

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.²

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.

PERSONNEL

03.11

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.¹

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.¹

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, 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

Hiring

RELATIONSHIPS (CONTINUED)

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:

¹[KRS 160.380](#)

²[KRS 161.605](#); [702 KAR 001:150](#)

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](#)

[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

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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.^{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 ~~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."¹

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

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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.¹

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.³

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

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.

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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](#).¹

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:

¹[KRS 160.380](#)

²[702 KAR 005:080](#)

³[KRS 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 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

Volunteers

DEFINITION

Volunteers are defined as adults who assist teachers, administrators, or other staff in public school classrooms, schools, or District programs and who do not receive compensation for their assistance. Volunteers are encouraged to use their time and effort to support school and District programs. The Superintendent shall develop procedures that encourage volunteers to assist in school and/or District programs and to facilitate effective communication with persons who volunteer.

Teacher education students or students enrolled in an educational institution and who participate in observations and educational activities under direct supervision of a local school teacher or administrator in a public school shall not be considered volunteers.

Classified hourly employees shall not be permitted to volunteer for duties related to their primary job.

SUPERVISION OF VOLUNTEERS

All volunteers shall provide assistance only under the direction and supervision of a member of the professional administrative and teaching staff.¹

Volunteers who assist in the District on a scheduled and/or continuing basis shall be provided with the same liability insurance coverage as a District employee and shall be provided with a written task description detailing responsibilities and expectations, as well as specific qualifications that may be required.

RECORDS CHECK

The District shall conduct, at District expense, a state criminal records check on all volunteers who have contact with students on a regularly scheduled and/or continuing basis, or who have supervisory responsibility for children at a school site or on school-sponsored trips.

Pursuant to [KRS 160.380](#), the Superintendent/designee also may require volunteers to submit to a state and national criminal (fingerprint) history background check and to provide a clear CA/N check, defined in [KRS 160.380](#) as “a letter from the Cabinet for Health and Family Services indicating that there are no substantiated findings of child abuse or neglect relating to a specific individual.” With prior approval of the Superintendent/designee, the background checks will be conducted at District expense.

The required criminal records check shall be repeated every five (5) years for continuing volunteers.

No volunteer shall be utilized to supervise students, or deemed to have the authority to supervise students, unless the volunteer has been designated to supervise students by the Principal and approved by the Superintendent/designee, and the volunteer has undergone the required records check.

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>

Volunteers

BASIS FOR DISQUALIFICATION

The Superintendent/designee shall have the authority to disqualify any individual from participating in school and/or District programs as a volunteer.

Applicants with the following convictions shall not be authorized to volunteer:

1. Any conviction for sex-related offenses;
2. Any conviction for offenses against minors;
3. Any conviction for felony offenses except as provided in number 5 below;
4. Any conviction for deadly weapon-related offenses;
5. Any conviction for felony drug-related offenses, ~~including felony drug offenses~~, within the past seven (7) years;
- ~~5.6.~~ Any conviction for misdemeanor drug-related offenses within the past five (5) years;
- ~~6.7.~~ Any conviction for violent, abusive, threatening or harassment related offenses;
- ~~7.8.~~ Other convictions determined by the Superintendent/designee to bear a reasonable relationship to the ability of the applicant to serve as a volunteer.

Volunteers shall immediately notify the school Principal or the Volunteer Talent Center if they are convicted of or plead guilty to one of the criminal offenses listed above.

WORK-BASED SITE SUPERVISORS

Work-based learning site supervisors are considered volunteers. Pursuant to [KRS 160.380](#) and [KRS 161.148](#), prior to being assigned to supervise a student for more than one (1) day in a work-based learning experience, the site supervisor shall have undergone a state criminal background check either as required by their employer at the time of employment or within the past twelve (12) months, whichever is the more recent.

TRANSPORTATION OF STUDENTS

Volunteers who transport students shall annually complete a Volunteer Auto Insurance Affidavit and shall provide the Superintendent/designee with a copy of their driving record from the Kentucky Department of Transportation. Any traffic citation received during the year or any loss of the volunteer's auto liability insurance shall be reported to the Superintendent/designee prior to transporting students.

ORIENTATION

The Superintendent/designee shall develop orientation materials and procedures to be provided to all volunteers in the District. These materials shall include, but not be limited to, pertinent policies and safety and emergency procedures.

REFERENCES:

¹[KRS 161.148](#)
[KRS 160.380](#); [KRS 161.044](#)

RELATED POLICIES:

03.5; 08.113; 08.1131

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

- 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.^{1&2}

The Board shall bear the cost of this examination.¹

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.²

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.

Medical Examination**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 (e.g. erratic behavior, smell of alcohol/marijuana, and/or other indicators etc.), the supervisor shall contact Labor Management and Employee Relations. Employee Relations may require the employee to undergo a blood and/or urine test administered by a medical facility of the District's choice. An employee suspected to be under the influence of or impaired by alcohol or drugs shall not drive themselves to the medical facility. Transportation shall be provided by the district. 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 or impaired by 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 shall contact Labor Management and Employee Relations. ~~may,~~ Consistent with the Americans with Disabilities Act and the Family Medical Leave Act, Labor Management and Employee Relations may 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 Superintendent's district's choosing. The Board shall bear the cost of this examination.¹

References:

²[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:

¹03.1234, 03.14

Adopted/Amended: 1/10/2017

Order #: 2017-012

- 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.¹

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~~ one year 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~~ 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 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.^{1, 2 & 3}

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 physical or mental 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 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 Superintendent's choosing. The Board shall bear the cost of this examination.~~³

Medical Examination

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.²

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 (e.g. erratic behavior, smell of alcohol/marijuana, and/or other indicators etc.) the supervisor shall contact Labor Management and Employee Relations. Employee Relations may require the employee to undergo a blood and/or urine test administered by a medical facility of the District's choice. An employee suspected to be under the influence of or impaired by alcohol or drugs shall not drive themselves to the medical facility. Transportation shall be provided by the district. Refusal to submit to such testing may be grounds for disciplinary action, including termination. If results confirm the employee was under the influence of or impaired by alcohol or illegal drugs in the workplace, the employee shall be subject to disciplinary action including termination.

REQUIRED MEDICAL 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 shall contact Labor Management and Employee Relations. Consistent with the Americans with Disabilities Act and the Family Medical Leave Act, Labor Management and Employee Relations may 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.¹

REFERENCES:

¹[KRS 161.145](#); [702 KAR 005:080](#)

²[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:

³03.2234, 03.24