAL: THE CHANGES MARKED REPRESENT RECENTLY REVISED FERPA REGULATIONS THAT (1) ADDRESS DISCLOSURE OF STUDENT RECORDS INFORMATION WITHOUT CONSENT WHEN THERE ARE SERIOUS HEALTH AND SAFETY EMERGENCIES; (2) REFLECT NEW RECORD-KEEPING REQUIREMENTS; AND (3) CLARIFY RESTRICTIONS ON ACCESSING STUDENT RECORDS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

A09.14

Student Records

Data and information about students shall be gathered to provide a sound basis for educational decisions and to enable preparation of necessary reports.

PROCEDURE TO BE ESTABLISHED

The Superintendent shall establish procedures to promote effective notification of parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) and to ensure District compliance with applicable state and federal student record requirements.

INFORMATION AVAILABLE**DISCLOSURE OF RECORDS**

~~Student information records~~ shall be made available for inspection and review to the parent(s) of a dependent student¹ or to an eligible student on request. Eligible students include those 18 years of age or ~~over~~older or those duly enrolled in a post-secondary school program. In general, FERPA rights pass to the eligible student upon either of those events. Parents may be provided access to the educational records of an eligible student 18 years old or older if the student is dependent under federal tax laws.¹

Upon written request, Parents or eligible students shall~~may~~ be provided copies of their educational records, including those maintained in electronic format, a copy of records on written request, including files maintained in electronic format when necessary to reasonably permit inspection. Such copies shall be provided in a manner that protects the confidentiality of other students. A reasonable fee may be charged for copies.

District personnel must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the District discloses personally identifiable information from education records.

In addition, considering the totality of the circumstances, the District may disclose information from education records to appropriate parties, including parents of eligible students, whose knowledge of the information is necessary to protect the health or safety of a student or another individual, if there is an actual, impending, or imminent articulable and significant threat to the health or safety of a student or other individual. In such instances, the basis for a decision that a health or safety emergency existed shall be recorded in the student's education records.

Authorized District personnel also may disclose personally identifiable information to the following:

- Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer;
- School officials (such as teachers, instructional aides, administrators) and other service providers (such as contractors, consultants, and volunteers used by the District to perform institutional services and functions) having a legitimate educational interest in the information.

District and school officials/staff may only access student record information in which they have a legitimate educational interest.

Student Records

DIRECTORY/~~PROTECTED~~ INFORMATION

The Superintendent/designee is authorized to release Board-approved student directory information. Approved “directory information” shall be: name, address, phone number, date and place of birth, major field of study, participation in officially recognized activities and sports, photograph/picture, grade level, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and most recent educational institution attended. Any eligible student or parent/guardian who does not wish to have directory information released shall notify the Superintendent/designee in writing within thirty (30) calendar days after receiving notification of FERPA rights.

Unless the parent/guardian or eligible secondary school student requests in writing that the District not release such information, the student’s name, address, and telephone number (if listed) shall be released to Armed Forces recruiters upon their request.

SURVEYS OF PROTECTED INFORMATION

The District shall provide direct notice to parents/guardian to obtain prior written consent for their minor child(ren) to participate in any protected information survey, analysis, or evaluation, if the survey is funded in whole or in part by a program of the U.S. Department of Education.

Parents/eligible students also shall be notified of and given opportunity to opt their child(ren) out of participation in the following activities:

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Parents/eligible students may inspect, upon written request and prior to administration or use, materials or instruments used for the collection, disclosure, or use of protected information.

PPRA requirements do not apply to evaluations administered to students in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA).

STUDENTS WITH DISABILITIES

The District's special education policy and procedures manual shall include information concerning records of students with disabilities.

JUVENILE COURT RECORDS

Records or information received on youthful or violent offenders shall not be disclosed except as permitted by law. When such information is received, the Superintendent shall notify the Principal of the school in which the child is enrolled. The Principal shall then release the information as permitted by law. Only the Superintendent and school administrative, transportation, and counseling personnel or teachers or other school employees with whom the student may come in contact, shall be privy to this information, which shall be kept in a locked file when not in use and opened only with permission of the administrator. Notification in writing of the nature of offenses committed by the student and any probation requirements shall not become a part of the child's student record.²

Student Records**RECORDS OF MISSING CHILDREN**

Upon notification by the Commissioner of Education of a child's disappearance, the District in which the child is currently or was previously enrolled shall flag the record of such child in a manner that whenever a copy of or information regarding the child's record is requested, the District shall be alerted to the fact that the record is that of a missing child. Instead of forwarding the records of a child who has been reported missing to the agency, institution, or individual making the request, the District shall notify the Justice Cabinet.

COURT ORDER/SUBPOENA

Prior to complying with a lawfully issued court order or subpoena requiring disclosure of personally identifiable student information, school authorities shall make a documented effort to notify the parent or eligible student. However, in compliance with FERPA, when a lawfully issued court order or subpoena requires disclosure be made without notification of the student or parent, the District shall comply with that requirement. If the District receives such an order, the matter may be referred to local counsel for advice.

REFERENCES:

¹Section 152 of the Internal Revenue Code of 1986

²KRS 158.153, KRS 610.320, KRS 610.340, KRS 610.345

KRS 7.110, KRS 15A.067, KRS 158.032, KRS 159.160, KRS 159.250

KRS 160.990, KRS 161.200, KRS 161.210, 702 KAR 1:140, 702 KAR 3:220

20 U.S.C. 1232g, 34 C.F.R. 99.1 - 99.67

20 U.S.C. 1232h (Protection of Pupil Rights Amendment); 34 C.F.R. 98

OAG 80-33, OAG 85-130, OAG 85-140, OAG 86-2, OAG 93-35

Kentucky Family Educational Rights and Privacy Act (KRS 160.700, KRS 160.705

KRS 160.710, KRS 160.715, KRS 160.720, KRS 160.725, KRS 160.730)

Individuals with Disabilities Education Improvement Act of 2004

Kentucky Education Technology System (KETS)

P. L. 107-110, Sections 1061 and 9528 (No Child Left Behind Act of 2001)

RELATED POLICIES:

09.111; 09.12311; 09.43

RECOMMENDED: KRS 17.545 NOW REQUIRES THAT NO REGISTERED SEX OFFENDER BE ON THE CLEARLY DEFINED SCHOOL GROUNDS WITHOUT ADVANCE WRITTEN PERMISSION FROM THE PRINCIPAL OR BOARD AFTER FULL DISCLOSURE OF STATUS. THIS NEW LANGUAGE ALSO APPLIES TO STUDENTS WHO ARE ENROLLED IN THE DISTRICT THAT ARE REGISTRANTS. THIS CHANGE IS NOT REQUIRED BY LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

W09.221

Supervision of Students

Students will be under the supervision of a qualified adult.

STRICT ACCOUNT

Each teacher and administrator shall hold pupils to a strict account for their conduct on school premises, on the way to and from school, and on school-sponsored trips and activities, except that a nonfaculty coach or nonfaculty assistant may accompany students on athletic trips as provided in statute.

Students shall not be excused to leave the school grounds for lunch unless they have written permission signed by the parent and approved by the Principal.

ACCESS TO SCHOOL PROPERTY DURING THE SCHOOL DAY

Unless they are authorized visitors, only those students who are enrolled in the District and on property for an official school purpose, such as receiving instruction or participating in a school sponsored extra-curricular activity, shall be permitted on the property during the school day. If a student who is officially absent or on home/hospital instruction wishes to come onto property during the school day, the student shall first go to the Principal/designee, seek permission to be on the property, and check in. Permission may be granted for the student to be on school property if the purpose relates to educational needs of the student that cannot be accomplished outside of school hours, and the student remains on the property only for the time needed to accomplish that purpose. This requirement is necessary to address supervision and safety concerns of students who come on property during the school day.

STUDENT REGISTRANTS

The Principal is authorized to set supervision requirements and limitations, as appropriate, that apply to students enrolled in the school who are registrants as defined in KRS 17.500. If the Principal has set limitations, restrictions or requirements, they shall be put into writing and a copy provided to the student/guardian.

ERRANDS

No employee shall send a student on an errand off school property without the prior approval of the Principal.

AFTER HOURS

Only those students who are involved in school activities and under the direct supervision of a faculty member or other approved school personnel shall be permitted in school buildings after school hours.

STUDENTS

W09.221
(CONTINUED)

Supervision of Students

REFERENCES:

| KRS 17.545
 KRS 161.180
 KRS 161.185
 702 KAR 5:030

RELATED POLICIES:

 09.36
 10.5

LEGAL: KSBA LEGAL STAFF RECOMMENDS THIS NEW POLICY TO DIFFERENTIATE BETWEEN CORPORAL PUNISHMENT, WHICH IS A DISCIPLINARY ISSUE, AND PHYSICAL RESTRAINT, WHICH IS A SAFETY AND/OR PROGRAMMATIC ISSUE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

A09.2212

Use of Physical Restraint

Employees may use, within the scope of their employment, such physical restraint as may be reasonable and necessary to protect themselves, students, or others from physical injury; to obtain possession of a weapon or other dangerous object under the control of a student; or to protect property from serious harm.

If the ARC (Admissions and Release Committee) or Section 504 Team anticipates that a student may need to be restrained on a frequent basis, the District shall consider whether special restraint training is needed for one (1) or more of the employees who regularly work with the student.

REFERENCES:

KRS 503.110

Individuals with Disabilities Education Improvement Act of 2004

Section 504 of Rehabilitation Act of 1973

RECOMMENDED: THE ADDITION CLARIFIES TO WHOM THE EMPLOYEE IS TO REPORT WHEN THE PERSON SUSPECTED OF CHILD ABUSE IS THE PRINCIPAL.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED
THIS CHANGE IS NOT REQUIRED BY LAW.

STUDENTS

AE09.227

Child Abuse

REPORT REQUIRED

Any teacher, school administrator, or other school personnel who knows or has reasonable cause to believe that a child under age eighteen (18) is dependent, abused or neglected¹ shall immediately make a report to a local law enforcement agency or the Kentucky State Police, the Cabinet for Families and Children or its designated representative, the Commonwealth's Attorney or the County Attorney in accordance with KRS 620.030.² If the person making the report has reason to believe that immediate protection for the child is advisable, that person shall also make an oral report to an appropriate law enforcement agency. If the Principal is suspected of child abuse, the employee shall notify the Superintendent/designee who shall also promptly report to the proper authorities for investigation.

WRITTEN REPORT

The person reporting shall, if requested, in addition to the report required above, file with the local law enforcement agency or the Kentucky State Police or the Commonwealth's or County's Attorney or the Cabinet for Families and Children or its designated representative within forty-eight (48) hours of the original report a written report containing specific information regarding the child, the child's parents or guardians, and the person allegedly responsible for the abuse or neglect.

WRITTEN RECORDS

Copies of reports kept by the District that are submitted to authorities in compliance with the child abuse law are educational records and subject to inspection by the parents of the alleged victim of child abuse. Whether the records are considered "internal records," and not maintained with the students' "permanent records," is immaterial if such records are directly related to students and are maintained by the school or school District.

REFERENCES:

¹KRS 600.020 (1)(15)

²KRS 620.030, KRS 620.040

³KRS 17.545, KRS 17.580

KRS 17.160, KRS 17.165, KRS 199.990, KRS 620.050

OAG 77-407, OAG 77-506, OAG 80-50, OAG 85-134, 34 C.F.R. 106.1-106.71

U.S Department of Education Office for Civil Rights Regulations Implementing Title IX

RELATED POLICIES:

09.42811; 10.5

RECOMMENDED: ACCORDING TO THE INTERNAL REVENUE SERVICE (IRS), SCHOOL-SPONSORED AND BOOSTER CLUB FUND-RAISING ACTIVITIES THAT RESULT IN MONEY BEING MADE TO BENEFIT AN INDIVIDUAL STUDENT, RATHER THAN ALL STUDENTS AS A GROUP, COULD HAVE REPORTABLE INCOME IMPLICATIONS. LANGUAGE MARKED TO BE ADDED WILL PROHIBIT SUCH A PRACTICE.

THIS CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

BK09.33

Fund-Raising Activities

BOARD APPROVAL REQUIRED

All schoolwide fund-raising activities must be approved by the Board.¹ Requests must be channeled through the Principal and Superintendent.

All door-to-door solicitations shall be approved by the Board.

SUBSCRIPTION SALE OF PRINTED MATERIAL

The Superintendent shall provide written approval to the county clerk for all subscription sales of printed materials. This approval shall identify the product(s) being sold, the students involved as solicitors and the duration of sales.²

PUPIL NOT COMPELLED

No student shall be compelled to participate in or meet any kind of quota in a fund-raising activity.¹

CONDUCT OF ACTIVITIES

All school-sponsored groups and any booster group wishing to be recognized by and/or affiliated with the District shall conduct fund-raising activities to benefit the entire group and shall not permit credit to be earned through fund-raising for an individual student in lieu of participation fees or related activity costs.

REFERENCES:

¹KRS 158.290

²KRS 367.515 (3)

KRS 238.505; KRS 238.535; KRS 238.540

KRS 156.160; KRS 158.854

OAG 78-508; OAG 79-330; OAG 79-556

RELATED POLICY:

04.312

LEGAL: BASED ON ADVICE OF KSBA LEGAL STAFF, IT IS RECOMMENDED THAT THE TOPIC OF PHYSICAL RESTRAINT BE MOVED FROM THIS POLICY TO A NEW POLICY (09.2212) INCLUDED WITH YOUR UPDATE. THIS SEPARATION WILL HELP TO DIFFERENTIATE BETWEEN CORPORAL PUNISHMENT, WHICH IS A DISCIPLINARY ISSUE, AND PHYSICAL RESTRAINT, WHICH IS A SAFETY AND/OR PROGRAMMATIC ISSUE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

A09.433

Corporal Punishment

Employees shall not utilize corporal punishment as a penalty or punishment for student misbehavior. Corporal punishment shall refer to the deliberate infliction of physical pain on a student by any means.

~~Employees may use, within the scope of their employment, such physical restraint as may be reasonable and necessary to protect themselves, students, or others from physical injury; to obtain possession of a weapon or other dangerous objects under the control of a student; or to protect property from serious harm.~~

REFERENCES:

KRS 160.290

KRS 160.340

KRS 161.180

~~KRS 503.110~~

RELATED POLICIES:

09.2212

09.43

RECOMMENDED: THE PURPOSE OF THE PROPOSED CHANGES TO THE REGULAR INSPECTION PROVISION IS TO CLARIFY THAT STUDENT USE OF DISTRICT OWNED TECHNOLOGY RESOURCES MAY BE SUBJECT TO ADMINISTRATIVE SEARCHES.
THIS CHANGE IS NOT REQUIRED BY LAW.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

A09.436

Search and Seizure

REASONABLE SUSPICION

No pupil's outer clothing, pockets, or his or her personal effects (e.g., handbags, backpacks, etc.) shall be searched by authorized school personnel unless there are reasonable grounds to believe the search will reveal evidence that the pupil has violated or is violating either a school rule or the law.¹ Search of a pupil's person shall be conducted only with the express authority of the Principal/designee.

AUTHORIZED PERSONNEL

Searches of a pupil's person or his or her personal effects shall only be conducted by a certified person directly responsible for the conduct of the pupil or the Principal/designee of the school which the student attends. However, when an immediate threat to the health or safety of others occurs off site with no certified employee reasonably available, a non-certified person (i.e., bus driver or coach/sponsor) that is responsible for the students is authorized to conduct the search of a student or his/her personal effects. Examples of immediate threats would include reasonable suspicion of the presence of illegal drugs or a weapon.

WITNESS/PERSONAL SEARCHES

When a pat-down search of pupil's person is conducted, the person conducting the search shall be the same sex as the pupil; and a witness of the same sex as the pupil shall be present during the search. In addition, no search of a pupil shall be conducted in the presence of other students.

These restrictions shall not apply to situations involving an imminent threat to students or staff where immediate action is required to prevent harm to health and safety.

STRIP SEARCHES

No strip searches of students shall be permitted.

FAILURE TO COOPERATE

Students who fail to cooperate with school authorities when requested to shall be subject to other disciplinary action.

REGULAR INSPECTION

School property, such as lockers, ~~and~~ desks, ~~and~~ network systems, technology resources and accounts owned or supplied by the District are jointly held by the school and the pupil. School authorities have the right to conduct general inspection of all such property and resources on a regular basis. During these inspections, items which are school property, such as overdue library books, may be collected. Students should not expect privacy for ~~to~~ items and information left in such locations. A single desk, ~~or~~ locker or a technology resource/account may be searched if reasonable grounds exist to believe that evidence of a violation of the law or a school rule is contained therein.

Search and Seizure**ILLEGAL ITEMS**

Illegal items (e.g., weapons, drugs, etc.) or other possessions reasonably determined by proper school authorities to be a threat to the pupil's safety or to others' safety and security may be seized by school officials.

OTHER DISRUPTIVE ITEMS

Items which may be used to disrupt or interfere with the educational process may be temporarily removed from the pupil's possession by a staff member. Such items may be returned to the pupil by the staff member or through the Principal's office.

DISPOSITION OF ITEMS

All items which have been seized shall be turned over to the proper authorities or returned to the true owner.

REFERENCES:

¹New Jersey vs. T.L.O., 105 S.Ct. 733 (1985)
KRS 161.180

RELATED POLICIES:

08.2323; 09.4261

LEGAL: KRS 17.545 NOW REQUIRES THAT NO REGISTERED SEX OFFENDER BE ON THE CLEARLY DEFINED SCHOOL GROUNDS WITHOUT ADVANCE WRITTEN PERMISSION FROM THE PRINCIPAL OR BOARD AFTER FULL DISCLOSURE OF STATUS. IN ADDITION, THE ACCOMMODATION ADDITION CLARIFIES THAT SECTION 504 REQUIREMENTS ALSO APPLY TO VISITORS TO SCHOOL PROPERTY.

RECOMMENDED: DESIGNATED PROVISIONS REFLECT KSBA'S RECOMMENDATION FOR IMPLEMENTING THE NEW KRS 17.545 PROVISION.

THIS RECOMMENDED CHANGE IS NOT REQUIRED BY LAW.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

COMMUNITY RELATIONS

A10.5

Visitors to the Schools

LOCAL CITIZENS

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

REGISTRANTS

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

A registrant is defined as:

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

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

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

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

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

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

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

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

OUTSIDERS

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

CONDUCT

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

ACCOMMODATION

Visitors with disabilities shall be accommodated as required by law.

USE OF TOBACCO PROHIBITED

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

REFERENCES:

OAG 91-13

KRS 17.545; KRS 17.500; KRS 17.510

KRS 160.380; KRS 211.394, KRS 211.395; KRS 600.020

P. L. 107-110 (No Child Left Behind Act of 2001)

Section 504 of the Rehabilitation Act of 1973

RELATED POLICIES:

05.3, 09.227, 09.3211