

LEGAL: SB 158 AMENDS KRS 160.1594 TO PROVIDE THAT CHARTER AUTHORIZER TRAINING SHALL NOT BE REQUIRED OF ANY BOARD MEMBER UNTIL A CHARTER APPLICATION IS SUBMITTED TO THE BOARD, AND SETS THE REQUIREMENT AT SIX (6) HOURS.  
FINANCIAL IMPLICATIONS: FEWER HOURS REQUIRED MAY REDUCE TRAINING COSTS

## POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.83

### **In-Service Training**

Annual in-service training for all school board members in office as of December 31, 2014, shall include training on topics required by regulation that meet the minimum number of total training hours as follows:<sup>1</sup>

1. Twelve (12) hours for school board members with zero (0) to three (3) years of experience (to include five hours on the following: three (3) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation);
2. Eight (8) hours for school board members with four (4) to seven (7) years of experience (to include four hours on the following: two (2) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation); and
3. Four (4) hours for school board members with eight (8) or more years of experience (to include three hours on the following: one (1) hour of finance and one (1) hour of ethics annually and, one (1) hour of superintendent evaluation biennially).

If a Board member obtains hours through any sources other than KSBA, they shall have local Board approval prior to participation in the training event and send a copy of the record (Board Minutes) to KSBA.

For Board members who begin initial service on or after January 1, 2015, annual in-service training requirements shall be twelve (12) hours for Board members with zero to eight (0-8) years of experience and eight (8) hours for Board members with more than eight (8) years of experience. Required annual training hours shall include:

1. Three (3) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation for members with zero (0) to three (3) years experience;
2. Two (2) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation for members with four (4) to seven (7) years experience; and
3. One (1) hour of finance, one (1) hour of ethics annually, and one (1) hour of superintendent evaluation biennially for members with eight (8) or more years experience.

In addition to the in-service training required by state law, Board members shall be encouraged to participate in activities such as:

1. Attendance at school Board and administrative conferences, conventions, and workshops on a local, regional, state, and national level;
2. Exchange of ideas through joint meetings with neighboring school boards;
3. Reports on educational programs presented at Board meetings by the Superintendent and staff;
4. Regular exposure to professional journals and papers.

### In-Service Training

#### IN-SERVICE TRAINING REGARDING (SCHOOL BOARDS AS CHARTER SCHOOL AUTHORIZATION)AUTHORIZERS)

~~Separate and apart from the above in-service training, E~~each member of the Board shall participate in ~~annual~~ in-service training regarding charter school authorization as follows:

When the Board, or a collaborative of local school boards including the Board, receives a charter school application, any member of the Board or boards who has not received charter authorization training within twelve (12) months immediately preceding the date the application was received shall receive six (6) hours of in-service training prior to evaluating the charter application. Except for training provided prior to July 15, 2020, the training shall be in addition to the annual in-service training required under KRS 160.180, and the Board shall select the trainer to deliver the training to its members. Charter authorization training shall not be required of any Board member until a charter application is submitted to the Board or boards.<sup>2</sup>

~~1. Twelve (12) hours for a member with zero (0) to eight (8) years of experience as the member of the board of an authorizer, and eight (8) hours for a member with more than eight (8) years of experience as the member of the board of an authorizer; or~~

~~2. Competency based annual in-service training;~~

~~a) In-service training toward the board member training requirements of KRS 160.180 may also count toward the required twelve (12) hours of charter school training, to the extent the requirements of both are met by training contents. The charter authorization school training requirements shall be approved by the Commissioner of Education and shall address~~include the following topics of authorizer responsibility and charter school formation and operation:

1. Financial governance and transparency;
2. Conflict of interest;
3. Charter application;
4. Charter school contracting;
5. Charter school monitoring;
6. Charter school renewal, nonrenewal, and revocation;
7. Charter school closure;
8. Ethics;
9. Curriculum and instruction;
10. Educational services provided for special needs, at risk, English learner, gifted, and other special population students; and
11. Physical restraint and seclusion of students.

~~b) The training shall be approved by the Commissioner of Education.~~

**In-Service Training****NEW BOARD MEMBER ORIENTATION**

Each new member of the Board shall be afforded every opportunity to learn the functions and responsibilities entailed by election to the Board. It shall be the duty of the Superintendent and the administrative staff to assist each member-elect in understanding the functions, policies, and procedures of the Board and the operation of the school system before taking office. The following procedures shall be employed as a minimum:

- 1) The member-elect shall be given selected materials on the function of the Board and of the school system.
- 2) A copy of the Board's policies and bylaws and a copy of the administrative procedures shall be provided each new member, either in paper and/or electronic format.
- 3) A copy of the current budget of the school system and the opportunity to become fully acquainted with the financial structure of the school system shall be provided each member-elect.
- 4) The member-elect shall be invited to attend Board meetings and to participate in discussion prior to actual induction.
- 5) The incoming member shall be invited to meet with the Superintendent and other administrative personnel whom the Superintendent shall designate to discuss the services they perform for the Board.

**REFERENCES:**

<sup>1</sup>KRS 160.180

<sup>2</sup>[KRS 160.1594](#)

701 KAR 8:020

702 KAR 1:115

OAG 85-53; OAG 85-145

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

03.11

**- CERTIFIED PERSONNEL -**

**Hiring**

**SUPERINTENDENT'S RESPONSIBILITIES**

All appointments, promotions, and transfers of certified personnel for positions authorized by the Board shall be made by the Superintendent who, at the first meeting following such actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes.

The Superintendent shall determine, pursuant to state law, when vacancies exist and shall post such staff vacancies as necessary to recruit applicants for positions.

When a vacancy occurs, the Superintendent 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 Superintendent 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 Superintendent has been approved by the Commissioner of Education.

**EFFECTIVE DATE**

Personnel actions shall not be effective until the employee receives written notice of such action from the Superintendent. Certified employees may be appointed by the Superintendent for any school year at any time after February 1 preceding the beginning of the next school year.

**QUALIFICATIONS**

The Superintendent shall employ only individuals who are certified for the positions they will hold and who possess qualifications established by law, regulation and Board policy, except in the case where no individual applies who is properly certified and/or who meets established qualifications set by Board policy. In all cases, the most qualified candidate shall be hired.

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

**PRE-EMPLOYMENT INQUIRIES**

Pre-employment inquiries may include, but are not limited to, requests for licensure/certification, conviction and criminal history records, references, job attendance data, traffic/accident records, and physical examinations, where applicable. Information obtained from pre-employment inquiries concerning an applicant's conviction and criminal history record, toxicology screens, results of job-related competency/skills assessments and other pre-employment inquiry information shall be confidential to the extent permitted by law, but shall be considered in determining employment status.

**CRIMINAL BACKGROUND CHECK AND TESTING**

Applicants, employees, and student teachers assigned within the District shall undergo records checks and testing as required by applicable statutes and regulations.<sup>1</sup>

## **Hiring**

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

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

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

Initial employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a sexual offense, a drug offense, a violent offense as defined in KRS 17.165, any felony offense or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall terminate on receipt of a criminal history background check documenting a conviction for an offense listed above. Employees shall immediately notify their supervisor if they are arrested for or charged with one of the offenses listed above. The supervisor shall immediately notify employee relations.

Employment shall also be contingent on receipt of a clear CA/N check, defined in KRS 160.380 as "a letter from the Cabinet for Health & Family Services indicating that there are no substantiated findings of child abuse or neglect relating to a specific individual." Employment shall terminate upon receipt of a letter from the Cabinet documenting an administrative~~substantiated~~ finding of child abuse or neglect.

"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.<sup>1</sup>

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

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

### **REPORT TO SUPERINTENDENT**

An employee shall report to the Superintendent 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. Any failure to report this finding shall result in the employee being subject to dismissal or termination.

## **Hiring**

### **VACANCIES POSTED**

A job register listing vacancies to be filled shall be posted on the District's website.

Vacancies may also be posted and advertised outside the District. All central office administrative positions and all principal positions shall be advertised nationally.

When a vacancy for a teaching position occurs in the District, the Superintendent shall conduct a search to locate minority candidates to be considered for the position.

### **REVIEW OF APPLICATIONS**

Under procedures developed by the Superintendent, each application shall be reviewed. Applications for candidates not employed shall be retained for three (3) years.

References are required on applicants for all positions and will be carefully reviewed as part of the employment decision.

### **RELATIONSHIPS**

All applications shall require a response concerning the relationship as defined in KRS 160.180 and KRS 160.380 of each applicant to the Superintendent, any Principal of the District, any other District employees, or a Board member. The hiring of relatives of the Superintendent, Board members and principals of the District is subject to the restrictions provided in KRS 160.180 and KRS 160.380.

The Superintendent shall not employ a relative of a member of the Board.

A relative of the Superintendent or any Principal of the District shall not be employed except as provided by KRS 160.380.

A relative of the Superintendent or any principal of the District who is otherwise ineligible for employment may be employed as a substitute for a certified or classified employee if the relative is not:

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

No employee may use his/her employment status to influence the employment in the District of a relative which is defined for the purposes of this paragraph of this policy as the employee's father, mother, brother, sister, husband, wife, son, and daughter.

No employee shall be assigned to a school, office, work group or other unit if the assignment would cause a relative of such employee to be a supervisor of such employee.

**Hiring****RELATIONSHIPS (CONTINUED)**

For purposes of this paragraph of this policy, a relative is defined as the employee's father, mother, brother, sister, husband, wife, son, and daughter; and a supervisor is defined as a person who has authority to oversee and direct work assignments, assign tasks, schedule hours of work, evaluate work performance, or recommend the hiring, discipline or termination of an employee. For purposes of this paragraph of this policy, the Principal and each assistant principal of a school shall be considered to be the supervisor of each employee in the school building. This paragraph of this policy shall apply even if the status of relative results from a marriage after an initial assignment, or if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having the relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this paragraph of this policy exists or may exist. Any failure to give such notice shall result in disciplinary action. The Superintendent shall develop procedures to implement this paragraph of this policy for all personnel assignments and shall make a final determination as to the appropriate action to implement this paragraph of this policy.

Exception to the above is substitute personnel.

**CONTRACT**

Except for substitute teachers, all certified personnel shall enter into written contracts with the District.

**JOB DESCRIPTION**

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

**INTENT**

Under procedures developed by the Superintendent, employees may be requested to indicate their availability for employment for the next school year.

**REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT**

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

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

**EMPLOYEES SEEKING A JOB CHANGE**

Other than the routine transmission of administrative and personnel files, 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.

**Hiring****JOB SHARING**

District employees may be permitted to participate in a job sharing program in accordance with procedures established by the Superintendent. However, initial probationary, temporary, seasonal and substitute employees and student workers are not eligible for the job sharing program.

**EXCHANGE OF TEACHERS**

The Superintendent may approve the exchange of teachers with other countries, states, and programs outside the District. All arrangements for such exchanges shall adhere to state laws and regulations.

**REFERENCES:**

<sup>1</sup>KRS 160.380

<sup>2</sup>KRS 161.605; 702 KAR 1:150

<sup>3</sup>P. L. 114-95, (Every Student Succeeds Act of 2015)

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

45 C.F.R. § 1302.90

[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; 702 KAR 3:320; 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; 02.4244; 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

HIGHLIGHTED TEXT RECOMMENDED BY JCPS STAFF

PERSONNEL

03.121

- CERTIFIED PERSONNEL -

## Salaries

### **SINGLE-SALARY BASIS**

The Board shall approve salary schedules for all employees based on job qualifications, duties, and responsibilities for each position.

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 and/or any relevant addendums as adopted by the Board.

A District may provide monetary compensation, in addition to that provided through the single salary schedule, to all classroom teachers employed in a school that is identified by the Kentucky Department of Education as being in targeted or comprehensive support and improvement status as described in KRS 160.346.

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.

Teachers newly employed by the District shall be placed on the salary schedule in accordance with applicable state statutes, regulations of the Kentucky Board of Education, other applicable state and federal regulations and procedures established by the Superintendent.

### QUALIFICATIONS

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

### **DETERMINATION OF EXPERIENCE**

Newly employed teachers may receive credit for a maximum of ten (10) years teaching experience recognized by the Kentucky Board of Education, including up to two (2) years for active pre-employment military experience. ~~Credit may be given for a maximum of four (4) years of teaching/work experience prior to ten (10) years immediately preceding employment. Up to four (4) years experience credit will be deducted from the total years of experience of technology teachers not holding a Bachelor's Degree. Additional years of experience up to twenty (20) years may be awarded for critical need shortage areas, including instructional coaches or resource teachers, and military years for ROTC teachers, as approved by the Board.~~

The District shall recognize Rank III + 15 hours and Rank II + 15 hours for advancement on the salary schedule, upon successful completion of appropriate coursework.

## **Salaries**

### **DETERMINATION OF EXPERIENCE (CONTINUED)**

Only bona fide college credit as determined by the Education Professional Standards Board shall be recognized in advancing from one salary rank to another. Non-college credit shall not apply to salary rank advancement.

~~A minimum of one hundred forty (140) days of employment and the equivalent of at least seventy (70) full school days of performing teaching duties in any one (1) school year shall be required for one (1) year of experience credit.~~

A teacher will be credited for one (1) a year of experience when the teacher is employed for at least one hundred forty (140) days of a school year and performs teaching duties for the equivalent of at least seventy (70) full school days during that school year ~~or is employed at least one hundred forty (140) days during each of two (2) school years and performs teaching duties for the equivalent of at least (70) full school days during those years.~~

Experience credit shall not be given for the following:

- Substitute teaching
- Summer school teaching
- Nursery/Pre-school teaching (unless teaching certification was required)
- Student teaching

In no event shall more than one (1) year of experience be credited for professional experience during a given school year.

### **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 District 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, AND SUPPLEMENTARY PAY**

The Board shall approve a schedule of compensation for extra services.

### **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). Salary supplements for National Board Certified Teachers shall be provided in accordance with the negotiated agreement for teachers.

## **Salaries**

### **RANK AND EXPERIENCE**

The rank and experience of certified personnel shall be determined at time of hire. The Board shall direct the Superintendent to validate all experience of professional personnel employed in the District.

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

To assist with the budgeting process, candidates for ~~NBCT~~National Board certification shall notify the Superintendent/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.

### **SENIORITY**

Seniority shall be computed from the first compensable day of employment as a permanent employee in the District following last break in service, if any.

### **EXCEPTION**

The Superintendent's salary may be established without regard to the above-mentioned schedules.

### **PAYROLL DISTRIBUTION**

Employees shall be paid according to a schedule approved annually by the Board. The District shall furnish the employee with ~~an either a paper or~~ electronic statement. ~~Employees 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. Requests must be received by the payroll department before designated deadline.

### **QUALIFICATIONS**

~~Employees shall be responsible for providing the Superintendent 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 Superintendent 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 160.346  
KRS 161.1211; KRS 161.134; KRS 161.168; KRS 161.760  
KRS 337.070; KRS 424.120; 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:**

03.114; 03.1211; 03.4

PERSONNEL

03.131

**- CERTIFIED PERSONNEL -**

**Assignment**

The assignment of all certified personnel shall be made by the Superintendent and shall be made in accordance with state law, Kentucky Administrative Regulations, and/or other legal agreements.<sup>1</sup> The Superintendent shall make all appointments, promotions, and transfers of certified personnel for positions authorized by the Board and, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. The Superintendent may designate Human Resources to provide notice of assignment. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

The Superintendent shall assign personnel who are certified for the positions they will hold and who possess qualifications established by Board policy, except in the case where no individual applies who is properly certified and/or who meets qualifications set by Board policy.

The Superintendent shall not assign the relative of a school Principal to the school where the Principal is assigned ~~unless the relative is not the spouse and was employed in that school during the 1989-90 school year. No spouse of a Principal shall be assigned to the school where the Principal is assigned unless the spouse was assigned in that school during the 1989-90 school year and there is no other position in the District for which the spouse is certified. A Principal's spouse employed in the Principal's school shall be evaluated by another school administrator.~~<sup>1</sup>

No employee shall be assigned to a school, office, work group or other unit if the assignment would:

1. Cause a relative of such employee to be a supervisor of such employee; or
2. Cause such employee to supervise, or be supervised by, a person with whom such employee is in a dating relationship, as defined in Board Policy 01.0.

For purposes of this policy, a relative is defined as the employee's father, mother, brother, sister, husband, wife, son, daughter, grandparent, aunt, uncle, niece, nephew, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, or brother-in-law. For purposes of this policy, a supervisor is defined as a person who has authority to oversee and direct work assignments, assign tasks, schedule hours of work, evaluate work performance, or recommend the hiring, discipline or termination of an employee. This policy shall apply even if the status of relative results from a marriage after an initial assignment, or if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having the status of relative or the dating relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this policy exists or may exist. Any failure to give such notice shall result in disciplinary action. The Superintendent shall develop procedures to implement this policy of all personnel assignments and shall make a final determination as to the appropriate action to implement this policy.

The Superintendent shall provide for an orientation and/or workshop before the employee assumes the new responsibilities.

**Assignment**

The Superintendent shall not assign a certified employee to an alternative education program as defined in KRS 160.380 as part of any disciplinary action pursuant to KRS 161.790 or as part of a corrective action plan established pursuant to the District's evaluation plan.

**REFERENCES:**

<sup>1</sup>KRS 160.380; ~~OAG 76-360~~

KRS 156.095; KRS 158.060

KRS 160.345; KRS 160.390

KRS 161.760; KRS 161.790

OAG 78-266; OAG 91-28; OAG 91-149; OAG 92-1; OAG 92-135; OAG 11-001

**RELATED POLICIES:**

01.0; 02.4244

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

03.19

**- CERTIFIED PERSONNEL -**

**Staff Meetings and Professional Development**

The Board expects all employees to participate in meetings or activities designed to increase their skills and competencies or to contribute to their professional growth.

**STAFF ORIENTATION**

The District shall provide orientation for all new and/or selected personnel at the beginning of the school year. The orientation shall provide information and activities to enhance effective job performance. Orientation may be held at other times as necessary.

**PROFESSIONAL DEVELOPMENT PROGRAM TO BE PROVIDED**

The Board shall provide for its instructional and administrative staff a high quality, personalized, and evidence based professional development (PD) program that meets the goals established in KRS 158.6451, the Every Student Succeeds Act (ESSA), and in the local needs assessment. At the direction of the Superintendent or designee and in conjunction with each school, the PD coordinator shall facilitate the development and implementation of this program for all certified employees. Programs may also include classified staff and parent members of school councils and committees.

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

The program shall be based on a Board-approved PD plan for the District, which is designed (1) to help achieve student capacities established by [KRS 158.645](#) and goals established by [KRS 158.6451](#); (2) to support the District's mission, goals and assessed needs; and (3) to increase teachers' understanding of curriculum content and methods of instruction appropriate for each content area based on individual school plans. The PD plan shall reflect individual needs of schools and shall be aligned with the Comprehensive School/District Improvement Plan, ESSA requirements, and teacher growth plans.

**ACTIVE SHOOTER SITUATIONS**

By November 1, annually, a minimum of one (1) hour of training on how to respond to an active shooter situation shall be required for all District 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](#) ~~Kentucky Department of Education~~ 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, the District shall provide materials on how to respond to an active shooter situation.

**SCHOOL RESPONSIBILITIES**

Each school shall plan professional development with the PD coordinator and, when appropriate, with other schools to maximize training opportunities.

**Professional Development****DOCUMENTATION**

The school/District PD plan shall include the method for evaluating impact on student learning and using evaluation results to improve professional learning.

Documentation of completed professional development, including a written evaluation, shall be required. Unless an employee is granted leave under an appropriate Board policy, failure to complete and document the required hours of professional development during the academic year shall result in a reduction in salary and may be reflected in the employee's evaluation.

**REFERENCES:**

KRS 156.095; KRS 156.553; KRS 158.070; KRS 158.645; KRS 158.6451; KRS 160.345  
704 KAR 3:035; 704 KAR 3:325; P. L. 114-95 (Every Student Succeeds Act of 2015)

**RELATED POLICIES:**

03.1911; 09.22



LEGAL: 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

03.21

**- CLASSIFIED PERSONNEL -**

**Hiring**

**SUPERINTENDENT'S RESPONSIBILITIES**

All appointments, promotions, and transfers of classified personnel for positions authorized by the Board shall be made by the Superintendent who, at the first meeting following such actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes.

The Superintendent shall determine, pursuant to state law, when vacancies exist and shall post such staff vacancies as necessary to recruit applicants for positions.

**EFFECTIVE DATE**

Personnel actions shall not be effective until the employee receives written notice of such action from the Superintendent.

**PRE-EMPLOYMENT INQUIRIES**

Pre-employment inquiries may include, but are not limited to, requests for licensure/certification, conviction and criminal history records, references, job attendance data, traffic/accident records, and physical examinations. Information obtained from pre-employment inquiries concerning an applicant's conviction and criminal history record, toxicology screens, results of job-related competency/skills assessments and other pre-employment inquiry information shall be confidential to the extent permitted by law, but shall be considered in determining employment status.

**CRIMINAL BACKGROUND CHECK AND TESTING**

Applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations.<sup>1&2</sup> Bus drivers and applicants requiring a Commercial Driver's License (CDL) must undergo additional background and substance use checks per Board Policy 06.221.

Each application ~~or renewal~~ form provided by the employer to an applicants 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 SUBSTANTIATED CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES."

Initial employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a sexual offense, a drug offense, a violent offense as defined in KRS 17.165, any felony offense or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall terminate on receipt of a criminal history background check documenting a conviction for an offense listed above. Employees shall immediately notify their supervisor if they are arrested for or charged with one of the offenses listed above. The supervisor shall immediately notify employee relations.

## **Hiring**

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

Employment shall also be contingent on receipt of a clear CA/N check, defined in KRS 160.380 as “a letter from the Cabinet for Health & Family Services indicating that there are no ~~administrative~~~~substantiated~~ findings of child abuse or neglect relating to a specific individual.” Employment shall terminate upon receipt of a letter from the Cabinet documenting an ~~administrative~~~~substantiated~~ finding of child abuse or neglect.

“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
- 4.3. Upheld by a Circuit Court in an appeal of the results of an administrative hearing conducted in accordance with KRS Chapter 13B.<sup>1</sup>

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>

### **REPORT TO SUPERINTENDENT**

An employee shall report to the Superintendent 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. Any failure to report this finding shall result in the employee being subject to dismissal or termination.

### **EDUCATIONAL REQUIREMENTS**

No person shall be initially hired unless s/he holds at least a high school diploma or high school certificate of completion or GED certificate or unless s/he shows progress, as defined by Administrative Regulations of the State Board for Adult, and Technical Education, toward obtaining a certificate of high school equivalency. Employees shall hold the qualifications for the position as established by the Commissioner of Education.<sup>3</sup>

All paraprofessionals shall satisfy educational requirements specified by federal law.<sup>4</sup>

### **VACANCIES POSTED**

A job register listing vacancies to be filled shall be posted on the District’s website.

Vacancies may also be posted and advertised outside the District.

The Superintendent shall implement procedures for emergency hiring of staff to prevent disruption of necessary instructional or support services.

### **REVIEW OF APPLICATIONS**

Under procedures developed by the Superintendent, each application shall be reviewed. Applications for candidates not employed shall be retained for three (3) years.

## **Hiring**

### **REVIEW OF APPLICATIONS (CONTINUED)**

References shall be required on applicants for all positions and will be carefully reviewed as part of the employment decision.

### **RELATIONSHIPS**

All applications shall require a response concerning the relationship as defined in KRS 160.180 and KRS 160.380 of each applicant to the Superintendent, other District employees or a Board member. The hiring of relatives of the Superintendent, Board members and principals of the District is subject to the restrictions provided in KRS 160.180 and KRS 160.380.

A relative of the Superintendent shall not be employed except as provided by KRS 160.380.<sup>1</sup>

The Superintendent shall not employ a relative of a Board member. No employee may use his/her employment status to influence the employment in the Jefferson County School District of a relative which is defined for the purposes of this paragraph of this policy as the employee's father, mother, brother, sister, husband, wife, son, and daughter.

No employee shall be assigned to a school, office, or unit if the assignment would cause a relative of such an employee to be a supervisor of such employee. For purposes of this paragraph of this policy, a relative is defined as the employee's father, mother, brother, sister, husband, wife, son, and daughter; and a supervisor is defined as a person who has authority to oversee and direct work assignments, assign tasks, schedule hours of work, evaluate work performance, or recommend the hiring, discipline or termination of an employee. This paragraph of this policy shall apply even if the status of relative results from a marriage after an initial assignment, or if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having the relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this paragraph of this policy exists or may exist. Any failure to give such notice shall result in disciplinary action. The Superintendent shall develop procedures to implement this paragraph of this policy for all personnel assignments and shall make a final determination as to the appropriate action to implement this paragraph of this policy.

### **EMERGENCY HIRING**

The Superintendent shall implement procedures for emergency hiring of staff to prevent disruption of necessary instructional or support services.

### **JOB DESCRIPTION**

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

### **CONTRACT**

The District shall enter into written contracts with all full-time and part-time classified staff.

### **JOB SHARING**

District employees may be permitted to participate in a job sharing program in accordance with procedures established by the Superintendent. However, initial probationary, temporary, seasonal and substitute employees and student workers are not eligible for the job sharing program.

## **Hiring**

### **REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT**

Each year, all full-time and part-time classified employees, including substitutes, shall be notified in writing by the last day of the school year whether they have reasonable assurance of continued employment for the following school year.

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

### **EMPLOYEES SEEKING A JOB CHANGE**

Other than the routine transmission of administrative and personnel files, 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:**

<sup>1</sup>KRS 160.380

<sup>2</sup>702 KAR 5:080

<sup>3</sup>KRS 161.011

<sup>4</sup>P. L. 114-95, (Every Student Succeeds Act of 2015)

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

34 C.F.R. § 200.58; 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

Kentucky Local District Classification Plan; 13 KAR 3:030; 702 KAR 3:320

[Records Retention Schedule, Public School District](#)

### **RELATED POLICIES:**

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221

PERSONNEL

03.231

- CLASSIFIED PERSONNEL -

**Assignment**

The assignment of all classified personnel shall be made by the Superintendent and shall be made in accordance with state law, Kentucky Administrative Regulations, and/or other legal agreements.<sup>1</sup> The Superintendent shall make all appointments, promotions, and transfers of classified personnel for positions authorized by the Board and, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. The Superintendent may designate Human Resources to provide notice of assignment. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

The Superintendent shall assign personnel only in positions for which they are qualified.

The Superintendent shall not assign the relative of a school Principal to the school where the Principal is assigned ~~unless the relative is not the spouse and was employed in that school during the 1989-90 school year. No spouse of a Principal shall be assigned to the school where the Principal is assigned unless the spouse was employed in the 1989-1990 school year. A Principal's spouse employed in the Principal's school shall be evaluated by another school administrator.~~<sup>1</sup>

No employee shall be assigned to a school, office, work group or other unit if the assignment would:

1. Cause a relative of such employee to be a supervisor of such employee; or
2. Cause such employee to supervise, or be supervised by, a person with whom such employee is in a dating relationship, as defined in Board Policy 01.0.

For purposes of this policy, a relative is defined as the employee's father, mother, brother, sister, husband, wife, son, daughter, grandparent, aunt, uncle, niece, nephew, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, or brother-in-law. For purposes of this policy, a supervisor is defined as a person who has authority to oversee and direct work assignments, assign tasks, schedule hours of work, evaluate work performance, or recommend the hiring, discipline or termination of an employee. This policy shall apply even if the status of relative results from a marriage after an initial assignment, or if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having the status of relative or the dating relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this policy exists or may exist. Any failure to give such notice shall result in disciplinary action. The Superintendent shall develop procedures to implement this policy of all personnel assignments and shall make a final determination as to the appropriate action to implement this policy.

The Superintendent shall provide for an orientation and/or workshop before the employee assumes the new responsibilities.

All assignments of employees shall be made in accordance with state law, Kentucky Administrative Regulations, and/or other legal agreements.

**Assignment**

The Superintendent shall not assign a classified employee to an alternative education program as defined in KRS 160.380 as part of any disciplinary action pursuant to KRS 161.011 or as part of a corrective action plan established pursuant to the District's evaluation plan.

**REFERENCES:**

<sup>1</sup>KRS 160.380  
KRS 160.390; KRS 161.011; OAG 91-28; OAG 92-1; OAG 92-135

**RELATED POLICIES:**

01.0; 02.4244

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

03.27

**- CLASSIFIED PERSONNEL -**

### **Discipline, Suspension and Dismissal of Classified Employees**

#### **DISCIPLINARY OPTIONS**

Classified employees may be subject to the following actions, to include, but not limited to:

1. Oral warning or reprimand by Superintendent/designee
2. Written warning or private reprimand by Superintendent/designee
3. Disciplinary probation status imposed by Superintendent/designee
4. Reassignment (temporary or permanent) by Superintendent
5. Public reprimand by Superintendent/designee
6. Suspension without pay by Superintendent
7. Nonrenewal by Superintendent
8. Dismissal (termination of contract) by Superintendent

The Superintendent may terminate a classified employment contract pursuant to the provisions of KRS 161.011.

#### **ACTIONS WHICH MAY REQUIRE HEARING PROCEDURES**

The Superintendent may 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 Superintendent. The Superintendent shall notify the Board at the first meeting following a reassignment, suspension without pay, nonrenewal or termination and such notification shall be recorded in the Board minutes. An employee may also be issued a public or private reprimand.

#### **CAUSES FOR ACTION**

Any classified employee may be subject to appropriate disciplinary action for one (1) or more of the following reasons:

1. Dishonesty, neglect of duty, incompetence, inefficiency or insubordination.
2. Reporting to work under the influence of or use or possession of alcohol or controlled substances while on duty, or the illegal use or possession of controlled substances at any time.
3. Unsatisfactory evaluation of any factor on the employee's performance evaluation report.
4. Repeated unexcused absence, tardiness, absence without notification or abuse of sick leave.

**Discipline, Suspension and Dismissal of Classified Employees****CAUSES FOR ACTION (CONTINUED)**

5. Violation of or refusal to obey local policies or state regulations adopted by the Kentucky Board of Education or by the Board.
6. Failure to notify the Superintendent 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.
7. Refusal to comply with safety directives.
8. Falsifying information supplied to the District including information on application forms, absence reports, or any other information.
9. Violation of local policy, state, or federal statutes or regulations that apply to assigned duties.
10. Being convicted of or entering an “Alford” plea, guilty plea or plea of nolo contendere to crimes, including but not limited to, sexual misconduct, drugs, alcohol, violent crime, illegal transaction with a minor or any felony offense.
11. Immorality, misconduct, or conduct unbecoming a school employee.
12. Loss of licensure or certification required for the 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.
13. Failure to maintain the confidentiality of information about students or staff obtained in the course of employment, unless disclosure serves a legitimate job-related purpose or is required by law.
14. 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.
15. Physical or mental disability, consistent with applicable laws protecting employees with disabilities.<sup>1</sup>
16. Engaging in a dating relationship, as defined in Board Policy 01.0, with an employee they supervise or who supervises them. An employee may avoid discipline under this reason for disciplinary action if they disclose to their supervisor the intention to enter into a dating relationship with an employee they supervise or who supervises them, and request a reassignment prior to entering into the dating relationship. This reason for disciplinary action shall apply even if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having a dating relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this policy exists or may exist. An employee may avoid discipline if they give such notice as soon as such an assignment or employment status exists or may exist. Any failure to give such notice shall result in disciplinary action.



**Discipline, Suspension and Dismissal of Classified Employees****DUE PROCESS PROVISIONS**

Negotiated agreements with recognized employee organizations shall provide due process procedures. The Superintendent shall develop due process procedures for employees exempt from representation.

Employees shall act in compliance with District Ethics Guidelines at all times.

**REFERENCES:**

<sup>1</sup>Americans with Disabilities Act

42 U.S.C. § 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

07.162; 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

03.29

- CLASSIFIED PERSONNEL -

### **Staff Meetings and Professional Development**

The Board expects all employees to participate in meetings or activities designed to increase their skills and competencies or to contribute to their professional growth. Accordingly, the District shall provide professional development opportunities for employees to develop their skills and to receive training necessary for the performance of duties.

#### **STAFF ORIENTATION**

The District shall provide orientation for all new and/or selected personnel at the beginning of the school year. The orientation shall provide information and activities to enhance effective job performance. Orientation may be held at other times as necessary.

#### **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 District 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 ~~Kentucky Department of Education~~ 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, the District 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

03.4

## **Substitute Teachers**

The District may use substitute teachers in accordance with state law and Kentucky Administrative Regulations. Substitute teachers shall have the same authority as the teacher while engaged for services in the place of the regularly assigned teacher.

### **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 ~~there are no~~ findings of substantiated child abuse or neglect ~~in~~ on records maintained by the Cabinet) and medical examination requirements as specified in policies 03.11 and 03.111. 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 CAN ~~check~~ Cabinet Letter:

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

### **PARENT/GUARDIAN NOTIFICATION**

A school shall provide timely notice to the parent or guardian of a student if the student has been assigned to a class taught by a teacher for four (4) or more weeks who does not meet applicable Kentucky certification requirements at the grade level and subject area in which the teacher is assigned, as required under Board Policy 03.112.

### **SUBSTITUTE LIST**

The Superintendent or designee shall maintain a list of qualified substitute teachers. The Superintendent or designee shall engage substitutes from this list. Refusal of assignment as a substitute shall be documented, along with any reason provided.

### **RETIRED TEACHERS**

Retired teachers and administrators may be reemployed as a part-time, temporary, or substitute teacher in accordance with applicable state law, Kentucky Administrative Regulations and requirements of the Teachers’ Retirement System.

### **TEACHERS ON LEAVE**

Teachers on leave of absence may not substitute teach in the District, except for those who qualify for educational/professional or child rearing/adoption leave.

Paid leaves of absence and other benefits reserved for full-time regular employees are not applicable to part-time classified, temporary, seasonal and substitute employees.

### **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 Superintendent 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 Teachers****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. Seniority and rights to reassignment and/or re-employment shall not accrue as a result of service in any part-time classified, temporary, seasonal or substitute staff assignment.

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

**EMPLOYMENT NOTIFICATION**

References are required which will be reviewed as part of the decision to employ or re-employ. References will include former and current supervisors.

Each year, substitute teachers on the District's 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 161.1221; KRS 161.605; KRS 161.611; KRS 161.750  
16 KAR 2:030; 16 KAR 2:120; 102 KAR 1:030;  
702 KAR 1:035; 702 KAR 3:075; OAG 69-296  
P. L. 114-95, (Every Student Succeeds Act of 2015)

**RELATED POLICIES:**

03.11; 03.111; 03.112; 03.121

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

HIGHLIGHTED TEXT RECOMMENDED BY JCPS STAFF

FISCAL MANAGEMENT

04.312

### **School Activity Funds**

School activity funds may be expended for purposes which contribute generally to the benefit of the students, provided expenditures are consistent with requirements set out in the Accounting Procedures for Kentucky School Activity Funds (Redbook). Based on a schedule developed by the Superintendent, the Board shall review the status of school activity funds annually.

#### **UNIFORM ACCOUNTING**

All personnel shall comply with the uniform financial accounting system<sup>1</sup> and activity fund accounting procedures set out in Kentucky Administrative Regulation.<sup>2</sup>

#### **TWO SIGNATURES REQUIRED**

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

#### **RECEIPTS AND ADMISSION CHARGES**

Gate receipts and admission charges for school-sponsored events shall be deposited in school or District activity accounts. Such funds shall be used to defray related expenses or other approved school expenditures. Student school fees must be approved by the Board prior to implementation and shall be deposited into school activity accounts.

#### **PURCHASE ORDERS**

Activity funds may only be expended as authorized in the Accounting Procedures for Kentucky School Activity Funds. Activity fund purchases must be preapproved by the principal and supported by a properly executed purchase request and authorization for payment by the Principal.

Because no school individual activity account or the school activity fund bank account is permitted to end the fiscal year with a deficit balance, the school shall not expend or commit to expend any activity fund in excess of revenue received for the fiscal year. Should this occur, the employee(s) responsible shall be subject to appropriate disciplinary action, and the Superintendent may require the school/council to present for Board approval a plan for reimbursement of any deficit amount.

#### **FINANCIAL REPORTS**

Each month the Principal shall review and approve the monthly verification packet and provide the Chief Financial Officer 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 Chief Financial Officer an annual financial report for those accounts.

#### **DEFINITION OF SCHOOL ACTIVITY FUNDS**

School activity funds refer to all school funds including funds derived from fund-raising activities and Board approved fees sponsored under the auspices of the school by student clubs or student

### **School Activity Funds**

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.

#### **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.<sup>1</sup>

Funds carry over at year end subject to board policy.

#### **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**

The ~~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.<sup>1</sup>

#### **SUPPORT/BOOSTER ORGANIZATIONS (SEE REDBOOK FOR ALL GUIDELINES)**

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 District or school or students or a District or school program.

Although they may be general members, Board members and District 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.

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

Parent-teacher associations and support/booster organization funds are not subject to deposit and accounting procedures as school activity funds.<sup>3</sup> As required by State activity fund accounting procedures, each year, all support/booster organizations shall provide the Principal with the following:

1. Within the first thirty (30) days of the school year or within thirty (30) days of the first transaction for the group:
  - a. Names of club officers;
  - b. Federal Employer Identification number (FEIN); and

### School Activity Funds

- c. A copy of the annual budget.
2. An annual financial report by July ~~25~~<sup>15</sup> for the year ending June 30 reporting receipts, expenditures, and beginning and ending balances<sup>1</sup>; and
  3. All other information required by the 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~~groups~~ wishing to be recognized by and/or affiliated with the District shall comply with the following:

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

~~Each year, the Superintendent shall report to the Board when all support/booster organizations have been informed of the requirements from the Accounting Procedures for Kentucky School Activity Funds. All fund-raising activities conducted by school-sponsored groups shall be for the benefit of the entire school or group.~~ (Already stated above)

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.

#### REFERENCES:

<sup>1</sup>702 KAR 3:130; Accounting Procedures for Kentucky School Activity Funds

<sup>2</sup>702 KAR 3:120

<sup>3</sup>OAG 79-556

KRS 158.290

KRS 139.497; KRS 156.070; KRS 160.290; KRS 160.340

#### RELATED POLICIES:

04.61; 09.33

LEGAL: SB 8 REMOVES THE REQUIREMENT THAT A DISTRICT SCHOOL SAFETY COORDINATOR BE A DISTRICT LEVEL ADMINISTRATOR. IT ALSO ADDS EXCEPTIONS FOR WHEN CLASSROOM DOORS ARE TO BE LOCKED.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

JCPS STAFF RECOMMENDATION

DRAFT 11/6/19

SCHOOL FACILITIES

05.4

**Safety**

**BOARD TO ADOPT PLAN**

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 District assessment of school safety and student discipline required by law and shall include the Board's code of acceptable behavior and discipline and a description of instructional placement options for threatening or violent students. The committee that develops the initial plan for Board consideration shall include at least one (1) representative from each school in the District, as well as representatives from the community as required by law. The annual review and revision of the plan shall be completed by District Administration, in consultation with appropriate stakeholders.

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. School facility design, maintenance, and usage;
2. Safety and security procedures, orientation and training in use and management of equipment and facilities;
3. Supervision of students;
5. Compliance with state and federal safety requirements;
6. Periodic reports to the Board concerning implementation of the plan and its effects on District students, personnel, and operations.
7. Community involvement.

**DISTRICT SCHOOL SAFETY COORDINATOR**

The Superintendent shall appoint an individual ~~a District-level school administrator~~ to serve as the District's School Safety Coordinator (SSC) and primary point of contact for public school safety and security functions.<sup>1</sup> The SSC shall:

1. Complete the school safety coordinator training program developed by the Center for School Safety within six (6) months of his or her date of appointment;
2. Designate a school safety and security threat assessment team at each school in the District consisting of two (2) or more staff members to identify and respond to students exhibiting behavior that indicates a potential threat to school safety or security. Members of a threat assessment team may include school administrators, school counselors, school resource officers, school-based mental health services providers, teachers, and other school personnel;



**Safety****DISTRICT SCHOOL SAFETY COORDINATOR (CONTINUED)**

3. Ensure that members of threat assessment teams receive training as required under Board Policy 09.429 regarding the purpose of the team, team guiding principles, and the members' roles in enhancing school safety and school security through identifying and responding to students exhibiting behavior that indicates a potential threat to school safety or school security. Training shall address the following: strategies to properly respond to students who provide information about a threatening or concerning situation, ways to assess and respond to potential threats, how and to whom they should report threatening communications or behavior, and strategies to understand, identify, and address implicit bias of team members.
2. Provide training to school Principals on procedures for completion of the school security risk assessment;
3. Review all school security risk assessments completed within the District and prescribe recommendations as needed in consultation with the state school security marshal;
4. Advise the Superintendent by July 1, 2021, and annually thereafter of completion of required security risk assessments;
5. Formulate recommended policies and procedures, which shall be excluded from the application of KRS 61.870 to KRS 61.884, for an all-hazards approach including conducting emergency response drills for hostage, active shooter, and building lockdown situations in consultation and coordination with appropriate public safety agencies to include but not be limited to fire, police, and emergency medical services for review and adoption as part of the school emergency plan required by KRS 158.162. The recommended policies shall encourage the involvement of students, as appropriate, in the development of the school's emergency plan; and
6. Ensure each school campus is toured at least once per school year, in consultation and coordination with appropriate public safety agencies, to review policies and procedures and provide recommendations related to school safety and security.

The SSC, and any school employees participating in the activities of a School Safety and Security Threat Assessment Team, acting in good faith upon reasonable cause in the identification of students, shall be immune from any civil or criminal liability that might otherwise be incurred or imposed from:

- a. Identifying the student and implementing a response pursuant to policies and procedures adopted as required above; or
- b. Participating in any judicial proceeding that results from the identification.

**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 School Resource Officers (SROs) in the District. The report shall include the source of funding and method of employment for each position.

**Safety****SCHOOL EMERGENCY PLANNING**

The school council or, if none exists, the Principal charged with the responsibility of operating a building site, shall have a plan of action to provide for any natural or man-made disaster which affects the safety of students and employees housed in that facility. That plan 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 all emergency plans, including a diagram of the facilities, shall be given to first responders, including local fire, police, and emergency medical personnel and shall be made available to all occupants of the building. A master copy shall be sent to the Security Unit for evaluation and permanent filing. Following the end of each school year, the school council, or if none exists, the Principal, 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 Principal shall discuss the emergency plan with all school staff prior to the first instructional day annually and shall document the date and time. Whenever possible, first responders shall be invited to observe emergency response drills.

In addition, the school council or, if none exists, the Principal 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. These safe zones are to be reviewed by the local fire marshal or fire chief;
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;

## **Safety**

### **SCHOOL EMERGENCY PLANNING (CONTINUED)**

- 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 Superintendent 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.

#### **DEFIBRILLATORS**

The District maintains automatic external defibrillators (AED) in designated locations throughout the District. An AED shall be used in emergency situations warranting its use in accordance with guidelines established by the Superintendent/designee. Expected users documented as having completed required training shall be authorized to use a defibrillator.

The District shall notify the local emergency medical services system and the local emergency communications or vehicle dispatch center of the existence, location, and type of each AED.

~~KRS 158.302 encourages, but does not require, a school to have an Automated External Defibrillator (AED) on the premises. A District school may purchase and maintain an AED in accordance with the requirements established by the District in an Administrative Procedure. The procedure shall address: device specifications, documented training of expected users, storage, prescription, appropriate usage in emergency situations, and reporting.~~

~~The District shall notify the local emergency medical services system of the existence, location, and type of each AED.~~

Defibrillators shall be maintained and tested in accordance with operational guidelines of the manufacturer and monitored as directed by the Superintendent/designee. Defibrillators shall be kept on school property unless accompanied by authorized and trained personnel and will not accompany EMS personnel to a hospital emergency room.

All forms documenting certification training, report of use, and inspection shall be kept in the nurse's office for each location an AED is available.

### **REPORTING HAZARDS**

Each employee observing a potential safety or security hazard shall report such hazard in writing to building administrators who shall then report the physical hazard using the work order system to the Department of Facilities/Transportation who, in turn, shall make a prompt inspection and initiate steps to remedy the condition.

### **COMMUNICATION SYSTEM**

The Board 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.

**Safety**

**REFERENCES:**

<sup>1</sup>KRS 158.4412

KRS 61.870 to KRS 61.884

KRS 158.148; KRS 158.162; KRS 158.164; KRS 158.445

KRS 160.290; KRS 160.445

KRS 311.667; KRS 411.148

02.31; 03.14; 03.24; 05.2; 05.21; 05.41; 05.411; 05.42; 05.45; 05.47; 05.5

09.214; 09.22; 09.221; 09.4 (entire section); 10.5

LEGAL: FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) REGULATIONS REQUIRE THAT AS OF JANUARY 6, 2020 DISTRICTS ARE TO COMPLY WITH FEDERAL BUS DRIVER "CLEARINGHOUSE" RULES REQUIRING CHECKS ON APPLICANTS, ANNUAL CHECKS ON CURRENT DRIVERS, INFORMING DRIVERS OF REPORTABLE CONDUCT, AND REPORTING OF DISQUALIFYING INCIDENTS TO THE FMCSA DATABASE.

FINANCIAL IMPLICATIONS: COST OF CLEARINGHOUSE CHECKS

TRANSPORTATION

06.221

### **Bus Drivers' Use of Tobacco and Other Substances**

#### **TOBACCO, ALTERNATIVE NICOTINE, OR VAPOR PRODUCTS**

The use of any tobacco product, alternative nicotine product, or vapor product as defined in KRS 438.305 is prohibited for all persons and at all times on or in all property, including any vehicle, that is owned, operated, leased, or contracted for use by the Board and while attending or participating in any school-related student trip or student activity and is in the presence of a student or students.<sup>1</sup>

Adequate notice shall be provided to students, parents and guardians, school employees, and the general public.

Signage shall be posted on or in all property, including any vehicle that is owned, operated, leased, or contracted for use by the Board, clearly stating that the use of all such products is prohibited at all times and by all persons on or in the property.

School employees shall enforce the policy.

#### **DEFINITIONS**

The following definitions apply for purposes of drug and alcohol testing required by federal and state law:

"Drugs" refers to controlled substances as prohibited by the Omnibus Act, including but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

"Alcohol" refers to the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including but not limited to, methyl and isopropyl. Alcohol use includes the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

#### **USE PROHIBITED**

All employees subject to commercial driver's license (CDL) requirements shall be prohibited from:

1. The use of any drugs, that may affect the employee's ability to safely drive a school bus or perform other job responsibilities;
2. The use of alcohol:
  - a. While on duty;
  - b. Four (4) hours before driving;
  - c. Eight (8) hours following an accident; or
  - d. Consumption resulting in prohibited levels of alcohol in the system.

**Bus Drivers' Use of Tobacco and Other Substances****REQUIRED REPORTS**

- Drivers taking medication either by prescription or without prescription shall report to the immediate supervisor and shall not drive if that medication may affect the driver's ability to safely drive a school bus or perform other driver responsibilities.<sup>2</sup>
- Drivers shall immediately report to the Superintendent or designee any traffic violation specified in Kentucky Administration Regulation.<sup>2</sup>

**FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) DRUG AND ALCOHOL CLEARINGHOUSE**

The Clearinghouse is a secure online database that gives employers, the FMCSA, State Driver Licensing Agencies (SDLAs), and State law enforcement personnel real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations. The Clearinghouse enables employers to identify drivers who commit a drug and alcohol program violation while working for one employer, but who fail to subsequently inform another employer (as required by current regulations).

<https://www.fmcsa.dot.gov/>

The District must not employ a driver subject to controlled substances and alcohol testing to perform a safety-sensitive function without first conducting a pre-employment query of the Clearinghouse to obtain information about whether the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of law; or that an employer has reported actual knowledge, as defined by federal regulation, that the driver used alcohol on duty, used alcohol before duty, used alcohol following an accident, or used a controlled substance, in violation of federal regulations.

The District must conduct a query of the Clearinghouse at least once per year for information for all CDL drivers subject to controlled substance and alcohol testing to determine whether information exists in the Clearinghouse about those employees. The District shall not allow a driver to perform any safety-sensitive function if the results of a Clearinghouse query on the driver demonstrate a disqualification as provided by regulation and described above and such driver may be subject to personnel action up to and including termination.

Reporting of the following information on individual drivers to the federal Clearinghouse is required: verified positive, adulterated, or substituted test results; confirmed alcohol tests at .04 or higher; refusal to submit to required tests; the reporting of actual knowledge (as defined by federal regulation) of **Department of Transportation (DOT)** regulatory violations, including violations based on prohibited on duty, pre-duty, or post-accident alcohol use and controlled substance use; and regulatory return to duty and follow-up testing information as applicable.

**TESTING**

All covered applicants and employees shall be subject to pre-employment testing (controlled substances only), and reasonable suspicion, random and post-accident testing for drugs and alcohol. Return-to-duty and follow-up testing shall also be required.

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

All offers of employment with the District shall be made contingent upon testing results. An applicant who tests positive shall not be employed.

Current employees who test positive shall be subject to immediate disciplinary action up to and including dismissal in accordance with Board policy and administrative procedures. A school bus driver, substitute driver, school bus mechanic or anyone performing safety-sensitive pupil transportation duties who tests 0.02 percent or higher on the confirmation alcohol test immediately before, during, or immediately following the performance of these duties shall be relieved of these duties immediately. (Drivers found under the influence of alcohol or any illegal drugs while on duty or with remaining driving responsibilities that same day shall be dismissed from employment in accordance with Kentucky Administrative Regulation and Board policy and shall not be eligible for reemployment for five [5] years.)

Employees who test positive shall also be notified of referral services. Additionally, employees shall be subject to CDL prohibitions and penalties under the Omnibus Act and applicable Federal Motor Carrier Safety Regulations.

Applicants who refuse drug testing shall be eliminated immediately from employment consideration. Current employees who refuse to comply with testing requirements will be regarded as insubordinate and shall be subject to disciplinary action, up to and including dismissal.

Refusal to submit to an alcohol or controlled substance test means that the individual demonstrated noncompliance, including but not limited to the following actions:

- Failed to appear for any test within a reasonable period of time as determined by the employer and consistent with applicable Department of Transportation agency regulation;
- Failed to remain at the testing site until the testing process was completed;
- Failed to provide a sample specimen for any required test;
- Failed to provide a sample in an amount sufficient for testing without an adequate medical reason for the failure;
- Failed to undergo a medical examination as directed by the Medical Review Officer as part of the verification process for the previous listed reason;
- Failed or declined to submit to a second test that the employer or collector has directed the driver to take;
- Failed to cooperate with any of the testing process; and/or
- Adulterated or substituted a test result as reported by the Medical Review Officer.

**TESTING COSTS**

Pre-employment drug testing costs shall be paid for by the District. All current employee drug and alcohol testing including reasonable suspicion, random and post-accident testing costs shall be paid for by the District.

**Bus Drivers' Use of Tobacco and Other Substances****MATERIALS TO BE PROVIDED**

The Superintendent/designee shall distribute educational materials to explain state and federal legal requirements for alcohol and controlled substance testing of CDL drivers and the District's policies and procedures to implement such testing. Materials shall meet content requirements of state and federal regulations, [including information on required reporting to the federal Clearinghouse](#), and shall be distributed to each driver prior to the start of alcohol and controlled substances testing each year and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle. If the District recognizes an organization to represent bus drivers, the District shall provide written notice to representatives of the organization of the availability of this information.<sup>3</sup>

**REFERENCES:**

<sup>1</sup>KRS 438.050; KRS 438.305; KRS 438.345

<sup>2</sup>702 KAR 5:080

<sup>3</sup>49 C.F.R. Part 382

[49 C.F.R. § 382.701](#); [49 C.F.R. § 382.703](#); [49 C.F.R. § 390](#)

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

**RELATED POLICIES:**

03.11; 03.13251; 03.1327; 03.17

03.21; 03.23251; 03.2327; 03.27

09.4232; 10.5



LEGAL: HB 458 REPEALS KRS 157.270 AND CREATES A NEW SECTION OF KRS CHAPTER 158 AS IT RELATES TO HOME/HOSPITAL INSTRUCTION.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## CURRICULUM AND INSTRUCTION

08.1312

### **Home/Hospital Instruction**

#### **PURPOSE**

The Board shall offer home/hospital instruction for pupils whose school attendance is interrupted by illness or accident and who expect to be confined to their homes or to a hospital or treatment center.

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

~~For purposes of KRS 157.360, a student who receives Hhome/hhospital instruction for will be a minimum of two (2) instructional sessions visits per week, with a minimum of one (1) hour of instruction per session visit, by a certified teacher provided by the Board, shall equal the student attending which is equivalent to one (1) child’s attendance in school for five (5) days in school. An instructional session may be delivered in person, electronically, or through other means established in regulation. Students on extended placement in home/hospital instruction may receive virtual/online instruction, which would be in addition to the minimum two (2) one (1) hour visits per week.~~ A parent/guardian or responsible adult must be present in the home/hospital room during the time the home/hospital teacher is present or is otherwise delivering instruction.

#### **ELIGIBILITY**

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

At any time based on changes in the student’s condition, the home/hospital review committee may schedule a review of the student’s continued eligibility for home/hospital instruction.

The Admissions and Release Committee (ARC) shall determine ~~homebound~~ placement in home/hospital instruction for a student with disabilities. The 504 Team for a student may facilitate submission of an application to the review committee.

#### **SECONDARY STUDENTS**

A high school student placed on home/hospital instruction for extended periods may carry all appropriate credits during the first semester of placement. Except for students with an Individual Education Plan (IEP) or a 504 plan, the number of credits to be carried during all subsequent semesters of placement shall be determined on a case-by-case basis by the review committee, based on the following criteria:

1. The student's ability to work independently during extended periods without direct assistance.
2. The student's capacity to complete assignments within a reasonable time frame.
3. The likelihood that the student will be able to complete course criteria required for graduation, as required by the Kentucky Academic Standards.

**Home/Hospital Instruction****SECONDARY STUDENTS (CONTINUED)**

4. When considering the student's condition, should s/he take a full or reduced course load?  
(If a reduced course load is appropriate, the committee shall determine the number of courses the student may take.)

**STUDENTS WITH DISABILITIES**

Based on documentation of student need, including medical or mental health evaluation information, a student with disabilities may be placed in the home/hospital instructional program if his/her individual education plan (IEP) specifies such placement is the least restrictive environment for providing services. The ARC Chair shall provide written notice of eligibility and documentation to the District Director of Pupil Personnel for purposes of program enrollment.

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

**REFERENCES:**

~~KRS 157.270~~; KRS 157.360

New Section of KRS 158

KRS 159.030

704 KAR 3:303

704 KAR 7:120

707 KAR 1:320

707 KAR 1:350

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

Section 504 of the Rehabilitation Act of 1973

34 C.F.R. 104.35

**RELATED POLICIES:**

09.122

09.123

LEGAL: SB 63 AMENDS 158.100 TO ALLOW VIRTUAL HIGH SCHOOL COMPLETION PROGRAMS; GIVES THE BOARD AUTHORITY TO ESTABLISH PROGRAM, OUTLINE ENROLLMENT ELIGIBILITY/GRADUATION REQUIREMENTS, CHARGE STUDENTS TUITION/FEEES; REQUIRES ENROLLEES TO BE AT LEAST 21, ESTABLISH SCHOOL REQUIREMENTS FOR ELIGIBILITY; ALLOWS DISTRICT TO CHOOSE BETWEEN REQUIRING COMPLETION OF GRADUATION REQUIREMENTS AT THE TIME OF DROP OUT OR THE REQUIREMENTS IN PLACE CURRENTLY.  
FINANCIAL IMPLICATIONS: COST OF PROVIDING INSTRUCTION

## CURRICULUM AND INSTRUCTION

08.4

### **Adult/Community Education**

The Board through the District's Adult Education Department shall provide programs and classes including basic education and occupational education for adults of the community.

Programs and classes shall be offered to provide for special interests and to meet the needs of adults in the community using tuition and funds from grants and awards to cover the cost. The classes shall be offered at appropriate times and locations to meet the needs of the adult population of Jefferson County.

#### **VIRTUAL HIGH SCHOOL COMPLETION PROGRAMS**

The Board may establish a high school completion program consistent with KRS 158.100.<sup>1</sup>

#### **SCHOOL FACILITIES AND RESOURCES**

The Board authorizes the use of school facilities and resources for conducting these programs and further authorizes the acceptance of other agency funds for their operation.

#### **REFERENCES:**

<sup>1</sup>KRS 158.100

KRS 160.155; KRS 160.156; KRS 160.157; KRS 164.0064  
13 KAR 3:010; 13 KAR 3:050

#### **RELATED POLICIES:**

08.113; 09.1223; 09.124

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

09.12

### **Admissions and Attendance**

#### **RESIDENCE DEFINED**

Students in the custody of a parent or guardian who resides in the District, or as otherwise provided by state or federal law, shall be considered residents and entitled to the privileges of the District's schools.

All other students shall be classified as nonresidents for school purposes.<sup>1</sup>

#### **SCHOOL OF ORIGIN DEFINED**

"School of origin" is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool or a charter school; provided, if a determination is made that it is not in the child's or youth's best interest to remain in the school of origin at the time of a change in foster care placement, the new school in which the child or youth is enrolled would then become the school of origin. When a child or youth completes the final grade level served by the school of origin, the school of origin includes the designated receiving schools at the next grade level for all feeder schools, if applicable.

#### **HOMELESS CHILDREN AND UNACCOMPANIED YOUTH**

The District is dedicated to ensuring all students experiencing homelessness (McKinney-Vento eligible students) have "equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths" in accordance with the McKinney Vento Homeless Assistance Act (reauthorized under the Every Student Succeeds Act, December 10th, 2015). It is the policy of the District that every homeless child and youth and homeless children or youth not in the physical custody of a parent or guardian (unaccompanied youth) be sensitively identified, permitted admission in an immediate and sensitive manner, and enrolled in and attend school on a daily basis as required by federal law.<sup>2</sup>

This policy promotes the educational stability and continuity of homeless students.

1. Homeless Definition. According to the McKinney Vento law a student experiencing homelessness is defined as a child or youth who lacks a fixed, regular, and adequate nighttime residence. This includes a child or youth who is living:
  - a. With a friend, relative, or someone else due to economic hardship, loss of housing, or a similar reason.
  - b. In a motel, hotel, trailer park, or camp grounds due to lack of alternative accommodations.
  - c. In an emergency or transitional shelter.
  - d. In a public or private space not ordinarily designed for or used as a sleeping accommodation.
  - e. In a car, park, abandoned building, bus or train station, substandard housing, or similar setting.

**Admissions and Attendance****HOMELESS CHILDREN AND UNACCOMPANIED YOUTH (CONTINUED)**

2. Children and Unaccompanied Youth Experiencing Homelessness have the right to:
  - a. Go to school, including a public preschool or charter school, no matter where they live or how long they have lived there.
  - b. Continue in the school of origin for the duration of homelessness when deemed in the best interest of the child, or for the remainder of the school year if the family becomes permanently housed during the school year. It is presumed that staying in the school of origin is in the child's best interest, unless it is against the wishes of the parent, guardian, or unaccompanied youth.
  - c. Receive transportation to and from the school of origin. Transportation must be arranged promptly to ensure immediate enrollment and so as not to create barriers to homeless students' attendance, retention, and success.
  - d. Enroll in school immediately even if documents normally required for enrollment are missing.
  - e. Enroll and attend classes while the school and District arrange for the transfer of immunization records or any other documents required for enrollment.
  - f. Enroll and attend classes in either the school of origin or the reside school even while the school and parent or youth seek to resolve a dispute over the selected school.
  - g. Receive the same special programs and services, if needed, as provided to all other students served in these programs.
  - h. Receive transportation to and from school and school programs, comparable to that of housed students.
  - i. If a dispute arises over eligibility, or school selection or enrollment in a school:
    - i. The child or youth shall be immediately enrolled in their school of origin, or other school in which enrollment is sought in accordance with the District's student assignment policy, pending final resolution of the dispute, including all available appeals.
    - ii. The parent or guardian of the child or youth, or in the case of an unaccompanied youth, the youth, shall be provided with a written explanation of any decisions related to school selection or enrollment made by the school, the District, or the Kentucky Department of Education, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions.
    - iii. The parent, guardian, or unaccompanied youth shall be referred to the District Homeless Liaison, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute.
    - iv. In the case of an unaccompanied youth, the District Homeless Liaison shall ensure that the youth is immediately enrolled in their school of origin, or other school in which the youth seeks enrollment in accordance with the District's student assignment policy pending resolution of such dispute.
    - v. The Dispute Resolution for Homeless form located on the KDE website shall be used.

**Admissions and Attendance****HOMELESS CHILDREN AND UNACCOMPANIED YOUTH (CONTINUED)**

The District shall provide comparable 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 school of origin is located within the area served by the District and the child continues to live within the area served by the District. If a child whose school of origin is located within the area served by another school district locates to the District, the District and the other district 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.

**DISTRICT HOMELESS LIAISON**

The District shall designate an appropriate staff person to serve as liaison to homeless children and unaccompanied youth. The scope of responsibilities of the District Homeless Liaison shall align with the requirements under the McKinney-Vento law. The liaison is responsible for ensuring:

1. Homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies.
2. Homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of the District.
3. Homeless families and homeless children and youths have access to and receive educational services for which such families, children, and youths are eligible, including early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.) and other preschool programs administered by the District.
4. Homeless families and homeless children and youths receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services.
5. The parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
6. Public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths.
7. School placement decisions are made on the basis of the best interest of the child and wishes of the parent, guardian, or unaccompanied youth.
8. Enrollment disputes are mediated in accordance with this policy.
9. The parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school that is selected.

**Admissions and Attendance****HOMELESS CHILDREN AND UNACCOMPANIED YOUTH (CONTINUED)**

10. School personnel providing services under this subtitle receive professional development and other support.
11. Unaccompanied youths:
  - a. Are enrolled in school.
  - b. 'Have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth.
  - c. Are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and that the youths may obtain assistance from the District Homeless Liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid.'
12. Coordination and collaboration with State Coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements.

The District Homeless Liaison may affirm, without further agency action by the Department of Housing and Urban Development, that a child or youth who is eligible for and participating in a program provided by the District, or the immediate family of such a child or youth, who meets the eligibility requirements of for a program or service authorized under Title IV of ESSA, is eligible for such program or service.

All concerns regarding the education of homeless children and unaccompanied youth shall be referred to the District Homeless Liaison. If a complaint arises regarding services or placement of homeless children and unaccompanied youth, the dispute resolution procedures as set forth in 704 KAR 7:090 shall apply.

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

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

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

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

**POLICY REVIEW AND REVISION**

The District shall review and revise any policies that may act as barriers to the identification of homeless children and youths or the enrollment of homeless children and youths in schools. In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship. Special attention shall be given to ensuring the identification, enrollment, and attendance of homeless children and youths who are not currently attending school.

## **Admissions and Attendance**

### **BEST INTEREST DETERMINATION FOR HOMELESS CHILD**

In determining a child's or youth's best interest, the District Homeless Liaison must presume that keeping the homeless child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or in the case of an unaccompanied youth, the youth. When determining a child's or youth's best interest, the District must consider student-centered factors, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youths, giving priority to the request of the child's or youth's parent or guardian or (in the case of an unaccompanied youth) the youth.

### **COMPARABLE SERVICES FOR HOMELESS STUDENTS**

The District shall provide services to each homeless child and youth that are comparable to services offered to other students in the District. These services include public preschool programs and other educational programs or services for which a homeless student meets the eligibility criteria, such as programs for children with disabilities, programs for English learners, programs in career and technical education, programs for gifted and talented students, before-and after-school programs, school nutrition programs, transportation and charter school programs.

### **CHILDREN IN FOSTER CARE**

"Foster care" is defined as "24-hour substitute care for children placed away from their parents or guardians and for whom the Cabinet for Health and Family Services has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes..."<sup>3</sup>

The District is committed to increasing educational stability and improving educational outcomes for students 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 District shall collaborate with the Cabinet to ensure immediate and appropriate enrollment of the child and immediately contact the student's previous school for relevant records. The previous school shall provide the new school records ~~maintained~~ within the student information system ~~maintained~~ by the Kentucky Department of Education ~~within~~ by the end of the working day on the day three (3) working days 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 Superintendent shall appoint a Foster Care Liaison to coordinate activities relating to the District's provision of services to children placed in foster care, including transportation services, when the District 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 District. The Superintendent may appoint the District Foster Care Liaison prior to such notice from the Cabinet.



## **Admissions and Attendance**

### **PLACEMENT OF CHILDREN IN FOSTER CARE**

It is presumed to be in a child's best interest to remain in the school of origin. If a determination is made at the time of such change in placement that it is in the child's best interest to be placed in a school other than the school of origin, the new school shall be considered the school of origin for future school placement decisions.<sup>4</sup>

Children in foster care, including preschool aged children if the District 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 IN FOSTER CARE**

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

- The benefits to the child of maintaining educational stability;
- The appropriateness of the current educational setting;
- The child's attachment and meaningful relationships with staff and peers at the current educational setting;
- The safety of the child;
- The proximity of the placement to the school of origin, and how the length of a commute would impact the child; and
- The influence of the school's climate on 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.<sup>10</sup>

**Admissions and Attendance****BEST INTEREST OF THE CHILD IN FOSTER CARE (CONTINUED)**

The District and the Cabinet shall have flexibility in determining the factors to be considered in evaluating the appropriateness of the educational setting of a child in foster care, and determining a school placement that is in the child's best interest. Best interest determinations should include input from relevant parties, including the child, foster parents, biological relatives, and school staff. Though the specific factors may vary depending on context, a variety of student-centered factors should be considered when determining the most appropriate educational setting for a child. The District and Cabinet shall consult U.S. Department of Education guidance regarding the factors that may be considered.<sup>4</sup>

**DISPUTE RESOLUTION**

The District and Cabinet shall make every effort to reach agreement regarding the appropriate school placement of children in foster care. If a conflict arises between a social service worker and the District regarding school placement, the social service worker shall address the matter through the Cabinet and District Foster Care Liaison. During a dispute, the District shall ensure transportation for the child to the school of origin until a resolution is reached. If an agreement cannot be reached, the final decision regarding a child's best interest rests with the Cabinet.<sup>4</sup>

**TRANSPORTATION**

The District shall collaborate with child welfare agencies to ensure that transportation to a child's school of origin for students in foster care is provided, arranged, and funded for the duration of the time the student is in foster care. Transportation costs shall not be considered as a factor when determining a child's best interest regarding school placement. The District's Foster Care Liaison shall assist in exploring transportation options.

**IMMEDIATE ENROLLMENT**

When a determination is made that it is not in the child's best interest to remain in school of origin at the time of a change in placement, the District shall immediately enroll the child in a new school in accordance with the District's student assignment plan and enrollment procedures, even if the child does not have required documentation. The District shall contact the student's prior school for relevant records.

When the placement of a state agency child, including a child in foster care, is changed, and the child is transferring from one school to another, the sending school shall prepare a Cabinet Educational Passport form within two (2) days of the transfer and provide it to the social service worker, who shall present it to the receiving school within two (2) days of enrollment.<sup>5</sup>

**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 District 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.

**Admissions and Attendance****NONRESIDENTS**

Nonresident students may be admitted to the District's schools in accordance with Board policy and upon approval of the Superintendent.<sup>3</sup>

Written nonresident student 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.

**TRANSFER OF ADA**

Nonresident students may be admitted to the District schools upon payment of tuition and/or transfer of the student’s average daily attendance as defined under Kentucky's public school fund.<sup>4&5</sup>

**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 District 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 District 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 District 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.<sup>6</sup>

**Admissions and Attendance****EXPELLED/CONVICTED STUDENTS (CONTINUED)**

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 District and seeks to enroll, the District shall review the details of the charges, suspension, or expulsion and determine if the student will be admitted, and if so, what conditions may be imposed upon the admission. Prior to a decision to deny admission, the District shall offer the student, parent/guardian.

**REFERENCES:**

<sup>1</sup>KRS 159.010; OAG 78-64

<sup>2</sup>42 U.S.C. 11431 et seq. (McKinney-Vento Act) & S1177 Sec.9101.

<sup>3</sup>45 C.F.R.1335.20(a)

<sup>4</sup>Non-regulatory Guidance on Foster Care Provisions in Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act of 2015

<sup>5</sup>45 C.F.R.1335.20(a)

<sup>6</sup>KRS 158.120; OAG 80-47; OAG 79-327; OAG 75-602

<sup>7</sup>KRS 157.320

<sup>8</sup>702 KAR 7:125

<sup>9</sup>KRS 158.155; KRS 157.330, KRS 158.150

<sup>10</sup>[KRS 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; 09.11; 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 63 AMENDS 158.100 TO ALLOW VIRTUAL HIGH SCHOOL COMPLETION PROGRAMS; GIVES THE BOARD AUTHORITY TO ESTABLISH PROGRAM, OUTLINE ENROLLMENT ELIGIBILITY/GRADUATION REQUIREMENTS, CHARGE STUDENTS TUITION/FEEs; REQUIRES ENROLLEES TO BE AT LEAST 21, ESTABLISH SCHOOL REQUIREMENTS FOR ELIGIBILITY; ALLOWS DISTRICT TO CHOOSE BETWEEN REQUIRING COMPLETION OF GRADUATION REQUIREMENTS AT THE TIME OF DROP OUT OR THE REQUIREMENTS IN PLACE CURRENTLY.  
FINANCIAL IMPLICATIONS: COST OF PROVIDING INSTRUCTION

STUDENTS

09.1223

### **Persons Over Compulsory Attendance Age**

#### **ADMISSION OF RESIDENT STUDENTS OVER AGE TWENTY-ONE (21)**

Resident students over age twenty-one (21) may be admitted on a tuition basis.

A student currently enrolled in the District who reaches his/her twenty-first (21st) birthday after the school year begins shall be eligible to complete that school year tuition free. Any student who reaches his/her twenty-first (21st) birthday on or before the day school begins shall be subject to a tuition charge as determined by the Board. This policy does not apply to those war veterans covered by KRS 158.105 or to individuals enrolled in any experimental program approved by the Board.

Students under age twenty-one who have earned a High School Equivalency Diploma shall be permitted to enroll to work toward completion of graduation requirements.

#### **EXCEPTIONS**

The District 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. The District may provide a virtual high school completion program for persons twenty-one (21) years of age or older as permitted by KRS 158.100.

#### **STUDENTS WITH DISABILITIES**

In cases which involve students with disabilities, the procedures mandated by federal and state law for such students shall be followed.<sup>1</sup>

#### **REFERENCES:**

<sup>1</sup>20 U.S.C. § 1412P.L. 105-17

KRS 157.200

KRS 157.360

KRS 158.100

KRS 158.140

KRS 159.010

KRS 159.030

704 KAR 3:305

707 KAR 1:290

#### **RELATED POLICY:**

08.4

LEGAL: HB 266 AMENDS KRS 159.075 TO INCLUDE PARENTS OR GUARDIANS WHO ARE TRANSFERRING TO A RESERVE COMPONENT OR SEPARATING FROM THE MILITARY UNDER HONORABLE CONDITIONS; INCLUDE A HOME UNDER CONTRACT TO BE BUILT AS A QUALIFYING RESIDENCE; ALLOWS QUALIFYING STUDENTS TO TEMPORARILY RESIDE OUTSIDE OF DISTRICT IF THE HOUSING IS UNAVAILABLE, REMOVES TUITION BUT STUDENT TO BE INCLUDED IN THE ATTENDING DISTRICT'S AVERAGE DAILY ATTENDANCE.  
FINANCIAL IMPLICATIONS: STUDENT INCLUDED IN THE ATTENDING DISTRICT'S ADA

STUDENTS

09.126

### **Students of Military Families**

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

#### **ENROLLMENT**

A child of a military family may pre-enroll or participate in pre-admission in the District if the parent or guardian of the child:

- a) Is transferred to or is pending transfer to a military installation or to a reserve component within the state while on active military duty pursuant to an official military order.
- b) Is returning to the state after within one (1) year of being separated from the military with an honorable discharge, discharge under honorable conditions, or a general discharge under honorable conditions.

The District shall accept an application for enrollment and course registration by electronic means for the child, including enrollment in a specific school or program within the District.

The parent or guardian of a child of a military family shall provide proof of residence to the District within ten (10) days after the arrival date provided on official documentation. The parent or guardian may use, as proof of residence, the address of:

1. A temporary on-post billeting facility;
2. A purchased or leased home or apartment; ~~or~~
3. Any federal government housing or off-post military housing, including off-post military housing that may be provided through a public-private venture; or
- ~~3.4.~~ A home under contract to be built.

Until actual attendance or enrollment in the District, the child of a military family shall not:

1. Count for the purposes of average daily attendance; or
- ~~2. Be charged tuition pursuant to KRS 158.120; or~~
- ~~3.2.~~ Be included in the state assessment and system.<sup>1</sup>

To accommodate for temporary housing, if a child utilizes this section to enroll in the District, but the residence identified above has not yet become available, then the District shall allow the child to enroll and begin attending the District regardless of the child's temporary residence and subsequently be included in the District's calculation of average daily attendance under KRS 157.320, for a period of up to one (1) year from the parent's or guardian's reporting for duty date or separation date before being considered a resident of another District.<sup>1</sup>

**Students of Military Families****ENROLLMENT (CONTINUED)**

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

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

**TUITION**

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

**IMMUNIZATION REQUIREMENTS**

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

**PLACEMENT**

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

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

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

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

**SPECIAL EDUCATION SERVICES**

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

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

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

**Students of Military Families****DEPLOYMENT-RELATED ABSENCES**

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

**EXTRACURRICULAR PARTICIPATION**

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

**GRADUATION REQUIREMENTS**

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

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

**CHILDREN OF CIVILIAN MILITARY EMPLOYEES**

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

**REFERENCES:**

<sup>1</sup>KRS 159.075

KRS 156.730; KRS 156.735; KRS 157.320; KRS 158.020

20 U.S.C. § 1400 et seq. Individuals with Disabilities Education ~~Improvement~~-Act (IDEA)  
~~of 2004~~

Section 504 of the Rehabilitation Act; District 504 procedures  
Americans with Disabilities Act

**RELATED POLICIES:**

02.4241; 08.113; 08.131; 08.132; 08.13452; 08.222  
09.12; 09.121; 09.123; 09.124; 09.211; 09.3; 09.313



LEGAL: REQUIREMENTS FOR 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.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

HIGHLIGHTED TEXT RECOMMENDED BY JCPS STAFF

STUDENTS

09.15

## **Student Fees**

### **BOARD APPROVAL REQUIRED**

~~Fees for rental or purchase of instructional resources may be charged.~~ All student fees and charges shall be adopted by the Board, including any student activity fees or membership dues. **Approved fees shall remain in place until modified or removed by Board resolution.** Fees for rental or purchase of instructional resources may be charged.

Fees collected for a specific purpose shall be used for that purpose only. Fees sponsored under the auspices of the school by student clubs or student organizations shall be accounted for in the school activity fund bank account.

### **CLASSROOM SUPPLIES**

The Principal shall review any supply lists or written requests for supplies to be purchased by parents prior to such lists or written requests being sent to parents.

### **INABILITY TO PAY**

No child shall be denied full participation in any educational program due to an inability to pay for, or rent, necessary instructional resources.<sup>1</sup>

### **WAIVER OF FEES**

The Superintendent shall recommend and the Board shall approve a process to waive fees for students who qualify. At the beginning of the school year or at the time of enrollment, all students shall be given clear and prominent written notice of the fee waiver provisions. The written notice of the fee waiver process shall include a form that parents may use to request waiver of fees. Mandatory waiver of fees for qualifying students shall be accomplished in compliance with applicable statutory and regulatory requirements.

### **REFERENCES:**

<sup>1</sup>KRS 158.108

KRS 160.330

702 KAR 3:220; 704 KAR 3:455

Accounting Procedures for Kentucky School Activity Funds

### **RELATED POLICIES:**

04.312; 08.232

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

09.22

## **Student Health and Safety**

### **PRIORITY**

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

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

### **HEALTH SERVICES TO BE PROVIDED**

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

Employees to whom health service responsibilities have been delegated must be approved in writing by the delegating physician, nurse practitioner or registered 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.<sup>1</sup>

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

### **SAFETY PROCEDURES**

All students shall receive annual instruction in school bus safety.

The Superintendent 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 a school in the District shall contain the contact information for:

- a) A national domestic violence hotline;
- b) A national sexual assault hotline; and
- c) A national suicide prevention hotline.<sup>4</sup>

**Student Health and Safety****SUICIDE PREVENTION**

All employees with job duties requiring direct contact with students in grades four (4) 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 District 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.<sup>3</sup>

By September 15 of each year, each public school shall provide suicide prevention awareness information to students in grades four (4) through twelve (12), as provided by the Cabinet for Health and Family Services or a commercially developed suicide prevention training program.<sup>2</sup>

**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.<sup>3</sup>

**REFERENCES:**

<sup>1</sup>KRS 156.501; KRS 156.502; 702 KAR 1:160

<sup>2</sup>KRS 156.095

<sup>3</sup>KRS 158.070

<sup>4</sup>New Section KRS 158

KRS 156.160; 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

09.2211

### **Employee Reports of Criminal Activity**

To promote the safety and well-being of students, employees shall report criminal activity as required by state law.

#### **KRS 620.030**

District personnel who know or have reasonable cause to believe that a child is dependent, neglected or abused, or is a victim of human trafficking, or is a victim of female genital mutilation, shall immediately make a report to the appropriate state agency as required by KRS 620.030.

#### **KRS 158.155**

School personnel who know or have reasonable cause to believe that a violation of state law involving the carrying, possession or use of a deadly weapon; the use, possession or sale of a controlled substance; or any felony offense, has occurred on school premises or within one thousand (1,000) feet of school premises, on a school bus or at a school-sponsored event, shall promptly make a report to the appropriate law enforcement agency as required by KRS 158.155.

#### **KRS 158.156**

School personnel who know or have reasonable cause to believe that a student has been the victim of a 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 make a report to the victim's Principal as required by KRS 158.156. The Principal shall file a written report with the Board and the appropriate law enforcement agency within forty-eight (48) hours of the original report. The Principal shall also notify the parents/guardians of the students involved.

#### **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.

#### **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 158.154**

Principals who have a reasonable belief that an act has occurred on school property, on a school bus 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 shall immediately report the act to the appropriate law enforcement agency as required by KRS 158.154.

**Employee Reports of Criminal Activity**

**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; 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

09.227

## **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 neglected<sup>1</sup> 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.<sup>2</sup>

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

### **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 parent<sup>3</sup> and shall provide the Cabinet access to a child subject to an investigation without parental consent.<sup>4</sup>

**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:

- a) 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
- b) 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 Board 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:**

<sup>1</sup>KRS 600.020~~(1)(15)~~

<sup>2</sup>KRS 620.030; KRS 620.040

<sup>3</sup>OAG 85-134; OAG 92-138

<sup>4</sup>KRS 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

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.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

HIGHLIGHTED TEXT RECOMMENDED BY JCPS STAFF

STUDENTS

09.33

## **Fund-Raising Activities**

### **DEFINITION**

Fund-raising is an organized activity of soliciting and collecting money for school or student organizations. Contributions and collections derived from school-sponsored fund-raising activities shall be deposited in the school's activity fund bank account or the District bank account.<sup>4</sup>

### **APPROVAL REQUIRED**

All schoolwide fund-raising activities must be approved by the Board.<sup>1</sup> The Principal shall submit the fundraiser approval form (Form F-SA-2a) to the appropriate area assistant Superintendent.

All other fund-raising activities, including the proposed use of the funds, shall be approved by the Principal or a designee.

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 District or school or students or a District or school program.

All funds raised for a specific purpose shall be used for that purpose.

### **SUBSCRIPTION SALE OF PRINTED MATERIAL**

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

### **GAMING ACTIVITIES LICENSE**

No school or student class/organization may obtain a charitable gaming license and/or sponsor charitable gaming activities. School-related booster/support organizations planning to conduct charitable gaming activities, as defined by law and Accounting Procedures for Kentucky School Activity Funds, shall obtain and display the appropriate license.<sup>3</sup>

### **STUDENT NOT COMPELLED**

No student shall be compelled to participate in, solicit, or meet any kind of quota in a fund-raising activity.<sup>1</sup> Students choosing not to participate in a fund-raiser shall not be excluded from benefitting from the fund-raiser or otherwise penalized in any way.<sup>3</sup>



## **Fund-Raising Activities**

### **CONDUCT OF ACTIVITIES**

All fund-raising activities conducted by school-sponsored groups and Board approved external support/booster organizations shall benefit the entire group.

- School-sponsored groups ~~and Board approved external support/booster organizations~~ shall not permit credit to be earned through fund-raising for an individual student in lieu of participation fees or related activity costs.

This policy does not prohibit the employment or use of students for the selling of athletic or other school sponsored activity tickets, as well as other items at school events.

- Any support/booster organization wishing to be recognized by and/or affiliated with the District shall conduct fund-raising activities to benefit the entire group and shall not permit credit to be earned through fund-raising for an individual student. No dues, fees, or charges shall be assessed to students or parents.

Students are permitted to take home flyers, announcements, and information concerning fund-raising activities by Board approved external support/booster organizations.

### **CHARITABLE CONTRIBUTIONS**

The Board has approved participation for employees and students in the following community campaigns:

- Metro United Way
- Fund for the Arts
- Crusade for Children
- United Negro College Minor Daniels Scholarship Fund

Additionally, employees are offered the opportunity to contribute to the JCPS Employee-Sponsored Scholarship Fund.

Each school may select one (1) other organization or campaign which has been prescreened by the District's Office of Resource Development to which contributions may be solicited on a local school basis. Additional solicitations for charitable contributions may be approved by the Superintendent/designee.

### **REFERENCES:**

<sup>1</sup>KRS 158.290

<sup>2</sup>KRS 367.515 (3)

<sup>3</sup>KRS 238.505; KRS 238.535; KRS 238.540

<sup>4</sup>Accounting Procedures for Kentucky School Activity Funds

KRS 156.160; KRS 158.854

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

### **RELATED POLICY:**

04.312

LEGAL: HB 352 (THE 2020-2021 BUDGET BILL) INCLUDES AN EXCEPTION FOR A WORKING BUDGET WITH A MINIMUM RESERVE OF LESS THAN 2%. THIS EXPIRES JUNE 30, 2021.  
FINANCIAL IMPLICATIONS: EXCEPTION TO THE MINIMUM RESERVE

FISCAL MANAGEMENT

04.3121

## **Board Allocated Funds**

### **ALLOCATION METHOD**

Subject to state regulations for allocating funds to schools with school councils, the Board shall allocate general fund monies to individual schools (excluding special needs schools defined below) using the standards approved annually by the Board and the Department of Education. Funds shall be allocated so that staffing patterns may be correlated to the District's curricular goals and strategic priorities. Decisions regarding staffing patterns shall be data driven with funding going to the highest needs.

### **SPECIAL NEEDS SCHOOLS**

Schools classified as special needs schools shall receive an allocation of funds. Such schools are classified as special needs schools because their programs are so unique that funding them using the standardized allocation method would be inadequate and inappropriate. In these schools, the number of students may vary significantly during the year, or the class size may necessarily be lower than at other schools. Consequently, such schools are funded based upon a plan submitted by them to the Superintendent and Board. The Board then allocates funds taking into account their special student needs.

### **DISTRICT ALLOCATION**

The Board also allocates funds to the District office to cover the administrative costs of the District. Included in this District allocation is a reserve required by state law which cannot be less than two percent (2%) of the overall general fund budget. During the 2020-2021 school year only, the District may adopt, and the Kentucky Board of Education may approve, a working budget that includes a minimum reserve less than two percent (2%) of the total budget.

### **REFERENCE:**

[2020-2021 Budget Bill](#)

### **RELATED POLICIES:**

02.4242

02.4331

04.1

LEGAL: CHANGES IN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020 REQUIRE THAT SCHOOLS THAT OPERATE JROTC PROGRAMS ALLOW HOME-SCHOOLED STUDENTS RESIDING IN THE DISTRICT TO PARTICIPATE IN SUCH PROGRAMS.

FINANCIAL IMPLICATIONS: NO SEEK FUNDING FOR SUCH STUDENTS

## CURRICULUM AND INSTRUCTION

08.1

### **Curriculum**

The curriculum in each school shall be designed to achieve the student capacities established by KRS 158.645 and the school goals established by KRS 158.6451. The curriculum shall comply with all applicable state and federal statutes and regulations.

#### **CAPACITIES**

The curriculum shall allow and assist all students to acquire the following capacities:

1. Communication skills necessary to function in a complex and changing civilization;
2. Knowledge to make economic, social, and political choices;
3. Core values and qualities of good character to make moral and ethical decisions throughout his or her life;
4. Understanding of governmental processes as they affect the community, the state, and the nation;
5. Sufficient self-knowledge and knowledge of his/her mental and physical wellness;
6. Sufficient grounding in the arts to enable each student to appreciate his/her cultural and historical heritage;
7. Sufficient preparation to choose and pursue his/her life's work intelligently;
8. Skills to enable him/her to compete favorably with students in other states.

#### **INSTRUCTIONAL GOALS**

1. Use basic communication and mathematics skills for purposes and situations they will encounter throughout their lives;
2. Apply core concepts and principles from mathematics, the sciences, the arts, the humanities, social studies, and practical living studies to situations they will encounter throughout their lives;
3. Become self-sufficient individuals of good character exhibiting the qualities of altruism, citizenship, courtesy, hard work, honesty, human worth, justice, knowledge, patriotism, respect, responsibility, and self-discipline;
4. Become responsible members of a family, work group, or community, including demonstrating effectiveness in community service;
5. Think and solve problems in school situations and in a variety of situations they will encounter in life;
6. Connect and integrate experiences and new knowledge from all subject matter fields with what they have previously learned and build on past learning experiences to acquire new information through various media sources; and
7. Express their creative talents and interests in visual arts, music, dance, and dramatic arts.

## **Curriculum**

### **COUNCIL RESPONSIBILITY**

In any school administered under the provisions of KRS 160.345, the curriculum and the instructional program may be determined by school policy adopted by the school council. All council policies shall be designed to meet student academic expectations and goals established by statute, regulation and Board policy.

### **ACADEMIC FREEDOM**

The classroom teachers representing the District shall have the primary responsibility for the delivery of established program of studies in assigned areas. All methods and techniques utilized in the fulfillment of this responsibility shall be exemplified by sound educational practices and respect for all students.

### **COMPREHENSIVE ARTS EDUCATION**

The Board supports a Comprehensive Arts Plan designed to serve as a framework to strengthen the developmental arts program; to utilize community resources; and to incorporate the arts into the total instructional program for all students of the District.

### **JUNIOR RESERVE OFFICERS TRAINING CORPS PROGRAM (JROTC)**

The Board may establish and operate a high school JROTC program in accordance with federal requirements. Each school that maintains a JROTC unit shall permit membership in the unit to homeschooled students residing in the District who are qualified for membership in the unit (but for lack of enrollment in the District).

### **STUDENTS WITH DISABILITIES**

The Board shall operate programs for students with disabilities in accordance with the legal obligations contained in the District's policy and procedures manual relating to such programs.

### **REFERENCES:**

KRS 156.160; KRS 156.162; KRS 158.075  
KRS 158.183; KRS 158.188  
KRS 158.301; KRS 158.302; KRS 158.305  
KRS 158.645; KRS 158.6451; KRS 158.6453; KRS 160.345  
704 KAR 3:303; 704 KAR 3:305; 704 KAR 3:440  
Kentucky Academic Standards  
Section 2031 of Title 10, United States Code  
P.L. 116-92

### **RELATED POLICIES:**

Section 02.4 (All Policies)

**- CLASSIFIED PERSONNEL -****Salary Deductions****MANDATORY DEDUCTIONS**

Mandatory payroll deductions made by the Board include:

1. State and federal income taxes;
2. Occupational taxes, when applicable;
3. The County Employees' Retirement System or the Kentucky Teachers' Retirement System;
4. Union dues;
5. Any deductions required as a result of judicial process, e.g., salary attachments, etc.; and
6. Medicare (FICA) - applicable to personnel enrolled in the Kentucky Teachers' Retirement System newly hired after 3/31/86; and all employees enrolled in the County Employees' Retirement System.

**OPTIONAL DEDUCTIONS**

Pursuant to the provisions of [KRS 161.158](#), the following optional payroll deductions are authorized by the Board for those employees who choose to participate:

1. Board approved Tax Sheltered Annuity programs;
2. Board approved Mutual Fund programs;
3. Board approved voluntary insurance plans;
4. Class Act Federal Credit Union;
5. State-designated Flexible Spending Account (FSA) and Health Reimbursement Account (HRA) plans;
6. Optional Membership dues for professional organizations or Unions;
7. Charitable contributions for Metro United Way, Fund for the Arts, [Minor Daniels Scholarship Fund](#), ~~United Negro College Fund~~ or Crusade for Children.
8. [Contributions for the JCPS Employee-Sponsored Scholarship Fund](#).

For any agreement between employers and employees or labor organizations entered into after January 9, 2017, deductions for membership dues of an employee organization, association, or union shall only be made upon the express written consent of the employee. This consent may be revoked by the employee at any time by written notice to the employer.

No other payroll deductions shall be made unless authorized by the Board.

**SIGNED REQUEST REQUIRED**

No optional payroll deduction, authorized by the Board, shall be deducted from an individual employee's salary without a signed request from that employee affirmatively requesting the optional deduction. Such request must be filed on forms to be developed by the Superintendent. The Superintendent shall develop the manner and time for filing such requests.

**Salary Deductions****CHANGES IN DEDUCTIONS**

Designated payroll deductions shall remain in effect for the scheduled deduction period until a change or cancellation notice is received in the payroll department. Upon receipt of such notice, the payroll officer will put into effect such changes on the next appropriate scheduled pay date, unless contrary to state or federal regulations.

**REFERENCES:**

[KRS 18A.230](#)  
[KRS 160.291](#)  
[KRS 161.158](#)  
[KRS 336.134](#)  
[702 KAR 001:035](#)  
[OAG 72-802](#)

Adopted/Amended: 10/10/2017  
Order #: 2017-298

**-CERTIFIED PERSONNEL-****Salary Deductions****MANDATORY DEDUCTIONS**

Mandatory payroll deductions made by the Board include:

1. State and federal income taxes;
2. Occupational tax, when applicable;
3. The Teachers' Retirement System of the State of Kentucky;
4. Any deductions required as a result of judicial process, e.g., salary attachments, etc.; and
5. Medicare (FICA), for employees newly hired after 3/31/86.

**OPTIONAL DEDUCTIONS**

Pursuant to the provisions of [KRS 161.158](#), the following optional payroll deductions are authorized by the Board for those employees who choose to participate:

1. Board approved Tax Sheltered Annuity program;
2. Board approved Mutual Funds program;
3. Board approved voluntary insurance plans;
4. Class Act Federal Credit Union;
5. State-designated Flexible Spending Account (FSA) and Health Reimbursement Account (HRA) plans;
6. Membership dues for professional teachers' organizations or Unions;
7. Charitable contributions for Metro United Way, Fund for the Arts, [Minor Daniels Scholarship Fund](#), ~~United Negro College Fund~~ or Crusade for Children.
8. [Contributions for the JCPS Employee-Sponsored Scholarship Fund](#).

For any agreement between employers and employees or labor organizations entered into after January 9, 2017, deductions for membership dues of an employee organization, association, or union shall only be made upon the express written consent of the employee. This consent may be revoked by the employee at any time by written notice to the employer.

No other payroll deductions shall be made unless authorized by the Board.

**SIGNED REQUEST REQUIRED**

No optional payroll deduction, authorized by the Board, shall be deducted from an individual employee's salary without a signed request or electronic authorization from that employee affirmatively requesting the optional deduction. The Superintendent shall develop the manner and time for filing such requests.

**CHANGES IN DEDUCTIONS**

Designated payroll deductions shall remain in effect for the scheduled deduction period until a change or cancellation notice is received in the payroll department. Upon receipt of such notice, the payroll officer will put into effect such changes on the next appropriate scheduled pay date, unless contrary to state or federal regulations.

**REFERENCES:**

[KRS 18A.230](#); [KRS 160.291](#); [KRS 161.158](#); [KRS 336.134](#)  
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