LEGAL: SB 8 REVISES THE DEFINITION OF AN SRO, TRAINING REQUIREMENTS, AND ADDS A FIREARM REQUIREMENT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# ADMINISTRATION A02.31

School Resource Officers (SROs)

Definition

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

(a) 1. A sworn law enforcement officer; or

2. A special law enforcement officer appointed pursuant to KRS 61.902; and

(b) Employed:

1. Through a contract between a local law enforcement agency and a school district;

2. Through a contract as secondary employment for an officer, as defined in KRS 16.010, between the Department of Kentucky State Police and a school district; or

3. Directly by a local Board of Education.1

Training Requirements

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

Firearm Requirement

Each SRO shall be armed with a firearm, notwithstanding any provision of local board policy, local school council policy, or memorandum of agreement.2

Superintendent to Report

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

References:

1KRS 158.441

2KRS 158.4414

KRS 61.902

KRS 158.4415

Related Policy:

09.4361

LEGAL: SB 79 AMENDS KRS 160.380 REPLACING “SUBSTANTIATED” FINDING OF CHILD ABUSE OR NEGLECT WITH “ADMINISTRATIVE” FINDING OF CHILD ABUSE OR NEGLECT.

FINANCIAL IMPLICATIONS: COST OF PRINTING NEW APPLICATIONS AND STAFF TIME TO TRACK THE STATUS IF REPORT INDICATES SUBSTANTIATED FINDING IS ON APPEAL

# PERSONNEL AG03.11

‑ Certified Personnel ‑

Hiring

Authority to Employ

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

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

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

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

Contracts

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

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

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

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

Hiring of Relatives

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

Creation of New Positions

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

# PERSONNEL AG03.11

# (Continued)

Hiring

Creation of New Positions (continued)

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

Job Posting

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

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

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

Criminal Records Check

Each application form provided by the employer to an applicant for a certified position shall conspicuously state the following:

"FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES.”

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

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

# PERSONNEL AG03.11

# (Continued)

Hiring

Criminal Records Check (continued)

The initial employment process for any new employee is not complete unless and until the Executive Director receives the results of any background check and verifies the employee qualified for final employment. Initial employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a felony sex crime or as a violent offender as defined in KRS 17.165 or other conviction determined by the Executive Director to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall also be contingent on receipt of a letter from the Cabinet provided by the individual documenting that the individual does not have an administrative finding of child abuse or neglect in records maintained by the Cabinet.

“Administrative finding of child abuse or neglect” means a substantiated finding of child abuse or neglect issued by the Cabinet for Health and Family Services that is:

1. Not appealed through an administrative hearing conducted in accordance with KRS Chapter 13B;
2. Upheld at an administrative hearing conducted in accordance with KRS Chapter 13B and not appealed to a Circuit Court; or
3. Upheld by a Circuit Court in an appeal of the results of an administrative hearing conducted in accordance with KRS Chapter 13B.1

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

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

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

# PERSONNEL AG03.11

# (Continued)

Hiring

Report to Executive Director

An employee shall report to the Executive Director if the employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal.

Reasonable Assurance of Continued Employment

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

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

Employees Seeking a Job Change

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

References:

KRS 160.380

KRS 161.605; 702 KAR 1:150

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

20 U.S.C. § 7926

KRS Chapter 13B

KRS 17.160; KRS 17.165

KRS 156.106; KRS 160.345; KRS 160.390

KRS 161.042; KRS 161.611; KRS 161.750

KRS 335B.020; KRS 405.435

16 KAR 9:080;704 KAR 7:130

OAG 18-017; OAG 73-333; OAG 91-10; OAG 91-149; OAG 91-206

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

Records Retention Schedule, Public School District

Related Policies:

01.11; 03.132

LEGAL: SB 174 AMENDS KRS 157.395 TO PROVIDE THAT FOR TEACHERS OBTAINING NBCT CERTIFICATION AFTER JULY 1, 2020, IF THE AMOUNT APPROPRIATED BY THE GENERAL ASSEMBLY IS LESS THAN $2,000, THE BOARD MAY PROVIDE AN ADDITIONAL SUPPLEMENT TO THE TOTAL ANNUAL SUPPLEMENT OF $2,000 FOR THE LIFE OF THE CERTIFICATE.

FINANCIAL IMPLICATIONS: POSSIBLE COST SAVINGS IF A BOARD DOES NOT CHOOSE TO PROVIDE THE FULL $2,000 AMOUNT

# PERSONNEL EK03.121

‑ Certified Personnel ‑

Salaries

Single‑Salary Basis

All salaries for certified personnel shall be based on a single‑salary schedule providing, at minimum, for the number of working days required by law.

Although a school may submit a request for an increment for an extended employment position, extra service, or related adjustments, the Board must set increments in pay for positions requiring services beyond those normally expected of other positions if the duties rendered extend beyond the regular school day or require extended days.

Extended Employment

Compensation for employment contracted beyond the minimum number of working days required by law shall be prorated.

Extended employment positions shall be established in a position job description, funded in the NKCES budget, and specified in an addendum to the employee's contract.

Addition of days to be worked beyond the original contract or additional days of extended employment for a position require prior Board approval before the change goes into effect.

Extra Services, Supplements and Supervision

The Board shall annually establish a schedule of compensation for extra services, special duty supplements and supervision.

National Board Certified Teacher (NBCT) Supplement

As provided under law, teachers who attain certification from the National Board for Professional Teaching Standards on or before July 1, 2020, shall be given an annual salary supplement of two thousand dollars ($2,000) for the life of the certificate. A teacher who attains certification after July 1, 2020, shall be given an annual salary supplement for the life of the certificate, in accordance with the amount appropriated for this purpose by the General Assembly. If an annual supplement amount appropriated by the General Assembly is less than two thousand dollars ($2,000), the Board may provide an additional supplement up to the amount required for the total annual supplement to equal two thousand dollars ($2,000).

Rank and Experience

The rank and experience of certified personnel shall be determined at time of hire. The Executive Director shall validate all experience of professional personnel employed in by NKCES.

Changes in rank and experience shall be determined on September 15 of each year.

To assist with the budgeting process, candidates for NBCT certification shall notify the Executive Director/designee in writing prior to September 15 that certification is pending in order for the employee to receive any rank-related increase retroactive to the beginning of the school year.

# PERSONNEL EK03.121

# (Continued)

Salaries

Exception

The salary of the Executive Director may be established without regard to the above‑mentioned schedules.

Payroll Distribution

Checks will be issued according to a schedule approved annually by the Executive Director. The NKCES shall furnish the employee with either a paper or electronic statement. If statements are provided electronically, employees shall be provided access to a computer and printer for review and printing of their statement.

At the close of the school year, employees who have completed all responsibilities and duties may request to be paid their remaining salary prior to the end of the fiscal year.

Qualifications

Employees shall be responsible for providing the Executive Director with all required certificates, health examinations, and verifications of experience prior to beginning work.

Notice of Salary

Not later than forty-five (45) days before the first student attendance day of the succeeding school year or June 15, whichever occurs earlier, the Executive Director shall notify all certified personnel of the best estimate of the salary for the coming year.

Payroll Deductions

The Board shall approve all payroll deductions as specified by KRS 161.158 and Board Policy 03.1211.

References:

KRS 157.075; KRS 157.320; KRS 157.350; KRS 157.360

KRS 157.390; KRS 157.395; KRS 157.397; KRS 157.420

KRS 160.290, KRS 160.291

KRS 161.1211, KRS 161.134, KRS 161.168; KRS 161.760

KRS 337.070; KRS 424.120; KRS 424.220; 16 KAR 1:040; OAG 97-25

702 KAR 3:060, 702 KAR 3:070, 702 KAR 3:100, 702 KAR 3:310

29 C.F.R. Section 541.303, 29 C.F.R. Section 541.602, 29 C.F.R. Section 541.710

Related Policies:

03.1211; 03.4

LEGAL: SB 8 CHANGES THE ACTIVE SHOOTER TRAINING REQUIREMENT TO PROVIDED OR PREPARED BY THE KY DEPARTMENT OF CRIMINAL JUSTICE TRAINING IN COLLABORATION WITH KDE INSTEAD OF PROVIDED OR PREPARED BY KDE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL AI03.19

‑ Certified Personnel ‑

Professional Development

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

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

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

Active Shooter Situations

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

References:

KRS 156.095, KRS 156.553

KRS 158.645; KRS 158.6451

KRS 158.070, KRS 160.345

704 KAR 3:035, 704 KAR 3:325

Related Policy:

09.22

LEGAL: SB 79 AMENDS KRS 160.380 REPLACING “SUBSTANTIATED” FINDING OF CHILD ABUSE OR NEGLECT WITH “ADMINISTRATIVE” FINDING OF CHILD ABUSE OR NEGLECT.

FINANCIAL IMPLICATIONS: COST OF PRINTING NEW APPLICATIONS AND STAFF TIME TO TRACK THE STATUS IF REPORT INDICATES SUBSTANTIATED FINDING IS ON APPEAL

# PERSONNEL BA03.21

‑ Classified Personnel ‑

Hiring

Authority to Employ

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

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

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

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

Contracts

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

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

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

Hiring of Relatives

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

Creation of New Positions

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

Creation of New Positions

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

# PERSONNEL BA03.21

# (Continued)

Hiring

Job Posting

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

Criminal Records Check

Each application form provided by the employer to an applicant for a classified position shall conspicuously state the following:

"FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES.”

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

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

The initial employment process for any new employee is not complete unless and until the Executive Director receives the results of any background check and verifies the employee qualified for final employment. Initial employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a felony sex crime or as a violent offender as defined in KRS 17.165 or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall also be contingent on receipt of a letter from the Cabinet provided by the individual documenting that the individual does not have an administrative finding of child abuse or neglect in records maintained by the Cabinet.

“Administrative finding of child abuse or neglect” means a substantiated finding of child abuse or neglect issued by the Cabinet for Health and Family Services that is:

1. Not appealed through an administrative hearing conducted in accordance with KRS Chapter 13B;
2. Upheld at an administrative hearing conducted in accordance with KRS Chapter 13B and not appealed to a Circuit Court; or
3. Upheld by a Circuit Court in an appeal of the results of an administrative hearing conducted in accordance with KRS Chapter 13B.1

# PERSONNEL BA03.21

# (Continued)

Hiring

Criminal Records Check (continued)

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

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

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

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

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

Report to Executive Director

An employee shall report to the Executive Director if the employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal.

Reasonable Assurance of Continued Employment

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

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

Employees Seeking a Job Change

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

# PERSONNEL BA03.21

# (Continued)

Hiring

References:

KRS 160.380

KRS 161.011

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

34 C.F.R. § 200.58; 45 C.F.R. § 1302.90

49 C.F.R. § 382.701; 49 C.F.R. § 382.703

KRS Chapter 13B

KRS 17.160; KRS 17.165; KRS 156.070; KRS 160.345; KRS 160.390

KRS 335B.020; KRS 405.435

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

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

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

Kentucky Local District Classification Plan

13 KAR 3:030; 702 KAR 3:320; 702 KAR 5:080

Records Retention Schedule, Public School District

Related Policies:

01.11; 03.232; 03.27; 03.5

LEGAL: FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION REGULATIONS (FMCSA) PROVIDE THAT CDL HOLDER CONSENT IS TO BE OBTAINED IN CONNECTION WITH MANDATORY QUERYING OF THE FEDERAL ELECTRONIC “CLEARINGHOUSE” AND SUCH EMPLOYEES ARE DISQUALIFIED FROM SERVING IN POSITIONS REQUIRING LICENSURE IF THEY REFUSE TO CONSENT. IN ADDITION, IF A QUERY RESULTS IN A DISQUALIFYING DEPARTMENT OF TRANSPORTATION (DOT) DRUG OR ALCOHOL VIOLATION, A CDL HOLDER CANNOT WORK IN A SAFETY SENSITIVE POSITION. IN SUCH CASES, PERSONNEL ACTION MAY BE NECESSARY.

FINANCIAL IMPLICATIONS: COST OF QUERY

# PERSONNEL AA03.27

‑ Classified Personnel ‑

Discipline, Suspension and Dismissal of Classified Employees

Disciplinary Options

Employees may be subject to the following disciplinary actions by the Executive Director, to include, but not be limited to:

* Documented verbal warning or reprimand by the Executive Director/designee
* Written warning or reprimand by the Executive Director /designee
* Probation imposed by the Executive Director/designee
* Reassignment (temporary or permanent) by the Executive Director
* Public reprimand by the Executive Director
* Suspension without pay by the Executive Director

A period of suspension without pay shall not exceed (20) working days. Suspension by the Executive Director at the recommendation of a program director (or by the program director in cases of violations as defined below) shall result in employees being relieved immediately of their duties. Suspension may result from previous cumulative disciplinary action or may occur without prior supervisory correction if, in the opinion of the Executive Director, the employee’s offense is so severe that continued presence on the job may result in danger, threat, or harm to the students, staff, cooperative property or equipment, or to the employee.

An employee who is suspended shall receive a written explanation of the reason for the suspension, signed by the Executive Director and the employee. The employee’s signature assures only that the offense and subsequent terms of suspension have been discussed with the employee and does not necessarily constitute the employee’s agreement with the reason for suspension. The appropriate program director must receive a copy of the suspension action and place it in the employee’s personnel file.

Employees on suspension without pay shall lose pay and fringe benefits for the period of suspension. An employee may arrange to maintain insurance benefits during the suspension without pay, provided they pay the premiums to keep benefits in paid status.

Consultation between the employee, his/her immediate supervisor or program director, and the Executive Director must occur before the employee is reinstated.

* Nonrenewal by the Executive Director
* Dismissal (termination of contract) by the Executive Director

# PERSONNEL AA03.27

# (Continued)

Discipline, Suspension and Dismissal of Classified Employees

Disciplinary Options (continued)

An employee may be relieved from duty for the remainder of the work day by the immediate supervisor, pending action by the Executive Director, when drugs, alcohol, and/or the safety of employees or others are involved.

Actions Which May Require Hearing Procedures

Only the Executive Director may issue a public reprimand, suspend without pay or terminate a classified employee. Subject to the employee’s exercise of applicable hearing rights, these personnel actions shall be effective on the employee’s receipt of written notice from the Executive Director. Subject to the completion of any pending administrative hearing procedure on the action, the Superintendent shall notify the Board at the first meeting following a public reprimand, suspension without pay, or termination and such notification shall be recorded in the Board minutes.

Temporary Suspension with Pay Pending Investigation

An employee shall be suspended with pay only when the Executive Director determines there is a justifiable safety need or to prevent significant disruption of the workplace and/or educational process. The period of suspension with pay shall not exceed the time needed to determine whether the employee is to return to active service or face disciplinary action. Typically, suspension with pay shall not exceed ten (10) working days. However, if circumstances arise that require an investigation or other proceedings that may extend beyond ten (10) days, the Executive Director may lengthen the period of suspension, not to exceed an additional fifteen (15) working days. Employees suspended with pay shall remain available for immediate recall to active service.

Causes for Personnel Action

Reasons for which an employee shall be subject to disciplinary or job action shall include, but not be limited to, the following:

1. Dishonesty, neglect of duty, incompetence, inefficiency or insubordination.
2. Reporting to work under the influence of or use or possession of alcohol while on duty, or the illegal use or possession of controlled substances at any time.
3. Unauthorized possession or use of firearms, dangerous weapons, or explosives on NKCES property.
4. Unsatisfactory evaluation of any factor on the employee's performance evaluation report and/or failure to improve.
5. Unexcused absence, tardiness, absence without notification or abuse of sick leave.
6. Violation of or refusal to obey NKCES policies or state regulations adopted by the Kentucky Board of Education or by the Board.
7. Failure to notify the Executive Director if the classified employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal.
8. Refusal to comply with safety directives.

# PERSONNEL AA03.27

# (Continued)

Discipline, Suspension and Dismissal of Classified Employees

Causes for Personnel Action (continued)

1. Falsifying information supplied to NKCES including information on application forms, absence reports, time sheets, calendars, travel reports, or any other information.
2. Criminal convictions for felonies or other acts of conduct occurring on or off the job which are directly related to job performance, or reflect adversely upon NKCES or its operations, or are of such nature that to continue the employee in the assigned position could constitute negligence in regard to duties to students, program participants, employees, and to the general public.
3. Being convicted of or entering an “Alford” plea or plea of *nolo contendere* to a felony or any crime (including misdemeanors) involving moral turpitude or illegal transactions with minors or students.
4. Immorality, misconduct, or conduct unbecoming a NKCES employee.
5. Loss of licensure or certification required for the assigned position; failure to provide cooperation or consents necessary to serve or continue serving in positions requiring licensure; or being disqualified from serving in a licensed position based on information obtained by the District from the Federal Motor Carrier Safety Administration (FMCSA) drug and alcohol electronic “Clearinghouse” or otherwise.
6. Behavior that poses a threat to the operation of NKCES or to the safety and well-being of the individual or others or to property.
7. Unauthorized use or misuse, stealing, or unauthorized removal of NKCES, agency or government property or records.
8. Breach of confidentially regarding students, program participants, or employees of the agency obtained in the course of employment, unless disclosure serves a legitimate job-related purpose or is required by law.
9. Engaging in any sexually related behavior with a student with or without consent, including, but not limited to, behavior such as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape, threats of physical harm; and sexual assault.
10. Physical or mental disability, consistent with applicable laws protecting employees with disabilities.

The Executive Director shall develop/adopt procedures to provide adequate due process, covering matters that may result in public reprimand, suspension without pay or termination of classified employees. The procedures shall address, but are not limited to notice, opportunity to be heard, right to counsel, conducting a hearing (if requested), and the rendition of a decision or action.

# PERSONNEL AA03.27

# (Continued)

Discipline, Suspension and Dismissal of Classified Employees

Causes for Personnel Action (continued)

Employees shall be provided written notification of the charges that may result in a public reprimand, suspension without pay or termination. The notification shall include a statement of the right to a hearing and a form, the signing and filing of which with the Executive Director shall constitute a demand for a hearing and a denial of the charges. If an employee wishes to request a hearing, the employee shall present the appropriate form to the Executive Director within ten (10) calendar days of the receipt of the written notification of the charges. If the employee does not file the demand for a hearing within the ten (10) day period, final personnel action may be taken or completed without a hearing or further proceedings.

Resignation

In the absence of a specific policy or written agreement to the contrary, employees are free to resign at any time. However, all employees are expected to give written notice of their intent to resign. Such notice should be delivered to the Program Director or Executive Director in advance of the date of resignation as follows:

Classified staff – ten (10) working days

Failure to give the required notice may result in forfeiture of NKCES paid benefits, including accrued vacation and ineligibility for re-employment.

Before the effective date of a resignation, the employee must arrange for an exit interview to determine the reason for the decision; to ensure return of petty cash and/or Cooperative property; to settle any outstanding obligations; to make provisions for completing unfinished work; and to explain conversion benefits under the Cooperative's group insurance plans and other vested benefits available to the employee under the Cooperative’s benefit plan (COBRA).

Other Disciplinary Actions

When disciplinary actions other than public reprimand, suspension without pay or termination, are at issue, employees may submit a written response, which shall be placed in their file along with any documentation of the disciplinary action.

References:

Americans with Disabilities Act

42 U.S.C. Section §12111 et seq.

49 C.F.R. § 382.701; 49 C.F.R. § 382.703

KRS Chapter 344

KRS 160.380; KRS 160.390; KRS 161.011

OAG 92‑135, OAG 96-3, OAG 05-006

Consolidated Omnibus Budget Reconciliation Act

Related Policies:

03.212; 03.23251; 03.26; 03.271; 03.2711; 09.14; 09.42811

LEGAL: SB 8 CHANGES THE ACTIVE SHOOTER TRAINING REQUIREMENT TO PROVIDED OR PREPARED BY THE KY DEPARTMENT OF CRIMINAL JUSTICE TRAINING IN COLLABORATION WITH KDE INSTEAD OF PROVIDED OR PREPARED BY KDE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL R03.29

‑ Classified Personnel ‑

Staff Development

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

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

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

Active Shooter Situations

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

References:

KRS 156.095; KRS 158.070

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

34 C.F.R. 200.58

LEGAL: SB 79 AMENDS KRS 160.380 REPLACING “SUBSTANTIATED” FINDING OF CHILD ABUSE OR NEGLECT WITH “ADMINISTRATIVE” FINDING OF CHILD ABUSE OR NEGLECT.

FINANCIAL IMPLICATIONS: COST OF PRINTING NEW APPLICATIONS AND STAFF TIME TO TRACK THE STATUS IF REPORT INDICATES SUBSTANTIATED FINDING IS ON APPEAL

# PERSONNEL BJ03.4

Substitute Teachers

Qualifications

All substitute teachers shall meet background records check requirements (including a letter from the Cabinet for Health and Family Services provided by the individual documenting that the individual does not have an administrative finding of child abuse or neglect in records maintained by the Cabinet) and medical examination requirements as specified in policy 03.11 and Kentucky Administrative Regulation. In addition, substitutes serving in a position on a long-term/extended basis must meet all certification requirements established by the Education Professional Standards Board.

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

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

Substitute List

The Executive Director or designee shall maintain a list of qualified substitute teachers who hold the required substitute teaching certification. Refusal of assignment as a substitute shall be documented, along with any reason provided.

Retired Teachers

Retired teachers may be reemployed as a part-time, temporary, or substitute teacher in keeping with requirements of the Teacher’s Retirement System.

Length of Duty

Substitute teachers shall observe the same hours of duty as the regular teacher. The substitute will continue to report for duty until relieved by the Executive Director or designee.

Substitute teachers shall follow daily lesson plans as outlined by the regular teacher and leave a written record of the work completed during their length of duty.

Substitute Salary and Payment Schedule

Substitutes shall be paid on a per diem basis according to the salary schedule approved by the Board. The salary schedule may reflect adjustments for long‑term/continuous assignment substitutes.

Payment shall be made on the next scheduled paydate for substitutes.

Employment Notification

Each year, substitute teachers on the NKCES substitute list shall be notified in writing by the last day of school if they have reasonable assurance of continued employment for the following school year.

Nonrenewal of substitute teachers on limited contracts shall be made in compliance with the requirements of KRS 161.750.

References:

KRS 17.160; KRS 17.165; KRS 156.106; KRS 160.380; KRS 161.605; KRS 161.611

16 KAR 2:030; 16 KAR 2:120; 102 KAR 1:030; 702 KAR 1:035; 702 KAR 3:075

OAG 69‑296

# PERSONNEL BJ03.4

# (Continued)

Substitute Teachers

Related Policy:

03.11

LEGAL: REQUIREMENTS FOR BOOSTER CLUBS AND SCHOOL ACTIVITY FUNDS HAVE BEEN UPDATED IN THE REVISED ACCOUNTING PROCEDURES FOR KENTUCKY SCHOOL ACTIVITY FUNDS (REDBOOK) ISSUED BY THE KENTUCKY DEPARTMENT OF EDUCATION, WHICH WENT INTO EFFECT AUGUST 2019. THE BOARD HAS DISCRETION DETERMINING DONATION VALUE TO BE RETAINED AT SCHOOL LEVEL.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# FISCAL MANAGEMENT DU04.312

School Activity Funds

School activity funds refer to all school funds including funds derived from fund-raising activities and Board approved fees sponsored under the auspices of the school by student clubs or student organizations. Funds raised or received by organizations that do not come under the direct supervision of school authorities shall not be considered 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 (Redbook). The Executive Director shall review the status of school activity funds at least twice each fiscal year.

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 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

Activity funds may only be expended as authorized in the Accounting Procedures for Kentucky School Activity Funds.

Activity fund 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 Executive Director 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 Executive Director an annual financial report for those accounts.

Definition of District Activity Funds

Non-student generated funds collected at the school level to be used for operating costs. Operating costs are the expenses which are related to the operation of a District, or to the operation of a device, component, or a piece of equipment or facility. They are the cost or resources used by a District just to maintain its existence.1

Funds carry over at year end subject to board policy.

# FISCAL MANAGEMENT DU04.312

# (Continued)

School Activity Funds

Donations

With the Principal’s approval, schools may receive donations, including gifts of personal property, for the benefit of the school or for the students of the school, that are valued at an amount as determined by the Board in Policy 04.61 and hold and use as requested. Donations valued at more than that amount must be approved by the Board.

Donations specifically for instructional materials or operating expenses must be sent to the District as District Activity Funds.

Donations valued at $250 or more require a Donation Acceptance Form be completed.

A listing of all donations shall be submitted to the Board at the end of each fiscal year.

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 Support/Booster Clubs

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 be provided the following from all support/booster club organizations as required by state activity fund accounting procedures:

1. Within the first thirty (30) days of the school year or within thirty (30) days of the first transaction for the group:
2. Names of club officers;
3. Federal Employer Identification Number (FEIN); and
4. A copy of the annual budget.
5. An annual financial report by July 25 for the year ending June 30 reporting receipts, expenditures, and beginning and ending balances;1 and
6. All other information required by Accounting Procedures for Kentucky School Activity Funds.

External support/booster organization officers are solely responsible for ensuring that their group is in compliance with District policies, external support/booster organization guidelines in the Redbook, and state and federal regulations. The District, including any District employee, shall not be held responsible for any deficiencies by the external support/booster organization.

All support/booster organizations wishing to be recognized by and/or affiliated with the NKCES 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 NKCES; and
* Conduct fund-raising activities to benefit the entire group and not permit credit to be earned through fund-raising for an individual student.

# FISCAL MANAGEMENT DU04.312

# (Continued)

School Activity Funds

School Support/Booster Clubs (continued)

Each year the Executive Director shall report to the Board when all support/booster organizations have been informed of requirements from the Accounting Procedures for Kentucky School Activity Funds that apply to them.

External support/booster organizations shall obtain prior Board approval to establish and lend support, seek assistance, and/or raise funds in the name of the NKCES or school or students or a NKCES or school program.

All funds expended by a support/booster organization shall be from their fund-raising activities and donations. No dues, fees, or charges shall be assessed to students or parents, except for the PTA forwarding membership fees to national/state/district/local chapters.

External support/booster organizations cannot reimburse District employees for personal and booster club purchases.

Although they may be general members, Board members and employees shall not serve as the treasurer or any other officer with check-signing authority on a bank account for an external support/booster organization. Employees may serve as a member of the executive board of an organization.

Proof of general liability insurance for external support/booster organizations must be submitted to the Principal prior to commencing any fund-raising activities.

References:

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

2702 KAR 3:120

3OAG 79‑556

KRS 139.497; KRS 156.070; KRS 160.290; KRS 160.340

Related Policy:

04.61

LEGAL: SB 8 ADDS EXCEPTIONS FOR WHEN CLASSROOM DOORS ARE TO BE LOCKED.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# SCHOOL FACILITIES CG05.4

Safety

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

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

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

School Emergency Planning

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

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

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

# SCHOOL FACILITIES CG05.4

# (Continued)

Safety

School Emergency Planning (continued)

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

In addition, the Executive Director shall:

1. Establish and post primary and secondary evacuation routes in each room by any doorway used for evacuation;
2. Identify the best available severe weather safe zones, in consultation with local and state safety officials and informed by guiding principles set forth by the National Weather Service and the Federal Emergency Management Agency, and post the location of the safe zones in each room;
3. Develop school procedures to follow during an earthquake; and
4. Develop and adhere to practices to control access to the school. As soon as practicable but no later than July 1, 2022, practices shall include but not be limited to:

* Controlling outside access to exterior doors during the school day;
* Controlling the main entrance of the school with electronically locking doors, a camera, and an intercom system;
* Controlling access to individual classrooms;
* Requiring classroom doors to be equipped with hardware that allows the door to be locked from the outside but opened from the inside;
* Requiring classroom doors to remain closed and locked during instructional time, except in instances when only one (1) student and one (1) adult are in the classroom or when approved in writing by the State School Security Marshal;
* Requiring classroom doors with windows to be equipped with material to quickly cover the window during a building lockdown;
* Requiring all visitors to report to the front office of the building, provide valid identification, and state the purpose of the visit; and
* Providing a visitor's badge to be visibly displayed on a visitor's outer garment.

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

Precautions

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

Reporting Hazards

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

Communication System

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

# SCHOOL FACILITIES CG05.4

# (Continued)

Safety

References:

KRS 158.148; KRS 158.162; KRS 158.164; KRS 158.445

KRS 160.290; KRS 160.445

KRS 311.667; KRS 411.148

Related Policies:

03.14; 03.24; 05.41; 05.411; 05.42; 05.45; 05.47

09.22; 09.221; 09.4 (entire section); 10.5

LEGAL: SB 8 ADDS A FIREARM REQUIREMENT FOR SCHOOL RESOURCE OFFICERS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# SCHOOL FACILITIES AV05.48

Weapons

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

Prohibitions/Restrictions

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

KRS 500.080:

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

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

KRS 527.010:

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

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

Violation of this policy by students shall require that the Principal immediately make a report to the Executive Director/designee, who shall collaborate with the Superintendent of the sending district to determine if charges for expulsion from the school should be filed. In addition, when they have reasonable belief that a violation has taken place, the Principal shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves student possession of a firearm in violation of the law or assault involving the use of a weapon.

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

# SCHOOL FACILITIES AV05.48

# (Continued)

Weapons

Federal Requirements Regarding Students

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

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

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

Concealed Weapons

Each School Resource Officer (SRO) shall be armed with a firearm, notwithstanding any provision of local board policy, local school council policy, or memorandum of agreement.2

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

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

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

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

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

# SCHOOL FACILITIES AV05.48

# (Continued)

Weapons

Concealed Weapons (continued)

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

State Posting Requirements

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

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

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

State Reporting Requirements

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

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

Enforcement

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

References:

1KRS 527.070; KRS 158.150; 20 U.S.C. §7141 (Gun‑Free Schools Act)

2KRS 158.4414

18 U.S.C. §921(a)

KRS 158.154

KRS 158.155; KRS 160.290; KRS 160.340; KRS 161.790

KRS 237.106: KRS 237.110; KRS 237.138 to KRS 237.142

KRS 500.080; KRS 508.075; KRS 508.078; KRS 527:020

20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)

Section 504 of the Rehabilitation Act of 1973, as amended

Related Policies:

09.435; 09.4361

LEGAL: HB 312 AMENDS KRS 158.140 RELATING TO CHILDREN IN FOSTER CARE TO REQUIRE COLLABORATION BETWEEN CHILD-CARING FACILITIES, CHILD-PLACING AGENCIES, A CHILD'S STATE AGENCY CASEWORKERS, SCHOOL DISTRICTS, AND FOSTER PARENTS TO ENSURE THE EDUCATIONAL STABILITY OF EACH CHILD, AND TO ASSIST ONE ANOTHER WITH MEETING THE EDUCATIONAL NEEDS OF EACH CHILD.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS CI09.12

Admissions and Attendance

Residence Defined

Pupils whose parent or guardian resides in the NKCES and has custody of the student, or pupils who are legal residents of the school NKCES, or as otherwise provided by state or federal law, shall be considered residents and entitled to the privileges of the NKCES's schools.

All other pupils shall be classified as nonresidents for school purposes.1

Homeless Children and Unaccompanied Youth

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

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

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

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

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

* “Outreach” to other entities and agencies so that homeless students are identified;
* Providing public notice of the educational rights of homeless children in locations frequented by parents/guardians and unaccompanied youths. This notice is to be in a manner and form that is understandable;2

# STUDENTS CI09.12

# (Continued)

Admissions and Attendance

Homeless Children and Unaccompanied Youth (continued)

* Seeing that school personnel who provide McKinney-Vento Services receive professional development and other support; and
* Ensuring that unaccompanied youths are enrolled in school and receive support to accrue credits and access to higher education.

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

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

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

The NKCES shall provide services for homeless children and unaccompanied youths with disabilities as required by law.

Children in Foster Care

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

Foster children are to be immediately enrolled in a new school. The NKCES collaborate with the Cabinet to ensure immediate and appropriate enrollment of the child and immediately shall contact the student’s previous school for relevant records. The previous school shall provide the new school records within the student information system maintained by the Kentucky Department of Education by the end of the working day on the day of receipt of a request. If a record provided to the new school is incomplete, the previous school shall provide the completed record within three (3) working days of the original request. Remaining records shall be provided within ten (10) working days of the request.

The Executive Director shall appoint a Foster Care Liaison to coordinate activities relating to the NKCES’s provision of services to children placed in foster care, including transportation services, when the NKCES is notified by the Cabinet for Health and Family Services in writing that the Cabinet has designated its foster care point of contact for the NKCES. The Executive Director may appoint the NKCES Foster Care Liaison prior to such notice from the Cabinet.

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

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

Best Interest of the Child

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

* The benefits to the child of maintaining educational stability;

# STUDENTS CI09.12

# (Continued)

Admissions and Attendance

Best Interest of the Child (continued)

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

Upon the determination that changing a child's school of enrollment is in the best interest of the child, the Cabinet, any applicable child-caring facility, child-placing agency, school, districts, and the child's state agency caseworker shall collaborate to ensure the immediate and appropriate enrollment of the child;

1. The child's state agency caseworker shall immediately contact the receiving district to inform the district of the pending enrollment changes.
2. The child's state agency caseworker or child-caring facility or child placing agency case manager shall either accompany the child and the foster parent to the new school to enroll the child or contact applicable staff at the new school via telephone during the day of enrollment, to assist with the enrollment, to share information relating to the child's unique needs and prior experiences that may impact their education, and to identify and prevent disruptions in any instructional or support services that the child may have been receiving prior to that time, including but not limited to medical and behavioral health history and individual service plans.7

Immigrants

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

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

Nonresidents

Nonresident pupils may be admitted to the NKCES's schools in accordance with Board policy and upon approval of the Executive Director.3

Written nonresident pupil contract information shall be kept on file at both the attending and resident districts.

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

# STUDENTS CI09.12

# (Continued)

Admissions and Attendance

Transfer of ADA

Nonresident pupils may be admitted to the NKCES schools upon payment of tuition and/or transfer of the pupil's average daily attendance as defined under Kentucky's public school fund.4&5

Non-Immigrant Foreign Students

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

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

These requirements do not apply to immigrant students residing in the NKCES or foreign students in any other immigration status, including exchange students.

Expelled/Convicted Students

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

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

Assault shall mean any physical assault, including sexual assault.

The sworn statement or affirmation shall be on a form provided by the appropriate state agency and shall be sent to the receiving school within five (5) working days of official notification that a student has requested enrollment in the new school.6

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

# STUDENTS CI09.12

# (Continued)

Admissions and Attendance

References:

1KRS 159.010; OAG 78‑64

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

3KRS 158.120; OAG 80‑47; OAG 79‑327; OAG 75‑602

4KRS 157.320

5702 KAR 7:125

6KRS 158.155; KRS 157.330; KRS 158.150

7KRS 158.140

KRS 157.360; KRS 158.100; KRS 199.802

704 KAR 7:090; OAG 91-171

P. L. 104-208

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

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

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

Equal Educational Opportunities Act of 1974 (EEOA)

Related Policies:

06.32; 08.1114

09.121; 09.1223; 09.123; 09.124; 09.125

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

09.14; 09.211

LEGAL: SB 8 AMENDS KRS 158.070 TO CHANGE SUICIDE PREVENTION TRAINING FROM EVERY OTHER YEAR TO EVERY YEAR.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: SB 42 CREATES A NEW SECTION OF KRS 158 TO REQUIRE ANY STUDENT ID BADGE ISSUED TO A PUBLIC MIDDLE/HIGH SCHOOL STUDENT TO CONTAIN THE CONTACT INFO FOR NATIONAL CRISIS HOTLINES RE: DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND SUICIDE.

FINANCIAL IMPLICATIONS: COSTS OF NEW ID BADGES

# STUDENTS O09.22

Student Health and Safety

Priority

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

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

Health Services to be Provided

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

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

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

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

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

Safety Procedures

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

Student Identification Badges

Any student identification badge issued to a student in grades six (6) through twelve (12) by NKCES shall contain the contact information for:

1. A national domestic violence hotline;
2. A national sexual assault hotline; and
3. A national suicide prevention hotline.**4**

# STUDENTS O09.22

# (Continued)

Student Health and Safety

**Suicide Prevention**

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

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

**Seizure Disorder Materials**

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

References:

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

2KRS 156.095

3KRS 158.070

4New Section KRS 158

KRS 156.160

KRS 158.836; KRS 158.838

702 KAR 5:030

Related Policy:

09.2241

LEGAL: SB 72 AMENDS KRS 620.030 TO ADD A VICTIM OF FEMALE GENITAL MUTILATION TO REQUIRED REPORTING.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS B09.2211

Employee Reports of Criminal Activity

To promote the safety and well-being of students, NKCES requires employees to make reports required by state law in a timely manner. Supervisors and administrators shall inform employees of the following required reporting duties:

KRS 158.154

When the Principal has a reasonable belief that an act has occurred on school property or at a school-sponsored function involving assault resulting in serious physical injury, a sexual offense, kidnapping, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a controlled substance in violation of the law, or damage to the property, the Principal shall immediately report the act to the appropriate local law enforcement agency. For purposes of this section, "school property" means any public school building, bus, public school campus, grounds, recreational area, or athletic field, in the charge of the Principal.

KRS 158.155

An administrator, teacher, or other employee shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if:

1. The person knows or has reasonable cause to believe that conduct has occurred which constitutes:
   1. A misdemeanor or violation offense under the laws of this Commonwealth and relates to:
      1. Carrying, possession, or use of a deadly weapon; or
      2. Use, possession, or sale of controlled substances; or
   2. Any felony offense under the laws of this Commonwealth; and
2. The conduct occurred on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school-sponsored or sanctioned event.

KRS 158.156

Any employee of a school or a local board of education who knows or has reasonable cause to believe that a school student has been the victim of a violation of any felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event shall immediately cause an oral or written report to be made to the Principal of the school attended by the victim. The Principal shall notify the parents, legal guardians, or other persons exercising custodial control or supervision of the student when the student is involved in an incident reportable under this section. The Principal shall file a written report with the local school board and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the original report.

KRS 209A.100

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

# STUDENTS B09.2211

# (Continued)

Employee Reports of Criminal Activity

KRS 209A.110

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

KRS 620.030

Any person who knows or has reasonable cause to believe that a child is dependent, neglected, or abused, or is a victim human trafficking, or is a victim of female genital mutilation, shall immediately cause an oral or written report to be made to a local law enforcement agency or the Department of Kentucky State Police; the cabinet or its designated representative; the Commonwealth's Attorney or the County Attorney; by telephone or otherwise. Any supervisor who receives from an employee a report of suspected dependency, neglect, or abuse shall promptly make a report to the proper authorities for investigation.

References:

KRS 158.154

KRS 158.155

KRS 158.156

KRS 209A.100

KRS 209A.110

New Section of KRS 508

KRS 525.070; KRS 525.080

KRS 527.070; KRS 527.080

KRS 620.030

Related Policies:

03.13251; 03.23251

03.13253; 03.23253

05.48

09.227

09.422

09.423

09.425

09.426

09.438

LEGAL: SB 72 AMENDS KRS 620.030 TO ADD A VICTIM OF FEMALE GENITAL MUTILATION TO REQUIRED REPORTING.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS J09.227

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, or a victim of human trafficking, or is a victim of female genital mutilation, shall immediately make a report to a local law enforcement agency or the Kentucky State Police, the Cabinet for Health and Family Services or its designated representative, the Commonwealth's Attorney or the County Attorney in accordance with KRS 620.030.2

After making the report, the employee shall notify the Principal of the suspected abuse, who then shall also promptly make a report to the proper authorities for investigation. If the Principal is suspected of child abuse, the employee shall notify the Executive Director/designee who shall also promptly report to the proper authorities for investigation.

Only agencies designated by law are authorized to conduct an investigation of a report of alleged child abuse. Therefore, NKCES shall not first investigate a claim before an employee makes a report to the proper authorities. However, in certain situations, reports involving claims made under state and federal laws, such as Title IX, shall require NKCES, after making the required report, to conduct an independent investigation of the allegations in order to determine appropriate personnel action.

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 Health and Family Services 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 NKCES 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 NKCES.

Interviews

If the student is an alleged victim of abuse or neglect, school officials shall follow directions provided by the investigating officer or Cabinet for Health and Family Services representative as to whether to contact a parent3 and shall provide the Cabinet access to a child subject to an investigation without parental consent.4

# STUDENTS J09.227

# (Continued)

Child Abuse

Agency Custody

If, as a result of dependency, neglect, or abuse, a child has been placed in the custody of the Cabinet, the Principal, or any Assistant Principal of the school in which the child is enrolled, and the District’s Director of Pupil Personnel shall be notified of the names of persons authorized to contact the child at school, in accordance with school visitation or communication policy, or remove the child from school grounds.

The notification shall be provided to the school by the Cabinet:

1. By written notice via email or fax on the day that a court order is entered and again on any day that a change is made with regard to persons authorized to contact or remove the child from school. Verbal notification shall occur on the next school day immediately following the day a court order is entered or a change is made if the court order or change occurs after the end of the current school day; and
2. By email, fax, or hand delivery of a copy of the court order within ten (10) calendar days following the Cabinet’s receipt of the court order of a change of custody or change in contact or removal authority.

**Required Training**

All current school administrators, certified personnel, office staff, instructional assistants, coaches, and extracurricular sponsors shall complete NKCES selected training on child abuse and neglect prevention, recognition, and reporting by January 31, 2017, and every two (2) years thereafter. School administrators, certified personnel, office staff, instructional assistants, coaches, and extracurricular sponsors hired after January 31, 2017, shall complete the training within ninety (90) days of being hired, and every two (2) years thereafter.

Other

Each school shall prominently display the statewide child abuse hotline number administered by the Cabinet for Health and Family Services and the National Human Trafficking Reporting Hotline number administered by the United States Department for Health and Human Services.

References:

1KRS 600.020

2KRS 620.030; KRS 620.040

3OAG 85‑134; OAG 92‑138

4KRS 620.072

KRS 17.160; KRS 17.165; KRS 17.545; KRS 17.580

KRS 156.095; KRS 199.990

KRS 209.020; New Section of KRS 508; KRS 620.050; KRS 620.146

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:

09.1231; 09.3; 09.31; 09.42811; 09.4361; 10.5