

**- CERTIFIED PERSONNEL -****Personnel Records**

One (1) master personnel file, documenting employment history and including information maintained in electronic format, shall be maintained for each employee. This file shall be maintained in the Central Office and shall be under the custody of the Superintendent or the Superintendent's designee. This file may be inspected by the employee.<sup>1</sup> The Superintendent shall develop procedures to ensure the security of the files.<sup>2</sup>

The District shall grant requests from the employee for copies of the contents of his/her personnel file, for which a reasonable charge may be established.

~~The employee shall be notified when any material is added to the personnel file~~ The employee shall receive a copy of any disciplinary documents and changes of job records ~~personnel action that are added to the personnel file through the Personnel Action Form (PAF).~~ -All material placed in the file shall be job-related.

The employee shall have the right to furnish a written response to any material filed, and that document shall be reviewed by the appropriate administrator and entered into the employee's record. The employee shall have the right to request an amendment to records maintained by the district, subject to procedures established by the Superintendent.

The Principal/supervisor may maintain an administrative folder, kept at the principal/supervisor's location, for each person under his/her supervision. These folders may contain:

1. Items used as reference and not forwarded to the master personnel file in the Central Office,
2. The employee's evaluation and other school-related correspondence to or from the employee, and
3. Other informational items that may or may not be maintained in the Central Office master personnel file.

**PUBLIC INSPECTION**

Those portions of personnel records containing material of a personal nature, the disclosure of which would constitute an invasion of privacy, or portions otherwise exempt from disclosure by law, are not open for public inspection.<sup>3</sup>

**MEDICAL INFORMATION**

Medical information shall be maintained separately from an employee's personnel file.

District acquisition and disclosure of applicant and employee genetic information shall comply with applicable legal requirements.<sup>4</sup>

**Personnel Records**

**REFERENCES:**

<sup>1</sup>[KRS 61.884](#)

<sup>2</sup>[KRS 61.876](#)

<sup>3</sup>[KRS 61.878](#)

<sup>4</sup>Genetic Information Nondiscrimination Act of 2008

[KRS 61.870](#); [KRS 61.872](#); [KRS 61.874](#); [KRS 160.705](#); [KRS 161.151](#)

[704 KAR 003:370](#)

[OAG 77-394](#); [OAG 85-109](#); [OAG 86-15](#); [OAG 89-90](#); [OAG 91-161](#); [OAG 91-176](#)

Kentucky Education Technology System (KETS)

Records Retention Schedule, Public School District

Americans with Disabilities Act; (P.L. 101-336), 42 U.S.C. 12112

**RELATED POLICIES:**

01.6

03.111

10.11

Adopted/Amended: 11/25/2013

Order #: 2013-191

**- CLASSIFIED PERSONNEL -****Personnel Records**

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**Personnel Records**

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[KRS 61.870](#); [KRS 61.872](#); [KRS 61.874](#); [KRS 160.705](#); [KRS 161.151](#)  
[704 KAR 003:370](#)  
[OAG 77-394](#); [OAG 85-109](#); [OAG 86-15](#); [OAG 89-90](#)  
[OAG 91-161](#); [OAG 91-176](#)

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Records Retention Schedule, Public School District  
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**RELATED POLICIES:**

01.6

03.211

10.11

Adopted/Amended: 11/25/2013  
Order #: 2013-191

## **Substitute Teachers**

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

### **QUALIFICATIONS**

All substitute teachers shall meet background records check requirements (including a letter from the Cabinet for Health and Family services stating that there are no administrative findings of substantiated child abuse or neglect on record) and medical examination requirements as specified in policies 03.11 and 03.111. In addition, substitutes serving in a position on a long-term/extended basis must meet all certification requirements established by the Education Professional Standards Board.

Link to DPP-156 Central Registry Check and more information on the required Cabinet Letter:

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

### **PARENT/GUARDIAN NOTIFICATION**

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

### **SUBSTITUTE LIST**

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

### **RETIRED TEACHERS**

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

### **TEACHERS ON LEAVE**

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

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

### **LENGTH OF DUTY**

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

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

### **SUBSTITUTE SALARY AND PAYMENT SCHEDULE**

Substitutes shall be paid on a per diem basis according to the salary schedule approved by the Board. The salary schedule may reflect adjustments for long-term/continuous assignment substitutes. Seniority and rights to reassignment and/or re-employment shall not accrue as a result of service in any part-time classified, temporary, seasonal or substitute staff assignment.

Payment shall be made on the next scheduled paydatepay date for substitutes.

**Substitute Teachers****EMPLOYMENT NOTIFICATION**

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

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

Nonrenewal of substitute teachers on limited contracts shall be made in compliance with the requirements of [KRS 161.750](#).

**REFERENCES:**

[KRS 17.160](#); [KRS 17.165](#); [KRS 156.106](#); [KRS 160.380](#)  
[KRS 161.1221](#); [KRS 161.605](#); [KRS 161.611](#); [KRS 161.750](#)  
[016 KAR 002:030](#); [016 KAR 002:120](#); [102 KAR 001:030](#);  
[702 KAR 001:035](#); [702 KAR 003:075](#); [OAG 69-296](#)  
P. L. 114-95, (Every Student Succeeds Act of 2015)

**RELATED POLICIES:**

03.11; 03.111; 03.112; 03.121

Adopted/Amended: 12/10/2019  
Order #: 2019-215

**- CLASSIFIED PERSONNEL -****Discipline, Suspension and Dismissal of Classified Employees****DISCIPLINARY OPTIONS**

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

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

The Superintendent may terminate a classified employment contract pursuant to the provisions of [KRS 161.011](#).

**ACTIONS WHICH MAY REQUIRE HEARING PROCEDURES**

The Superintendent may suspend without pay or terminate a classified employee. Subject to the employee's exercise of applicable hearing rights, these personnel actions shall be effective on the employee's receipt of written notice from the Superintendent. The Superintendent shall notify the Board at the first meeting following a reassignment, suspension without pay, nonrenewal or termination and such notification shall be recorded in the Board minutes. An employee may also be issued a public or private reprimand.

**CAUSES FOR ACTION**

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

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

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

8. Falsifying information supplied to the District including information on application forms, absence reports, or any other information.
9. Violation of local policy, state, or federal statutes or regulations that apply to assigned duties.
10. Being convicted of or entering an “Alford” plea, guilty plea or plea of nolo contendere to crimes, including but not limited to, sexual misconduct, drugs, alcohol, violent crime, illegal transaction with a minor or any felony offense.
11. Immorality, misconduct, or conduct unbecoming a school employee.
12. Loss of licensure or certification required for the position.
13. Failure to maintain the confidentiality of information about students or staff obtained in the course of employment, unless disclosure serves a legitimate job-related purpose or is required by law.
14. Engaging in any sexually related behavior with a student with or without consent, including, but not limited to, behavior such as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape, threats of physical harm; and sexual assault.
15. Physical or mental disability, consistent with applicable laws protecting employees with disabilities.<sup>1</sup>
16. Engaging in a dating relationship, as defined in Board Policy 01.0, with an employee they supervise or who supervises them. An employee may avoid discipline under this reason for disciplinary action if they disclose to their supervisor the intention to enter into a dating relationship with an employee they supervise or who supervises them, and request a reassignment prior to entering into the dating relationship. This reason for disciplinary action shall apply even if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having a dating relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this policy exists or may exist. An employee may avoid discipline if they give such notice as soon as such an assignment or employment status exists or may exist. Any failure to give such notice shall result in disciplinary action.

**DUE PROCESS PROVISIONS**

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

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



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

**REFERENCES:**

<sup>1</sup>Americans with Disabilities Act  
42 U.S.C. Section §12111 et seq.; KRS Chapter 344  
[KRS 160.380](#); [KRS 160.390](#); [KRS 161.011](#)  
[OAG 76-290](#); [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

Adopted/Amended: 12/11/2018  
Order #: 2018-278

**-CERTIFIED PERSONNEL-****Expense Reimbursement**

Provided the Superintendent/designee has authorized the expenditure, actual and necessary expenses incurred by employees in the performance of their official duties shall be reimbursed upon submission of claims filed under approved procedures. Travel expenses for guests of employees shall not be reimbursed.

The expense reimbursement process shall require documentation of the funding source/category used to pay expenses for all approved trips.

Actual mileage between official work stations within the school system and actual mileage for trips outside the school system which have been approved by the Superintendent/designee and the Council in SBDM schools will be reimbursed at the State mileage reimbursement rate in effect on July 1 of each fiscal year.

Travel vouchers ~~shall~~should be submitted within one (1) month of the travel. Travel vouchers for travel during the month of June must be submitted by July 5.

Without proper documentation, individuals shall not receive reimbursement, and, if it is determined that reimbursement was made based on incomplete or improper documentation, the individual may be required to reimburse the District.

With prior Superintendent/designee approval, expenses such as airfare and hotel costs may be paid directly to the vendor. No other advances for anticipated expenses shall be made.

The Superintendent shall post procedures for reimbursement of mileage and other authorized expenses, travel reimbursement and the use of vouchers on the District web site.

**SUPERINTENDENT'S TRAVEL EXPENSES**

Prior to granting approval for payment, the Board shall review itemized reimbursement requests for the Superintendent's travel expenses in an open Board meeting. With prior Board approval, expenses such as airfare and hotel costs may be paid directly to the vendor. No other advances for anticipated expenses shall be made.

**REFERENCES:**

[KRS 160.290](#); [KRS 160.410](#); [KRS 175.525](#)

[OAG 80-395](#)

*United States v. Correll*, 389 U.S. 299 (1967)

[Accounting Procedures for Kentucky School Activity Funds](#)

Adopted/Amended: 11/25/2013

Order #: 2013-191

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Adopted/Amended: 11/25/2013

Order #: 2013-191

NOTE: THE CHANGES IN THIS POLICY DO NOT REFLECT ANY CHANGE IN HOW JCPS HANDLES ALCOHOL/DRUG TESTS FOR EMPLOYEES; RATHER, THIS LANGUAGE CODIFIES CURRENT JCPS PRACTICE INTO BOARD POLICY.

PERSONNEL

03.111

- CERTIFIED PERSONNEL -

## **Medical Examination**

### **NEWLY EMPLOYED PERSONNEL**

All newly employed certified personnel, including substitute teachers, shall present documentation in the form of a medical examination performed by a designated licensed physician, physician assistant (PA), or Advanced Practice Registered Nurse or by a licensed medical practitioner of the employee's choice. Through appropriate personnel documents, such as handbooks and/or job applications, employees shall be notified as to who will pay for medical examinations required for initial employment. Medical examinations performed within a ~~ninety (90) day~~ one year period prior to initial employment will be accepted.

### **REPORT REQUIREMENTS**

~~The medical examination shall be reported on the form required by Kentucky Administrative Regulation. A copy of the form and a statement indicating the employee's medical status must be filed with the Superintendent prior to assuming assigned duties.~~

### **TUBERCULOSIS SCREENING/TESTING**

The medical examination shall be reported on the form required by Kentucky Administrative Regulation or ~~an electronic~~ a medical record that includes all of the data equivalent to that on the Medical Examination of School Employees form. A copy of the form or ~~electronic~~ medical record and a statement indicating the employee's medical status must be filed with the Superintendent prior to assuming assigned duties.

### **TUBERCULOSIS SCREENING/TESTING**

Each medical examination shall include a skin test or risk assessment for tuberculosis as required by Kentucky Administrative Regulation. Evidence of such tests shall be kept on file. Individuals identified by that assessment as being high risk for TB shall be required to undergo a tuberculin skin test or a blood test for Mycobacterium tuberculosis (BAMT) as required by [702 KAR 001:160](#). A person who tests positive for TB shall be required to comply with the directives of the Board, local board of health and the Kentucky Department for Public Health, Cabinet for Health and Family Services, for further evaluation and treatment of the tuberculosis infection.<sup>1&2</sup>

The Board shall bear the cost of this examination.<sup>1</sup>

### **SCHOOL TO REPORT**

Local school authorities shall report immediately all known or suspected cases of communicable disease to the local health department. Diseases to be reported shall not include those considered confidential, such as HIV/AIDS, as set forth in Kentucky Administrative Regulation.<sup>2</sup>

### **MEDICAL CONFIDENTIALITY**

Signed consent of the employee designating personnel to be informed shall be required before the Superintendent advises personnel of the employee's medical condition.

**Medical Examination**

The Superintendent shall determine which employees are to have access to medical information. This determination shall be made on a need-to-know basis.

**ALCOHOL/DRUG TESTING**

If a supervisor has reason to believe an employee is under the influence of or impaired by alcohol or drugs in the workplace, the supervisor may require the employee to undergo a blood and/or urine test administered by a medical facility of the District's choice. Refusal to submit to such testing may be grounds for disciplinary action, including termination of employment. If test results confirm the employee was under the influence of alcohol or illegal drugs in the workplace, the employee shall be subject to disciplinary action including termination.

**REQUIRED EXAMINATION FOR PRESENT PERSONNEL**

When, in the opinion of the Superintendent/designee, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties because of physical or mental health problems or when the employee poses a health threat to students or other employees, the Superintendent/designee may, consistent with the Americans with Disabilities Act and the Family Medical Leave Act, require the employee to provide evidence of fitness in the form of an examination and report by a physician, and in the case of mental fitness, in the form of an examination and report by a certified psychologist or psychiatrist, of the district's choosing. The Board shall bear the cost of this examination.<sup>1</sup>

**REFERENCES:**

<sup>2</sup>[702 KAR 001:160](#); [902 KAR 002:020](#); [KRS 214.181](#); [KRS 214.625](#)  
[OAG 65-560](#)

Genetic Information Nondiscrimination Act of 2008  
Americans with Disabilities Act  
Family and Medical Leave Act of 1993

**RELATED POLICIES:**

<sup>1</sup>03.1234, 03.14

Adopted/Amended: 1/10/2017  
Order #: 2017-012

NOTE: THE CHANGES IN THIS POLICY DO NOT REFLECT ANY CHANGE IN HOW JCPS HANDLES FOR ALCOHOL/DRUG TESTS EMPLOYEES; RATHER, THIS LANGUAGE CODIFIES CURRENT JCPS PRACTICE INTO BOARD POLICY.

PERSONNEL

03.211

- CLASSIFIED PERSONNEL -

### **Medical Examination**

Through appropriate personnel documents, such as handbooks and/or job applications, employees shall be notified as to who will pay for medical examinations required for initial employment.

#### **BUS DRIVERS**

As a condition of employment, each school bus driver, including substitute drivers, shall pass a medical examination on initial employment and each year thereafter in accordance with [702 KAR 005:080](#).

Before being allowed to drive a bus, the driver must be free of any medical condition which could endanger the health or safety of students in the performance of duties.

#### **OTHER NEWLY EMPLOYED CLASSIFIED PERSONNEL**

As a condition of initial employment, all classified employees (except bus drivers), including substitute employees, shall pass a medical examination as indicated in [702 KAR 001:160](#). The examination shall be provided by a licensed physician, physician assistant (PA), or Advanced Practice Registered Nurse designated by the Board. If the employee elects to be examined by a private practitioner, the cost of examination shall be borne by the employee.<sup>1</sup>

#### **REPORT REQUIREMENTS**

Unless a new employee is hired after the beginning of the school year, examinations shall be conducted prior to August 1 of the school year in which the person is employed.

Medical examinations performed within a ninety (90)-day period prior to initial employment will be accepted.

The medical examination shall be reported on the form required by Kentucky Administrative Regulation or an electronic medical record that includes all of the data equivalent to that on the Medical Examination of School Employees form. A copy of the form or electronic medical record and a statement indicating the employee's medical status must be filed with the Superintendent prior to assuming assigned duties.

#### **TUBERCULOSIS SCREENING/TESTING**

Each medical examination shall include a skin test or risk assessment for tuberculosis as required by Kentucky Administrative Regulation. Evidence of such tests shall be kept on file. Individuals identified by that assessment as being at high risk for TB shall be required to undergo a tuberculin skin test or a blood test for Mycobacterium tuberculosis (BAMT) as required by [702 KAR 001:160](#). A person who tests positive for TB shall be required to comply with the directives of the Board, local board of health and the Kentucky Department for Public Health, Cabinet for Health and Family Services, for further evaluation and treatment of the tuberculosis infection.<sup>1, 2 & 3</sup>

#### **REQUIRED EXAMINATION FOR PRESENT PERSONNEL**

When, in the opinion of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties because of health problems or when the employee poses a health threat to students or other employees, the Superintendent may, consistent with the Americans with Disabilities Act and the Family Medical Leave Act, require the employee to

**Medical Examination**

provide evidence of fitness in the form of an examination and report by a physician of the Superintendent's choosing. The Board shall bear the cost of this examination.<sup>3</sup>

**SCHOOL TO REPORT**

Local school authorities shall report immediately all known or suspected cases of communicable disease to the local health department. Diseases to be reported shall not include those considered confidential, such as HIV/AIDS, as set forth in Kentucky Administrative Regulation.<sup>2</sup>

**MEDICAL CONFIDENTIALITY**

Signed consent of the employee designating personnel to be informed shall be required before the Superintendent advises personnel of the employee's medical condition.

The Superintendent shall determine which employees are to have access to medical information. This determination shall be made on a need-to-know basis.

**ALCOHOL/DRUG TESTING**

If a supervisor has reason to believe an employee is under the influence of or impaired by alcohol or drugs in the workplace, the supervisor may require the employee to undergo a blood and/or urine test administered by a medical facility of the District's choice. Refusal to submit to such testing may be grounds for disciplinary action, including termination of employment. If test results confirm the employee was under the influence of alcohol or illegal drugs in the workplace, the employee shall be subject to disciplinary action including termination.

**REQUIRED EXAMINATION FOR PRESENT PERSONNEL**

When, in the opinion of the Superintendent/designee, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties because of physical or mental health problems or when the employee poses a health threat to students or other employees, the Superintendent/designee may, consistent with the Americans with Disabilities Act and the Family Medical Leave Act, require the employee to provide evidence of fitness in the form of an examination and report by a physician, and in the case of mental fitness, in the form of an examination and report by a certified psychologist or psychiatrist, of the district's choosing. The Board shall bear the cost of this examination.<sup>1</sup>

**REFERENCES:**

<sup>1</sup>[KRS 161.145](#); [702 KAR 005:080](#)

<sup>2</sup>[702 KAR 001:160](#), [902 KAR 002:020](#); [KRS 214.181](#); [KRS 214.625](#)  
[OAG 91-1](#)

Genetic Information Nondiscrimination Act of 2008

Americans with Disabilities Act

Family Medical Leave Act of 1993

**RELATED POLICIES:**

<sup>3</sup>03.2234, 03.24

Adopted/Amended: 1/10/2017  
Order #: 2017-012

**- CERTIFIED PERSONNEL -**

**Solicitations**

Appeals by community organizations for support shall be authorized by the Superintendent/designee prior to collection of funds. All donations/contributions [by employees](#) shall be voluntary.

Adopted/Amended: 11/25/2013

Order #: 2013-191



**- CLASSIFIED PERSONNEL -**

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NOTE: THE CHANGES IN THIS POLICY DO NOT REFLECT ANY CHANGE IN HOW JCPS HANDLES DRUG TESTING FOR EMPLOYEES; RATHER, THIS LANGUAGE IS DESIGNED TO GIVE NOTICE TO EMPLOYEES THAT THE USE OF LEGAL PRODUCTS CONTAINING THC MAY LEAD TO A POSITIVE TEST RESULT.

PERSONNEL

03.13251

- CERTIFIED PERSONNEL -

### **Drug-Free/Alcohol-Free Schools**

#### **DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES**

The District is committed to maintaining a drug-free workplace.

District employees shall not manufacture, distribute, dispense, be under the influence of, purchase, possess, use, or attempt to purchase or obtain, sell or transfer any of the following in the workplace or in the performance of duties:

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and
3. Substances that look like a controlled substance. In instances involving look-alike substances, there must be evidence of the employee's intent to pass off the item as a controlled substance.

In addition, employees shall not possess prescription drugs for the purpose of sale or distribution.

#### **DEFINITIONS**

Controlled substance shall mean any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to [KRS 218A.020](#).

Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, prohibited volatile substances as defined in [KRS 217.900](#) or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.
- 2.3. Substances containing Tetrahydrocannabinol (THC). (Employees are cautioned that many legally available Cannabinol (CBD) products, due to poor manufacture and/or regulation, contain THC and their use will result in a positive THC test which will be considered a positive THC test for all purposes under these policies).

#### **AUTHORIZED DRUGS**

Employees who personally use or who are designated to administer to a student a drug authorized by and administered in accordance with a prescription from a health professional shall not be considered in violation of this policy.

#### **WORKPLACE DEFINED**

### **Drug-Free/Alcohol-Free Schools**

For purposes of this policy, “workplace” shall include any site where District work is performed, including school buildings, school premises, property owned, leased or used by the District for educational or business purposes, school-owned vehicles, or other school-approved vehicles used for school business or to transport staff members or students to and from school or school activities. “Workplace” also includes any school-sponsored or school-approved activity, event or function such as a field trip or athletic event that is held off school property and in which students or staff members are under the jurisdiction of the District.

#### **SUSPENSION/TERMINATION/NON-RENEWAL DISCIPLINARY ACTION**

Any employee who violates the terms of this policy may be ~~suspended, non-renewed or terminated.~~ subject to disciplinary action up to and including termination. In addition, violations may result in notification of appropriate legal officials.

#### **ALTERNATIVE**

As an alternative, the Superintendent may choose that an employee who violates the terms of the District's drug-free/alcohol-free workplace policies shall satisfactorily participate in a Board-approved drug/alcohol abuse assistance or rehabilitation program. If the employee fails to satisfactorily participate in such a program, the employee may be suspended, non-renewed or terminated.

#### **REPORTING**

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 use, possession, or sale of controlled substances 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.

#### **POST-DISCIPLINE DRUG TESTING**

Following determination by an administrative or judicial proceeding that s/he engaged in misconduct involving the illegal use of controlled substances, a teacher who has been reprimanded or disciplined for misconduct involving illegal use of controlled substances shall submit to random or periodic drug testing in accordance with applicable Kentucky Administrative Regulation for a period not to exceed twelve (12) months from the date of such reprimand or disciplinary action.

#### **AWARENESS AND PREVENTION PROGRAM**

The Superintendent shall establish a comprehensive and on-going drug-free/alcohol-free awareness and prevention program which shall include notice of the following:

1. The dangers of drug/alcohol/substance abuse in the schools;
2. The District's policies and related procedures on drug-free/alcohol-free schools;
3. The requirement for mandatory compliance with the District's established standards of conduct, including those that prohibit use of alcohol, drugs and other controlled and prohibited substances;
4. Information about available drug/alcohol counseling programs and available rehabilitation/employee assistance programs; and
5. Penalties that may be imposed upon employees for violations of this policy.

**Drug-Free/Alcohol-Free Schools**

**REFERENCES:**

[KRS 160.290](#); [KRS 160.380](#); [KRS 161.120](#); [KRS 161.175](#)  
[KRS 161.790](#); [KRS 217.900](#); [KRS 218A.1430](#); [KRS 218A.1447](#)  
[016 KAR 001:030](#); [701 KAR 005:130](#); 34 C.F.R Part 85

**RELATED POLICIES:**

03.1325  
03.17  
08.1345  
09.2241

Adopted/Amended: 11/25/2013  
Order #: 2013-191

NOTE: THE CHANGES IN THIS POLICY DO NOT REFLECT ANY CHANGE IN HOW JCPS HANDLES DRUG TESTING FOR EMPLOYEES; RATHER, THIS LANGUAGE IS DESIGNED TO GIVE NOTICE TO EMPLOYEES THAT THE USE OF LEGAL PRODUCTS CONTAINING THC MAY LEAD TO A POSITIVE TEST RESULT.

PERSONNEL

03.23251

- CLASSIFIED PERSONNEL -

### **Drug-Free/Alcohol-Free Schools**

#### **DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES**

The District is committed to maintaining a drug-free workplace. District employees shall not manufacture, distribute, dispense, be under the influence of, purchase, possess, use, or attempt to purchase or obtain, sell or transfer any of the following in the workplace or in the performance of duties:

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and
3. Substances that look like a controlled substance. In instances involving look-alike substances, there must be evidence of the employee's intent to pass off the item as a controlled substance.

In addition, employees shall not possess prescription drugs for the purpose of sale or distribution.

#### **DEFINITIONS**

Controlled substance shall mean any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to [KRS 218A.020](#).

Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, prohibited volatile substances as defined in [KRS 217.900](#) or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

2.3. Substances containing Tetrahydrocannabinol (THC). (Employees are cautioned that many legally available Cannabinol (CBD) products, due to poor manufacture and/or regulation, contain THC and their use will result in a positive THC test which will be considered a positive THC test for all purposes under these policies).

#### **AUTHORIZED DRUGS**

Employees who personally use or who are designated to administer to a student a drug authorized by and administered in accordance with a prescription from a health professional shall not be considered in violation of this policy.

**Drug-Free/Alcohol-Free Schools****WORKPLACE DEFINED**

For purposes of this policy, “workplace” shall include any site where District work is performed, including school buildings, school premises, property owned, leased or used by the District for educational or business purposes, school-owned vehicles, or other school-approved vehicles used for school business or to transport staff members or students to and from school or school activities. “Workplace” also includes any school-sponsored or school-approved activity, event or function such as a field trip or athletic event where students or staff members are under the jurisdiction of the District.

**SUSPENSION/TERMINATION/Non-Renewal/DISCIPLINARY ACTION**

Any employee who violates the terms of this policy may subject to disciplinary action up to and including termination. ~~be suspended, non-renewed or terminated.~~ In addition, violations may result in notification of appropriate legal officials.

**ALTERNATIVE**

As an alternative, the Superintendent may choose that an employee who violates the terms of the District's drug-free/alcohol-free workplace policies shall satisfactorily participate in a Board-approved drug/alcohol abuse assistance or rehabilitation program. If the employee fails to satisfactorily participate in such a program, the employee may be suspended, non-renewed or terminated.

**REPORTING**

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 use, possession, or sale of controlled substances 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.

**AWARENESS AND PREVENTION PROGRAM**

The Superintendent shall establish a comprehensive and on-going drug-free/alcohol-free awareness and prevention program which shall include notice of the following:

1. The dangers of drug/alcohol/substance abuse in the schools;
2. The District's policies and related procedures on drug-free/alcohol-free schools;
3. The requirement for mandatory compliance with the District's established standards of conduct, including those that prohibit use of alcohol, drugs and other controlled and prohibited substances;
4. Information about available drug/alcohol counseling programs and available rehabilitation/employee assistance programs; and
5. Penalties that may be imposed upon employees for violations of this policy.

**REFERENCES:**

[KRS 160.290](#); [KRS 217.900](#); [KRS 218A.1430](#); [KRS 218A.1447](#)  
34 C.F.R. Part 85

PERSONNEL

03.23251  
(CONTINUED)

**Drug-Free/Alcohol-Free Schools**

**RELATED POLICIES:**

03.2325; 03.271  
08.1345; 09.2241

Adopted/Amended: 11/25/2013  
Order #: 2013-191

## **School Activity Funds**

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

### **UNIFORM ACCOUNTING**

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

### **TWO SIGNATURES REQUIRED**

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

### **RECEIPTS AND ADMISSION CHARGES**

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

### **PURCHASE ORDERS**

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

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

### **FINANCIAL REPORTS**

Each month the Principal shall review and approve the monthly verification packet and provide the Chief Financial Officer with a financial report for activity fund accounts. On or before July 25, following the end of the fiscal year, the Principal shall submit to the Chief Financial Officer an annual financial report for those accounts.

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

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



**School Activity Funds****AUDIT OF FUNDS**

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

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

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

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

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

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

1. Within the first thirty (30) days of the school year or within thirty (30) days of the first transaction for the group:
  - a. Names of club officers;
  - b. Federal Employer Identification number (FEIN); and
  - c. A copy of the annual budget.
2. An annual financial report by July 15 for the year ending June 30 reporting receipts, expenditures, and beginning and ending balances<sup>1</sup>; and
3. All other information required by the Accounting Procedures for Kentucky School Activity Funds.

All support/booster organizations recognized by and/or affiliated with the District shall comply with the following:

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

~~Each year, the Superintendent shall report to the Board when all support/booster organizations have been informed of the requirements from the Accounting Procedures for Kentucky School~~

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

**School Activity Funds**

**REFERENCES:**

<sup>1</sup>[702 KAR 003:130](#); Accounting Procedures for Kentucky School Activity Funds

<sup>2</sup>[702 KAR 003:120](#)

<sup>3</sup>[OAG 79-556](#)

[KRS 158.290](#)

[KRS 139.497](#); [KRS 156.070](#); [KRS 160.290](#); [KRS 160.340](#)

**RELATED POLICY:**

09.33

[Redbook and related resources:](#)

<https://www.jefferson.kyschools.us/departments/financial-services-division/accounting-services/school-finance-resources>

Adopted/Amended: 9/9/2013  
Order #: 2013-157

## **Community Use of School Facilities**

### **WHO MAY USE**

The Board encourages the use of school buildings by school-related groups, Parent-Teacher-Student Associations, or other parent groups whose purpose is to serve or benefit the school program. Regular rental fees shall not be charged to school-related groups. Such groups shall reimburse the school district for any additional personnel costs.

The Board may authorize the use of school property by public members of the community during non-school hours for the purpose of recreation, sport, academic, literary, artistic, or community uses as defined in KRS Chapter 162 pursuant to this and other policies adopted by the Board and related procedures established by the Superintendent.<sup>1</sup>

School facilities shall not be used for personal or commercial activities, except as noted in the provision below.

### **AVAILABILITY**

Non-profit organizations, governmental agencies and individuals may use school buildings or facilities for lawful public assemblies. For-profit organizations may use school buildings or facilities for the purpose of providing before or after school enrichment and other educational programs for the benefit of students in attendance at the school. Use of facilities shall not interfere with school functions and operations. Groups shall obtain necessary approvals and pay appropriate fees and costs prior to the usage.

The Superintendent shall establish procedures for the use of school facilities. Such procedures shall include the provision that the use of tobacco products and electronic cigarettes in or on any property owned or operated by the Board is prohibited.

### **CHARGES**

A schedule of charges shall be developed to cover the cost of the purchase or use of District equipment, supplies, and human services required to respond to legitimate requests by individuals or organizations. Charges shall be reviewed and adjusted annually or more often if necessary in order to provide for adequate reimbursement for supplies and services.

Pursuant to this policy, the Superintendent shall establish and implement a facility use procedure for the use of school buildings by school-related groups and other organizations or individuals. Such procedures shall include a schedule of rental fees and charges.

Revenues from any real estate holdings acquired in anticipation of future school needs or from the rental of property which may be temporarily unused for public school purposes shall accrue to the appropriate fund under the Board's management and control.

### **APPLICATION**

The District shall utilize an official application form which shall detail the conditions of usage. Persons authorized to represent officially the renting individual/organization must sign the application. Approval of a request to use District facilities does not signify District sponsorship, endorsement or approval of an organization or activity.

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<sup>1</sup>

**Community Use of School Facilities****LIABILITY**

The Board shall require the renting organization to assume all liability for injury to individuals by reason of the lease of Board property and that the organization indemnify and save harmless the Board from any loss or damage thereby.

**INSURANCE**

The individual or group shall provide a certificate of liability insurance for a minimum of \$1 million per occurrence and \$2 million aggregate naming the Board as an additional insured under the policy for the activity.

**REFERENCES:**

<sup>1</sup>[KRS 162.055](#)

[KRS 158.183](#); [KRS 160.290](#); [KRS 160.293](#)

[KRS 160.340](#); [KRS 162.050](#)

[OAG 60-389](#); [OAG 80-78](#)

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

20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)

**RELATED POLICY:**

10.3

[05.31](#)

## **Rental Application and Contract**

### **CONDITIONS OF RENTAL**

All rental of school facilities is subject to the following conditions:

1. An official application shall be made to the Superintendent or the Superintendent's designee.
2. Rentals will be made only to responsible and organized groups, and responsible officers of that group must sign the application and the contract.
3. Conditions of that contract shall include:
  - a. Acceptance of responsibility by individuals, or officials of the renting organization, for any damage or loss resulting from the rental;
  - b. Agreement that renting individuals or organizations, and officers thereof, shall assume all liability for any personal injuries incurred during their use of the facilities, as evidenced by a certificate of insurance naming the Board of Education of Jefferson County as an additional insured, and shall hold the Board harmless from any such claims against it;
  - c. Agreement to observe all fire and safety regulations;
  - d. Agreement that the use of any tobacco product, alternative nicotine product, or vapor product shall not occur on or in all property. The use of alcoholic beverages is prohibited in school buildings or on school grounds;
  - e. Observance that no immoral or illegal activity shall be allowed on the premises;
  - f. The presence of a school custodian at all times. The hourly wage of the custodian(s) must be included in the contract along with the social security and retirement payments required by law. If the employee is employed beyond the normal 40-hour week that s/he works for the Board, overtime wages must be paid;
  - g. Agreement that no alterations to the buildings or grounds be made without prior approval;
  - h. Agreement that the renting party shall not sublease or reassign any portion of the building or item of equipment covered by the rental contract;
  - i. Agreement that school equipment shall not be a part of the rental contract unless specifically enumerated; and
  - j. Agreement to leave the facilities in as good a condition as before used.

### **REFERENCES:**

[KRS 162.055](#); [KRS 438.050](#); [KRS 438.305](#); [KRS 438.345](#)  
[OAG 81-295](#)

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

### **RELATED POLICIES:**

03.1327; 03.2327; [05.3](#); 06.221; 09.4232; 10.3; 10.5

Adopted/Amended: 8/6/2019  
Order #: 2019-840

## **Property Insurance**

### **COVERAGE**

The Board shall maintain an insurance program that will provide coverage in the event of loss or damage of school buildings and equipment therein. Such coverage shall be reviewed annually.

### **REFERENCES:**

KRS 160.105

KRS 162.360

702 KAR 3:030

OAG 66-36

OAG 55-37,578

OAG 56-38,182

## **Emergency Medical Treatment**

### **FIRST-AID ROOM**

A first-aid area with appropriate equipment, supplies and provisions for the child to recline shall be designated in each school. At least two (2) adult employees in each school, at least one (1) of whom shall be present at the school at all times during school hours, shall have completed and been certified in a standard first aid course that includes CPR for infants and children.

In accordance with state law, every school shall have personnel trained each school year to administer emergency medication to students for seizures, diabetes, life threatening allergic reactions and asthma as prescribed by the student's health care practitioner or the District School Health.

### **STOCK EPINEPHRINE**

As suggested in [KRS 158.836](#), each school shall stock epinephrine, so that trained staff may administer epinephrine to any student believed to be having a life-threatening allergic or anaphylactic reaction.<sup>1</sup>

When enrolled students, for whom documentation under [KRS 158.838](#), including seizure action plans, has been provided to the school, are present during school hours or as participants in school-related activities, a school employee who has been appropriately trained to administer or assist with the self-administration of glucagon, insulin, seizure rescue medications, or medication prescribed to treat seizure disorder symptoms approved by the FDA and administered pursuant to a student's seizure action plan, shall be present.

### **STOCK ALBUTEROL**

Each school may also stock albuterol, so that trained staff may administer albuterol to any student having an asthma exacerbation or respiratory symptoms associated with a life-threatening allergic or anaphylactic reaction.

### **EMERGENCY CARE PROCEDURES**

Schools shall have emergency care procedures comporting with regulation<sup>2</sup> and may utilize the Kentucky Department of Education's Health Services Reference Guide (HSRG) as a resource.

### **INFORMATION NEEDED**

A number at which parents can be reached and the name of the family physician shall be maintained at each school for all its students.<sup>2</sup> Parents will be notified in the event of an accident.

### **REFERENCES:**

<sup>1</sup>[KRS 158.836](#)

<sup>2</sup>[702 KAR 001:160](#)

[KRS 156.160](#); [KRS 156.502](#); [KRS 158.838](#)

Kentucky Department of Education Health Services Reference Guide (HSRG)

### **RELATED POLICIES:**

09.21; 09.22; 09.2241

Adopted/Amended: 8/6/2019

Order #: 2019-840

**Negotiating Organizations**

The Board may approve requests for recognition of employee organizations, ~~that present satisfactory evidence during an administrative staff study that they represent a substantial number of employees.~~ The Superintendent shall establish a procedure for considering such requests. The procedure shall contain a provision for certification of the evidence of representation by a neutral third party.

~~The Board may approve an employee representation election following the administrative staff study and recommendations.~~

Adopted/Amended: 9/9/2013

Order #: 2013-157



KSBA 2020 ANNUAL UPDATE - 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

HIGHLIGHTED TEXT IS LANGUAGE RECOMMENDED BY JCPS HUMAN RESOURCES STAFF

## PERSONNEL

03.11

### - CERTIFIED PERSONNEL -

## Hiring

### SUPERINTENDENT'S RESPONSIBILITIES

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

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

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

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

### EFFECTIVE DATE

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

### QUALIFICATIONS

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

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

### PRE-EMPLOYMENT INQUIRIES

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

## **Hiring**

### **CRIMINAL BACKGROUND CHECK AND TESTING**

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

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

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

Initial employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a sexual offense, a drug offense, a violent offense as defined in KRS 17.165, any felony offense or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall terminate on receipt of a criminal history background check documenting a conviction for an offense listed above, unless the offense is a misdemeanor drug offense over five (5) years ago or a non-support felony offense. Employees shall immediately notify their supervisor if they are arrested for or charged with one of the offenses listed above. The supervisor shall immediately notify employee relations.

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

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

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

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

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

### **REPORT TO SUPERINTENDENT**

An employee shall report to the Superintendent if the employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal. Any failure to report this finding shall result in the employee being subject to dismissal or termination.

## **Hiring**

### **VACANCIES POSTED**

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

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

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

### **REVIEW OF APPLICATIONS**

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

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

### **RELATIONSHIPS**

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

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

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

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

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

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

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

For purposes of this paragraph of this policy, a relative is defined as the employee's father, mother, brother, sister, husband, wife, son, and daughter; and a supervisor is defined as a person who has authority to oversee and direct work assignments, assign tasks, schedule hours of work, evaluate work performance, or recommend the hiring, discipline or termination of an employee. For purposes of this paragraph of this policy, the Principal and each assistant principal of a school shall be considered to be the supervisor of each employee in the school building. This paragraph of this policy shall apply even if the status of relative results from a marriage after an initial assignment,

## **Hiring**

### **RELATIONSHIPS (CONTINUED)**

or if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having the relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this paragraph of this policy exists or may exist. Any failure to give such notice shall result in disciplinary action. The Superintendent shall develop procedures to implement this paragraph of this policy for all personnel assignments and shall make a final determination as to the appropriate action to implement this paragraph of this policy.

EXCEPTION TO THE ABOVE IS SUBSTITUTE PERSONNEL.

### **CONTRACT**

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

### **JOB DESCRIPTION**

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

### **INTENT**

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

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

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

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

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

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

### **JOB SHARING**

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

### **EXCHANGE OF TEACHERS**

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

## **Hiring**

### **REFERENCES:**

<sup>1</sup>[KRS 160.380](#)

<sup>2</sup>[KRS 161.605](#); [702 KAR 001:150](#)

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

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

45 C.F.R. § 1302.90

[KRS Chapter 13B](#)

[KRS 17.160](#); [KRS 17.165](#); [KRS 156.106](#); [KRS 160.345](#); [KRS 160.390](#)

[KRS 161.042](#); [KRS 161.611](#); [KRS 161.750](#); [KRS 335B.020](#); [KRS 405.435](#)

[016 KAR 009:080](#); [702 KAR 003:320](#); [704 KAR 007:130](#)

[OAG 18-017](#); [OAG 73-333](#); [OAG 91-10](#); [OAG 91-149](#); [OAG 91-206](#)

[OAG 92-1](#); [OAG 92-59](#); [OAG 92-78](#); [OAG 92-131](#); [OAG 97-6](#)

Records Retention Schedule, Public School District

### **RELATED POLICIES:**

01.11; 02.4244; 03.132

Adopted/Amended: 8/6/2019

Order #: 2019-840

KSBA 2020 ANNUAL UPDATE: 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

**HIGHLIGHTED TEXT RECOMMENDED BY JCPS HUMAN RESOURCES STAFF**

## PERSONNEL

03.21

### - CLASSIFIED PERSONNEL -

## Hiring

### SUPERINTENDENT'S RESPONSIBILITIES

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

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

### EFFECTIVE DATE

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

### PRE-EMPLOYMENT INQUIRIES

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

### CRIMINAL BACKGROUND CHECK AND TESTING

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

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

"FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT HAS NO ADMINISTRATIVE FINDINGS OF ~~SUBSTANTIATED~~ CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES."<sup>1</sup>

Initial employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a sexual offense, a drug offense, a violent offense as defined in KRS 17.165, any felony offense or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall terminate on receipt of a criminal history background check documenting a conviction for an

## **Hiring**

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

offense listed above, **unless the offense is a misdemeanor drug offense over (5) years ago or a non-support felony offense.** Employees shall immediately notify their supervisor if they are arrested for or charged with one of the offenses listed above. The supervisor shall immediately notify employee relations.

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

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

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

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

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

### **REPORT TO SUPERINTENDENT**

An employee shall report to the Superintendent if the employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal. Any failure to report this finding shall result in the employee being subject to dismissal or termination.

### **EDUCATIONAL REQUIREMENTS**

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

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

### **VACANCIES POSTED**

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

Vacancies may also be posted and advertised outside the District.

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



## **Hiring**

### **REVIEW OF APPLICATIONS**

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

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

### **RELATIONSHIPS**

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

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

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

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

### **EMERGENCY HIRING**

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

### **JOB DESCRIPTION**

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

### **CONTRACT**

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

### **JOB SHARING**

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



## **Hiring**

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

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

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

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

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

### **REFERENCES:**

<sup>1</sup>[KRS 160.380](#)

<sup>2</sup>[702 KAR 005:080](#)

<sup>3</sup>[KRS 161.011](#)

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

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

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

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

[KRS Chapter 13 B](#)

[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; [013 KAR 003:030](#); [702 KAR 003:320](#)

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

### **RELATED POLICIES:**

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221

Adopted/Amended: 8/6/2019

Order #: 2019-840