

RECOMMENDED: IN BOSTOCK V. CLAYTON COUNTY, GEORGIA, THE US SUPREME COURT HELD THAT THE TITLE VII PROHIBITION ON DISCRIMINATION ON THE BASIS OF “SEX” COVERS DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION OR GENDER IDENTITY. BOSTOCK DEALS WITH DISCRIMINATION (TERMINATION) IN EMPLOYMENT. ON JANUARY 20, 2021, THE PRESIDENT OF THE UNITED STATES INDICATED IN EXEC ORDER 1402, 86 FED.REG.13,803 (3/11/21) THAT THE REASONING OF BOSTOCK APPLIES TO OTHER LAWS THAT PROHIBIT SEX DISCRIMINATION, INCLUDING TITLE IX, “SO LONG AS THE LAWS DO NOT CONTAIN SUFFICIENT INDICATIONS TO THE CONTRARY.” THE PRESIDENT DIRECTED OTHER FEDERAL AGENCIES TO REVIEW SUCH ISSUE. THE UNITED STATES DEPARTMENT OF JUSTICE HAS SINCE ISSUED A MEMORANDUM ADVISING OTHER FEDERAL AGENCIES THAT THE REASONING OF BOSTOCK APPLIES TO TITLE IX AND THE UNITED STATES DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS HAS STATED THAT ONE FOCUS IN IMPLEMENTING THE REFERENCED EXECUTIVE ORDER WILL BE ENSURING THAT STUDENTS WHO HAVE EXPERIENCED DISCRIMINATION BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY WILL HAVE THEIR LEGAL RIGHTS “FULLY MET.” WHILE THE INCLUSION OF THE SPECIFIC ADDITIONAL TERMINOLOGY IS NOT MANDATORY AT THIS TIME, IT IS RECOMMENDED BASED ON THE ABOVE.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.1

Legal Status of the Board

CORPORATE POWERS

1. The school district is under the management and control of the Board of Education consisting of five (5) members.
2. The Board is a body politic and corporate with perpetual succession.
3. The Board shall be known as the “Board of Education of Dayton Independent Schools, Dayton, Kentucky.”
4. The Board may sue and be sued; make contracts; expend funds necessary for liability insurance premiums and for the defense of any civil action brought against an individual Board member in an official or individual capacity, or both, on account of an act made in the scope and course of the performance of legal duties as a Board member; purchase, receive, hold, and sell property; issue its bonds to build and construct improvements; and do all things necessary to accomplish the purposes for which it is created.¹

NOTICE OF NONDISCRIMINATION

As required by law, the District does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or gender identity), genetic information, disability, age, or limitations related to pregnancy, childbirth, or related medical conditions in its programs and activities and provides equal access to its facilities to the Boy Scouts and other designated youth groups.

Notice of the name, work address and telephone number of the Title IX Coordinator and the Section 504 Coordinator for the District shall be provided to employees, applicants for employment, students, parents/guardians, and other beneficiaries such as participants in activities offered to the public.

Legal Status of the Board**WEBSITE ACCESSIBILITY**

The District is committed to ensuring accessibility of its website for students, employees, visitors, and members of the community with disabilities. All pages on the District's website shall conform to Level AA of the Web Content Accessibility Guidelines (WCAG) 2.0 developed by the World Wide Web Consortium (W3C) Web Accessibility Initiative (WAI), or updated equivalents of these guidelines.

Under District developed administrative procedures, students, parents, and members of the public may present a complaint regarding a violation of the Americans with Disabilities Act (ADA), Section 504 related to the accessibility of any official District web presence which is developed by, maintained by, or offered through the District or third party vendors and open sources.

REFERENCES:

¹KRS 160.160
KRS 160.370
KRS Chapter 344
Americans with Disabilities Act
Section 504 of the Rehabilitation Act of 1973
Title VI of the Civil Rights Act of 1964
42 U.S.C. 200e, Civil Rights Act of 1964, Title VII
20 U.S.C. 1681, Education Amendments of 1972, Title IX
Genetic Information Nondiscrimination Act of 2008
20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)
Web Content Accessibility Guidelines
Bostock v. Clayton County, Georgia 140 S. Ct. 1731 (2020)

RELATED POLICIES:

03.113; 03.212; 03.162; 03.262
05.3; 09.13; 09.3211; 09.42811
10.5

LEGAL: HB 331 REMOVES THE ABILITY OF THE COMMISSIONER OR THE STATE BOARD OF EDUCATION TO TAKE ACTION AGAINST A LOCAL SCHOOL BOARD MEMBER.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.21

Board Member Disqualifications

CONFLICT OF INTEREST

If, after the election of any member of the Board, s/he becomes interested in any contract with or claims against the Board, or if s/he moves his/her residence from the district for which s/he was chosen, or if s/he attempts to influence the hiring of any District employee except the Superintendent, Board Attorney, Board Secretary, or Board Treasurer, or if s/he does anything that would render one ineligible for re-election, s/he shall be subject to removal from office pursuant to KRS 415.050 and KRS 415.060.¹

IRREGULAR ATTENDANCE

Any Board member failing to attend three (3) consecutive regular meetings, unless excused by the Board for reason satisfactory to it, shall be removed from office pursuant to KRS 415.050 and KRS 415.060.²

SOLICITATION OF SERVICE

No candidate for the Board shall solicit or accept any political assessment, subscription, contribution, or service of any District employee.³

RESIGNATIONS OR REMOVAL

A Board member who does not meet eligibility standards does not automatically lose his/her position on the Board and his/her acts are valid until s/he either resigns or is removed by action taken by the Attorney General.

REFERENCES:

¹KRS 160.180

²KRS 160.270

³KRS 161.164

KRS 61.080; KRS 62.010

KRS 161.990; KRS 415.050; KRS 415.060

OAG 65-211; OAG 83-369; OAG 85-145; OAG 88-35; OAG 90-141; OAG 92-145

LEGAL: HB 312 AMENDS MULTIPLE AREAS OF KRS CHAPTER 61 BY CHANGING THE PROCESS AND FORMAT FOR PARTIES REQUESTING OPEN RECORDS OF PUBLIC AGENCIES. AGENCIES CANNOT REQUIRE A PARTICULAR REQUEST FORM ALTHOUGH THEY MUST ACCEPT THE RECORDS REQUEST FORM CREATED FOR USE BY THE OFFICE OF THE ATTORNEY GENERAL. THIS POLICY AND RELATED PROCEDURE 01.6 AP.2 REPLACE ADMINISTRATIVE PROCEDURE 10.11 AP.21/PUBLIC RECORDS NOTICE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.6

Board Records

Records of the Board are subject to inspection as provided in the Kentucky Open Records Act.

Records of the Board shall be maintained in the Central Office and shall be under the custody of the Secretary to the Board.¹

The Secretary shall develop and submit for Board review procedures as noted in KRS 61.876 to provide public access to public records and to ensure the security and orderly maintenance of the records. The procedures shall be displayed in a prominent location accessible to the public and posted on the District's website. In addition to the procedures, the web posting shall include the phone number of the District records custodian/designee and the Open Records Request Form issued by the Kentucky Attorney General.

REFERENCES:

¹KRS 160.440
KRS 61.870
KRS 61.872
KRS 61.874
KRS 61.876
KRS 61.878
KRS 61.884
OAG 92-59
OAG 92-131
15-ORD-190
19-ORD-174
96-ORD-159

RELATED POLICY:

10.11

LEGAL: IN BOSTOCK V. CLAYTON COUNTY, GEORGIA, THE US SUPREME COURT HELD THAT THE TITLE VII PROHIBITION ON DISCRIMINATION ON THE BASIS OF “SEX” COVERS SEXUAL ORIENTATION OR GENDER IDENTITY.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.113

- CERTIFIED PERSONNEL -

Equal Employment Opportunity

NONDISCRIMINATION

As required by Title IX, the District does not discriminate on the basis of sex regarding admission to the District or in the educational programs or activities operated by the District. Inquiries regarding Title IX Sexual Harassment may be referred to the District Title IX Coordinator (TIXC), the Assistant Secretary for Civil Rights, or both.¹

The Superintendent shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, color, religion, sex (including sexual orientation or gender identity), genetic information, national or ethnic origin, political affiliation, age, disabling condition, or limitations related to pregnancy, childbirth, or related medical conditions.²

INDIVIDUALS WITH DISABILITIES

No qualified person with a disability, as defined by law, shall, on the basis of the disability, be subject to discrimination in employment.³

District employment practices shall be in accordance with the Board-approved procedures addressing requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

No human immunodeficiency virus (HIV) related test shall be required as a condition of hiring, promotion, or continued employment, unless the absence of HIV infection is a bona fide occupational qualification for the job in question as defined in KRS 207.135.

REASONABLE ACCOMMODATION

Employees who have a long-term or permanent disability may request the District supervisor to provide reasonable accommodations necessary for them to perform the essential duties of the position. Medical information obtained as part of an employee request shall be confidential.⁴

If assistive technology is deemed necessary for an employee, every effort will be made to obtain that technology in a timely fashion.

The District shall engage in a timely, good faith and interactive process to determine reasonable accommodations for an employee's limitations related to pregnancy, childbirth, or related medical conditions. Reasonable accommodation shall be provided as required by law.

ADVISING EMPLOYEES

The Superintendent shall inform all school employees of the provisions of this policy.¹

Equal Employment Opportunity

REFERENCES:

¹34 C.F.R. § 106.8

²KRS 161.164; KRS Chapter 344; 42 U.S.C. 2000e, Civil Rights Act of 1964, Title VII

³29 U.S.C.A. 794

⁴29 U.S.C. section 1630.14

KRS 207.135

34 C.F.R. 104.3 - 104.14

42 C.F.R. 2000e-2; 42 C.F.R. 2000(k)

Americans with Disabilities Act

Kentucky Education Technology System (KETS)

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

Genetic Information Nondiscrimination Act of 2008

Bostock v. Clayton County, Georgia 140 S.Ct. 1731 (2020)

RELATED POLICIES:

03.133; 03.1621; 03.212; 03.2621; 05.11

LEGAL: OSHA REGULATIONS REQUIRE DISTRICTS TO REPORT CERTAIN INJURIES AND DEATHS.
FINANCIAL IMPLICATIONS: POTENTIAL FINES FOR NOT REPORTING

PERSONNEL

03.14

- CERTIFIED PERSONNEL -

Health and Safety

SAFETY

It is the intent of the Board to provide a safe and healthful working environment for all employees. Employees shall report any conditions they believe to be unsafe to their immediate supervisor, who shall examine the situation and take appropriate action.

The District shall develop, maintain and implement health and safety plans in compliance with state and federal law.

HAZARD COMMUNICATION PLAN

The Superintendent/designee shall develop a District Hazard Communication Plan. The plan shall include:

1. The assignment of a District employee to be responsible for the implementation and coordination of the Hazard Communication Plan;
2. The inventory of all chemicals used at each school and worksite;
3. The identification of each chemical in the inventory that is covered by the OSHA Hazard Communication Standard;
4. Maintenance of a Safety Data Sheet (SDS) for each substance on the chemical inventory list for as long as the District uses the substance, plus thirty (30) years;
5. Labeling of all containers of each chemical identified as required by the Hazard Communication Standard;
6. The development of an employee Hazard Communication Information and Training Program; and
7. The development, implementation and maintenance of a written Hazard Communication Program.

BLOODBORNE PATHOGEN CONTROL

The Superintendent/designee shall develop an Exposure Control Plan to eliminate or minimize District occupational exposure to bloodborne pathogens. The plan shall address:

1. Identification of employees at-risk of occupational exposure and their assigned tasks and procedures which could lead to such exposure;
2. Communication of hazards to employees;
3. Vaccinations of at-risk employees for Hepatitis B at no cost to these employees;
4. Determination of universal precautions to be observed, including adequate engineering controls and housekeeping procedures;
5. Appropriate training of employees;
6. Provision of personal protective equipment including an opportunity provided annually for employees who use medical sharps in performance of their duties to identify, evaluate and select engineering and work practice controls to be implemented by the District, as appropriate;
7. Maintenance of a sharps injury log;

Health and Safety**BLOODBORNE PATHOGEN CONTROL (CONTINUED)**

8. Medical follow-up and counseling for employees after a work-site exposure;
9. Maintenance of confidential records of each exposure incident; and
10. A schedule for implementing all provisions required by the OSHA standard.

The Superintendent/designee shall review and update the Exposure Control Plan at least once each year and when needed to reflect new or modified tasks and procedures that affect occupational exposure or new or revised employee positions with occupational exposure. The review and update shall also address:

1. Changes in technology that eliminate or reduce exposure to bloodborne pathogens; and
2. Annual documentation that appropriate, commercially available and effective safer medical devices that are designed to eliminate or minimize occupational exposure have been obtained and are now in use.

LOCKOUT/TAGOUT

The Superintendent/designee shall develop a lockout/tagout program to eliminate or minimize the unexpected startup or release of stored energy in mechanical or electrically powered equipment. The plan shall address:

1. Assignment of a District employee to be responsible for implementation and coordination of the lockout/tagout program;
2. A written program consisting of energy control procedures;
3. Development, documentation and utilization of energy control procedures for the control of potentially hazardous energy when employees are engaged in servicing and maintaining equipment;
4. Periodic review of the lockout/tagout program to assure authorized employees are properly controlling unexpected startup or release of stored energy; and
5. Annual training of employees authorized to use lockout/tagout to emphasize program procedures and retraining whenever a periodic review reveals deficiencies in employee performance.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Each year, the Superintendent/designee shall conduct a hazard assessment to determine when and where the use of personal protective equipment (PPE) is necessary. The hazard assessment shall address:

1. Assignment of a District employee responsible for assessing the workplace for hazards;
2. Selection of appropriate PPE to safeguard employees from hazards that cannot be eliminated;
3. A training program to be conducted to educate employees about the need for PPE and when it must be worn;
4. Training of employees on the use and care of PPE, how to recognize deterioration and failure and the need for replacement; and

Health and Safety**PERSONAL PROTECTIVE EQUIPMENT [PPE] (CONTINUED)**

5. Requiring employees to wear designated PPE, as deemed necessary by the hazard assessment.

REPORTING FATALITIES, AMPUTATIONS, HOSPITALIZATIONS, OR LOSS OF EYE

The District shall, within eight (8) hours, make an oral report to the Kentucky Labor Cabinet of the death of any employee, including any death resulting from a heart attack; or the hospitalization of three (3) or more employees, including any hospitalization resulting from a heart attack, which occurs in the work environment or is caused or contributed to by an event in the work environment.

The District shall, within seventy-two (72) hours, make an oral report to the Kentucky Labor Cabinet of an amputation suffered by an employee, an employee's loss of an eye or the hospitalization of fewer than three (3) employees, which occurs in the work environment or is caused or contributed to by an event in the work environment.²

ASBESTOS MANAGEMENT

The District shall conduct school inspection and re-inspection activities as required by state and federal law¹ to identify the status of asbestos. The District shall maintain an updated asbestos management plan that shall include, but not be limited to, applicable current and/or future inspection activities, response actions and surveillance activities and a description of steps taken to inform staff and parents about any such activities. Each school shall maintain in its administrative office an updated copy of the management plan for that school. Annual written notice of the availability of the plan shall be provided to parent, teacher, and employee organizations. In the absence of any such organizations, the District shall provide written notice of plan availability to parents, teachers, or employees, as applicable.

Any custodial or maintenance personnel who may work in a building with asbestos-containing building materials (ACBM) shall have a minimum of two (2) hours of asbestos awareness training. New custodial or maintenance staff who may work in the areas above shall be trained within sixty (60) days of hire. Maintenance and custodians who will be involved in activities that will involve a disturbance of ACBM shall receive an additional fourteen (14) hours of asbestos training.

REFERENCES:

¹401 KAR 58:010: 40 C.F.R. Part 763

²803 KAR 2:180

Kentucky Department for Public Health

Centers for Disease Control and Prevention

Kentucky Labor Cabinet; 803 KAR 2:308; 803 KAR 2:404

OSHA 29 C.F.R. 1910.132

OSHA 29 C.F.R. 1910.147

OSHA 29 C.F.R. 1910.1001

OSHA 29 C.F.R. 1910.1200

OSHA 29 C.F.R. 1910.1030

LEGAL: IN BOSTOCK V. CLAYTON COUNTY, GEORGIA, THE US SUPREME COURT HELD THAT THE TITLE VII PROHIBITION ON DISCRIMINATION ON THE BASIS OF “SEX” COVERS SEXUAL ORIENTATION OR GENDER IDENTITY.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.162

- CERTIFIED PERSONNEL -

Harassment/Discrimination

DEFINITION

Harassment/Discrimination of employees is unlawful behavior based on the race, color, national origin, age, religion, sex (including sexual orientation or gender identity), genetic information, disability, or limitations related to pregnancy, childbirth, or related medical conditions of an employee involving intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred or prejudice.

PROHIBITION

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

DISCIPLINARY ACTION

Employees who engage in harassment/discrimination of another employee or a student on the basis of any of the areas mentioned above shall be subject to disciplinary action including, but not limited to, termination of employment.

GUIDELINES

Employees who believe they or any other employee, student, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. If an employee is not assigned to a particular school, a report of harassment/discrimination may be made to the employee's immediate supervisor or to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.¹

Harassment/Discrimination**GUIDELINES (CONTINUED)**

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) working days of receipt of the original complaint, regardless of the manner in which the complaint is communicated to a District administrator. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency.
2. The Superintendent/designee may take interim measures to protect complainants during the investigation.
3. A process to identify and implement, within five (5) working days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
4. A process to be developed and implemented to communicate requirements of this policy to all staff, which may include, but not be limited to, the following:
 - written notice provided in publications such as handbooks, staff memoranda, and/or pamphlets;
 - postings in the same location as are documents that must be posted according to state/federal law; and/or
 - such other measures as determined by the Superintendent/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District's complete policy.

5. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination; and
6. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

PROHIBITED CONDUCT

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Instances involving sexual violence;

Harassment/Discrimination**PROHIBITED CONDUCT (CONTINUED)**

4. Causing an employee to believe that he or she must submit to unwelcome sexual conduct in order to maintain employment or that a personnel decision will be based on whether or not the employee submits to unwelcome sexual conduct;
5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
6. Seeking to involve individuals with disabilities in antisocial, dangerous or criminal activity where they, because of disability, are unable to comprehend fully or consent to the activity; and
7. Destroying or damaging an individual's property based on any of the protected categories.

CONFIDENTIALITY

District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of all parties involved.

APPEAL

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent.

If a supervisory staff member is an alleged party in the harassment/discrimination complaint, provision shall be made for addressing the complaint to a higher level of authority.

Failure by employees to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy or to take corrective action shall be cause for disciplinary action.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because s/he submits a grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

Upon the resolution of allegations, the Superintendent shall take steps to protect employees and students against retaliation.

OTHER CLAIMS

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 03.113, 03.1325 and/or 09.422.

Harassment/Discrimination

REFERENCES:

¹KRS 158.156; KRS Chapter 344; 42 USC 2000e, Civil Rights Act of 1964, Title VII,
29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations
Implementing Title VII
20 U.S.C. 1681, Education Amendments of 1972, Title IX
34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights
Regulations Implementing Title IX
Genetic Information Nondiscrimination Act of 2008
Age Discrimination Act, 42 U.S.C. 6101-6107; 34 C.F.R. 110.25
Bostock v. Clayton County, Georgia 140 S.Ct. 1731 (2020)

RELATED POLICIES:

03.113; 03.1325; 03.16; 09.2211; 09.422; 09.42811

LEGAL: HB 258 CREATES A FOUNDATION BENEFIT COMPONENT FOR INDIVIDUALS WHO BECOME MEMBERS OF THE TEACHERS' RETIREMENT SYSTEM ON OR AFTER JANUARY 1, 2022. UNUSED SICK DAYS FOR THOSE MEMBERS MAY BE DEPOSITED INTO THE MEMBER'S SUPPLEMENTAL BENEFIT COMPONENT UPON RETIREMENT.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.175

-CERTIFIED PERSONNEL-

Retirement

DEFINITION

Retirement means retirement as determined by Teachers' Retirement System guidelines.

NOTICE

Persons retiring should give the Superintendent notice as far in advance as possible but not less than two (2) weeks prior to retirement.

RESPONSIBILITY

Retirement benefits shall be solely a matter of contract between the employee and the Teachers' Retirement System and shall not be the responsibility of the Board except that the Board shall deduct and send to the Teachers' Retirement System, in the manner prescribed, those amounts required under law.

UNUSED SICK DAYS

The Board shall compensate certified employees only upon initial retirement, or their estate, for each unused sick day at the rate of thirty percent (30%) of the daily salary. This calculation is based on the employee's last annual salary. For personnel who become members of the Teachers' Retirement System on or after January 1, 2022, payment for unused sick leave days shall not be incorporated into the annual compensation used to calculate the retirement allowance in the foundational benefit but may be deposited into the member's supplemental benefit component.¹

The District shall provide compensation for unused sick leave days when the employee provides proof s/he qualifies as an annuitant who will receive a retirement or disability allowance from the Teachers' Retirement System. Upon death of an employee in active contributing status who was eligible to retire by reason of service, the District shall compensate the estate of the employee.

ESCROW ACCOUNT

The Board shall create an escrow account to maintain the funds necessary to reimburse employees who qualify for the retirement benefit.

REFERENCES:

¹KRS 161.155
KRS 157.420; KRS 161.220
KRS 161.540; KRS 161.545
KRS 161.560; KRS 161.600
KRS 161.633; KRS 161.635
OAG 81-1; OAG 83-191; OAG 97-28
29 U.S.C. 631

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FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.212

- CLASSIFIED PERSONNEL -

Equal Employment Opportunity

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No qualified person with a disability, as defined by law, shall, on the basis of the disability, be subject to discrimination in employment.³

District employment practices shall be in accordance with the Board-approved procedures addressing requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

No human immunodeficiency virus (HIV) related test shall be required as a condition of hiring, promotion, or continued employment, unless the absence of HIV infection is a bona fide occupation qualification for the job in question as defined in KRS 207.135.

REASONABLE ACCOMMODATION

Employees who have a long-term or permanent disability may request the District supervisor to provide reasonable accommodations necessary for them to perform the essential duties of the position. If assistive technology is deemed necessary for an employee, every effort will be made to obtain that technology in a timely fashion. Medical information obtained as part of an employee request shall be confidential.⁴

The District shall engage in a timely, good faith and interactive process to determine reasonable accommodations for an employee's limitations related to pregnancy, childbirth, or related medical conditions. Reasonable accommodation shall be provided as required by law.

ADVISING EMPLOYEES

The Superintendent shall inform all school employees of the provisions of this policy.¹

Equal Employment Opportunity

REFERENCES:

¹34 C.F.R. § 106.8

²KRS 161.164; KRS Chapter 344; 42 U.S.C. 2000e, Civil Rights Act of 1964, Title VII

³29 U.S.C.A. 794

⁴29 U.S.C. section 1630.14

KRS 207.135

34 C.F.R. 104.3 - 104.14

Americans with Disabilities Act

Kentucky Education Technology System (KETS)

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RELATED POLICIES:

03.113; 03.1621; 03.233; 03.2621; 05.11

LEGAL: OSHA REGULATIONS REQUIRE DISTRICTS TO REPORT CERTAIN INJURIES AND DEATHS.
FINANCIAL IMPLICATIONS: POTENTIAL FINES FOR NOT REPORTING

PERSONNEL

03.24

- CLASSIFIED PERSONNEL -

Health and Safety

SAFETY

It is the intent of the Board to provide a safe and healthful working environment for all employees. Employees shall report any conditions they believe to be unsafe to their immediate supervisor, who shall examine the situation and take appropriate action.

The District shall develop, maintain and implement health and safety plans in compliance with state and federal law.

HAZARD COMMUNICATION

The Superintendent/designee shall develop a District Hazard Communication Plan. The plan shall include:

1. The assignment of a District employee to be responsible for the implementation and coordination of the Hazard Communications Plan;
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3. The identification of each chemical in the inventory that is covered by the OSHA Hazard Communication Standard;
4. Maintenance of a Safety Data Sheet (SDS) for each substance on the chemical inventory list for as long as the District uses the substance, plus thirty (30) years;
5. Labeling of all containers of each chemical identified as required by the Hazard Communication Standard;
6. The development of an employee Hazard Communication Information and Training Program; and
7. The development, implementation and maintenance of a written Hazard Communication Program.

BLOODBORNE PATHOGEN CONTROL

The Superintendent/designee shall develop an Exposure Control Plan to eliminate or minimize District occupational exposure to bloodborne pathogens. The plan shall address:

1. Identification of employees at-risk of occupational exposure and their assigned tasks and procedures which could lead to such exposure;
2. Communication of hazards to employees;
3. Vaccinations of at-risk employees for Hepatitis B at no cost to these employees;
4. Determination of universal precautions to be observed, including adequate engineering controls and housekeeping procedures;
5. Appropriate training of employees;
6. Provision of personal protective equipment including an opportunity provided annually for employees who use medical sharps in performance of their duties to identify, evaluate and select engineering and work practice controls to be implemented by the District, as appropriate;
7. Maintenance of a sharps injury log;
8. Medical follow-up and counseling for employees after a work-site exposure;

Health and Safety**BLOODBORNE PATHOGEN CONTROL (CONTINUED)**

9. Maintenance of confidential records of each exposure incident; and
10. A schedule for implementing all provisions required by the OSHA standard.

The Superintendent or designee shall review and update the Exposure Control Plan at least once each year and when needed to reflect new or modified tasks and procedures that affect occupational exposure or new or revised employee positions with occupational exposure. The review and update shall also address:

1. Changes in technology that eliminate or reduce exposure to bloodborne pathogens; and
2. Annual documentation that appropriate, commercially available and effective safer medical devices that are designed to eliminate or minimize occupational exposure have been obtained and are now in use.

LOCKOUT/TAGOUT

The Superintendent/designee shall develop a lockout/tagout program to eliminate or minimize the unexpected startup or release of stored energy in mechanical or electrically powered equipment. The plan shall address:

1. Assignment of a District employee to be responsible for implementation and coordination of the lockout/tagout program;
2. A written program consisting of energy control procedures;
3. Development, documentation and utilization of energy control procedures for the control of potentially hazardous energy when employees are engaged in servicing and maintaining equipment;
4. Periodic review of the lockout/tagout program to assure authorized employees are properly controlling unexpected startup or release of stored energy; and
5. Annual training of employees authorized to use lockout/tagout to emphasize program procedures and retraining whenever a periodic review reveals deficiencies in employee performance.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Each year, the Superintendent/designee shall conduct a hazard assessment to determine when and where the use of personal protective equipment (PPE) is necessary. The hazard assessment shall address:

1. Assignment of a District employee responsible for assessing the workplace for hazards;
2. Selection of appropriate PPE to safeguard employees from hazards that cannot be eliminated;
3. A training program to be conducted to educate employees about the need for PPE and when it must be worn;

Health and Safety**PERSONAL PROTECTIVE EQUIPMENT (CONTINUED)**

4. Training of employees on the use and care of PPE, how to recognize deterioration and failure and the need for replacement; and
5. Requiring employees to wear designated PPE, as deemed necessary by the hazard assessment.

REPORTING FATALITIES, AMPUTATIONS, HOSPITALIZATIONS, OR LOSS OF EYE

The District shall, within eight (8) hours, make an oral report to the Kentucky Labor Cabinet of the death of any employee, including any death resulting from a heart attack; or the hospitalization of three (3) or more employees, including any hospitalization resulting from a heart attack, which occurs in the work environment or is caused or contributed to by an event in the work environment.

The District shall, within seventy-two (72) hours, make an oral report to the Kentucky Labor Cabinet of an amputation suffered by an employee, an employee's loss of an eye or the hospitalization of fewer than three (3) employees, which occurs in the work environment or is caused or contributed to by an event in the work environment.²

ASBESTOS MANAGEMENT

The District shall conduct school inspection and re-inspection activities as required by state and federal law¹ to identify the status of asbestos. The District shall maintain an updated asbestos management plan that shall include, but not be limited to, applicable current and/or future inspection activities, response actions and surveillance activities and a description of steps taken to inform staff and parents about any such activities. Each school shall maintain in its administrative office an updated copy of the management plan for that school. Annual written notice of the availability of the plan shall be provided to parent, teacher, and employee organizations. In the absence of any such organizations, the District shall provide written notice of plan availability to parents, teachers, or employees, as applicable.

Any custodial or maintenance personnel who may work in a building with asbestos-containing building materials (ACBM) shall have a minimum of two (2) hours of asbestos awareness training. New custodial or maintenance staff who may work in the areas above shall be trained within sixty (60) days of hire. Maintenance and custodians who will be involved in activities that will involve a disturbance of ACBM shall receive an additional fourteen (14) hours of asbestos training.

Health and Safety

REFERENCES:

¹401 KAR 58:010; 40 C.F.R. Part 763

²803 KAR 2:180

Kentucky Department for Public Health

Centers for Disease Control and Prevention

Kentucky Labor Cabinet; 803 KAR 2:308; 803 KAR 2:404

OSHA 29 C.F.R. 1910.132

OSHA 29 C.F.R. 1910.147

OSHA 29 C.F.R. 1910.1001

OSHA 29 C.F.R. 1910.1200

OSHA 29 C.F.R. 1910.1030

LEGAL: IN BOSTOCK V. CLAYTON COUNTY, GEORGIA, THE US SUPREME COURT HELD THAT THE TITLE VII PROHIBITION ON DISCRIMINATION ON THE BASIS OF "SEX" COVERS SEXUAL ORIENTATION OR GENDER IDENTITY.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.262

- CLASSIFIED PERSONNEL -

Harassment/Discrimination

DEFINITION

Harassment/Discrimination of employees is unlawful behavior based on the race, color, national origin, age, religion, sex (including sexual orientation or gender identity), genetic information, disability, or limitations related to pregnancy, childbirth, or related medical conditions of an employee involving intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred or prejudice.

PROHIBITION

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

DISCIPLINARY ACTION

Employees who engage in harassment/discrimination of another employee or a student on the basis of any of the areas mentioned above shall be subject to disciplinary action including but not limited to termination of employment.

GUIDELINES

Employees who believe they or any other employee, student, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. If an employee is not assigned to a particular school, a report of harassment/discrimination may be made to the employee's immediate supervisor or to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.¹

Harassment/Discrimination**GUIDELINES (CONTINUED)**

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) working days of receipt of the original complaint, regardless of the manner in which the complaint is communicated to a District administrator. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency;

The Superintendent/designee may take interim measures to protect complainants during the investigation.

2. A process to identify and implement, within five (5) working days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report;
3. A process to be developed and implemented to communicate requirements of this policy to all staff, which may include, but not be limited to the following:
 - written notice provided in publications such as handbooks, staff memoranda, and/or pamphlets;
 - postings in the same location as are documents that must be posted according to state/federal law; and/or
 - such other measures as determined by the Superintendent/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District's complete policy.

4. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination; and
5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

PROHIBITED CONDUCT

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written materials, or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors and spreading sexual rumors;
3. Instances involving sexual violence;

Harassment/Discrimination**PROHIBITED CONDUCT (CONTINUED)**

4. Causing an employee to believe that he or she must submit to unwelcome sexual conduct in order to maintain employment or that a personnel decision will be based on whether or not the employee submits to unwelcome sexual conduct;
5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
6. Seeking to involve individuals with disabilities in antisocial, dangerous, or criminal activity where they, because of disability, are unable to comprehend fully or consent to the activity; and
7. Destroying or damaging an individual's property based on any of the protected categories.

CONFIDENTIALITY

District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of all parties involved.

APPEAL

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent.

If a supervisory staff member is an alleged party in the harassment/discrimination complaint, provision shall be made for addressing the complaint to a higher level of authority.

Failure by employees to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy, or to take corrective action shall be cause for disciplinary action.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because s/he submits a grievance, assists, or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

Upon the resolution of allegations, the Superintendent shall take steps to protect employees and students against retaliation.

OTHER CLAIMS

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 03.212, 03.2325 and/or 09.422.

Harassment/Discrimination

REFERENCES:

¹KRS 158.156; KRS Chapter 344; 42 USC 2000e, Civil Rights Act of 1964, Title VII
29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations
Implementing Title VII
20 U.S.C. 1681, Education Amendments of 1972, Title IX
34 C.F.R. 106.1-106.71, U. S. Department of Education Office for Civil Rights
Regulations Implementing Title IX
Genetic Information Nondiscrimination Act of 2008
Age Discrimination Act, 42 U.S.C. 6101-6107; 34 C.F.R. 110.25
Bostock v. Clayton County, Georgia 140 S.Ct. 1731 (2020)

RELATED POLICIES:

03.212; 03.2325; 03.26; 09.2211; 09.422; 09.42811

LEGAL: HB 192 (2021-2022 BUDGET BILL) INCLUDES AN EXCEPTION FOR A WORKING BUDGET WITH A MINIMUM RESERVE OF LESS THAN TWO PERCENT (2%). THIS EXPIRES JUNE 30, 2022.
FINANCIAL IMPLICATIONS: EXCEPTION TO THE MINIMUM RESERVE

FISCAL MANAGEMENT

04.1

Budget Planning and Adoption

PLANNING

The Superintendent shall allow for public input at a specified time during a regular meeting of the Board of Education.

PREPARATION OF BUDGETS

As part of the annual budget process, the Board shall determine priorities to guide the Superintendent in developing draft budgets for the next fiscal year. Prior to the Board setting budget priorities, the Superintendent shall provide the Board with the estimated amounts that will be received from available sources, including tax rate(s) necessary to generate such amounts. In setting budget priorities, the Board shall consider the following:

1. Results of the current needs assessment, recommendations resulting from that process, and current District/school improvement and/or long-range plans.
2. Revenue projections for the coming year.

After receiving the Board's budget priorities, the Superintendent shall prepare for Board consideration and action proposed District budgets for all active MUNIS fund accounts. Budgets shall address the educational needs of the District as reflected by priorities established by the Board and shall show the amount of money needed and source of funds for the upcoming school year.

Each year, school councils shall review the budgets for all categorical programs and provide comments to the Board prior to the adoption of the budgets.

TIMELINE

On or before January 31, the Board shall formally and publicly examine a detailed estimate of revenues and proposed expenditures by line item for the following fiscal year. On or before May 30, the Board shall adopt a tentative working budget, which includes a minimum reserve of two percent (2%) of the total budget. During the 2021-2022 school year, the District may adopt, and the Kentucky Board of Education may approve, a working budget that includes a minimum reserve less than two percent (2%) of the total budget.

Within thirty (30) days of receipt of property assessment data, the Board shall levy tax rates for the District and forward them to the Kentucky Board of Education for approval or disapproval. By September 30, the Board shall adopt a close estimate or working budget for the District.

REFERENCES:

KRS 156.160; KRS 157.330; KRS 157.350; KRS 157.360
KRS 157.440; KRS 160.370; KRS 160.390
KRS 160.460; KRS 160.470; KRS 160.530; KRS 424.250
2021-2022 Budget Bill (HB192)
702 KAR 3:100; 702 KAR 3:110; 702 KAR 3:246; OAG 67-510

RELATED POLICIES:

01.11; 02.4242; 02.4331; 04.91

RECOMMENDED: ELECTRONIC RECEIPTS AND PAYMENTS SHOULD BE AUTHORIZED BY THE BOARD.

FINANCIAL IMPLICATIONS: LESS COST BY TRANSMITTING ELECTRONICALLY RATHER THAN BY MAIL

FISCAL MANAGEMENT

04.311

District Accounts

SYSTEM OF ACCOUNTING

The Board intends that accounting practices follow state and federal laws and regulations and generally accepted accounting principles. Therefore, the District shall follow a uniform financial accounting system provided by the Kentucky Department of Education.

As advised by the Board's auditor/Certified Public Accountant, determination of liabilities and assets, prioritization of expenditures of governmental funds, and provisions for accounting disclosures shall be made in accordance with governmental accounting standards. This process shall include leave accumulated by employees and all Board properties and funds, including those that have been escrowed.

ELECTRONIC FUNDS TRANSFER (EFT)

The District may participate in EFTs. Properly approved electronic payments on behalf of the District may be made in accordance with applicable laws and regulations. The Board authorizes schools to accept electronic receipts and make payments in accordance with Accounting Procedures for Kentucky School Activity Funds and applicable laws and regulations.

REFERENCES:

KRS 157.060

KRS 160.340

KRS 160.560

702 KAR 3:120; KETS District Administrative System Chart of Accounts and Chart
of Accounts Descriptions

702 KAR 3:130

Governmental Accounting Standards Board (GASB)

Accounting Procedures for Kentucky School Activity Funds

LEGAL: SB 171 AMENDS KRS 66.480 TO ALLOW INVESTMENTS TO EXCEED FORTY PERCENT (40%) OF THE TOTAL MONEY INVESTED UNLESS THE INVESTMENT IS IN A MUTUAL FUND AS DESCRIBED BELOW.

FINANCIAL IMPLICATIONS: INCREASED INVESTMENTS

FISCAL MANAGEMENT

04.6

Investments

EXCESS FUNDS

Funds that are temporarily in excess of operating needs shall be invested by the Finance Officer. Such funds shall be invested in one (1) or more of the following:

1. Obligations of the United States and of its agencies and instrumentalities, including obligations subject to repurchase agreements, provided that delivery of these obligations subject to repurchase agreements is taken either directly or through an authorized custodian;
2. Obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States or a United States government agency;
3. Obligations of any corporation of the United States government;
4. Certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution having a physical presence in Kentucky which are insured by the Federal Deposit Insurance Corporation or similar entity or which are collateralized, to the extent uninsured, by any obligations permitted by KRS 41.240(4);
5. Bonds or certificates of indebtedness of this state and of its agencies and instrumentalities;¹
6. Individual equity securities if the funds being invested are managed by a professional investment manager regulated by a federal regulatory agency. The individual equity securities shall be included within the Standard & Poor's 500 Index, and a single sector shall not exceed twenty five percent (25%) of the equity allocation; and
7. Individual high-quality corporate bonds that are managed by a professional investment manager that are issued, assumed, or guaranteed by a solvent institution created and existing under the laws of the United States; have a standard maturity of no more than ten (10) years; and are rated in the three (3) highest rating categories by at least two (2) competent credit rating agencies.

The Board shall not purchase any investment on a margin basis or through the use of any similar leveraging technique. In addition, the amount of money the District invests at any time in one (1) or more of the categories/options 6 and 7 listed above shall not exceed twenty percent (20%) of the total amount of money invested. The amount of money the District invests in categories/options 6 and 7 above shall not, aggregately, exceed forty percent (40%) of the total money invested, unless the investment is in a mutual fund consisting solely of the investments authorized above, or any combination thereof.

At the time the investment is made, no more than five percent (5%) of the total amount of money invested by the District shall be invested in any one (1) issuer unless:

1. The issuer is the United States government or an agency or instrumentality of the United States government, or an entity which has its obligations guaranteed by either the United States government or an entity, agency, or instrumentality of the United States government;

Investments**EXCESS FUNDS(CONTINUED)**

2. The money is invested in a certificate of deposit or other interest-bearing accounts as authorized by law;
3. The money is invested in bonds or certificates or indebtedness of this state and its agencies and instrumentalities as authorized by law; or
4. The money is invested in securities issued by a state or local government, or any instrumentality or agency thereof, in the United States as authorized by law.

DEPOSITORIES

Investments shall be made through one of the financial institutions named by the Board as its depository.

The written agreement(s) with the depository(s) shall set types of investments available and how the rate(s) of interest on investments will be determined.

Prior to investment, the Finance Officer shall ascertain the current rate of interest payable for the investment at all depositories approved by the Board.

At the next regular Board meeting following the investment, the Board shall be informed as to the amount invested, type of investment, date of investment, rate of interest, and length of investment.

REFERENCES:

¹KRS 66.480
KRS 160.570
KRS 160.431
702 KAR 3:090

RELATED POLICY:

04.21

LEGAL: THE LANGUAGE BEING REMOVED BELOW WAS IN THE 2018 BUDGET BILL AND IS NO LONGER IN EFFECT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

FISCAL MANAGEMENT

04.91

Financial Statements and Reports

The Superintendent shall cause financial statements and annual financial reports to be produced and reported in accordance with KRS 160.431 and KRS 160.463. Annual financial reports shall be posted on the District website as required by law.

The finance officer shall present a detailed monthly financial report for Board approval to include the previous month's revenues and expenditures of the District. Financial reports shall be posted on the District website as required by law.

REFERENCES:

KRS 160.431

KRS 160.463

Governmental Accounting Standards Board

RELATED POLICY:

04.1

LEGAL: REVISIONS TO 702 KAR 5:080 CLARIFY THAT SCHOOL BUS DRIVERS, MECHANICS, OR ANYONE PERFORMING SAFETY-SENSITIVE STUDENT TRANSPORTATION DUTIES 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 IN A SAFETY-SENSITIVE STUDENT TRANSPORTATION POSITION FOR FIVE (5) YEARS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TRANSPORTATION

06.221

School 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.

DEFINITIONS

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

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

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

USE PROHIBITED

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

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

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

- School bus 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
- School bus drivers shall immediately report to the Superintendent or designee any traffic violation specified in Kentucky Administrative 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.

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.

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

Current employees who test positive shall be subject to immediate disciplinary action up to and including dismissal in accordance with Board policy and administrative procedures. A school bus driver, substitute driver, school bus mechanic or anyone performing safety-sensitive pupil transportation duties who tests 0.02 percent or higher on the confirmation alcohol test immediately before, during, or immediately following the performance of these duties shall be relieved of these duties immediately. (School 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 dismissed from employment in accordance with Kentucky Administrative Regulation and Board policy and shall not be eligible for reemployment in a safety-sensitive student transportation position 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.

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.

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

The Superintendent/designee shall distribute educational materials to explain state and federal legal requirements for alcohol and controlled substance testing of CDL drivers and the District's policies and procedures to implement 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:

¹KRS 438.050; KRS 438.305; KRS 438.345

²702 KAR 5:080

³49 C.F.R. Part 382

49 C.F.R. § 382.701; 49 C.F.R. § 382.703; 49 C.F.R. § 390

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

RELATED POLICIES:

03.11; 03.13251; 03.1327; 03.17

03.21; 03.23251; 03.2327; 03.27

09.4232; 10.5

Driver and Substitute Driver Training

SUPERINTENDENT RESPONSIBILITY

The Superintendent shall be responsible for providing the annual required in-service school bus driver training in accordance with 702 KAR 5:030 and 702 KAR 5:080.

All training requirements include both regular and substitute drivers.

FIRST AID AND CARDIOPULMONARY RESUSCITATION (CPR) TRAINING REQUIRED

All school bus drivers, student transportation technicians, and employees that transport students shall, at a minimum, receive basic first aid and CPR training by a person with a valid certificate in first-aid training, including CPR, from the American Red Cross; or equivalent training that can be verified by documentary evidence.¹

COMMERCIAL DRIVER'S LICENSE

The Board may pay the fee for the commercial driver's license required for all bus drivers and substitute bus drivers. Any license certification beyond what is required to drive school buses must be paid for by the individual.

REFERENCES:

- ¹702 KAR 5:080
- KRS 189.370
- KRS 189.375
- KRS 189.380
- KRS 189.450
- KRS 189.540
- KRS 189.550
- KRS 189.580
- KRS 189.635
- 702 KAR 5:030
- 702 KAR 5:010

LEGAL: REVISIONS TO 702 KAR 5:080 PERMIT ARCHERY EQUIPMENT, USED IN CONNECTION WITH SCHOOL ARCHERY TEAMS, TO BE TRANSPORTED ON THE BUS AND CLARIFY THE USE OF A SERVICE ANIMAL. DISTRICTS MAY ALSO HAVE POLICIES ON EATING AND DRINKING ON THE BUS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TRANSPORTATION

06.342

Hazards in and on Bus

PROHIBITED ITEMS

Passengers shall not bring an object on the school bus that may block the bus aisles or exits or otherwise impede exiting the bus.

The following are not to be transported on the bus:

1. firearms or weapons, either operative or ceremonial (exception: archery bows, used in connection with a school archery team, may be transported inside the passenger compartment and arrows transported in the underneath storage compartment);
2. fireworks or other explosive materials of any type;
3. live animals, except for a service animal necessary for a student to attend school; or
4. glass objects or helium balloons.

REFERENCES:

KRS 158.110

702 KAR 5:080

702 KAR 5:150

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

Section 504 of Rehabilitation Act of 1973

Americans with Disabilities Act

LEGAL: REPEAL OF 702 KAR 6:045 ALLEVIATES SOME OF THE ADMINISTRATIVE BURDEN ON SCHOOL DISTRICTS WHILE PRESERVING THE SAFETY OF SCHOOL NUTRITION PROGRAMS AS, UNDER CURRENT LAW, THE FOOD SERVICE STAFF FOR SCHOOL DISTRICTS PARTICIPATING IN FEDERAL CHILD NUTRITION PROGRAMS ARE SUBJECT TO LOCAL, STATE, AND FEDERAL TRAINING REQUIREMENTS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

SUPPORT SERVICES

07.16

Food Service/School Nutrition Employees

FOOD SERVICE/SCHOOL NUTRITION EMPLOYEES

All food service/school nutrition employees shall meet the qualifications of and be in compliance with the responsibilities noted in federal regulation. In addition, food service/school nutrition program directors and school cafeteria managers shall meet training and credential requirements specified in statute.¹

REFERENCES:

¹KRS 158.852

KRS 156.160

KRS 161.011

7 C.F.R. §§ 210.30 (b) – (g); 42 U.S.C. § 1776(g)

7 C.F.R. § 210.31

RELATED POLICIES:

See Section 03.2

07.1

LEGAL: SB 158 (2020) AMENDED KRS 158.140 TO CLARIFY THAT ANY HIGH SCHOOL GRADUATION REQUIREMENTS ADOPTED BY THE BOARD SHALL NOT INCLUDE ACHIEVING A MINIMUM SCORE ON A STATEWIDE ASSESSMENT TO GRADUATE FROM HIGH SCHOOL. ADDITIONALLY, REVISIONS TO 704 KAR 3:305 REMOVE GRADUATION PREREQUISITES AND QUALIFIERS. WHILE THE REGULATION IS NOT FINAL YET, WE ANTICIPATE IT TO BE FINAL ON OR BEFORE MAY 4TH.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.113

Graduation Requirements

In support of student development goals set out in KRS 158.6451 and the Kentucky Academic Standards, students must complete a minimum of twenty-two (22) credits, including demonstrated performance-based competency in technology, and all other state and local requirements in order to graduate from high school in the District.

CIVICS EXAM REQUIREMENT

Students wishing to receive a regular diploma must pass a civics test made up of one hundred (100) questions selected from the civics test administered to persons seeking to become naturalized citizens and prepared or approved by the Board. A minimum score of sixty percent (60%) is required to pass the test and students may take the test as many times as needed to pass. Students that have passed a similar test within the previous five (5) years shall be exempt from this civics test. This shall be subject to the requirements and accommodations of a student's individualized education program (IEP) or a Section 504 Plan.⁵

INDIVIDUAL LEARNING PLAN (ILP)

Students shall complete an Individual Learning Plan (ILP) that focuses on career exploration and related postsecondary education and training needs.

ADDITIONAL REQUIREMENTS OF THE BOARD

In addition to the content requirements established by the Kentucky Academic Standards, and the credits required by the minimum requirements for high school graduation in 704 KAR 3:305, the Board may impose other requirements for graduation from high school. However, the Board shall not adopt any graduation requirements that include achieving a minimum score on a statewide assessment.

In order to graduate, seniors must successfully complete requirements of the Student Assessment Program

No more than four (4) credits of instrumental music (band) shall be counted toward the total required credits for graduation.

FIFTH YEAR STUDENTS

Those students who have completed four (4) years of high school and need additional credits to graduate may attend high school for a fifth year and, upon completion of District graduation requirements, will be awarded his/her diploma.

Graduation Requirements**FOR STUDENTS ENTERING GRADE NINE (9) ON OR BEFORE THE FIRST DAY OF THE 2018-2019 ACADEMIC YEAR**

Credits shall include content standards as provided by the Kentucky Academic Standards established in 704 KAR 3:303 and 704 KAR Chapter 8. The required credits and demonstrated competencies shall include the following minimum requirements:

Language Arts	Four (4) Credits (English I, II, III, and IV) taken each year of high school. Students that do not meet the college readiness benchmarks for English and language arts shall take a transitional course or intervention, which is monitored to address remediation needs, before exiting high school.
Social Studies	Three (3) Credits
Mathematics	Three (3) Credits (Algebra I, Geometry and Algebra II); An integrated, applied, interdisciplinary, occupational, or technical course that prepares a student for a career path based on the student's ILP may be substituted for a traditional Algebra I, Geometry, or Algebra II course on an individual student basis if the course meets the content standards in the Kentucky Academic Standards, established in 704 KAR 3:303 and 704 Chapter 8. A mathematics course or its equivalent as determined by the District shall be taken each year of high school to ensure readiness for postsecondary education or the workforce. Any mathematics course other than Algebra I, Geometry, or Algebra II shall be counted as an elective. Students that do not meet the college readiness benchmarks for mathematics shall take a transitional course or intervention, which is monitored to address remediation needs, before exiting high school.
Science	Three (3) Credits incorporating lab-based scientific investigation
Health	One-half (1/2) Credit
P.E.	One-half (1/2) Credit
Visual and Performing Arts	One (1) Credit or a standards-based specialized arts course based on the student's ILP
Academic and Career Interest Standards-based Learning Experiences	Seven (7) Credits total (Three (3) plus four (4) standards-based credits in an academic or career interest based on the student's ILP)
Technology	Demonstrated performance-based competency

Graduation Requirements**FOR STUDENTS ENTERING GRADE NINE (9) ON OR AFTER THE FIRST DAY OF THE 2019-2020 ACADEMIC YEAR**

Credits shall include content standards as provided by the Kentucky Academic Standards established in 704 KAR 3:303 and 704 KAR Chapter 8. The required credits and demonstrated competencies shall include the following minimum requirements:

English/Language Arts	Four (4) Credits total (English I and II plus two (2) credits aligned to the student's ILP)
Social Studies	Three (3) Credits total – (Two (2) plus one (1) credit aligned to the student's ILP)
Mathematics	Four (4) Credits total (Algebra I and Geometry plus two (2) credits aligned to the student's ILP)
Science	Three (3) Credits total – (Two (2) credits incorporating lab-based scientific investigation experiences plus one (1) credit aligned to the student's ILP)
Health	One-half (1/2) Credit
P.E.	One-half (1/2) Credit
Visual and Performing Arts	One (1) Credit or a standards-based specialized arts course based on the student's ILP
Academic and Career Interest Standards-based Learning Experiences	Six (6) Credits total (Two (2) plus four (4) standards-based credits in an academic or career interest based on the student's ILP)
Technology	Demonstrated performance-based competency

Graduation Requirements**FOR STUDENTS ENTERING GRADE NINE (9) ON OR AFTER THE FIRST DAY OF THE 2020-2021 ACADEMIC YEAR**

Credits shall include content standards as provided by the Kentucky Academic Standards established in 704 KAR 3:303 and 704 KAR Chapter 8. The required credits and demonstrated competencies shall include the following minimum requirements:

English/Language Arts	Four (4) Credits total (English I and II plus two (2) credits aligned to the student's ILP)
Social Studies	Three (3) Credits total – (Two (2) plus one (1) credit aligned to the student's ILP)
Mathematics	Four (4) Credits total (Algebra I and Geometry plus two (2) credits aligned to the student's ILP)
Science	Three (3) Credits total – (Two (2) credits incorporating lab-based scientific investigation experiences plus one (1) credit aligned to the student's ILP)
Health	One-half (1/2) Credit
P.E.	One-half (1/2) Credit
Visual and Performing Arts	One (1) Credit or a standards-based specialized arts course based on the student's ILP
Academic and Career Interest Standards-based Learning Experiences	Six (6) Credits total (Two (2) plus four (4) standards-based credits in an academic or career interest based on the student's ILP)
Technology	Demonstrated performance-based competency
Financial Literacy	One (1) or more courses or programs that meet the financial literacy requirements pursuant to KRS 158.1411.

Graduation Requirements

PERFORMANCE-BASED CREDITS

In addition to Carnegie units, students may earn credit toward high school graduation through the District's standards-based, performance-based credit system that complies with requirements of Kentucky Administrative Regulation. Procedures for the developing and amending the system shall address the following:

1. Conditions under which high school credit will be granted under the system that allow students to demonstrate proficiency and earn credit for learning acquired outside the normal classroom setting, outside of school, or in prior learning;

Performance-based credit may be earned while the student is still "in school," but the instructional setting will look different from a traditional "seat time" environment.

2. Performance descriptors and their linkages to State content standards and academic standards;

At the high school level, performance descriptors and evaluation procedures shall be established to determine if the content and performance standards have been met.

3. Assessments and the extent to which state-mandated assessments will be used;
4. An objective grading and reporting process; and
5. Criteria to promote and support school and community learning experiences, such as internships and cooperative learning, in support of a student's ILP. Such experiences shall be supervised by qualified instructors and aligned with State and District content and performance standards.

The high school student handbook shall include complete details concerning specific graduation requirements.

The high school council shall provide the Board by July 15 of each year with a written description/matrix of how each course addresses goals set out in KRS 158.6451(1) and the academic expectations incorporated by reference in 703 KAR 4:060. The council shall determine the process for developing the descriptions, which shall be presented for Board review and comment.

In keeping with statutory requirements, the District shall accept for credit toward graduation and completion of high school course requirements an advanced placement or a high school equivalent course taken by a student in grades 5, 6, 7, or 8 if that student attains performance levels expected of high school students in the District as determined by achieving a score of "3" or higher on a College Board Advanced Placement examination or a grade of "B" or better in a high school equivalent.²

GRADUATION EXERCISES

Students who have completed the minimum number of high school credits and all other specified graduation requirements, including payment of applicable student fees, shall be eligible to participate in Baccalaureate-Commencement exercises. Seniors who have not completed all graduation requirements may participate in all senior activities except Baccalaureate - Commencement exercises.

Graduation Requirements

OTHER PROVISIONS

The Board may grant different diplomas to those students who complete credits above the minimum number as established by the Kentucky Board of Education. In addition, the Board may award a diploma to a student posthumously indicating graduation with the class with which the student was expected to graduate.

The Board, Superintendent, Principal, or teacher may award special recognition to students.

Consistent with the District's graduation practices for all students, an alternative high school diploma shall be awarded to students with disabilities in compliance with applicable legal requirements. In addition, former students may submit to the Superintendent a request that the District provide them with an alternative high school diploma to replace the certificate of attainment they received at time of graduation from the District.³

A student who is at least seventeen (17) years of age and who is a state agency child, as defined in KRS 158.135, shall be eligible to seek attainment of a High School Equivalency Diploma.

The Board may substitute an integrated, applied, interdisciplinary, occupational, technical, or higher-level course for a required course if the alternative course provides rigorous content.

EARLY GRADUATION CERTIFICATE

Students who meet all applicable legal requirements shall be eligible for early graduation in relation to receipt of a graduation diploma and an Early Graduation Certificate. Students wishing to follow an early graduation pathway shall notify the Principal of their intent prior to the beginning of grade nine (9) or as soon thereafter as the intent is known, but within the first thirty (30) school days of the academic year in which they wish to graduate. A Letter of Intent to Apply shall be entered into the student information system by October 1 of the year the student declares intent to graduate early.⁴

Students working toward receipt of an Early Graduation Certificate shall be supported by development and monitoring of an ILP to support their efforts.

To graduate early and earn an Early Graduation Certificate, a student shall:

1. Score proficient or higher on the state-required assessments; and
2. Meet the college readiness exam benchmarks established 13 KAR 2:020 for placement in credit-bearing courses without the need for remediation.

A student who has indicated an intent to graduate early may participate in the student's state administration of the college readiness exam prior to the junior year, if needed. Students who meet all applicable legal requirements shall be awarded a diploma and an Early Graduation Certificate.

TRANSCRIPTS

School officials shall forward upon request of parents/guardians, students, former students, and educational institutions in which the student seeks to enroll transcripts from a student's cumulative record. A one-dollar (\$1.00) fee shall be charged for each transcript requested. Requests for transcripts shall be accompanied by the required fee.

Graduation Requirements

DIPLOMAS FOR VETERANS

In keeping with statute and regulation, the Board shall award an authentic high school diploma to an honorably discharged veteran who did not complete high school prior to being inducted into the United States Armed Forces during World War II, the Korean conflict, or the Vietnam War.¹

REFERENCES:

¹KRS 40.010; KRS 158.140; 704 KAR 7:140

²KRS 158.622

³KRS 156.160; 20 U.S.C. § 1414

⁴KRS 158.142; 704 KAR 3:305

⁵KRS 158.141

KRS 156.027; KRS 158.135

KRS 158.1411; KRS 158.143; KRS 158.183; KRS 158.281

KRS 158.302; KRS 158.645; KRS 158.6451

KRS 158.860

13 KAR 2:020; 702 KAR 7:125; 703 KAR 4:060

704 KAR 3:303; 704 KAR 3:306; 704 KAR 7:090; 704 KAR Chapter 8

OAG 78-348; OAG 82-386

Kentucky Academic Standards

RELATED POLICIES:

08.112; 08.1131; 08.14; 08.2211; 08.222; 08.4; 09.15

09.126 (re requirements/exceptions for students from military families)

RELATED PROCEDURE:

09.12 AP.25

RECOMMENDED: IN BOSTOCK V. CLAYTON COUNTY, GEORGIA, THE US SUPREME COURT HELD THAT THE TITLE VII PROHIBITION ON DISCRIMINATION ON THE BASIS OF “SEX” COVERS DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION OR GENDER IDENTITY. BOSTOCK DEALS WITH DISCRIMINATION (TERMINATION) IN EMPLOYMENT. ON JANUARY 20, 2021, THE PRESIDENT OF THE UNITED STATES INDICATED IN EXEC ORDER 1402, 86 FED.REG.13,803 (3/11/21) THAT THE REASONING OF BOSTOCK APPLIES TO OTHER LAWS THAT PROHIBIT SEX DISCRIMINATION, INCLUDING TITLE IX, “SO LONG AS THE LAWS DO NOT CONTAIN SUFFICIENT INDICATIONS TO THE CONTRARY.” THE PRESIDENT DIRECTED OTHER FEDERAL AGENCIES TO REVIEW SUCH ISSUE. THE UNITED STATES DEPARTMENT OF JUSTICE HAS SINCE ISSUED A MEMORANDUM ADVISING OTHER FEDERAL AGENCIES THAT THE REASONING OF BOSTOCK APPLIES TO TITLE IX AND THE UNITED STATES DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS HAS STATED THAT ONE FOCUS IN IMPLEMENTING THE REFERENCED EXECUTIVE ORDER WILL BE ENSURING THAT STUDENTS WHO HAVE EXPERIENCED DISCRIMINATION BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY WILL HAVE THEIR LEGAL RIGHTS “FULLY MET.” WHILE THE INCLUSION OF THE SPECIFIC ADDITIONAL TERMINOLOGY IS NOT MANDATORY AT THIS TIME, IT IS RECOMMENDED BASED ON THE ABOVE.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.13

Equal Educational Opportunities

DISCRIMINATION PROHIBITED

As required by Title IX, the District does not discriminate on the basis of sex regarding admission to the District or in the educational programs or activities operated by the District. Inquiries regarding Title IX Sexual Harassment may be referred to the District Title IX Coordinator (TIXC), the Assistant Secretary for Civil Rights, or both.¹

No pupil shall be subject to unlawful discrimination because of age, color, disability², race, national origin, religion, sex (including sexual orientation or gender identity), or veteran status.

STUDENTS WITH DISABILITIES

The District shall provide a free, appropriate public education to each qualified student with a disability, as defined by law, within its jurisdiction.

The District shall operate its programs in accordance with the procedures addressing requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

Parents of students who have a temporary or permanent disability may request the District supervisor to provide appropriate accommodations necessary for them to participate in instructional and extracurricular activities, as required by law. Students who are at least eighteen (18) years of age may submit their own requests.

STUDENT RELIGIOUS ACTIVITIES OR POLITICAL EXPRESSION

The District shall observe the rights of students to voluntarily engage in religious activities. Students may express religious or political viewpoints while at school to the same extent and under the same circumstances as other permitted activities or expression. Consistent with the Constitutions of the United States and the Commonwealth of Kentucky and law, students shall be permitted to engage in these activities and express these viewpoints, provided they do not:

Equal Educational Opportunities**STUDENT RELIGIOUS ACTIVITIES OR POLITICAL EXPRESSION (CONTINUED)**

1. Infringe on the rights of the school to:
 - a. Maintain order and discipline;
 - b. Prevent disruption of the educational process; and
 - c. Determine education curriculum;
2. Harass other persons or coerce other persons to participate in the activity; or
3. Otherwise infringe on the rights of other persons.

Student complaints concerning possible violations of their religious rights shall be addressed in keeping with legal requirements. Their complaints shall be directed to the Principal, who shall investigate and take appropriate action within thirty (30) days of receipt of the written notification.

REFERENCES:

¹34 C.F.R. § 106.8

²Bd. of Educ., etc. v. Rowley 102 S.Ct. 3034 (1982)

District special education policy and procedures manual; District 504 procedures

KRS 157.200; KRS 157.224; KRS 157.230; KRS 157.350

KRS 158.183; KRS 160.295; Age Discrimination Act of 1975

Section 504 of Rehabilitation Act of 1973, Americans with Disabilities Act

Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972

Vietnam Era Veterans Readjustment Assistance Act of 1974

Kentucky Education Technology System (KETS); 28 C.F.R. Section 35.101 et seq.

Bostock v. Clayton County, Georgia 140 S.Ct. 1731 (2020)

RELATED POLICIES:

03.113; 03.1621; 03.212; 03.2621; 05.11; 08.131; 09.3211; 09.428111

LEGAL: SB 127 AMENDS KRS 158.836 TO CHANGE THE DEFINITION OF EPIPENS OR OTHER EPINEPHRINE AUTO-INJECTORS TO INJECTABLE EPINEPHRINE DEVICES.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.2241

Student Medication

School personnel authorized to give medications must be trained in accordance with KRS 158.838, KRS 156.502 and 702 KAR 1:160.

School personnel selected by the Principal shall dispense medication to pupils only if the medication has been prescribed or ordered by a health care practitioner or dentist. Antiseptic and appropriate other emergency medications shall be maintained in the first-aid kit.

Pupils may take medicine which is brought from home once a completed authorization form from the parent/guardian is on file,¹ provided the conditions required by administrative procedures are met.

Except for emergency medications (including, but not limited to FDA approved seizure rescue medication and injectable epinephrine devices) and medications approved for students to carry for self-medication purposes all medications dispensed to pupils by authorized school personnel shall be kept in the school in a safe, secure place designated by the Principal. In addition, authorized school personnel shall document on approved forms the dispensing of medications to pupils.

SELF-ADMINISTRATION

A student may be permitted to carry medication that has been prescribed or ordered by a health care practitioner to stay on or with the pupil due to a pressing medical need.

Provided the parent/guardian and health care practitioner files a completed authorization form each year as required by law, a student under treatment for asthma, diabetes, or at risk of having anaphylaxis shall be permitted to self-administer medication.²

In accordance with KRS 158.836, students with a documented life-threatening allergy or designated staff shall be permitted to carry an injectable epinephrine device in all school environments. The injectable epinephrine device shall be provided by the student's parent/guardian, and a written individual health care plan shall be in place for the student.³

Students with serious allergies or other serious health conditions may be permitted to self-administer medication as provided in an individualized education program, Section 504 Plan or Health Plan.

Students shall not share any prescription or over-the counter medication with another student. Each year, the District shall notify students in writing of this prohibition and that violations shall result in appropriate disciplinary action, including but not limited to suspension or expulsion.

REFERENCES:

¹OAG 73-768

²KRS 158.834; KRS 158.838

³KRS 158.836

KRS 156.502; KRS 158.832

702 KAR 1:160; OAG 77-530; OAG 83-115

Americans with Disabilities Act ; Section 504 of the Rehabilitation Act of 1973

STUDENTS

09.2241
(CONTINUED)

Student Medication

RELATED POLICIES:

09.22; 09.224

RECOMMENDED: IN BOSTOCK V. CLAYTON COUNTY, GEORGIA, THE US SUPREME COURT HELD THAT THE TITLE VII PROHIBITION ON DISCRIMINATION ON THE BASIS OF "SEX" COVERS DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION OR GENDER IDENTITY. BOSTOCK DEALS WITH DISCRIMINATION (TERMINATION) IN EMPLOYMENT. ON JANUARY 20, 2021, THE PRESIDENT OF THE UNITED STATES INDICATED IN EXEC ORDER 1402, 86 FED.REG.13,803 (3/11/21) THAT THE REASONING OF BOSTOCK APPLIES TO OTHER LAWS THAT PROHIBIT SEX DISCRIMINATION, INCLUDING TITLE IX, "SO LONG AS THE LAWS DO NOT CONTAIN SUFFICIENT INDICATIONS TO THE CONTRARY." THE PRESIDENT DIRECTED OTHER FEDERAL AGENCIES TO REVIEW SUCH ISSUE. THE UNITED STATES DEPARTMENT OF JUSTICE HAS SINCE ISSUED A MEMORANDUM ADVISING OTHER FEDERAL AGENCIES THAT THE REASONING OF BOSTOCK APPLIES TO TITLE IX AND THE UNITED STATES DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS HAS STATED THAT ONE FOCUS IN IMPLEMENTING THE REFERENCED EXECUTIVE ORDER WILL BE ENSURING THAT STUDENTS WHO HAVE EXPERIENCED DISCRIMINATION BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY WILL HAVE THEIR LEGAL RIGHTS "FULLY MET." WHILE THE INCLUSION OF THE SPECIFIC ADDITIONAL TERMINOLOGY IS NOT MANDATORY AT THIS TIME, IT IS RECOMMENDED BASED ON THE ABOVE.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.42811

Harassment/Discrimination

DEFINITION

Harassment/Discrimination is unlawful behavior based on race, color, national origin, age, religion, sex (including sexual orientation or gender identity), or disability that is sufficiently severe, pervasive, or objectively offensive that it adversely affects a student's education or creates a hostile or abusive educational environment.

The provisions of this policy shall not be interpreted as applying to speech otherwise protected under the state or federal constitutions where the speech does not otherwise materially or substantially disrupt the educational process, as defined by policy 09.426, or where it does not violate provisions of policy 09.422.

PROHIBITION

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

DISCIPLINARY ACTION

Students who engage in harassment/discrimination of an employee or another student on the basis of any of the areas mentioned above shall be subject to disciplinary action, including but not limited to suspension and expulsion.

Harassment/Discrimination**GUIDELINES**

Students who believe they or any other student, employee, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.

Employees who believe prohibited behavior is occurring or has occurred shall notify the victim's Principal, who shall immediately forward the information to the Superintendent.

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) school days of receipt of the original complaint, regardless of the manner in which the complaint is communicated to a District administrator. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency.

The Superintendent/designee may take interim measures to protect complainants during the investigation.

2. A process to identify and implement, within five (5) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
3. A process to be developed and implemented to communicate requirements of this policy to all students, which may include, but not be limited to, the following:
 - written notice provided in publications such as handbooks, codes, and/or pamphlets; and/or
 - such other measures as determined by the Superintendent/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District's complete policy/procedures and obtain assistance in reporting and responding to alleged incidents. Students, parents or guardians, as appropriate, will be directed to sign an acknowledgement form verifying receipt of information concerning this policy as part of the Board-approved code of acceptable behavior and discipline.

4. Age appropriate training during the first month of school to include an explanation of prohibited behavior and the necessity for prompt reporting of alleged harassment/discrimination; and
5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

Harassment/Discrimination**GUIDELINES (CONTINUED)**

When sexual harassment is alleged, the District's Title IX Coordinator, as designated in the student handbook/code, shall be notified.

NOTIFICATIONS

Within twenty-four (24) hours of receiving a serious allegation of harassment/discrimination, District personnel shall attempt to notify parents of both student victims and students who have been accused of harassment/discrimination.

In circumstances also involving suspected child abuse, additional notification shall be required by law. (See Policy 09.227.)

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.¹

PROHIBITED CONDUCT

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Instances involving sexual violence;
4. Causing a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity or that an educational decision will be based on whether or not the student submits to unwelcome sexual conduct;
5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
6. Seeking to involve students with disabilities in antisocial, dangerous or criminal activity where the students, because of disability, are unable to comprehend fully or consent to the activity; and
7. Destroying or damaging an individual's property based on any of the protected categories.

CONFIDENTIALITY

District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of both victims and persons accused of violations.

APPEAL

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent.

Harassment/Discrimination**APPEAL (CONTINUED)**

If a supervisor is an alleged party in the harassment/discrimination complaint, procedures shall also provide for addressing the complaint to a higher level of authority.

Failure by employees to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy, or to take corrective action shall be cause for disciplinary action.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because s/he submits a grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

Upon the resolution of allegations, the Superintendent shall take steps to protect employees and students against retaliation.

FALSE COMPLAINTS

Deliberately false or malicious complaints of harassment/discrimination may result in disciplinary action taken against the complainant.

OTHER CLAIMS

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 09.426.

REFERENCES:

¹KRS 158.156

42 USC 2000e, Civil Rights Act of 1964, Title VII

Racial Incidents and Harassment Against Students at Educational Institutions;

Investigative Guidance (U.S. Department of Education)

U. S. Supreme Court - Franklin vs. Gwinnett County

29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC)

Regulations Implementing Title VII

20 U.S.C. 1681, Education Amendments of 1972, Title IX

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

Regulations Implementing Title IX

Gebser v. Lago Vista Independent School Dist., 118 S. Ct. 1989 (1998)

Davis v. Monroe County Bd. of Educ., 119 S. Ct. 1661 (1999)

Bostock v. Clayton County, Georgia 140 S.Ct. 1731 (2020)

RELATED POLICIES:

03.162; 03.262

09.13; 09.2211; 09.227

09.422; 09.426; 09.438

LEGAL: SB 1 (2019) CREATED KRS 158.4416 TO REQUIRE ON OR BEFORE JULY 1, 2021, DISTRICTS TO ADOPT A PLAN FOR IMPLEMENTING A TRAUMA-INFORMED APPROACH IN ITS SCHOOLS INCLUDING DEVELOPING TRAUMA-INFORMED DISCIPLINE POLICIES.

FINANCIAL IMPLICATIONS: COST OF IMPLEMENTING TRAUMA-INFORMED AND SCHOOL SAFETY AND THREAT ASSESSMENT TEAMS

STUDENTS

09.43

Student Disciplinary Processes

SCHOOL-RELATED ACTIVITIES

The authority of the Board in matters of student behavior is not limited to school buildings and grounds or to times when the pupil is on his/her way to or from school, but extends to any activity which is school-related or school-sponsored.

TRAUMA-INFORMED APPROACH

"Trauma-informed approach" means incorporating principles of trauma awareness and trauma-informed practices, as recommended by the federal Substance Abuse and Mental Health Services Administration, in a school in order to foster a safe, stable, and understanding learning environment for all students and staff and ensuring that all students are known well by at least one (1) adult in the school setting.

The Board shall develop a plan for implementing a trauma-informed approach in the District. The plan shall be based on the Trauma-Informed Toolkit from KDE and include but not be limited to:

- a) strategies for enhancing trauma awareness throughout the school community;
- b) conducting an assessment of the school climate including but not limited to inclusiveness and respect for diversity;
- c) developing trauma-informed discipline policies;
- d) collaborating with the Department of Kentucky State Police, the local sheriff, and the local chief of police to create procedures for notification of trauma-exposed students; and
- e) providing services and programs designed to reduce the negative impact of trauma, support critical learning, and foster a positive and safe school environment for every student.²

TREATMENT OF PUPILS

Student disciplinary measures should not be administered in a manner that is humiliating, degrading, or unduly severe. Teachers should guard against making remarks to other pupils concerning a student's shortcomings.

Unless an administrator or the Board acts under authority of KRS 158.150, no school, school administrator, teacher, or other school employee shall expel or punish a student based on juvenile court information received by the employee from any source. Administrators may act to protect staff and students when the student's conduct, as reflected by the information, indicates a substantial likelihood of an immediate and continuing threat of harm to students or staff. In cases where such actions are necessary, the following provisions shall apply:

1. Restrictions imposed on the student shall represent the least restrictive alternative available and appropriate to remedy the threat.

Student Disciplinary Processes**TREATMENT OF PUPILS (CONTINUED)**

2. Supporting material shall be documented in and kept with the student's juvenile court record.
3. The student and/or parent/guardian may appeal actions taken to the Superintendent or to the Circuit Court with appropriate jurisdiction.¹

SERIOUS PROBLEMS

Serious disciplinary problems shall be promptly reported to the Principal and to the parent(s) of the student.

COUNCIL RESPONSIBILITY

Each school council shall select and implement discipline and classroom management techniques for the school. The council's discipline policies shall provide for involvement of parents in disciplinary situations involving their children.

In non-SBDM schools, the Principal shall make these decisions in compliance with Board policy.

REPORTING

Each school shall annually provide to the Department of Education, using the student information system, an assessment of school incidents relating to disruptive behaviors resulting in a criminal or juvenile status offense or public complaint, including whether:

1. The incident involved a public offense or noncriminal misconduct;
2. The incident was reported to law enforcement or the court-designated worker and the charge or type of noncriminal misconduct that was the basis of the referral or report; and
3. The report was initiated by a school resource officer.

CHILDREN AND YOUTH WITH DISABILITIES

Discipline for children and youth with disabilities shall observe, and be in conformity with, federal and state procedures and guidelines.

REFERENCES:

¹KRS 158.153

²KRS 158.4416

KRS 158.150; KRS 158.449

KRS 160.290; KRS 160.340; KRS 160.345

KRS 161.180; KRS 610.345

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RELATED POLICIES:

08.14; 09.14; 09.429; 09.438