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 A01.83

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:1

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‑Service Training Regarding Charter School Authorization

Separate and apart from the above in-service training, Board members shall participate in in-service training regarding charter school authorizers 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 authorizer training shall not be required of any Board member until a charter application is submitted to the Board or boards.2

# POWERS AND DUTIES OF THE BOARD OF EDUCATION A01.83

# (Continued)

In‑Service Training

In‑Service Training Regarding Charter School Authorization (continued)

The charter authorizer training requirements shall be approved by the Commissioner of Education and shall address 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.

Orientation of New Board Members

The Superintendent/designee and/or the Board Chair shall acquaint new Board members with their duties and obligations and furnish them with a copy of the Board’s policy manual and/or access to the District’s online manual and such other information and guidance materials as necessary to prepare them for service. Areas should include, but not be limited to, District budgeting, planning and student learning indicators. In addition, new Board members shall be provided assistance in locating training opportunities to help them meet statutory training requirements and to support them in learning their roles and responsibilities.

References:

1KRS 160.180

2KRS 160.1594

701 KAR 8:020

702 KAR 1:115

OAG 85‑53; OAG 85‑145

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# ADMINISTRATION A02.31

School Resource Officers (SROs)

Definition

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

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

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

(b) Employed:

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

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

3. Directly by a local Board of Education.1

Training Requirements

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

Firearm Requirement

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

Superintendent to Report

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

References:

1KRS 158.441

2KRS 158.4414

KRS 61.902

KRS 158.4415

Related Policy:

09.4361

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

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

# PERSONNEL AF03.11

‑ 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 the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes.

When a vacancy occurs, the Superintendent shall notify the Chief State School Officer 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 Chief State School Officer. If the waiver is approved, the appointment shall not be made until the person selected by the Superintendent has been approved by the Chief State School Officer.

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 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.

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

All teachers shall meet applicable certification or licensure requirements as defined by state and federal regulation.3

In filling positions, the District shall consider only those applicants who have not been terminated or nonrenewed for cause or removed from a position for cause as an employee of the District.

Criminal Background Check and Testing

Employees, and student teachers assigned within the District shall undergo records checks and any additional testing as required by applicable statutes, regulations,1 and the District.

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

# PERSONNEL AF03.11

# (Continued)

Hiring

Criminal Background Check and Testing (continued)

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

Initial employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a felony sex crime or as a violent offender as defined in KRS 17.165 or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall also be contingent on receipt of a letter from the Cabinet provided by the individual documenting that the individual does not have an administrative finding of child abuse or neglect in records maintained by the Cabinet.

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

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

Probationary employment shall terminate on receipt of a criminal history background check documenting a conviction for a felony sex crime or as a violent offender.

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>

Criminal records checks on persons employed in Head Start programs shall be conducted in conformity with 45 C.F.R. § 1302.90.

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.

Job Register

The Superintendent or the Superintendent's designee shall maintain in the Central Office through an online application system, a job register listing all current job openings in the District. The register shall describe the duties and qualifications for each opening, and District employment policies shall be attached to the register. The job register shall be open to public inspection during Central Office business hours.

# PERSONNEL AF03.11

# (Continued)

Hiring

Vacancies Posted

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted through an online application system and available through the District website, in the Central Office for public viewing and shall refer interested persons to the Central Office job register for additional information. Postings of vacancies may be made with other agencies, as appropriate.

Review of Applications

Under procedures developed by the Superintendent, each application shall be reviewed and each applicant so notified upon initial application. Applications shall be retained for three (3) years and shall remain active for one (1) year.

Relationships

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

A relative may be employed as a substitute for a certified or classified employee if the relative is not:

1. A regular full-time or part-time employee of the District;
2. Accruing continuing contract status or any other right to continuous employment;
3. Receiving fringe benefits other than those provided other substitutes; or
4. Receiving preference in employment or assignment over other substitutes.1

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

Contract

All certified nontenured personnel, excluding substitute teachers, 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.

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:

1KRS 160.380

2KRS 161.605; 702 KAR 1:150

3P. 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

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

16 KAR 9:080; 702 KAR 3:320; 704 KAR 7:130

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

# PERSONNEL DQ03.121

‑ Certified Personnel ‑

Salaries

Single‑Salary Basis

All salaries for certified personnel shall be based on a single‑salary schedule providing for minimum number of working days as required by law. The hourly rate for teachers will be calculated by dividing the daily rate by seven (7) hours.

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.

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 transferring into the District may bring up to twenty-eight (28) years of teaching experience credit for salary purposes.

Certified personnel may receive up to two (2) years experience credit for active military service. The six-month training requirement for National Guard and Reserve service will not qualify an employee for the experience credit. A teacher who is employed by a Board for at least one hundred forty (140) days of a school year and who performs teaching duties for the equivalent of at least seventy (70) full school days during that school year, regardless of the schedule on which those duties were performed, shall be credited with one (1) year of experience. A teacher who is employed by a Board for at least one hundred forty (140) days during each of two (2) school years and who performs teaching duties for the equivalent of at least seventy (70) full school days during those years shall be credited with one (1) year of experience. No more than one (1) year of experience shall be credited for the performance of teaching duties during a single school year.

Determination of Rank and Experience

The rank and experience of certified personnel shall be determined at time of hire. Upon initial employment, the Superintendent may grant Career Technical Education (CTE) Teachers up to ten (10) years of relevant work field experience for pay purposes when a person’s specific work experience is determined to be of such importance as to make them the best-qualified candidate for the position. 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 by September 15 of each year.

To assist with the budgeting process, candidates for NBCT 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.

# PERSONNEL DQ03.121

# (Continued)

Salaries

Contracted Employment

Compensation for employment contracted, shall be prorated on the base pay for 187 days.

Contracted employment positions shall be established in the position job description, funded in the District budget, and specified in the Board policy.

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.

Extended Employment

The Principal or supervisor shall submit an annual plan of extended employment to Human Resources for all personnel who work less than two hundred forty (240) days, but more than the minimum number of working days required by law. This plan should denote the dates when extended days will be worked.

All Family Resource/Youth Service Center Coordinators will submit an annual work plan to their Principal and Central Office supervisor.

Extended employment days may be worked only in whole- or half-day increments. Extended employment days cannot be worked on a Saturday or Sunday. A rare exception may be granted if approval is made in advance by the employee’s immediate supervisor and Human Resources. To qualify for this exception, the Saturday or Sunday work must be related to the employee’s primary job duties. Extended days cannot be worked on a regular work day.

Employees whose positions include 1-45 extended days must work the days and submit documentation to Human Resources by June 23 unless an exception is designated on the extended employment work plan that is approved by the Principal/Supervisor.

All employees who are requesting to be paid all salary owed prior to the end of the fiscal year, as provided for in KRS 160.291, must work all extended days and submit documentation to Human Resources by June 23.

Sick and/or personal leave cannot be used for an extended day unless the day is designated on the extended employment work plan that is submitted to Human Resources.

Extra Services

Payments for those services shall be made on the same date and at the same time as are regular salaries. A one (1) percent increase will be applied to administrative and extra-service increments annually. Extra-service increments can be split only once with prior approval of Human Resources. Any payment made to an employee must be processed through regular payroll procedures.

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).

# PERSONNEL DQ03.121

# (Continued)

Salaries

Exception

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

A compensation error/adjustment that needs to be corrected will be adjusted within the fiscal year that the discovery of such is made. Errors identified in previous fiscal years may be corrected if the employee had submitted the necessary paperwork within three (3) months of start date.

Payroll Distribution

Payments will be issued monthly (twelve [12] times annually) through Direct Deposit. New employees may be issued thirteen (13) payments the first year of employment. Payments will be issued on the 28th day of each month, unless the 28th falls on a Saturday, Sunday, or holiday in which case payment will be made on the preceding day.

The District shall furnish the employee with either a paper or electronic statement. If statements are provided electronically, employees shall be provided access to a computer and printer for review and printing of their statement.

The Board shall make all deferred salary payments on or before June 30 of the current fiscal year, and these deferred payments shall then be directly deposited at the regular pay periods in June, July and August, except that 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.

Time Records

All employees working in an exempt position must maintain accurate attendance records. Those records should be maintained using VeriTime. When reporting to work, the employee must clock in when they begin the duties of the position.

Qualifications

Employees shall be responsible for providing the Superintendent with all required certificates, other credentials, 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.

# PERSONNEL DQ03.121

# (Continued)

Salaries

References:

KRS 157.075; KRS 157.320; KRS 157.350; KRS 157.360

KRS 157.390; KRS 157.395; KRS 157.397; KRS 157.420

KRS 160.290; KRS 160.291

KRS 161.1211; KRS 161.134; KRS 161.168; KRS 161.760

KRS 337.070; KRS 424.120; 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

LEGAL: SB 15 (2019) AMENDED KRS 160.380 TO REMOVE THE EXCEPTION TO HIRING LANGUAGE FOR THE SPOUSE OF A PRINCIPAL.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL AF03.131

‑ Certified Personnel ‑

Assignment

The assignment of all certified personnel shall be made by the Superintendent.1 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. 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.1

Effective July 1, 2008, no employee shall be directly supervised by a relative as defined in KRS 160.380 (father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law).

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:

1KRS 160.380

KRS 156.095; KRS 158.060

KRS 160.345; KRS 160.390

KRS 161.760; KRS 161.790

OAG 11-001; OAG 78‑266

OAG 91‑28; OAG 91‑149

OAG 92‑1; OAG 92‑135

Related Policy:

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 BT03.19

‑ Certified Personnel ‑

Professional Development

Program to be Provided

The Board shall provide 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. Twenty-four (24) hours of professional development must be completed between June 1 and May 15 of the academic year.

The PD program for the District and each school shall be incorporated into the Comprehensive School/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 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 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.

# PERSONNEL BT03.19

# (Continued)

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. Individuals are to sign the required documents relating to PD and file them in a timely fashion with their Principal, supervisor, or the professional development director, as appropriate. This includes the timely signing of payrolls that reflect the professional development days.

All out-of-district professional development activities require prior approval of both the immediate supervisor and director of professional development. All out-of-district professional development hours toward meeting annual requirements must be substantiated by documentation of attendance, content, and hours spent in actual professional learning.

Professional development hours shall not be granted for attendance at conferences occurring on a regular school day.

Hours of PD completed by the employee and not at the request of or with prior approval from the immediate supervisor and professional development coordinator shall not be credited toward fulfilling the required number of contract days for the employee, and the employee shall not be eligible for reimbursement of associated expenses.

Professional development credit shall be awarded in whole-day (6 hours) or half-day (3 hour) increments. A maximum of six (6) hours of professional development may be earned or awarded in a single day.

Failure to complete and document the required hours of professional development by May 15 of the academic year shall result in a reduction in salary and may be reflected in the employee's evaluation.

Professional development credit shall not be granted during regular teaching or school day hours, nor while performing duties which are required as part of the teaching assignment. When the District declares a District-wide PD day, it is mandatory for all certified employees. No other PD activities/hours may be substituted. No personal leave or annual leave may be used on that day (emergency situations must be approved by the Superintendent).

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 Policy:

09.22

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

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

# PERSONNEL AC03.21

‑ 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 the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes.

Effective Date

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

When a classified vacancy occurs, the position shall be posted for ten (10) days. When a classified vacancy needs to be filled in less than ten (10) days to prevent disruption of instruction, the hiring authority may request an exception through the Superintendent.

Qualifications

The Superintendent shall employ only individuals who possess qualifications established by law, regulation, and Board policy except in the case where no individual applies who meets established qualifications.

In filling positions, the District shall consider only those applicants who have not been terminated or nonrenewed for cause or removed from a position for cause as an employee of the District.

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 High School Equivalency Diploma. Employees must provide this documentation within thirty (30) days of their hire date. Employees shall hold the qualifications for the position as established by the Commissioner of Education.3

All paraprofessionals shall satisfy educational requirements specified by federal law.4

Criminal Background Check and Testing

Applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations.1&2 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 form provided by the employer to an applicant for a classified position shall conspicuously state the following:

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

# PERSONNEL AC03.21

# (Continued)

Hiring

Criminal Background Check and Testing (continued)

Initial employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a felony sex crime or as a violent offender as defined in KRS 17.165 or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall also be contingent on receipt of a letter from the Cabinet provided by the individual documenting that the individual does not have an administrative finding of child abuse or neglect in records maintained by the Cabinet.

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

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

Probationary employment shall terminate on receipt of a criminal history background check documenting a conviction for a felony sex crime or as a violent offender.

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>

Criminal records checks on persons employed in Head Start programs shall be conducted in conformity with 45 C.F.R. § 1302.90.

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.

Job Register

The Superintendent or the Superintendent's designee shall maintain in the Central Office through an online application system, a job register listing all current job openings in the District. The register shall describe the duties and qualifications for each opening, and District employment policies shall be attached to the register. The job register shall be open to public inspection during Central Office business hours.

Job Vacancy Posting

When a vacancy occurs in an approved position, the Principal or supervisor will notify Human Resources to open the position for posting through the online application system. Letters of resignation should be forwarded to Human Resources before a position is opened for posting.

# PERSONNEL AC03.21

# (Continued)

Hiring

Vacancies Posted

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted through the online application system, in the Central Office and in each school building on a timely basis and shall refer interested persons to the Central Office job register for additional information. Postings of vacancies may be made with other agencies, as appropriate.

Review of Applications

Under procedures developed by the Superintendent, each application shall be reviewed and each applicant so notified. Applications shall be retained for three (3) years and shall remain active for one (1) year.

Employment Decisions

Employees shall not comment on employment decisions except to name the successful candidate. The Principal shall also notify all candidates who were interviewed but not selected for a position.

Recommendation to Hire

The Principal shall recommend the applicant through the online application system, to Human Resources. No employee shall report to work until the hiring process is completed in Human Resources.

Relationships

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

A relative may be employed as a substitute for a certified or classified employee if the relative is not:

1. A regular full-time or part-time employee of the District;
2. Accruing continuing contract status or any other right to continuous employment;
3. Receiving fringe benefits other than those provided other substitutes; or
4. Receiving preference in employment or assignment over other substitutes.1

A relative of the Superintendent shall not be employed except as provided by KRS 160.380.1

Contract

All regular full-time and part-time classified personnel, excluding substitutes, shall enter into annual written contacts with the District.

Emergency Hiring

During emergency situations, job openings may be filled without listing in the job register or posting in District buildings.

Job Description

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

Intent of Employment

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

# PERSONNEL AC03.21

# (Continued)

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 school if they have reasonable assurance of continued employment 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:

1KRS 160.380

2702 KAR 5:080

3KRS 161.011

4P.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; 03.5; 06.221

LEGAL: SB 15 (2019) AMENDED KRS 160.380 TO REMOVE THE EXCEPTION TO HIRING LANGUAGE FOR THE SPOUSE OF A PRINCIPAL.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL M03.231

‑ Classified Personnel ‑

Assignment

The assignment of classified personnel shall be made by the Superintendent, who, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. 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.1

Effective July 1, 2008, no employee shall be directly supervised by a relative as defined in KRS 160.380 (father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law).

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:

1KRS 160.380

KRS 160.390

KRS 161.011

OAG 91‑28

OAG 92‑1

OAG 92‑135

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 AJ03.27

‑ Classified Personnel ‑

Discipline, Suspension and Dismissal of Classified Employees

Disciplinary Options

No classified employee will be dismissed or disciplined without cause. Classified employees may be subject to the following actions, to include, but not be limited to:

1. Verbal warning or reprimand by Superintendent/designee
2. Written warning or reprimand by Superintendent/designee
3. Probation imposed by Superintendent/designee
4. Reassignment (temporary or permanent) by Superintendent
5. Suspension with pay by Superintendent
6. Suspension without pay by Superintendent
7. Nonrenewal by Superintendent
8. Dismissal (termination of contract) by Superintendent

Classified employees may be terminated or suspended with or without pay only by the Superintendent who, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. No personnel actions shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

An employee may be relieved from duty for the remainder of the work day by his/her supervisor, pending action by the Superintendent, when drugs, alcohol, and/or the safety of students or staff are involved.

An employee shall be suspended with pay only when the Superintendent determines there is a justifiable need to protect the safety of students and staff or to prevent significant disruption of the workplace and/or educational process. The period of suspension with pay shall not exceed such time as is reasonably required for appropriate investigation and resolution of the circumstances justifying the suspension and to determine whether the employee is to return to active service or face disciplinary action.

Employees suspended with pay shall remain available for immediate recall to active service.

The Superintendent shall see that documentation to support the grounds for suspension with pay is provided to the employee and retained on file in the District.

Causes for Disciplinary Action

Any classified employee shall be subject to disciplinary or job 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 while on duty, or the illegal use or possession of controlled substances at any time while on duty. (Additional restrictions are required during state-mandated drug testing for commercial drivers’ licenses - Policy 06.221.)

# PERSONNEL AJ03.27

# (Continued)

Discipline, Suspension and Dismissal of Classified Employees

Causes for Disciplinary Action (continued)

1. Repeated unexcused absence, tardiness, absence without notification or abuse of sick leave.
2. Violation of or refusal to obey federal/state statutes, local policies or state regulations adopted by the State Board of Education or by the local Board.
3. Falsifying information supplied to the District including information on application forms, absence reports, or any other information.
4. Violation of local policy, state, or federal statutes or regulations that apply to assigned duties.
5. Conviction of a felony or any crime involving moral turpitude.
6. Immorality or other unprofessional conduct.
7. 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.
8. Any act/omission of the employee which is detrimental to the school district.
9. 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.
10. 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.
11. 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.
12. Physical or mental disability, consistent with applicable laws protecting employees with disabilities.1

Due Process Provisions

When an employee is to be terminated under KRS 161.011 or suspended without pay, the Superintendent shall give the employee written notification of charges against him/her. The employee may request a meeting with the Superintendent to discuss the charges within five (5) working days after receiving the notification of charges. This meeting with the Superintendent does not constitute a due process hearing.

The employee may also request a due process hearing. The request for a due process hearing must be in writing and must be received by the Superintendent within ten (10) working days following receipt of the notification of charges.

# PERSONNEL AJ03.27

# (Continued)

Discipline, Suspension and Dismissal of Classified Employees

Due Process Provisions (continued)

If a due process hearing is requested;

1. The Superintendent shall arrange for the appointment of an impartial hearing officer;
2. The charges shall describe conduct giving rise to a violation of one or more “Causes for Disciplinary Action” as set forth in detail in this policy and may include a suspension without pay pending final administrative action on a classified employee hearing request.

Prior to imposing a suspension without pay pending disposition of any employee hearing request, the Superintendent shall provide the employee an opportunity for a conference to discuss the allegations and potential suspension without pay. In the conference, the Superintendent will provide oral or written notice of violation of “Causes for Disciplinary Action” constituting cause for the suspension without pay pending any employee request for a hearing, an explanation of the evidence supporting such violation if the employee denies it, and an opportunity to the employee to present his version of the facts relating to the violation.

1. The employee may request a hearing by filing a written request with the Superintendent within ten (10) calendar days after receiving notice of the charges. If the employee fails to request a hearing on time, the Superintendent’s action as set forth in the charges shall be final.
2. If the employee files a timely request, a hearing shall be conducted at a time and place not less than twenty (20) and not more than forty-five (45) calendar days after the employee’s receipt of the charges.
3. The employee shall be given the notice to hear evidence on the charges and to cross-examine witnesses. No later than five (5) calendar days before the hearing is scheduled to commence, the following shall be exchanged:
4. A list of witnesses expected to testify and copies of exhibits to be submitted in support of the charges on behalf of the District; and
5. A list of witnesses expected to testify and copies of exhibits to be submitted by the employee in defense of charges.
6. The employee may be represented by counsel at his/her own expense. However, the hearing may be continued if the employee does not provide written notice of his/her intention to be represented by counsel to the Superintendent and Hearing Officer at least seventy-two (72) hours before the hearing is scheduled to commence.
7. Evidence and testimony shall be presented in support of the charges first. The employee shall be given the opportunity to present evidence and testimony in his/her defense and an opportunity to present rebuttal evidence may be provided.
8. The Hearing Officer shall issue his/her written decision setting forth the reasons for the decision and describing the evidence relied upon within twenty (20) working days after conclusion of the hearing

The termination date of an employee shall be the last actual working day.

# PERSONNEL AJ03.27

# (Continued)

Discipline, Suspension and Dismissal of Classified Employees

Other Disciplinary Actions

When charges result in disciplinary actions other than termination or suspension without pay and employees wish to contest the charges, they may submit a written response, which shall be placed in their file along with the written charges.

References:

1Americans 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 A03.29

‑ Classified Personnel ‑

Staff Development

The Superintendent shall develop and implement a program for continuing training for selected classified personnel.

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 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 G03.4

Substitute and Temporary Employees

Definition—Substitute Employee

Substitute employees are those who are hired when a full-time or part-time employee is absent from duty.

Qualifications

All substitute employees shall meet background records check requirements (including a letter from the Cabinet for Health and Family Services provided by the individual documenting that the individual does not have an administrative finding of child abuse or neglect in records maintained by the Cabinet) and medical examination requirements as specified in policies 03.11, 03.111, 03.21, and 03.211. In addition, substitute teachers serving in a position on a long-term/extended basis must meet all certification requirements established by the Education Professional Standards Board.

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

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

Substitute List

The Superintendent or designee shall maintain a list of qualified substitute teachers.

Retired Employees

Retired teachers may be re-employed as a part‑time, temporary, or substitute teacher in keeping with the requirements of the Teachers’ Retirement System.

Retired classified employees who are re-employed as a substitute cannot work over seventy-nine (79) days per year.

Length of Duty

Substitute employees shall observe the same hours of duty as the regular employee.

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.

Employment Notification

Each year, substitute employees on the District's substitute list shall be notified in writing by the June 30 if they have reasonable assurance of continued employment for the following school year.

Definition—Temporary Employee

Temporary employees are hired to perform a particular service. Upon completion of the particular service to be rendered, a temporary assignment ceases with no obligation of continued employment. Temporary employees shall not be eligible for benefits.

All requests for temporary employees must be submitted in writing to the Director of Employment. The request should provide an explanation of the duties to be performed by the temporary, the length of employment, and the start date of employment. The Superintendent approves all temporary requests for employees based on a recommendation from Human Resources.

# PERSONNEL G03.4

# (Continued)

Substitute and Temporary Employees

Work Cycle

The work cycle of temporary employees is limited to ninety (90) work days.

An extension of the ninety (90)-day work cycle may be approved for a period of time not to exceed a total of twelve (12) months [including the ninety (90)-day period] and is granted in thirty (30)-day increments.

Extension of the work cycle beyond twelve (12) months is specifically prohibited.

References:

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

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

OAG 69‑296

Related Policies:

03.11

03.111

03.1211

03.21

03.211

03.2211

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# FISCAL MANAGEMENT DI04.312

School Activity Funds

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

Uniform Accounting

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

Two Signatures Required

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

Purchase Orders

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

Activity fund purchases must be supported by a properly executed purchase request, billing invoice, standard invoice, and authorization for payment by the Principal.

Because no school activity fund 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 total 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 provide the District Finance 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 District Finance 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 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.

# FISCAL MANAGEMENT DI04.312

# (Continued)

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.1

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

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

Support/Booster Clubs

Parent‑teacher associations and booster club funds are subject to deposit and accounting procedures as school activity funds.3 Each year the Principal shall be provided the following from all support/booster club organizations as required by the state activity fund accounting procedures:

1. Within the first thirty (30) days of the school year or within thirty (30) days of the first transaction for the group:

a. Names of club officers;

b. Federal Employer Identification Number (FEIN); and

c. A copy of the annual budget.

d. A signed copy of the Booster/Support Agreement.

1. An annual financial report and a copy of the June 30 bank statement by July 25 for the year ending June 30 reporting receipts, expenditures, and beginning and ending balances;1 and
2. All other information required by Accounting Procedures for Kentucky School Activity Funds.

The Board authorizes the Superintendent and/or designee (Principal) to oversee and authorize booster operations of concessions at the school site.

# FISCAL MANAGEMENT DI04.312

# (Continued)

School Activity Funds

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

All support/booster organizations wishing to be recognized by and/or affiliated with the 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.

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

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

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

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

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

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

Contracts Signed by Principals

The Board shall, through policy, authorize the Principal to enter into the following types of contracts:

1. Fund‑raising endeavors (i.e., picture sales, vending machine leases, T‑shirt sales, etc.)
2. Lease/purchase of equipment such as copiers, service contracts, telephone systems.

Contracts other than those listed above shall be reviewed and approved by the Superintendent and/or the Finance Department (Chief Operations Officer/Finance Director).

# FISCAL MANAGEMENT DI04.312

# (Continued)

School Activity Funds

Contracts Signed by Principals (continued)

By entering into contracts in the manner set out above, it is the intent of the Board and the administrative staff that the Principal is signing as an agent of the Board and is not to be personally liable for any portion of the contract.

By entering into any contract, the Principal is advised to have the contract reviewed by the Finance Department. In addition, upon the execution of a contract, a copy of the contract shall be forwarded to the Finance Department to be placed on file.

References:

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

2702 KAR 3:120

3OAG 79‑556

KRS 139.497; KRS 156.070; KRS 158.290; KRS 160.290; KRS 160.340

Related Policies:

04.31211; 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

# SCHOOL FACILITIES P05.4

Building 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 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.

District School Safety Coordinator

The Superintendent shall appoint an individual to serve as the District’s School Safety Coordinator (SSC) and primary point of contact for public school safety and security functions.1 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;
3. Provide training to school Principals on procedures for completion of the school security risk assessment;
4. Review all school security risk assessments completed within the District and prescribe recommendations as needed in consultation with the state school security marshal;
5. Advise the Superintendent by July 1, 2021, and annually thereafter of completion of required security risk assessments;
6. 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
7. 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.

# SCHOOL FACILITIES P05.4

# (Continued)

Safety

District School Safety Coordinator (continued)

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:

1. Identifying the student and implementing a response pursuant to policies and procedures adopted as required above; or
2. 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.

School Emergency Planning

The school council or, if none exists, the Principal working in conjunction with the Safety Coordinator, shall adopt an emergency plan for the school that shall include procedures to be followed in cases of fire, severe weather, earthquake or a building lockdown as defined in KRS 158.164. A copy of the emergency plan, including a diagram of the facilities shall be given to first responders, including local fire, police, and emergency medical personnel.

Following the end of each school year, the 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;
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;

# SCHOOL FACILITIES P05.4

# (Continued)

Safety

School Emergency Planning (continued)

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

No later than November 1 of each school year, the 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 may maintain an automatic external defibrillator (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.

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 and will not accompany EMS personnel to a hospital emergency room.

Reporting Hazards

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

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.

# SCHOOL FACILITIES P05.4

# (Continued)

Safety

References:

1KRS 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

Related Policies:

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# SCHOOL FACILITIES L05.48

Weapons

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

Weapons Prohibited

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

Violation of this policy by staff members shall constitute reason for disciplinary action, including possible termination.

Violation of this policy by students shall require that the Principal immediately make a report to the Superintendent, who shall determine if charges for expulsion from the District schools should be filed under Policy 09.435. In addition, when they have reasonable belief that a violation has taken place, principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves student possession of a firearm in violation of the law or assault involving the use of a weapon.

Violations by visitors shall be reported to a law enforcement agency.

Exceptions:

* Each School Resource Officer (SRO) shall be armed with a firearm, notwithstanding any provision of local board policy, local school council policy, or memorandum of agreement.2
* An exception may be made for students participating in an authorized curricular or extracurricular activity or team involving the use of firearms and to those persons listed in KRS 527.070.
* Law enforcement officials, including peace officers and police as provided in KRS 527.070 and KRS 527.020, are authorized to bring weapons onto school property in performance of their duties.

Federal Requirements Regarding Students

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

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

State Posting Requirements

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

# SCHOOL FACILITIES L05.48

# (Continued)

Weapons

State Posting Requirements (continued)

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

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

State Reporting Requirements

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

For state reporting purposes, a deadly weapon shall be defined as:

1. a weapon of mass destruction;
2. any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged;
3. any knife other than an ordinary pocket knife or hunting knife;
4. billy, nightstick or club;
5. blackjack or slapjack;
6. nunchaku karate sticks;
7. shuriken or death star; or
8. artificial knuckles made from metal, plastic, or other similar hard material.

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

Enforcement

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

References:

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

2KRS 158.4414

18 U.S.C. §921(a)

KRS 158.154; KRS 158.155; KRS 160.290; KRS 160.340; KRS 161.790

KRS 237.106: KRS 237.110; KRS 237.138 to KRS 237.142

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

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

Section 504 of the Rehabilitation Act of 1973, as amended

# SCHOOL FACILITIES L05.48

# (Continued)

Weapons

Related Policies:

09.435; 09.436; 09.4361

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 DA06.221

Bus Drivers' Use of Tobacco and Other Substances

Criminal Records Check

Prior to the employee's initial employment or upon return from any break in service (excluding summers and any designated calendar breaks), the Superintendent or designee shall perform a criminal records and driving history check on all school bus drivers.1 No person shall be employed as a school bus driver who has been convicted of driving any motor vehicle under the influence of alcohol or any illegal drug within the last five (5) years. Employment shall also be contingent on receipt of a letter from the Cabinet provided by the individual documenting that the individual does not have a substantiated finding of child abuse or neglect in records maintained by the Cabinet.

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.1

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

Signage shall be posted on or in all property, including any vehicle that is owned, operated, leased, or contracted for use by the 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 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;

# TRANSPORTATION DA06.221

# (Continued)

Bus Drivers' Use of Tobacco and Other Substances

Use Prohibited (continued)

1. The use of alcohol:
   1. While on duty;
   2. Eight (8) hours before driving;
   3. Eight (8) hours following an accident; or
   4. Consumption resulting in prohibited levels of alcohol in the system.

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.2
* Drivers shall immediately report to the Superintendent or designee any traffic violation specified in Kentucky Administration Regulation.2

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.

# TRANSPORTATION DA06.221

# (Continued)

Bus Drivers' Use of Tobacco and Other Substances

Testing

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

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 suspended from driving duty and 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 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 Regulation.

Applicants who refuse drug and alcohol testing shall be eliminated immediately from employment consideration. Current employees who refuse to comply with testing requirements will be immediately suspended from driving duty and 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.

# TRANSPORTATION DA06.221

# (Continued)

Bus Drivers' Use of Tobacco and Other Substances

Testing Costs

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

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 it and answer questions about the materials. 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. Each employer is required to sign a statement certifying that s/he has received a copy of these materials.

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. 3

References:

1KRS 438.050; KRS 438.305; KRS 438.345

2702 KAR 5:080

349 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 AQ08.1312

Home/Hospital Instruction

Home/Hospital Instruction

For purposes of KRS 157.360, a student who receives home/hospital instruction fora minimum of two (2) instructional sessions per week, with a minimum of one (1) hour of instruction per session, by a certified teacher provided by the Board, shall equal the student attending five (5) days in school. An instructional session may be delivered in person, electronically, or through other means established in regulation. 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

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 instruction review committee may schedule a review of the student’s continued eligibility for home/hospital instruction.

The Admissions and Release Committee (ARC) shall determine 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/trimester 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/trimesters 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 outlined by the Kentucky Academic Standards.
4. 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.

CURRICULUM AND INSTRUCTION AQ08.1312

# (continued)

Home/Hospital Instruction

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 157.360; New Section of KRS 158; KRS 159.030

704 KAR 3:303

704 KAR 7:120

707 KAR 1:055

707 KAR 1:320

707 KAR 1:350

20 U.S.C. § 1400 et seq. Individuals with Disabilities Education 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/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

# CURRICULUM AND INSTRUCTION C08.4

Adult/Community Education

Purpose of Program

The Board authorizes the Superintendent or designee to plan and operate an educational program based on the needs and interests of adults and youth of the community.

The Board may establish an adult education program to provide basic skills, career and technical training and/or to prepare for meeting equivalency requirements. The Board also may enter into an agreement with the Council on Postsecondary Education to establish an external diploma program.

The conduct of the above adult/community education programs and determination of eligibility for participation in the High School Equivalency Diploma program shall be consistent with requirements established by applicable statutes and administrative regulations, including, but not limited to, those addressing minimum age requirements and enrollment status.

Virtual High School Completion Programs

The Board may establish a high school completion programconsistent with KRS 158.100.1

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:

1KRS 158.100

KRS 158.143

KRS 160.155; KRS 160.156; KRS 160.157; KRS 164.0064

13 KAR 3:010; 13 KAR 3:050

Related Policies:

05.3; 05.31

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 E09.12

Admissions and Attendance

Definition of Legal Residence

The legal residence of a pupil is determined by the address of the legal residence of the parent or guardian who has custody of the student as evidenced by legal documents or as otherwise provided by state or federal law (and not by the address at which the pupil is living.)

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

Homeless Children and Unaccompanied Youth

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

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

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

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

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

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

# STUDENTS E09.12

(Continued)

**Admissions and Attendance**

Homeless Children and Unaccompanied Youth (continued)

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

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

All concerns regarding the education of homeless children and unaccompanied youth shall be referred to the District 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.

Children in Foster Care

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

Foster children are to be immediately enrolled in a new school. The 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 within the student information system maintained by the Kentucky Department of Education by the end of the working day on the day of receipt of a request. If a record provided to the new school is incomplete, the previous school shall provide the completed record within three (3) working days of the original request. Remaining records shall be provided within ten (10) working days of the request.

The 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.

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.

# STUDENTS E09.12

(Continued)

**Admissions and Attendance**

Best Interest of the Child

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

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

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

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

Immigrants

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

The 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.

Nonresidents

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

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

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

# STUDENTS E09.12

(Continued)

**Admissions and Attendance**

Fort Knox Community Schools

Students whose guardian/s are active duty military or U.S. Government employees and reside on post must attend Ft. Knox Community Schools, unless Ft. Knox Community Schools Superintendent provides a letter releasing the student to enroll in Hardin County Schools along with Hardin County Schools Superintendent/principal approval. If the parents of a student(s) residing in the Hardin County School District subsequently move on post prior to the beginning of the second semester (for trimester schedules, a student that moves to post during the first half of the school year would enroll on post), the student(s) will be withdrawn from the Hardin County Schools, except for rising seniors (juniors) and seniors who are on track to graduate. Students whose parents move on post after the beginning of the second semester may be permitted to attend Hardin County Schools for the remainder of that school year with the Principal’s approval. Students that move with their families on post during their junior (rising senior) or senior year may remain enrolled in Hardin County Schools until graduation. Parents are responsible for transporting the student.

Transfer of ADA

Nonresident pupils may be admitted to the District schools upon transfer of the pupil's average daily attendance as defined under public school fund.4 & 5

All costs for any special services offered to the child shall be paid by the resident district. The resident district shall be permitted to count the student for IDEA‑B funding purposes.

Survey

Each year a survey shall be conducted to determine the number of students whose parents are civilians employed on Federal property or in active military service. The purpose of such survey shall be to determine how much Federal Impact Aid the District is eligible to receive.

Teachers shall assist in the distribution and collection of forms for such survey.

Foreign Exchange Students

The Hardin County Schools will accept high school students participating in international exchange programs recognized by the United States Department of Education or the Kentucky State Department of Education.

Non-Immigrant Foreign Students

Nonimmigrant 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.

# STUDENTS E09.12

(Continued)

**Admissions and Attendance**

Non-Immigrant Foreign Students (continued)

1. 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.6

Any student currently serving an expulsion from any other public or private school system may not enroll in the Hardin County School System until the expulsion period has expired.

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, or other persons having legal custody or control of the student a hearing before the Board.

References:

1KRS 159.010; OAG 78‑64; OAG 91-171

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

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

4KRS 157.320

5702 KAR 7:125

6KRS 158.155; KRS 158.150

7KRS 158.140

KRS 157.360; KRS 158.100

KRS 199.802

704 KAR 7:090; 22 C.F.R. §514.13(b)

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)

# STUDENTS E09.12

(Continued)

**Admissions and Attendance**

Related Policies:

303.127; 09.124; 09.125

03.226;09.11; 09.121; 09.123; 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 F09.1223

Persons Over Compulsory Attendance Age

Requirements

1. All fifth-year senior students (any student who has completed four [4] years in high school but who has not met graduation requirements) may attend Hardin County High School in order to complete graduation requirements. Successful completion will result in the student’s obtaining a Hardin County High School diploma; and
2. Any student between the ages of 16 and 21 who is two (2) or more academic years behind in meeting graduation requirements may attend Hardin County High School. Any student successfully completing this program will be granted a high school diploma from Hardin County High School.

Before classwork begins in Hardin County High School, the student shall confer with his/her guidance counselor to review previous school records to determine a course of study which is alternative to classroom instruction. The student and the parent, if the student is not emancipated, shall sign an affidavit that states a conference has taken place and she/he understands the conditions of the agreement.

Transportation to and from Hardin County High School will be the responsibility of the parent and/or student.

Prohibitions

Persons over twenty-one (21) years of age shall not be admitted to or served by the District’s elementary or secondary schools.

Students under age twenty‑one (21) who already have graduated from an accredited or four (4) year high school shall be considered to have completed high school and shall not be permitted to enroll in the District. Students 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

When students with disabilities are involved, the procedures mandated by federal and state law shall be followed.1

# STUDENTS F09.1223

# (Continued)

Persons Over Compulsory Attendance Age

References:

120 U.S.C. § 1412

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 A09.126

Students of Military Families

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

Enrollment

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:

1. 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.
2. 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;
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
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 included in the state assessment and system.

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.1

# STUDENTS A09.126

# (Continued)

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 A09.126

# (Continued)

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:

1KRS 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 Act (IDEA)

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

# STUDENTS A09.15

Student Fees

Board Approval Required

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 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.

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.1

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 who qualify 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:

1KRS 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 A09.22

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

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

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

Safety Procedures

All pupils 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:

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

# STUDENTS A09.22

# (Continued)

Student Health and Safety

Suicide Prevention

All employees with job duties requiring direct contact with students in grades six (6) through twelve (12) shall annually complete a minimum one (1) hour of high-quality suicide prevention training, including the recognition of signs and symptoms of possible mental illness. Such training shall be in-person, by live streaming, or via video recording and may be included in the four (4) days of professional development required by statute. The 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.3

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

Seizure Disorder Materials

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

References:

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

2KRS 156.095

3KRS 158.070

4New Section KRS 158

KRS 156.160

KRS 158.836; KRS 158.838

702 KAR 5:030

Related Policy:

09.2241

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS A09.2211

Employee Reports of Criminal Activity

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

KRS 158.154

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

KRS 158.155

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

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

KRS 158.156

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

KRS 209A.100

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

# STUDENTS A09.2211

# (Continued)

Employee Reports of Criminal Activity

KRS 209A.110

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

KRS 620.030

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

References:

KRS 158.154

KRS 158.155

KRS 158.156

KRS 209A.100

KRS 209A.110

New Section of KRS 508

KRS 525.070; KRS 525.080

KRS 527.070; KRS 527.080

KRS 620.030

Related Policies:

03.13251; 03.23251

03.13253; 03.23253

05.48

09.227

09.422

09.423

09.425

09.426

09.438

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS E09.227

Child Abuse

Report Required

Any teacher, school administrator, or other school personnel who knows or has reasonable cause to believe that a child under age eighteen (18) is dependent, abused, or neglected1, or a victim of human trafficking, or is a victim of female genital mutilation, shall immediately make a report to a local law enforcement agency or the Kentucky State Police, the Cabinet for Health and Family Services or its designated representative, the Commonwealth’s Attorney, or the County Attorney in accordance with KRS 620.030.2

If the person making the report has reason to believe that immediate protection for the child is advisable, that person shall also make an oral report to an appropriate law enforcement agency.

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 Attorney or County 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 parent3 and shall provide the Cabinet access to a child subject to an investigation without parental consent.4

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.

# STUDENTS E09.227

# (Continued)

Child Abuse

Agency Custody (continued)

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

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

**Required Training**

All current school administrators, certified personnel, office staff, instructional assistants, coaches, and extracurricular sponsors shall complete 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:

1KRS 600.020

2KRS 620.030; KRS 620.040

3OAG 85‑134; OAG 92‑138

4KRS 620.072

KRS 17.160; KRS 17.165; KRS 17.545; KRS 17.580

KRS 156.095; KRS 199.990

KRS 209.020; New Section of KRS 508

KRS 620.050; KRS 620.146

OAG 77‑407; OAG 77‑506; OAG 80‑50; OAG 85‑134

34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights

Regulations Implementing Title IX

Related Policies:

09.1231; 09.3; 09.31; 09.42811; 09.4361; 10.5

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

# STUDENTS E09.33

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.4

Fund-Raising

All school wide fund-raising activities, including the proposed use of the funds, must be approved by the Board.4 Requests must be channeled through the Principal and Superintendent.

Schoolwide school‑sponsored fund‑raising activities are restricted to school pictures and library book fairs. Copies of the signed contract shall be filed with the Superintendent.

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

The sale of products that are produced or processed as an integral part of the instructional program may be sold to students or to the general public as long as such sale is conducted on school property. No fund-raiser will be conducted during instructional time.

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

Restrictions

Door-to-door sales or solicitations shall not be made by students for any fund-raising activity. (Door-to-door is defined as canvassing subdivisions, house-to-house, or at random sales or solicitations.) Assembly programs for fund-raising promotions shall not be conducted during school hours.

Subscription Sale of Printed Materials

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, solicitors, and the duration of sales.2

Gaming Activities License

Schools and individual classes 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.3

Pupil Not Compelled

No student shall be compelled to participate in or meet any kind of quota in a fund‑raising activity.1Students choosing not to participate in a fund-raiser shall not be excluded from benefitting from the fund-raiser or otherwise penalized in any way.4

# STUDENTS E09.33

# (Continued)

Fund‑Raising Activities

Conduct of Activities

* All school-sponsored groups shall conduct fund-raising activities to benefit the entire group and shall not permit credit to be earned through fund-raising for an individual student in lieu of participation fees or related activity costs.
* 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.

References:

1KRS 158.290

2KRS 367.515 (3)

3KRS 238.505; KRS 238.535; KRS 238.540

4Accounting 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