

**Jefferson County Public Schools
Policy and Procedures Project
Procedures - Set #11
May 26, 2020 Board Meeting**

JCBE Policy	KSBA Procedure Name	Comment
03.16 Grievances (Certified)	03.16 AP.1 Grievance Procedures (Certified)	Amends existing procedure to clarify that grievances shall be dealt with in accordance with CBAs, as appropriate. There are no changes to current practice.
03.26 Grievances (Classified)	03.26 AP.1 Grievance Procedures (Classified)	Amends existing procedure to clarify that grievances shall be dealt with in accordance with CBAs, as appropriate. There are no changes to current practice.
06.32 Eligibility for Transportation	06.32 AP.1 Eligibility for Transportation	Sets forth the procedures for determining eligibility for transportation for homeless and foster children. There are no changes to current practice.
03.18 Evaluation (Certified)	03.18 AP.11 Appeals/Hearings (Certified)	Establish that evaluation appeals shall be managed in accordance with CBAs, as appropriate. There are no changes to current practice.
03.28 Evaluation (Classified)	03.28 AP.1 Evaluation Process (Classified)	Establishes that evaluation appeals by shall be managed in accordance with CBAs, as appropriate. There are no changes to current practice.
03.28 Evaluation (Classified)	03.28 AP.12 Confidentiality of Records (Classified)	Establishes that personnel evaluation records will be kept as a part of the employee's personnel file. There are no changes to current practice.
09.42811 Harassment/ Discrimination (Students)	09.42811 AP.1 Notice to Individuals Complaining of Harassment	Provides notice to individuals complaining of harassment of the procedures for submitting a complaint.

		There are no changes to current practice.
09.438 Student Support & Behavior Intervention Handbook	09.438 AP.1 Student Reporting of SSBIH Violations	Establishes procedure for a student report of a violation of the SSBIH, and prohibits retaliation against a student who reports a violation. There are no changes to current practice.
03.18 Evaluation (Certified)	03.18 AP.22 Evaluation Committee (Certified)	Establishes that evaluation appeals by shall be managed in accordance with the CBA and the District Certified Evaluation Plan. There are no changes to current practice.
03.18 Evaluation (Certified)	03.18 AP.12 Confidentiality of Records (Certified)	Establishes that personnel evaluation records will be kept as a part of the employee's personnel file. There are no changes to current practice.
03.2711 Nonrenewal (Classified)	03.2711 AP.21 Notification of Nonrenewal (Classified)	Requires written notice of nonrenewal be provided to an employee by May 15. There are no changes to current practice.

Grievance Procedures

FOR EMPLOYEES UNDER NEGOTIATED AGREEMENTS WITH RECOGNIZED EMPLOYEE ORGANIZATIONS ~~COMPLAINT/APPEAL PROCEDURE FOR EMPLOYEES EXEMPT FROM REPRESENTATION~~

Employees may submit a formal grievance about an alleged violation of a constitutional, statutory, or regulatory provision, of a Board policy, administrative rule, or procedure. Grievance procedures shall be in accordance with the negotiated collective bargain agreement.

FOR EMPLOYEES EXEMPT FROM NEGOTIATED AGREEMENTS WITH RECOGNIZED EMPLOYEE ORGANIZATIONS

Employees may submit a formal complaint about an alleged violation of a constitutional, statutory, or regulatory provision, of a Board policy, administrative rule, or procedure. Complaint forms may be accessed from the District website.

This Complaint Procedure was developed by the Superintendent/designee pursuant to Board Policy 03.16 to provide employees, classified as exempt from representation by a recognized employee organization an opportunity to formally bring to the attention of appropriate administrative staff their complaints, regarding the effect of the application of a policy, procedure, or rule on them. Employees making allegations of harassment or discrimination must follow the administrative grievance procedures developed by the Superintendent/designee pursuant to Board Policy 03.162. ~~All forms are on the District website~~

1. An employee seeking resolution of a complaint related to the application of a policy, procedure, or rule shall follow the steps outlined below:

- a. Level I A

An employee who believes there is a basis for a complaint shall, within ten (10) days of the employee's awareness of the decision or circumstance giving rise to the complaint, meet and discuss the complaint with the employee's immediate supervisor, with the objective of resolving the complaint informally.

- b. Level I B

If the employee does not accept the immediate supervisor's resolution of the complaint, the employee, within five (5) days after the Level I A meeting, may submit the complaint in writing to the employee's immediate supervisor on Complaint Form A. The employee shall send a copy of Complaint Form A to Employee Relations. The supervisor will provide the employee a written response within five (5) days on Complaint Form B. A copy of Complaint Form B will be submitted to Employee Relations and to the appropriate administrator.

- c. Level II

If the employee is not satisfied with the written response, of the supervisor, the employee may appeal the supervisor's response to the administrator to whom the supervisor reports, within five (5) days of receiving the written response, by completing the appeals section in Complaint Form B, signing the form on the appropriate signature line, and submitting the completed and signed form to Employee Relations. The completed and signed Complaint Form B will be forwarded by Employee Relations to the appropriate administrator and the supervisor.

Grievance Procedures**FOR EMPLOYEES EXEMPT FROM NEGOTIATED AGREEMENTS WITH RECOGNIZED EMPLOYEE ORGANIZATIONS COMPLAINT/APEAL PROCEDURE FOR EMPLOYEES EXEMPT FROM REPRESENTATION**

c. Level II (continued)

The administrator to whom the Complaint Form B is forwarded, will schedule a meeting to review the appeal with the employee and will provide a written decision on Complaint Form C to the employee within five (5) days after the meeting. The administrator will provide copies of Complaint Form C to the employee's immediate supervisor and Employee Relations.

d. Level III

If the employee is not satisfied with the Level II decision, the employee may appeal the Level II decision to the Superintendent/designee, within five (5) days of receiving the Level II decision, by completing the appeal section in Complaint Form C, signing the form on the appropriate signature line, and submitting the completed and signed form to Employee Relations, with copies to the appropriate administrator and the immediate supervisor. Following a meeting, the Superintendent/designee will provide the employee a written decision, which will be final, on Communication form D within ten (10) days of the request with copies to the immediate supervisor and appropriate administrator.

e. Legal remedies

If the employee is not satisfied with the Level III decision of the Superintendent/designee, the employee may pursue such legal remedies as the law may provide.

2. The time limits provided for in this Complaint Procedure shall be strictly observed unless extended by written mutual agreement. Failure of the employee to proceed with a complaint or an appeal within the time limits provided shall result in its dismissal.

Failure of the immediate supervisor or administrator(s) to respond within the time limits provided shall entitle the employee to proceed to the next step in the Complaint Procedure.

For the purposes of this procedure, days are defined as days of the week, excluding Saturday, Sunday, and holidays.

Nothing in this policy is intended to alter the requirements for notice or affect ~~an~~ **employee's** right under KRS 161.765 or KRS 161.790. If an employee opts to pursue a complaint using another agency or another process as provided for by statute, the employee waives the right to the District complaint procedure.

An employee or supervisor may contact Employee Relations at 485-3151 for information and to obtain forms.

RELATED PROCEDURE:**03.16 AP.2**

Grievance Procedures

Please see existing Procedure 03.16 AP.1.

~~COMPLAINT/APPEAL PROCEDURE FOR EMPLOYEES EXEMPT FROM REPRESENTATION~~

~~Employees exempt from negotiated agreements with recognized employee organizations wishing to initiate a formal grievance about the application of a Board policy, administrative rule, or procedure shall refer to Procedure 03.16 AP.1/Grievance Procedures and use the form provided by Procedure 03.16 AP.2/Grievance Initiation Form.~~

Eligibility for Transportation**STUDENTS WITH DISABILITIES**

The need for special transportation for students with disabilities must be determined by the ARC or Section 504 Team and stated in the student's Individual Education Plan (IEP) or Section 504 Plan.

CHILDREN IN FOSTER CARE

1. The District collaborates with child welfare agencies to ensure transportation to the school of origin for students in foster care is provided, arranged, and funded when it is in the student's best interest as set forth in Board Policy 09.12 to remain in the school of origin. Transportation costs will not be considered a factor when determining a child's best interest.
2. Students and guardians are advised of their rights under the federal Every Student Succeeds Act (ESSA): to remain in the school of origin or to change schools if it is determined to be in the student's best interest. It is presumed that remaining in the school of origin is in the student's best interest unless a best interest determination meeting is held and a decision is made for the student to change schools.
3. Upon determination that is in the student's best interest to remain in the school of origin, a request for transportation may be received via: phone, email, District staff, foster care application, transportation application, or other means.
4. Access and Opportunity (A&O) staff member or school foster care liaison will verify parent guardian information, student information and new placement information, including address and phone number , and any pertinent school or transportation details.
5. The Transportation Department receives the request and assigns a bus or van as available, notifying the school foster care liaison, Principal, and A&O Office.
6. The school foster care liaison is responsible for notifying the family of the transportation details upon receipt.
7. Outstanding requests are monitored. After one (1) week of no assigned bus or van route, alternative transportation methods are explored with the case manager.
8. If there is not a bus route or van that can accommodate the request:

An A&O staff member will discuss the transportation needs with the family or case manager to develop an alternative transportation plan. According to ESSA, transportation to the school of origin is the responsibility of both the child welfare agency and the school District.
9. Parties are eligible to complete a dispute resolution form if they do not agree with the identified transportation method or if they do not agree with the best interest determination.

Note: If the student does not use established transportation for five (5) consecutive days without contacting the A&O office, the route will be cancelled.

Eligibility for Transportation**HOMELESS STUDENTS****McKinney-Vento Transportation Request Protocol**

1. Parents are advised of their rights under the federal McKinney-Vento Homeless Assistance Act to remain in the school of origin or to change schools if they feel it is in the student's best interest as set forth in Board Policy 09.12. It is presumed that remaining in the school of origin is in the student's best interest unless a best interest determination meeting is held and a decision is made for the student to change schools.
2. Upon determination that is in the student's best interest to remain in the school of origin, a request for transportation may be received via: phone, email, District staff, foster care application, transportation application, or other means.
3. An A&O staff member or school homeless liaison will verify parent guardian information, student information and new placement information, including address and phone number, and any pertinent school or transportation details.
4. The Transportation Department receives the request and assigns a bus or van as available, notifying the school foster care liaison, Principal, and A&O Office.
5. The school homeless liaison is responsible for notifying the family of the transportation details upon receipt.
6. Outstanding requests are monitored. After one (1) week of no assigned bus or van route, alternative transportation is offered to the family.
7. If there is not a bus route or van that can accommodate the request:

An A&O staff member will discuss the transportation needs with the family to identify an alternative transportation plan. The plan must take into consideration the student's age, location, living status, etc. and whether transportation continues to be a barrier to educational access.
8. Families are eligible to complete a dispute resolution form if they do not agree with the identified transportation method.

Note: If the student does not use established transportation for five (5) consecutive days without contacting A&O office, the route will be cancelled.

REFERENCES:

¹KRS 199.802
KRS 605.120
922 KAR 1:350
42 U.S.C. § 675(4)(A)
20 U.S.C. § 6311(g)(1)(E)
20 U.S.C. § 6312(c)(5)
P. L. 114-95, (Every Student Succeeds Act of 2015)

-CERTIFIED PERSONNEL-

Appeals/Hearings

PURPOSE

An Appeals Panel shall be established in accordance with KRS Chapter 156 and 704 KAR 3:370. Based on issues identified in an employee's appeal documentation, the Panel shall determine whether the employee has demonstrated that a procedural violation has occurred under the District's evaluation plan and whether the summative evaluation is supported by the evidence.

The burden of proof that an employee was not fairly and/or correctly evaluated on the summative evaluation rests with the employee who appeals to the Panel.

APPEALS

The appeal process shall be in accordance with collective bargaining agreement posted on the District website, and the Certified Evaluation Plan which is posted on the District website and is on file with the Kentucky Department of Education.

- CLASSIFIED PERSONNEL -

Evaluation Process

EVALUATION PROCEDURE

Evaluations shall be made in writing and the evaluator shall hold a conference with the employee. The employer's written comments (if any) shall be attached to the report and the report filed with the Personnel Record's Department. The appeal process, posted on the District website, is available to employees who wish to appeal their evaluation in accordance with the collective bargaining agreement, where appropriate.

~~—CLASSIFIED PERSONNEL—~~

Confidentiality of Records

Personnel evaluation records, specifically the personnel evaluation folder and its contents, will be kept as a part of the employee's personnel file and will be treated with the same confidentiality as other personnel records.

Notice to Individuals Complaining of Harassment/Discrimination

The District shall provide a learning environment free from harassment/discrimination. A parent or student with a complaint may choose to first discuss the grievance with the school Principal/designee involved with the objective of resolving the matter promptly and informally. The parent or student should expect a decision at the end of the informal meeting or at a reasonable time thereafter (five [5] school days). If the matter is not voluntarily resolved to the satisfaction of the grievant, the grievant may file a formal written complaint and submit it to the District's Title IX/Equity Coordinator:

Director of Compliance and Investigations
Jefferson County Public Schools
C.B. Young Jr. Service Center
3001 Crittenden Drive
Louisville, KY 40209-1104

Procedures for the submission, investigation, resolution, and appeal of an allegation of harassment/discrimination are set forth in the JCPS Discrimination Grievance Procedure Handbook, which is available on the Department of Compliance and Investigations webpage on the District website.

Retaliation against an individual who has reported improper conduct by faculty, staff or students, including sexual harassment/discrimination, is strictly forbidden. If you believe that any of those parties is retaliating against you in any way, please notify the Title IX/Equity Coordinator and/or a District administrator immediately. If you are not satisfied with the District's response, you have the right to file a complaint with the Office of Civil Rights at the following address:

Wanamaker Building, Suite 515
100 Penn Square East
Philadelphia, PA 19107

**Student Reporting of Violations of the Student Support and Behavior
Intervention Handbook**

Students wishing to report bullying or other violation of the Student Support and Behavior Intervention Handbook (SSBIH) may report it to a classroom teacher, who shall take appropriate action as defined by the (SSBIH).

RETALIATION PROHIBITED

Employees and other students shall not retaliate against a student because s/he reports bullying or other violation of the (SSBIH) or assists or participates in any investigation, proceeding, or hearing regarding the violation. The Superintendent/designee shall take measures needed to protect students from such retaliation.

-CERTIFIED PERSONNEL-

Evaluation Committee

EVALUATION COMMITTEE

Evaluations may be appealed to an Evaluation Appeal Panel in accordance with the collective bargaining agreement where appropriate, posted on the District website, and the Certified Evaluation Plan posted on the District website and on file with the Kentucky Department of Education.

- CERTIFIED PERSONNEL -

Confidentiality of Records

Personnel evaluation records, specifically the personnel evaluation folder and its contents, will be kept as a part of the employee's personnel file.

ACCESSIBILITY

Evaluation records shall be accessible in accordance with the collective bargaining agreement and with Board Policy 03.15 Personnel Records.

RELATED PROCEDURE:

03.18 AP.11

- CLASSIFIED PERSONNEL -

Notification of Nonrenewal

An employee whose contract is not being renewed for the next school year shall be provided or mailed written notice of nonrenewal no later than May 15.