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

In-Service Training

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

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

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

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

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

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

Separate and apart from the above in-service training, ~~School~~ Board members shall participate in ~~annual~~ in-service training regarding charter school authorizers as follows:

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

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In-Service Training

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

~~1. Twelve (12) hours for an authorizer or member with zero (0) to eight (8) years of experience as an authorizer;~~

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

~~1.~~ ~~In-service training toward the board member training requirements of KRS 160.180 may also count toward the required twelve (12) hours of charter school training, to the extent the requirements of both are met by training contents.~~ The charter authorizer~~school~~ training requirements shall be approved by the Commissioner of Education and shall address~~include~~ the following topics of authorizer responsibility and charter school formation and operation:

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

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

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Orientation of New Board Members

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

REFERENCES:

[1]KRS 160.180
[2]KRS 160.1594
701 KAR 8:020
702 KAR 1:115
OAG 85-53; OAG 85-145

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LEGAL: SB 8 REVISES THE DEFINITION OF AN SRO, TRAINING REQUIREMENTS, AND ADDS A FIREARM REQUIREMENT.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION 02.31

School Resource Officers (SROs)

DEFINITION

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

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

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

(b) Employed:

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

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

3. Directly by a local Board of Education.[1]

TRAINING REQUIREMENTS

~~Effective January 1, 2020, a~~All School Resource Officers (SROs) with active SRO certification shall successfully complete forty (40) hours of annual in-service training that has been certified or recognized by the Kentucky Law Enforcement Council for SROs. Any SRO who fails to successfully complete training requirements within the specified time periods, including approved extensions, shall lose his/her SRO certification and shall no longer serve in the capacity of an SRO ~~work~~ in a school.

FIREARM REQUIREMENT

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

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SUPERINTENDENT TO REPORT

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

REFERENCES:

[1]KRS 158.441
[2]KRS 158.4414
KRS 61.902
~~KRS 158.4414~~
KRS 158.4415

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RELATED POLICY:

09.4361

LEGAL: SB 79 AMENDS KRS 160.380 REPLACING "SUBSTANTIATED" FINDING OF CHILD ABUSE OR NEGLECT WITH "ADMINISTRATIVE" FINDING OF CHILD ABUSE OR NEGLECT.
FINANCIAL IMPLICATIONS: COST OF PRINTING NEW APPLICATIONS AND STAFF TIME TO TRACK THE STATUS IF REPORT INDICATES SUBSTANTIATED FINDING IS ON APPEAL

- CERTIFIED PERSONNEL -

Hiring

SUPERINTENDENT'S RESPONSIBILITIES

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.

Certified employees may be appointed by the Superintendent for any school year at any time after February 1 next preceding the beginning of the school year.

QUALIFICATIONS

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

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

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

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 applicant~~s~~ 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."

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

Hiring

CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)

"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]

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

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

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

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

REPORT TO SUPERINTENDENT

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

JOB REGISTER

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

VACANCIES POSTED

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted in the Central Office and in each school building on a timely basis and shall refer interested persons to the Central Office job register for additional information.

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

Each application shall be reviewed and each applicant so notified upon initial application. The application shall be kept on file for three (3) years and remain active for two (2) years.

INTERVIEW OF CANDIDATES

A personal interview with a District administrator shall be required before any individual is recommended for employment. Whenever possible, Principals shall interview prospective personnel.

Hiring

RELATIONSHIPS

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

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

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

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

JOB DESCRIPTIONS

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

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 school if 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.

REFERENCES:

[1]KRS 160.380
[2]KRS 161.605; 702 KAR 1:150
[3]P. L. 114-95, (Every Student Succeeds Act of 2015)
20 U.S.C. § 7926; 42 U.S.C. § 9843a(g)
45 C.F.R. § 1302.90
KRS Chapter 13B
KRS 17.160; KRS 17.165
KRS 156.106; KRS 160.345; KRS 160.390
KRS 161.042; KRS 161.611; KRS 161.750; KRS 335B.020; KRS 405.435
16 KAR 9:080; 702 KAR 3:320; 704 KAR 7:130
OAG 18-017; OAG 73-333; OAG 91-10; OAG 91-149; OAG 91-206
OAG 92-1; OAG 92-59; OAG 92-78; OAG 92-131; OAG 97-6
Records Retention Schedule, Public School District

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RELATED POLICIES:

01.11; 02.4244; 03.132

LEGAL: SB 174 AMENDS KRS 157.395 TO PROVIDE THAT FOR TEACHERS OBTAINING NBCT CERTIFICATION AFTER JULY 1, 2020, IF THE AMOUNT APPROPRIATED BY THE GENERAL ASSEMBLY IS LESS THAN $2,000, THE BOARD MAY PROVIDE AN ADDITIONAL SUPPLEMENT TO THE TOTAL ANNUAL SUPPLEMENT OF $2,000 FOR THE LIFE OF THE CERTIFICATE.
FINANCIAL IMPLICATIONS: POSSIBLE COST SAVINGS IF A BOARD DOES NOT CHOOSE TO PROVIDE THE FULL $2,000 AMOUNT

- CERTIFIED PERSONNEL -

Salaries

SINGLE-SALARY BASES

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

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

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

EXTENDED EMPLOYMENT

Compensation for employment contracted beyond the approved calendar shall be prorated on the base pay for the approved calendar days.

Extended employment positions shall be established in the position job description and funded in the District budget.

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

EXTRA SERVICES, SUPPLEMENTS AND SUPERVISION

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

NATIONAL BOARD CERTIFIED TEACHER (NBCT) SUPPLEMENT

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

Salaries

RANK AND EXPERIENCE

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

Changes in rank and experience shall be determined on September 15 of each year. Objections regarding rank, pay rate/experience must be reported in writing by September 15 or claim is waived.

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

EXCEPTION

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

QUALIFICATIONS

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

NOTICE OF SALARY

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

PAYROLL DISTRIBUTION

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

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

REFERENCES:

KRS 157.075; KRS 157.320; KRS 157.350; KRS 157.360
KRS 157.390; KRS 157.395; KRS 157.397; KRS 157.420
KRS 160.290; KRS 160.291
KRS 161.1211; KRS 161.134; KRS 161.168; KRS 161.760
KRS 337.070; KRS 424.120; 16 KAR 1:040; OAG 97-25
702 KAR 3:060; 702 KAR 3:070; 702 KAR 3:100; 702 KAR 3:310
29 C.F.R. Section 541.303; 29 C.F.R. Section 541.602; 29 C.F.R. Section 541.710

RELATED POLICIES:

03.114; 03.1211; 03.4

LEGAL: SB 15 (2019) AMENDED KRS 160.380 TO REMOVE THE EXCEPTION TO HIRING LANGUAGE FOR THE SPOUSE OF A PRINCIPAL.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

- CERTIFIED PERSONNEL -

Assignment

The assignment of all certified personnel shall be made by the Superintendent.[1] The Superintendent shall assign personnel who are certified for the positions they will hold and who possess qualifications established by Board policy, except in the case where no individual applies who is properly certified and/or who meets qualifications set by Board policy.

The Superintendent shall not assign the relative of a school Principal to the school where the Principal is assigned ~~unless the relative is not the spouse and was employed in that school during the 1989-90 school year. No spouse of a Principal shall be assigned to the school where the Principal is assigned unless the spouse was assigned in that school during the 1989-90 school year and there is no other position in the District for which the spouse is certified or unless the spouse was employed in the 1989-90 school year and the District has no more than one (1) elementary school, one (1) middle school, and one (1) high school. A Principal's spouse employed in the Principal's school shall be evaluated by another school administrator~~.[1]

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

REFERENCES:

[1]KRS 160.380~~; OAG 76-360~~
KRS 156.095; KRS 158.060
KRS 160.345; KRS 160.390
KRS 161.760; KRS 161.790
OAG 11-001; OAG 78-266
OAG 91-28; OAG 91-149
OAG 92-1; OAG 92-135

RELATED POLICY:

02.4244

LEGAL: SB 8 CHANGES THE ACTIVE SHOOTER TRAINING REQUIREMENT TO PROVIDED OR PREPARED BY THE KY DEPARTMENT OF CRIMINAL JUSTICE TRAINING IN COLLABORATION WITH KDE INSTEAD OF PROVIDED OR PREPARED BY KDE.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

- CERTIFIED PERSONNEL -

Professional Development

PROGRAM TO BE PROVIDED

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

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

The program shall be based on a Board-approved PD plan for the District, which is designed;

1. to help achieve student capacities established by KRS 158.645 and goals established by KRS 158.6451;
2. to support the District's mission, goals and assessed needs; and
3. to increase teachers' understanding of curriculum content and methods of instruction appropriate for each content area based on individual school plans.

The PD plan shall reflect individual needs of schools and be aligned with the Comprehensive School/District Improvement Plan, ESSA requirements, and teacher growth plans.

ACTIVE SHOOTER SITUATIONS

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

SCHOOL RESPONSIBILITIES

Each school shall plan professional development with the PD coordinator and, when appropriate, with other schools to maximize training opportunities. In addition, each school's PD plan shall be submitted to the Board for review as part of their Comprehensive School Improvement Plan.

Professional Development

DOCUMENTATION

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

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

REFERENCES:

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

RELATED POLICIES:

03.1911; 09.22

LEGAL: SB 79 AMENDS KRS 160.380 REPLACING "SUBSTANTIATED" FINDING OF CHILD ABUSE OR NEGLECT WITH "ADMINISTRATIVE" FINDING OF CHILD ABUSE OR NEGLECT.
FINANCIAL IMPLICATIONS: COST OF PRINTING NEW APPLICATIONS AND STAFF TIME TO TRACK THE STATUS IF REPORT INDICATES SUBSTANTIATED FINDING IS ON APPEAL

- CLASSIFIED PERSONNEL -

Hiring

SUPERINTENDENT'S RESPONSIBILITIES

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

EFFECTIVE DATE

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

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 applicant~~s~~ for a classified position shall conspicuously state the following:

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

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

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

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

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Hiring

CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)

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

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

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

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

REPORT TO SUPERINTENDENT

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

EDUCATIONAL REQUIREMENTS

No person shall be initially hired unless s/he holds at least a high school diploma or high school certificate of completion or High School Equivalency Diploma or unless s/he shows progress, as defined by Administrative Regulations of the State Board for Adult, Technical Education, toward obtaining a High School Equivalency Diploma. Employees shall hold the qualifications for the position as established by the Commissioner of Education.[3]

Existing and new paraprofessionals who provide instructional service or support in programs supported by Title I funds shall satisfy educational requirements specified by federal law.[4]

QUALIFICATIONS

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

JOB REGISTER

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

VACANCIES POSTED

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

REVIEW OF APPLICATIONS

Under procedures developed by the Superintendent, each application shall be reviewed and each applicant so notified.

Applications shall be kept on file for three (3) years and remain active for two (2) years.

Hiring

RELATIONSHIPS

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

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

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

A relative of the Superintendent shall not be employed except as provided by KRS 160.380.[1]

EMERGENCY HIRING

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

JOB DESCRIPTION

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

CONTRACT

All regular full-time and part-time classified personnel shall enter into annual written contracts with the District.

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 classified employees, including substitutes, shall be notified in writing by the last day of school if they have reasonable assurance of continued employment for the following school year.

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.

Hiring

REFERENCES:

[1]KRS 160.380
[2]702 KAR 5:080
[3]KRS 161.011
[4]P.L. 114-95, (Every Student Succeeds Act of 2015)
KRS 17.160; KRS 17.165; KRS 156.070; KRS 160.345; KRS 160.390
KRS 335B.020; KRS 405.435
OAG 18-017; OAG 91-10; OAG 91-149; OAG 91-206
OAG 92-1; OAG 92-59; OAG 92-78; OAG 92-131; OAG 97-6
Kentucky Local District Classification Plan
13 KAR 3:030; 702 KAR 3:320
20 U.S.C. § 7926; 42 U.S.C. § 9843a(g)
34 C.F.R. § 200.58; 45 C.F.R. § 1302.90
49 C.F.R. § 382.701; 49 C.F.R. § 382.703
KRS Chapter 13B
Records Retention Schedule, Public School District

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RELATED POLICIES:

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221

LEGAL: SB 15 (2019) AMENDED KRS 160.380 TO REMOVE THE EXCEPTION TO HIRING LANGUAGE FOR THE SPOUSE OF A PRINCIPAL.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

- CLASSIFIED PERSONNEL -

Assignment

The assignment of classified personnel shall be made by the Superintendent, who, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

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

The Superintendent shall not assign the relative of a school Principal to the school where the Principal is assigned ~~unless the relative is not the spouse and was employed in that school during the 1989-90 school year. No spouse of a Principal shall be assigned to the school where the Principal is assigned unless the spouse was employed in the 1989-1990 school year and the District has no more than one (1) elementary school, one (1) middle school, and one (1) high school. A Principal's spouse employed in the Principal's school shall be evaluated by another school administrator~~.[1]

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

REFERENCES:

[1]KRS 160.380
KRS 160.390
KRS 161.011
OAG 91-28
OAG 92-1
OAG 92-135

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

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

ACTIONS WHICH MAY REQUIRE HEARING PROCEDURES

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

TEMPORARY SUSPENSION WITH PAY PENDING INVESTIGATION

An employee may be relieved from duty for the remainder of the work day (without loss of pay for the affected portion of the day) by the immediate supervisor, pending a review of the facts or allegations, when such time is needed to protect health or welfare of students or staff or to prevent disruption of the educational process.

An employee shall be suspended with pay only when the Superintendent determines there is a justifiable need to protect the health, safety, or welfare of students and staff or to prevent significant disruption of the workplace and/or educational process. The period of suspension with pay shall not exceed the time needed to conduct an investigation and to determine whether the employee is to return to active service or face disciplinary action. However, suspension with pay shall not exceed ten (10) working days. If circumstances arise that require an investigation or other proceedings that may extend beyond ten (10) days, the Superintendent may lengthen the period of suspension, not to exceed an additional fifteen (15) working days.

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

Discipline, Suspension and Dismissal of Classified Employees

CAUSES FOR ACTION

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

1. Dishonesty, neglect of duty, incompetence, inefficiency or insubordination.
2. Reporting to work under the influence of or use or possession of alcohol 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. Refusal to comply with safety directives.
7. Falsifying information supplied to the District including information on application forms, absence reports, or any other information.
8. Violation of local policy, state, or federal statutes or regulations that apply to assigned duties.
9. Failure to notify the Superintendent if the classified employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal.
10. Being convicted of or entering an "Alford" plea or plea of nolo contendere to a felony or any crime (including misdemeanors) involving moral turpitude or illegal transactions with minors or students.
11. Immorality, misconduct, or conduct unbecoming a school employee.
12. Loss of licensure or certification required for the position; failure to provide cooperation or consents necessary to serve or continue serving in positions requiring licensure; or being disqualified from serving in a licensed position based on information obtained by the District from the Federal Motor Carrier Safety Administration (FMCSA) drug and alcohol electronic "Clearinghouse" or otherwise.
13. Failure to maintain the confidentiality of information about students or staff obtained in the course of employment, unless disclosure serves a legitimate job-related purpose or is required by law.
14. Engaging in any sexually related behavior with a student with or without consent, including, but not limited to, behavior such as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape, threats of physical harm; and sexual assault.
15. Physical or mental disability, consistent with applicable laws protecting employees with disabilities.[1]

Discipline, Suspension and Dismissal of Classified Employees

DUE PROCESS PROVISIONS (SUSPENSION WITHOUT PAY/TERMINATION)

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

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

OTHER DISCIPLINARY ACTIONS

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

REFERENCES:

[1]Americans with Disabilities Act
42 U.S.C. § 12111 et seq.
49 C.F.R. § 382.701; 49 C.F.R. § 382.703
KRS Chapter 344
KRS 160.380; KRS 160.390; KRS 161.011
OAG 76-290; OAG 92-135; OAG 96-3; OAG 05-006
Consolidated Omnibus Budget Reconciliation Act

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RELATED POLICIES:

03.212; 03.23251; 03.26; 03.271; 03.2711
07.162; 09.14; 09.42811

LEGAL: SB 8 CHANGES THE ACTIVE SHOOTER TRAINING REQUIREMENT TO PROVIDED OR PREPARED BY THE KY DEPARTMENT OF CRIMINAL JUSTICE TRAINING IN COLLABORATION WITH KDE INSTEAD OF PROVIDED OR PREPARED BY KDE.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

- CLASSIFIED PERSONNEL -

Staff Development

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

ACTIVE SHOOTER SITUATIONS

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

REFERENCES:

KRS 156.095; KRS 158.070
P. L. 114-95, (Every Student Succeeds Act of 2015)
34 C.F.R. 200.58

LEGAL: SB 79 AMENDS KRS 160.380 REPLACING "SUBSTANTIATED" FINDING OF CHILD ABUSE OR NEGLECT WITH "ADMINISTRATIVE" FINDING OF CHILD ABUSE OR NEGLECT.
FINANCIAL IMPLICATIONS: COST OF PRINTING NEW APPLICATIONS AND STAFF TIME TO TRACK THE STATUS IF REPORT INDICATES SUBSTANTIATED FINDING IS ON APPEAL

Substitute Teachers

QUALIFICATIONS

All substitute teachers shall meet background records check requirements (including a letter from the Cabinet for Health and Family Sservices provided by the individual documentingstating that the individual does not have an administrativethere are no findings of substantiated child abuse or neglect inon records maintained by the Cabinet) and medical examination requirements as specified in policies 03.11 and 03.111. In addition, substitutes serving in a position on a long-term/extended basis must meet all certification requirements established by the Education Professional Standards Board.

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

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

SUBSTITUTE LIST

The Superintendent or designee shall maintain a list of qualified substitute teachers. 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 may be reemployed as a part-time, temporary or substitute teacher in keeping with requirements of the Teacher's Retirement System.

LENGTH OF DUTY

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

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

Substitute teachers shall not work more than one-hundred-twenty-nine (129) service hours per month unless pre-approved by the Superintendent based on certification needed for longer term assignments.

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.

EMPLOYMENT NOTIFICATION

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 shall be made in compliance with the requirements of KRS 161.750.

Substitute Teachers

REFERENCES:

KRS 17.160; KRS 17.165; KRS 156.106; KRS 160.380; KRS 161.605; KRS 161.611
16 KAR 2:030; 16 KAR 2:120; 102 KAR 1:030; 702 KAR 1:035; 702 KAR 3:075
P. L. 111-148 (Affordable Care Act)
OAG 69-296

RELATED POLICIES:

03.11; 03.111; 03.121

LEGAL: SB 8 REMOVES THE REQUIREMENT THAT A DISTRICT SCHOOL SAFETY COORDINATOR BE A DISTRICT LEVEL ADMINISTRATOR. IT ALSO ADDS EXCEPTIONS FOR WHEN CLASSROOM DOORS ARE TO BE LOCKED.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

Safety

BOARD TO ADOPT PLAN

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

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

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

DISTRICT SCHOOL SAFETY COORDINATOR

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

1. Complete the school safety coordinator training program developed by the Center for School Safety within six (6) months of his or her date of appointment;
2. Designate a school safety and security threat assessment team at each school in the District consisting of two (2) or more staff members to identify and respond to students exhibiting behavior that indicates a potential threat to school safety or security. Members of a threat assessment team may include school administrators, school counselors, school resource officers, school-based mental health services providers, teachers, and other school personnel;
3. Provide training to school Principals on procedures for completion of the school security risk assessment;
4. Review all school security risk assessments completed within the District and prescribe recommendations as needed in consultation with the state school security marshal;
5. Advise the Superintendent by July 1, 2021, and annually thereafter of completion of required security risk assessments;

Safety

DISTRICT SCHOOL SAFETY COORDINATOR (CONTINUED)

6. Formulate recommended policies and procedures, which shall be excluded from the application of KRS 61.870 to KRS 61.884, for an all-hazards approach including conducting emergency response drills for hostage, active shooter, and building lockdown situations in consultation and coordination with appropriate public safety agencies to include but not be limited to fire, police, and emergency medical services for review and adoption as part of the school emergency plan required by KRS 158.162. The recommended policies shall encourage the involvement of students, as appropriate, in the development of the school's emergency plan; and
7. Ensure each school campus is toured at least once per school year, in consultation and coordination with appropriate public safety agencies, to review policies and procedures and provide recommendations related to school safety and security.

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

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

SUPERINTENDENT TO REPORT

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

SCHOOL EMERGENCY PLANNING

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

Following the end of each school year, the school council, or if none exists, the Principal, and first responders shall review the emergency plan and revise it as needed.

The Principal shall discuss the emergency plan with all school staff prior to the first instructional day annually and shall document the date and time.

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

In addition, the school council or, if none exists, the Principal shall:

1. Establish and post primary and secondary evacuation routes in each room by any doorway used for evacuation;

Safety

SCHOOL EMERGENCY PLANNING (CONTINUED)

2. Identify the best available severe weather safe zones, in consultation with local and state safety officials and informed by guiding principles set forth by the National Weather Service and the Federal Emergency Management Agency, and post the location of the safe zones in each room;
3. Develop school procedures to follow during an earthquake; and
4. Develop and adhere to practices to control access to the school. As soon as practicable but no later than July 1, 2022, practices shall include but not be limited to:
    - Controlling outside access to exterior doors during the school day;
    - Controlling the main entrance of the school with electronically locking doors, a camera, and an intercom system;
    - Controlling access to individual classrooms;
    - Requiring classroom doors to be equipped with hardware that allows the door to be locked from the outside but opened from the inside;
    - Requiring classroom doors to remain closed and locked during instructional time; except in instances when only one (1) student and one (1) adult are in the classroom or when approved in writing by the State School Security Marshal;
    - Requiring classroom doors with windows to be equipped with material to quickly cover the window during a building lockdown;
    - Requiring all visitors to report to the front office of the building, provide valid identification, and state the purpose of the visit; and
    - Providing a visitor's badge to be visibly displayed on a visitor's outer garment.

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

PRECAUTIONS

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

USE OF AUTOMATED EXTERNAL DEFIBRILLATOR (AED)

An automated external defibrillator (AED) is used to treat victims who experience sudden cardiac arrest (SCA). All use of AEDs shall only be in accordance with the District's specific AED procedure.

The District authorizes the placement of automatic external defibrillators (AED) in a designated location or locations in the District. An AED shall be used in emergency situations warranting its use in accordance with guidelines established by the provider. Expected users documented as having completed required and approved training shall be authorized to use a defibrillator. Defibrillators shall be maintained and tested in accordance with operational guidelines of the manufacturer, which shall be the responsibility of the provider.

Safety

USE OF AUTOMATED EXTERNAL DEFIBRILLATOR (AED) (CONTINUED)

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

REPORTING HAZARDS

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

COMMUNICATION SYSTEM

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

BUILDING EVACUATION OF AN UNSAFE SITUATION

The Principal or designee shall have the authority to order the immediate evacuation of a building upon the discovery of an unsafe situation. The route of exit is to be posted in all classrooms and other areas where students assemble.

The building shall remain unoccupied until the appropriate regulatory official or Board administrator assures it is safe to return.

The Principal shall record the time and date of evacuations.

The school emergency plan shall address staff responsibilities for safely evacuating students needing special assistance during safety drills and actual emergency situations, including students with disabilities and those with 504 plans.

REFERENCES:

[1]KRS 158.4412
KRS 61.870 to KRS 61.884
KRS 158.148; KRS 158.162; KRS 158.164; KRS 158.445
KRS 160.290; KRS 160.445
KRS 311.667; KRS 411.148

RELATED POLICIES:

02.31; 03.14; 03.24; 05.2; 05.21; 05.41; 05.411; 05.42; 05.45; 05.47; 05.5
09.214; 09.22; 09.221; 09.4 (entire section); 10.5

LEGAL: SB 8 ADDS A FIREARM REQUIREMENT FOR SCHOOL RESOURCE OFFICERS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

Weapons

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

WEAPONS PROHIBITED

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

Violation of this policy by staff members shall constitute reason for disciplinary action, including possible termination.[1]

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

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

Exceptions:

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

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FEDERAL REQUIREMENTS REGARDING STUDENTS

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

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

Weapons

STATE POSTING REQUIREMENTS

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

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

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

STATE REPORTING REQUIREMENTS

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

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

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

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

ENFORCEMENT

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

Weapons

REFERENCES:

[1]KRS 527.070; KRS 158.150; 20 U.S.C. §7141; (Gun-Free Schools Act)
[2]KRS 158.4414
18 U.S.C. §921(a)
KRS 158.154; KRS 158.155
KRS 160.290; KRS 160.340
KRS 237.106: KRS 237.110, KRS 237.138 to KRS 237.142
KRS 500.080; KRS 508.075, KRS 508.078; KRS 527:020
20 U.S.C. § 1400 et seq. Individuals with Disabilities Education ~~Improvement~~ Act (IDEA)
Section 504 of the Rehabilitation Act of 1973, as amended

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RELATED POLICIES:

09.435; 09.436; 09.4361

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

TRANSPORTATION 06.221

Bus Drivers' Use of Tobacco and Other Substances

TOBACCO, ALTERNATIVE NICOTINE, OR VAPOR PRODUCTS

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

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

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

School employees shall enforce the policy.

OTHER SUBSTANCES

No school vehicle shall be driven by anyone under the influence of an intoxicant or any substance that may impair the safe operation of the vehicle. Bus drivers found under the influence of alcohol or any illegal drugs while on duty or with remaining driving responsibilities that same day shall be suspended pending a termination proceeding.

USE PROHIBITED

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

1. The use of any drugs, that may affect the employee's ability to safely drive a school bus or perform other job responsibilities;

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

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

   Drivers must adhere to precautions in the use of prescribed drugs. Bus drivers shall not drive while using prescription drugs supplied by a doctor or osteopath that bear a warning label indicating drowsiness or side effects that could hinder and/or influence their driving ability.

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

Bus Drivers' Use of Tobacco and Other Substances

USE PROHIBITED (CONTINUED)

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

REQUIRED REPORTS

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

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

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

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

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

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

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

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Bus Drivers' Use of Tobacco and Other Substances

TESTING

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

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

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

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

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

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

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

Bus Drivers' Use of Tobacco and Other Substances

TESTING COSTS

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

MATERIALS TO BE PROVIDED

The Superintendent/designee shall distribute educational materials to explain state and federal legal requirements for alcohol and controlled substance testing of CDL drivers and the District's policies and procedures to implement it and answer questions about the materials. Materials shall meet content requirements of state and federal regulations, including information on required reporting to the federal Clearinghouse, and shall be distributed to each driver prior to the start of alcohol and controlled substances testing each year and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.

Each employee is required to sign a statement certifying that s/he has received a copy of these materials. If the District recognizes an organization to represent bus drivers, the District shall provide written notice to representatives of the organization of the availability of this information.[3]

REFERENCES:

[1]KRS 438.050; KRS 438.305; KRS 438.345
[2]702 KAR 5:080
[3]49 C.F.R. Part 382
49 C.F.R. § 382.701; 49 C.F.R. § 382.703; 49 C.F.R. § 390
Omnibus Employee Testing Act of 1991, Public Law 102-143, Title V

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RELATED POLICIES:

03.11; 03.13251; 03.1327; 03.17
03.21; 03.23251; 03.2327; 03.27
09.4232; 10.5

LEGAL: HB 458 REPEALS KRS 157.270 AND CREATES A NEW SECTION OF KRS CHAPTER 158 AS IT RELATES TO HOME/HOSPITAL INSTRUCTION.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION 08.1312

Home/Hospital Instruction

PURPOSE

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

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

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ELIGIBILITY

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

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

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

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SECONDARY STUDENTS

A high school student placed on home/hospital instruction for a semester may earn three (3) credits. Exceptions to this rule, including students with an Individual Education Plan (IEP) or a 504 plan, can be made due to extenuating circumstances, as determined by the Superintendent on advice of the Kentucky Department of Education.

STUDENTS WITH DISABILITIES

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

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

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Home/Hospital Instruction

REFERENCES:

~~KRS 157.270;~~ KRS 157.360
New Section of KRS 158
KRS 159.030
704 KAR 3:303
704 KAR 7:120
707 KAR 1:320
707 KAR 1:350
20 U.S.C. § 1400 et seq. Individuals with Disabilities Education ~~Improvement~~ Act (IDEA)
Section 504 of the Rehabilitation Act of 1973
34 C.F.R. 104.35

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RELATED POLICY:

09.123

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

Adult/Community Education

OPERATION OF PROGRAM

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

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

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

VIRTUAL HIGH SCHOOL COMPLETION PROGRAMS

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The Board may establish a high school completion program consistent with KRS 158.100.[1]

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School Facilities

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

REFERENCES:

[1]KRS 158.100
KRS 158.143
KRS 160.155; KRS 160.156; KRS 160.157; KRS 164.0064
13 KAR 3:010; 13 KAR 3:050

RELATED POLICIES:

05.3; 05.31
08.113; 09.1223; 09.124

LEGAL: HB 312 AMENDS KRS 158.140 RELATING TO CHILDREN IN FOSTER CARE TO REQUIRE COLLABORATION BETWEEN CHILD-CARING FACILITIES, CHILD-PLACING AGENCIES, A CHILD'S STATE AGENCY CASEWORKERS, SCHOOL DISTRICTS, AND FOSTER PARENTS TO ENSURE THE EDUCATIONAL STABILITY OF EACH CHILD, AND TO ASSIST ONE ANOTHER WITH MEETING THE EDUCATIONAL NEEDS OF EACH CHILD.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

Admissions and Attendance

RESIDENCE DEFINED

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

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

HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

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

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

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

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

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

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

Admissions and Attendance

HOMELESS CHILDREN AND UNACCOMPANIED YOUTH (CONTINUED)

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

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

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

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

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

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

CHILDREN IN FOSTER CARE

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

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

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

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

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

Admissions and Attendance

BEST INTEREST OF THE CHILD

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

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

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

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

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IMMIGRANTS

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

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

NONRESIDENTS

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

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

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

Admissions and Attendance

TRANSFER OF ADA

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

NON-IMMIGRANT FOREIGN STUDENTS

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

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

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

EXPELLED/CONVICTED STUDENTS

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

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

Assault shall mean any physical assault, including sexual assault.

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

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

Admissions and Attendance

REFERENCES:

[1]KRS 159.010; OAG 78-64; OAG 91-171
[2]42 U.S.C. 11431 et seq. (McKinney-Vento Act)
[3]KRS 158.120; OAG 80-47; OAG 79-327; OAG 75-602
[4]KRS 157.320; [5]702 KAR 7:125
[6]KRS 158.155; KRS 157.330
[7]KRS 158.140
KRS 157.360; KRS 158.100; KRS 158.150
KRS 199.802
704 KAR 7:090
P. L. 104-208
P. L. 114-95 (Every Student Succeeds Act of 2015), 20 U.S.C. § 6301 et seq.
8 U.S.C. Sections 1101 and 1184; 8 C.F.R. Section 214
22 C.F.R. §62.25; *Plyler* v. *Doe*, 457 U.S. 202 (1982)
Equal Educational Opportunities Act of 1974 (EEOA)

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RELATED POLICIES:

06.32; 08.1114
09.11; 09.121; 09.1223; 09.123; 09.124; 09.125
09.126 (re requirements/exceptions for students from military families)
09.14; 09.211

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

STUDENTS 09.1223

Persons Over Compulsory Attendance Age

PROHIBITIONS

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

Students under age twenty-one (21) who already have graduated from an accredited or four (4) year high school shall be considered to have completed high school and shall not be permitted to enroll in the District. Students who have earned a High School Equivalency Diploma shall be permitted to enroll to work toward completion of graduation requirements.

EXCEPTIONS

The District may provide an approved high school program to a student who is a refugee or legal alien until the student graduates or until the end of the school year in which the student reaches the age of twenty-one (21), whichever comes first. The District may provide a virtual high school completion program for persons twenty-one (21) years of age or older as permitted by KRS 158.100.

STUDENTS WITH DISABILITIES

In cases which involve students with disabilities, the procedures mandated by federal and state law for such students shall be followed.[1]

[1]20 U.S.C. § 1412~~P. L. 105-17~~
KRS 157.200
KRS 157.360
KRS 158.100
KRS 158.140
KRS 159.010
KRS 159.030
704 KAR 3:305
707 KAR 1:290

RELATED POLICY:

08.4

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

Students of Military Families

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

ENROLLMENT

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

a) ~~I~~Is transferred to or is pending transfer to a military installation or to a reserve component within the state while on active military duty pursuant to an official military order.

b) Is returning to the state after within one (1) year of being separated from the military with an honorable discharge, discharge under honorable conditions, or a general discharge under honorable conditions.

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

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

1. A temporary on-post billeting facility;
2. A purchased or leased home or apartment; ~~or~~
3. Any federal government housing or off-post military housing, including off-post military housing that may be provided through a public-private venture; or
~~3.~~4. A home under contract to be built.

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

1. Count for the purposes of average daily attendance; or
~~2. Be charged tuition pursuant to KRS 158.120; or~~
~~3.~~2. Be included in the state assessment and system.[1]

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

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Students of Military Families

ENROLLMENT (CONTINUED)

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

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

TUITION

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

IMMUNIZATION REQUIREMENTS

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

PLACEMENT

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

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

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

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

SPECIAL EDUCATION SERVICES

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

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

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

Students of Military Families

DEPLOYMENT-RELATED ABSENCES

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

EXTRACURRICULAR PARTICIPATION

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

GRADUATION REQUIREMENTS

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

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

CHILDREN OF CIVILIAN MILITARY EMPLOYEES

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

REFERENCES:

[1]KRS 159.075
KRS 156.730; KRS 156.735; KRS 157.320; KRS 158.020
20 U.S.C. § 1400 et seq. Individuals with Disabilities Education ~~Improvement~~ Act (IDEA) ~~of 2004~~
Section 504 of the Rehabilitation Act; District 504 procedures
Americans with Disabilities Act

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RELATED POLICIES:

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

LEGAL: REQUIREMENTS FOR SCHOOL ACTIVITY FUNDS HAVE BEEN UPDATED IN THE REVISED ACCOUNTING PROCEDURES FOR KENTUCKY SCHOOL ACTIVITY FUNDS (REDBOOK) ISSUED BY THE KENTUCKY DEPARTMENT OF EDUCATION, WHICH WENT INTO EFFECT AUGUST 2019.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS 09.15

Student Fees

BOARD APPROVAL REQUIRED

The Board shall annually adopt and publish a fee schedule for elementary and secondary schools. All student fees and charges shall be adopted by the Board, including any student activity fees. Approved fees shall remain in place until modified or removed by Board resolution. Fees for rental or purchase of instructional resources may be charged.

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

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INABILITY TO PAY

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

WAIVER OF FEES

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

REFERENCES:

[1]KRS 158.108
KRS 160.330
702 KAR 3:220; 704 KAR 3:455
OAG 82-464
Accounting Procedures for Kentucky School Activity Funds

RELATED POLICIES:

04.312; 08.232; 09.36

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LEGAL: SB 8 AMENDS KRS 158.070 TO CHANGE SUICIDE PREVENTION TRAINING FROM EVERY OTHER YEAR TO EVERY YEAR.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED
LEGAL: SB 42 CREATES A NEW SECTION OF KRS 158 TO REQUIRE ANY STUDENT ID BADGE ISSUED TO A PUBLIC MIDDLE/HIGH SCHOOL STUDENT TO CONTAIN THE CONTACT INFO FOR NATIONAL CRISIS HOTLINES RE: DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND SUICIDE.
FINANCIAL IMPLICATIONS: COSTS OF NEW ID BADGES

STUDENTS 09.22

Student Health and Safety

PRIORITY

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

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

HEALTH SERVICES TO BE PROVIDED

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

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

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

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

SAFETY PROCEDURES

All pupils shall receive annual instruction in school bus safety.

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

STUDENT IDENTIFICATION BADGES

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

a) A national domestic violence hotline;

b) A national sexual assault hotline; and

c) A national suicide prevention hotline.[4]

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Student Health and Safety

SUICIDE PREVENTION

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

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

SEIZURE DISORDER MATERIALS

All principals, guidance counselors, and teachers shall complete at least one (1) hour of self-study review of seizure disorder materials no later than July 1, 2019. At least one (1) hour of self-study review of seizure disorder materials shall also be required for all principals, guidance counselors, and teachers hired after July 1, 2019.[3]

REFERENCES:

[1]KRS 156.501; KRS 156.502; 702 KAR 1:160
[2]KRS 156.095
[3]KRS 158.070
[4]New Section KRS 158
KRS 156.160
KRS 158.836; KRS 158.838
702 KAR 5:030

RELATED POLICY:

09.2241

LEGAL: SB 72 AMENDS KRS 620.030 TO ADD A VICTIM OF FEMALE GENITAL MUTILATION TO REQUIRED REPORTING.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS 09.2211

Employee Reports of Criminal Activity

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

KRS 158.154

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

KRS 158.155

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

1 The person knows or has reasonable cause to believe that conduct has occurred which constitutes:

   a. A misdemeanor or violation offense under the laws of this Commonwealth and relates to:

      i Carrying, possession, or use of a deadly weapon; or

      ii Use, possession, or sale of controlled substances; or

   b. Any felony offense under the laws of this Commonwealth; and

2 The conduct occurred on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school-sponsored or sanctioned event.

KRS 158.156

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

KRS 209A.100

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

Employee Reports of Criminal Activity

KRS 209A.110

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

KRS 620.030

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

REFERENCES:

KRS 158.154
KRS 158.155
KRS 158.156
KRS 209A.100
KRS 209A.110
New Section of KRS 508
KRS 525.070; KRS 525.080
KRS 527.070; KRS 527.080
KRS 620.030

RELATED POLICIES:

03.13251; 03.23251
03.13253; 03.23253
05.48
09.227
09.422
09.423
09.425
09.426
09.438

LEGAL: SB 72 AMENDS KRS 620.030 TO ADD A VICTIM OF FEMALE GENITAL MUTILATION TO REQUIRED REPORTING.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

Child Abuse

REPORT REQUIRED

Any teacher, school administrator, or other school personnel who knows or has reasonable cause to believe that a child under age eighteen (18) is dependent, abused or neglected[1], or a victim of human trafficking, or is a victim of female genital mutilation, shall immediately make a report to a local law enforcement agency or the Kentucky State Police, the Cabinet for Health and Family Services or its designated representative, the Commonwealth's Attorney or the County Attorney in accordance with KRS 620.030.[2]

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

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

DOCUMENTATION

Any person making a report in accordance with KRS 620.030 shall obtain written documentation of the completed report including the date, time, person report made to, organization receiving report and description of report content.

INTERVIEWS

If the student is an alleged victim of abuse or neglect, school officials shall follow directions provided by the investigating officer or Cabinet for Health and Family Services representative as to whether to contact a parent[3] and shall provide the Cabinet access to a child subject to an investigation without parental consent.[4]

AGENCY CUSTODY

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

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

a) By written notice via email or fax on the day that a court order is entered and again on any day that a change is made with regard to persons authorized to contact or remove the child from school. Verbal notification shall occur on the next school day immediately following the day a court order is entered or a change is made if the court order or change occurs after the end of the current school day; and

b) By email, fax, or hand delivery of a copy of the court order within ten (10) calendar days following a change of custody or change in contact or removal authority.

Child Abuse

REQUIRED TRAINING

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

OTHER

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

REFERENCES:

[1]KRS 600.020 ~~(1)(15)~~
[2]KRS 620.030; KRS 620.040
[3]OAG 85-134; OAG 92-138
[4]KRS 620.072
KRS 17.160; KRS 17.165; KRS 17.545; KRS 17.580
KRS 156.095; KRS 199.990; KRS 209.020; New Section of KRS 508
KRS 620.050; KRS 620.146
OAG 77-407; OAG 77-506; OAG 80-50; OAG 85-134
34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights Regulations Implementing Title IX

RELATED POLICIES:

09.1231; 09.3; 09.31; 09.42811; 09.4361; 10.5

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FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS 09.33

Fund-Raising Activities

DEFINITION

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

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APPROVAL REQUIRED

All schoolwide fund-raising activities, including the proposed use of the funds, must be approved by the Board.[4] Requests must be channeled through the Principal and Superintendent or the Superintendent's designee.

All other fund-raising activities, including the proposed use of the funds, shall require the approval of the Principal and the Superintendent or the Superintendent's designee.

DOOR-TO DOOR SALES

The Superintendent shall develop and present for Board review door-to-door sales guidelines to reflect the following standards:

1. Students shall be permitted to participate only when mature enough to benefit safely from the experience;
2. To promote their safety and well-being, students shall be instructed to use specific sales strategies, which shall be provided in writing; and
3. Community members and businesses shall not be overburdened by continual appeals.

SOLICITATION OF FUNDS

No solicitation of funds from students or the general public for a school or non-school purpose shall be conducted without the approval of the Principal.

SUBSCRIPTION SALE OF PRINTED MATERIALS

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

GAMING ACTIVITIES LICENSE

Schools and individual classes planning to conduct charitable gaming activities, as defined by law and Accounting Procedures for Kentucky School Activity Funds, shall obtain and display the appropriate license.[3]

PUPIL NOT COMPELLED

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

- CERTIFIED PERSONNEL -

Leaves and Absences

FMLA

Eligible employees may apply for leave under the provisions of the Family and Medical Leave Act of 1993.

APPROVAL

All leaves and absences (except for illness and emergency) must be approved in advance by the employee's immediate supervisor. Absence from work that is not based on appropriate leave for which the employee is qualified may lead to disciplinary consequences, up to and including termination of employment.

~~VERIFICATION~~

~~Certified personnel shall forward verification cards to the Central Office Finance Office within five (5) days of return from an absence. Failure to do so will result in applicable salary deductions.~~

UNPAID LEAVE

Upon receipt of written request from an employee and the written recommendation from the employee's immediate Supervisor or Principal, the Superintendent may grant leave without pay provided the leave is for educational or professional purposes, or for illness, maternity, adoption of a child or children, or other disability. In addition, at the discretion of the Superintendent, leave may be granted for other reasons as deemed appropriate. Unpaid leave can affect retirement service credit and annual salary increases.

NOTIFICATION OF RETURN

Employees on leave covered by the related policies listed below shall notify the Superintendent in writing by April 1 of the year the leave terminates of the date of their intent to return to the school system. Employees who fail to notify the Superintendent of their return by April 1 cannot be guaranteed employment for the following school year. If an employee on leave has not contacted the Superintendent by April 1, the Superintendent is authorized to fill the position for the following school year. Where an employee in the final year of leave fails to contact the Superintendent by April 1, to either request an extension of leave or to provide a date of return, the Superintendent may determine whether personnel action is required.

LEAVE FOLLOWING ASSAULT

The District shall provide leave with pay for employees assaulted while performing their assigned duties when the assault results in injuries that qualify the employee for workers' compensation benefits. The period of leave shall not exceed one (1) calendar year following the assault. During that period, the employee shall not experience loss of income or benefits, including sick leave, under terms and conditions set forth in KRS 161.155.

Leaves and Absences

PLACEMENT UPON RETURN

Employees taking any long term leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position or the same school cannot be guaranteed.

REQUEST FOR MEDICAL INFORMATION

Per KRS 161.770, the Board may only request medical information necessary to decide whether to grant a leave of absence; shall not request or retain unnecessary medical information; and shall not disclose any medical information received, except as permitted by state and federal law.

REFERENCES:

KRS 161.155; KRS 161.770
OAG 01-9; Family and Medical Leave Act of 1993

RELATED POLICIES:

03.1232, 03.12322, 03.1233, 03.1235, 03.124

- CERTIFIED PERSONNEL -

Sick Leave

All teachers or other certified employees who work nine and one-quarter (9 ¼) months shall be entitled to ten (10) days of sick leave with pay each school year.

Certified employees who work ten and one-quarter (10 ¼) months are entitled to eleven (11) days of sick leave with pay each school year.

Certified employees who work eleven (11) or twelve (12) months shall be entitled to eleven (11) or twelve (12) days, respectively, with pay each school year.

Persons employed for less than a full year contract shall receive a prorata part of the authorized sick leave days calculated to the nearest 1/2 day.

Persons employed on a full year contract but scheduled for less than a full work day shall receive the authorized sick leave days equivalent to their normal working day.

ACCUMULATION

Sick leave days not taken during the school year in which they were granted shall accumulate without limitation to the credit of the certified employee to whom they were granted.

DEFINITION

Sickness shall mean personal illness, including illness or temporary disabilities arising from pregnancy.

FAMILY ILLNESS/MOURNING

Sick leave can also be taken for illness in the immediate family or for the purpose of mourning a member of the employee's immediate family. Immediate family shall mean the employee's spouse, children (including stepchildren and foster children), grandchildren, daughters-in-law and sons-in-law, brothers and sisters, parents, spouse's parents, grandparents, and spouse's grandparents without reference to the location of residence of said relative and any other blood relative who resides in the employee's home.

TRANSFER OF SICK LEAVE

Teachers coming to the District from another Kentucky school district shall transfer accumulated sick leave to the District.

Certified personnel coming to the District directly from another Kentucky school district prior to July 1, 1976, may transfer a maximum of thirty (30) accumulated sick leave days to the District. These days may only be used in the calculation of compensation for unused sick leave days at the time of the employee's retirement.

SICK LEAVE DONATION PROGRAM

Under procedures developed by the Superintendent, certified employees who have accrued more than fifteen (15) days of sick leave may request to transfer sick leave days to another employee who is authorized to receive the donation. The number of days donated shall not reduce the employee's sick leave balance to less than fifteen (15) days.

Certified employees are eligible to receive donated days if they meet the criteria established in procedures set forth in statute.

Any sick leave not used shall be returned on a proportionate/pro-rated basis to employees who donated days.

Sick Leave

AFFIDAVIT

Upon returning to work, a certified employee claiming sick leave must file a personal affidavit or a certificate of a physician stating that the employee was ill or that the employee was absent to attend a member of the immediate family who was ill.[1]

REFERENCES:

[1]KRS 161.155, Sec. 2
OAG 79-148; OAG 93-39
Family & Medical Leave Act of 1993

RELATED POLICIES:

03.12322, 03.1233, 03.175 (Retirement Compensation)

- CLASSIFIED PERSONNEL -

Sick Leave

All full-time classified employees shall be entitled to ten (10) days of sick leave with pay each year.

Full-time classified staff employed on an eleven (11) or twelve (12) moth basis shall be entitled to eleven (11) or twelve (12) days, respectively, each year.

ACCUMULATIVE

Sick leave days not taken during the school year in which they were granted shall accumulate without limitation to the credit of the classified employee to whom they were granted.

DEFINITION

Sickness shall mean personal illness, including illness or temporary disabilities arising from pregnancy.

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FAMILY ILLNESS/MOURNING

Sick leave can also be taken for illness in the immediate family or for the purpose of mourning a member of the employee's immediate family. Immediate family shall mean employee's spouse, children (including stepchildren and foster children), grandparents, grandchildren, daughters-in-law and sons-in-law, brothers and sisters, parents, and spouse's parents, without reference to the location of residence of said relative.

TRANSFER OF SICK LEAVE

Classified employees coming to the District from another Kentucky school district or from the Kentucky Department of Education shall transfer accumulated sick leave to the District.

SICK LEAVE DONATION PROGRAM

Under procedures developed by the Superintendent, classified employees who have accrued more than fifteen (15) days of sick leave may request to transfer sick leave days to another employee who is authorized to receive the donation. The number of days donated shall not reduce the employee's sick leave balance to less than fifteen (15) days.

Classified employees are eligible to receive donated days if they meet the criteria established in procedures set forth in statute.

Any sick leave not used shall be returned on a proportionate/pro-rated basis to employees who donated days.

AFFIDAVIT

Upon returning to work, an employee claiming sick leave must file a personal affidavit or a

Sick Leave

RELATED POLICIES:

03.22322, 03.2233, 03.273 (Retirement Compensation)

Volunteers

DEFINITION

Volunteers are persons who do not receive compensation for assisting in school or District programs. 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 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.

ORIENTATION

The Superintendent/designee shall develop orientation materials to be provided to all volunteers who have contact with students on a regularly scheduled or continuing basis. These materials shall include, but not be limited to, pertinent policies and safety and emergency procedures.

RECORDS CHECK

The District shall conduct 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. The District shall arrange to pay any cost required for the records check, but may use donations from any source, including volunteers, for this purpose. ~~Refer to Human Resources Standard Operation Procedures: Criminal Record Check on School Volunteers.~~

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. With prior approval of the Superintendent/designee, the background checks will be conducted at District expense. Otherwise, except as stated previously, the volunteer must pay for the background checks.

The records of volunteers with criminal convictions must be reviewed by the Superintendent or his/her designee. If the conviction is of such a nature that would likely put the students or personnel of the school District at risk, the Superintendent/designee has the authority to refuse the individual the opportunity to work or volunteer in the District.

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

SUPERVISION

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

Volunteers

REFERENCES:

[1]KRS 161.148
KRS 160.380; KRS 161.044

RELATED POLICIES:

03.5; 08.113; 08.1131

Gifts and Donations

The Board may directly accept gifts or donations that are restricted by the grantor to be used in furtherance of lawful school safety, security, and student health purposes to the extent allowed by applicable laws and shall use any accepted gift or donation for the purpose for which it was granted.[1]

DONATIONS

With the Principal's approval, schools may receive any gifts of real or personal property for the benefit of the school or for the students of the school that is valued less than $1000 and hold and use it as requested. Donations valued at more than $1000 must be approved by the Superintendent/designee~~Board~~.

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

FAMILY RESOURCE AND YOUTH SERVICE CENTERS

The District may accept monetary donations for the operation and maintenance of Family Resource and Youth Service Centers (FRYSCs). Any donations given to the District for operation and maintenance of FRYSCs shall be used for that purpose only.[2]

REFERENCES:

[1]KRS 160.580; 158.4461
[2]KRS 156.496
Accounting Procedures for Kentucky School Activity Funds (Redbook)

RELATED POLICY:

04.312

DRAFT WITH DISTRICT CHANGES 6/4/2020
LEGAL: REQUIREMENTS FOR BOOSTER CLUBS AND SCHOOL ACTIVITY FUNDS HAVE BEEN UPDATED IN THE REVISED ACCOUNTING PROCEDURES FOR KENTUCKY SCHOOL ACTIVITY FUNDS (REDBOOK) ISSUED BY THE KENTUCKY DEPARTMENT OF EDUCATION, WHICH WENT INTO EFFECT AUGUST 2019. THE BOARD HAS DISCRETION DETERMINING DONATION VALUE TO BE RETAINED AT SCHOOL LEVEL.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

FISCAL MANAGEMENT 04.312

School Activity Funds

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

UNIFORM ACCOUNTING

All personnel shall comply with the uniform financial accounting system[1] and activity fund accounting procedures set out in Kentucky Administrative Regulation.[2]

TWO SIGNATURES REQUIRED

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

PURCHASE ORDERS

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

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

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

FINANCIAL REPORTS

Each month the Principal shall provide the District Finance Officer with a financial report for activity fund accounts. On or before July 25, following the end of the fiscal year, the Principal shall submit to the District Finance Officer an annual financial report for those accounts.

DEPOSITION OF SCHOOL ACTIVITY FUNDS

School Activity Funds

DEFINITION OF DISTRICT ACTIVITY FUNDS

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

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Funds carry over at year end subject to board policy.

DONATIONS

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

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

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

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

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AUDIT OF FUNDS

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

SUPPORT/BOOSTER CLUBS

Parent-teacher associations and booster club funds are not subject to deposit and accounting procedures as school activity funds.[3] However, each year the Principal shall be provided the following from all support/booster club organizations as required by the state activity fund accounting procedures:

1. Within the first thirty (30) days of the school year or within thirty (30) days of the first transaction for the group:
   a. Names of club officers;
   b. Federal Employer Identification Number (FEIN); and
   c. A copy of the annual budget.
2. An annual financial report by July 25~~15~~ for the year ending June 30 reporting receipts, expenditures, and beginning and ending balances;[1] and
3. All other information required by Accounting Procedures for Kentucky School Activity Funds.

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

School Activity Funds

SUPPORT/BOOSTER CLUBS (CONTINUED)

All support/booster organizations ~~groups~~ wishing to be recognized by and/or affiliated with the District shall comply with the following:

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

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

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

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

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

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

FUND-RAISING PROJECTS

Schoolwide fund-raising projects must be approved by the Board.[4]

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

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

REFERENCES:

[1]702 KAR 3:130; Accounting Procedures for Kentucky School Activity Funds
[2]702 KAR 3:120
[3]OAG 79-556
[4]KRS 158.290
KRS 139.497; KRS 156.070; KRS 160.290; KRS 160.340

RELATED POLICIES~~Y~~:

04.61; 09.33

- CLASSIFIED PERSONNEL -

Salaries

HOURLY OR SALARY BASIS

All regular and substitute classified personnel shall be paid on an hourly or salary basis as established by the Board.

WORK DAY/WORK WEEK

The length of the work day shall be established for each position by the Board. The work week for hourly (non-exempt) employees shall not exceed forty (40) hours per week, unless overtime is authorized as provided by this policy.

QUALIFICATIONS

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

DETERMINATION OF EXPERIENCE

Within sixty (60) calendar days of ~~Upon~~ initial employment or transfer of a classified employee, the Superintendent shall determine experience credit to be granted from any previous employment consistent with applicable salary schedules adopted by the Board. The District reserves the right to cap the amount of classified experience granted.

1. Classified experience in the District.

   Experience credit shall accrue according to total continuous classified service within the District.

2. Previous experience in an equivalent classified position in another school district.

   Years of experience in an equivalent classified position may be transferred from another school district.

3. Previous private sector experience in a job of a similar nature.

   In determining whether previous experience is applicable to a District position, similar experience shall refer to the essential functions, licensing/training requirements, and/or daily job responsibilities of the positions being similar.

Objection to experience credit shall be filed in writing within thirty (30) calendar days of initial determination or claim is waived.

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PAYROLL DEDUCTION

The Board shall approve all payroll deductions as specified by KRS 161.158 and Board policy

Salaries

OVERTIME (CONTINUED)

During weeks that include a calendar holiday, an hourly employee required to work in excess of forty (40) hours, determined by number of actual hours worked combined with calendar holiday pay, will be paid at the rate of 1 1/2 the regular rate, as provided by law.

REFERENCES:

KRS 78.615; KRS 160.291; KRS 161.011
KRS 337.070; KRS 337.285; KRS 424.120
702 KAR 3:320; 803 KAR 1:060, 803 KAR 1:070
Fair Labor Standards Act
Garcia v. San Antonio Metropolitan Transit Authority, 105 S.Ct. 1005 (1985).

RELATED POLICY:

03.2211