

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

INTRODUCTION

01.1

Kentucky TECH Guiding Principles

Kentucky TECH refers to the system of secondary technical education programs operated by the Office of Career and Technical Education (OCTE). The policies contained in this manual shall govern those area technology centers.

VISION

With high expectations and strong partnerships, Kentucky TECH will actively engage all students in the mastery of academic and technical skills needed to be ready for college and a career.

MISSION

The mission of career and technical education is to assist schools in providing students with skills necessary for a successful transition to postsecondary education or work and a desire for life-long learning in a global society.

PURPOSE

Career and technical education is an essential component of the high school curriculum. For many students, it represents as much as a third of their high school experience. It is a critical component in meeting the needs of students in academic achievement, career exploration, career preparation, and leadership development. Successful transition to postsecondary education, work, or the military is one of the goals of Kentucky's educational system. The percentage of students making a successful transition is a component of the high school accountability index.

BELIEFS

- Students learn best when they are actively engaged in the learning process.
- Students learn best when our staff maintains high expectations for learning.
- Students are motivated to learn when classroom instruction is related to real-world applications.
- All students in our school need to have an equal opportunity to learn.
- A safe and physically comfortable environment promotes student learning.
- Students learn best when instruction incorporates both academic and technical skills.

Kentucky TECH Guiding Principles**BELIEFS (CONTINUED)**

- Effective school leaders engage in practices that support the ongoing improvement of teaching and student performance.
- Teachers, administrators, parents and the community share the responsibility for helping students learn.

NOTICE OF NONDISCRIMINATION

The Office of Career and Technical Education does not discriminate on the basis of race, color, national origin, sex, genetic information, religion, age, disability, or limitations related to pregnancy, childbirth, or related medical conditions in educational services and/or employment.

The Office of Career and Technical Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or gender identity), genetic information, disability, age, marital status, or religion in admission to educational programs, activities, and employment practices in accordance with Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 (revised 1992), and the Americans with Disabilities Act and shall provide, upon request by a qualified disabled individual, reasonable accommodations including auxiliary aids and services necessary to afford individuals with a disability an equal opportunity to participate.

A nondiscrimination policy statement must be printed on the following publications:

- | | |
|---|---------------------------------|
| • Publications describing admissions policies | • Program Catalogs |
| • Enrollment Applications | • Student Publications |
| • Employment Applications | • Program Brochures |
| • Student Handbooks | • Letterhead |
| • Staff Handbooks | • Newsletters |
| • Student Code of Conduct | • Other circulated publications |

The following statement is to be used on **multi-page** publications:

“The **(name of agency, school, office, etc.)** does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or gender identity), genetic information, disability, age, marital status and religion in admission to educational programs, activities, and employment practices in accordance with [Title VI](#) of the Civil Rights Act of 1964, [Title VII](#) of the Civil Rights Act of 1964, [Title IX](#) of the Education Amendments of 1972, [Section 504](#) of the Rehabilitation Act of 1973 (revised 1992), and the Americans with Disabilities Act and shall provide upon request by a qualified disabled individual, reasonable accommodations including auxiliary aids and service necessary to afford individuals with a disability an equal opportunity to participate. For more information, contact **(name of the appointed person(s) serving as the coordinator(s) at the (name of agency, school, office, etc., work address and telephone number).**”

Kentucky TECH Guiding Principles**NOTICE OF NONDISCRIMINATION (CONTINUED)**

Single page publications such as program flyers, letterhead, newsletters, memoranda, etc., may use the following statement:

“EQUAL EDUCATION AND EMPLOYMENT OPPORTUNITIES M/F/D”

ADA requires printed materials to be available in different formats.

YEARLY CLASSIFIED NEWSPAPER ADVERTISEMENT

The guidelines for elimination of discrimination and denial of services on the basis of race, color, national origin, sex (including sexual orientation or gender identity), genetic information, and disability in vocational education programs require recipients of federal funds to notify students, parents, employees, and the general public that all vocational education programs, services, activities and employment are available without regards to race, color, national origin, sex (including sexual orientation or gender identity) or disability. Prior to the beginning of each school year (between July and September), each institution must publish a classified advertisement in a well-circulated newspaper in the service area of the institution. Regulations require that each institution affirm their nondiscrimination policy statement and identify their EEO Counselor's name, address, and telephone number. A brief summary of vocational programs and admission criteria should be included in the announcement.

An original newspaper advertisement identifying the source and date of publication must be submitted annually to the Office of Career and Technical Education to be included in the report to the Office for Civil Rights to document compliance with the regulation. An Equity-Discrimination Newspaper Advertisement Form will be sent to the schools annually.

WEBSITE ACCESSIBILITY

The OCTE is committed to ensuring accessibility of its website for students, employees, visitors, and members of the community with disabilities. All pages on the OCTE'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 OCTE 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 OCTE web presence which is developed by, maintained by, or offered through the OCTE or third party vendors and open sources.

Kentucky TECH Guiding Principles

REFERENCES:

KRS Chapter 344
780 KAR 2:010
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; 03.162
09.13; 09.42811
10.5

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

Equal Employment Opportunity

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

The Commonwealth of Kentucky does not discriminate on the basis of race, color, national origin, political affiliation, sex (including sexual orientation or gender identity), genetic information, disability, age, religion, marital status, or limitations related to pregnancy, childbirth, or related medical conditions in employment practices.²

Any employee who feels that he/she has been discriminated against based on any of these protected areas has the right to appeal his/her case through the established grievance procedure (Policy 03.162).

ADA AND JOB ACCOMMODATION FOR DISABLED EMPLOYEES

Kentucky State government is committed to the full implementation of the Americans with Disabilities Act (ADA). It is the policy of the Commonwealth to maximize the full inclusion and integration of people with disabilities in all aspects of employment and all programs, services and activities.

All employees must comply with policies regarding the ADA in the following categories:

- discrimination in areas of employment,
- limiting,
- segregating and classification of employees,
- contractual or make arrangements that may discriminate against employees,
- providing reasonable accommodations,
- effective test administration, and
- no retaliation and coercion if employees exercise rights under provisions of ADA.

Additional information can be obtained from [*Kentucky's Office for the Americans with Disabilities Act*](#)

REASONABLE ACCOMMODATION

The Commonwealth 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.

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

KRS 156.812

KRS 156.838

KRS 18A.140

KRS 161.020

KRS 207.135

29 U.S.C.A. 794

29 U.S.C. section 1630.14

34 C.F.R. 104.3 - 104.14

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

Americans with Disabilities Act; <http://www.usdoj.gov/crt/ada/>

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 POLICY:

03.162; 03.1621; 03.212; 03.2621

Health and Safety

SAFETY

It is the intent of the Officer of Career and Technical Education to provide a safe and healthful working environment for all employees, students and clients.

Therefore, it is the policy of the Department to emphasize safety to accomplish the Kentucky TECH mission to prepare Kentucky's current, future and emerging workforce for employment, lifelong learning and independence in a changing global economy.

It is the responsibility of the employee to do the following:

- a. Make a reasonable effort to maintain a safe and healthy work environment in his/her work area;
- b. Report accidents in a timely manner; and
- c. Apprise the supervisor of apparent health and safety hazards, who shall examine the situation and take appropriate action.

When submitting accident reports, the supervisor is responsible for keeping all medically related information confidential. Such information shall not be forwarded with a safety report.

FIRST AID

For the protection of any injured person or persons, and to avoid potential for personal or administrative liability, the following shall be implemented:

- Emergency and non-emergency first aid shall be administered by a person or persons trained and certified to render first aid.
- In no case shall ointments, salves, or oral medicine be rendered except on advice of a physician.
- In no case shall any person or persons render first aid to a degree above that for which they are trained and certified.
- First aid kits should be equipped with gauze, bandages, large and small Band-Aids, bottle of peroxide, disinfectant wipes, rubber gloves, safety glasses, CPR breathing barrier, and other sterile materials required to stop bleeding and cover wounded areas and placed in each lab area.
- Fire blankets shall be placed in those areas where the potential for fire and explosion exist.

BLOODBORNE PATHOGENS CONTROL PROGRAM

1. The purpose of the Bloodborne Pathogens Exposure Control Program is to eliminate or minimize employee exposure to blood or other potentially infectious materials as detailed in the OSHA Bloodborne Pathogens Standard.
2. Blood means human blood, human blood components, and products made from human blood.
3. Bodily fluids means semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids.

Health and Safety

BLOODBORNE PATHOGENS CONTROL PROGRAM (CONTINUED)

4. Other potentially infectious materials means any unfixed tissue or organ (other than intact skin) from a human (living or dead), and human immunodeficiency virus (HIV)-containing cell or tissue cultures, organ cultures, and HIV- or hepatitis B virus (HBV)-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals.

RESPONSIBILITY FOR COMPLIANCE

The administration of the Bloodborne Pathogens Exposure Control Program shall be the responsibility of the Area Technology Center Principal. These responsibilities shall include:

1. Establishing a written exposure control program and developing a schedule for implementing the provisions of the program and OSHA Standards.
2. Developing written procedures for cleaning and handling contaminated materials and for disposing of hazardous waste generated within the facility.
3. Providing appropriate personal protective equipment that is readily accessible to identified employees.
4. Providing hepatitis B vaccines under specific circumstances as defined by an exposure determination and/or medical follow-up for exposure incidents.
5. Providing warning labels or color-coded containers for use with hazardous waste.
6. Providing training to current employees within 90 days of the effective date of the program and initially to new employees and thereafter annually.
7. Developing written procedures for meeting the requirements for medical record keeping.
8. Providing for retention of medical records for the duration of employment, plus 30 years.
9. Conducting an annual review of the effectiveness of this exposure control plan and updating the program as needed.

EXPOSURE DETERMINATION

OSHA requires employers to perform an exposure determination concerning which employees may incur exposure to blood or other potentially infectious materials. Exposure determination is made without regard to the use of personal protective equipment (i.e. employees are considered to be exposed even if they wear personal protective equipment.). The exposure determination also lists all job classifications in which employees may be expected to incur collateral exposure. It is ATC Principal's responsibility to determine which job classifications or specific tasks and procedures involve occupational or collateral exposure.

PROGRAM ELEMENTS

Bloodborne Pathogen Control Plan

1. Date of Plan (May 2013 Template)
2. Copy of most recent plan on file in KDE Human Resources
3. Control Plan is reviewed annually with documentation

Health and Safety**PROGRAM ELEMENTS (CONTINUED)****Vaccination Records**

1. Copies of vaccination records on file in ATC
2. Copies of vaccination records on file in KDE Human Resources

Declination Records

1. Copies of declination records on file in ATC
2. Copies of declination records on file in KDE Human Resources

Medical Recordkeeping File for Each Identified Employee (Maintained for the duration of employment plus 30 years)

1. Name and Social Security Number
2. Copy of Employee Hepatitis B Vaccination Status
3. Copy of Results of Examinations, Testing, and Follow-up
4. Copy of Healthcare Professional's Written Opinion
5. Copy of all Information Provided to Healthcare Professional

Training Records (Records must be maintained for 3 Years)

1. Dates of Training
2. Contents/Summary of Training
3. Names and Job Titles of All Persons Attending the Training

PROCEDURES FOR REPORTING AND MANAGING AN EXPOSURE INCIDENT-EMPLOYEE

Time Line	All ATC employees who are involved in any situation with the presence of blood or Other Potential Infectious Materials, regardless of whether a specific exposure incident occurs, must be offered the full hepatitis B vaccination series as soon as possible, but no later than 24 hours after the incident.
Time Line	If an exposure incident occurs, all other post follow-up procedures according to the standard must be initiated immediately. Employer must ensure that the medical provider is familiar with and follows the recommendations for post exposure follow-up.
ATC Principal	Complete and submit Workers' Compensation First Report of Injury. Link under Workers' Compensation contains a list of providers from which an employee will select a physician.
ATC Principal	Complete and submit Cabinet Accident Report.

Health and Safety**PROCEDURES FOR REPORTING AND MANAGING AN EXPOSURE INCIDENT-EMPLOYEE (CONT.)**

ATC Principal	Provide to the physician: 1) Copy of the Bloodborne Pathogen Control Plan, 2) Description of the affected employee's duties as they relate to occupational exposure.
ATC Principal	Enter appropriate information into OSHA 300 Log.
	Obtain physician's written opinion within 15 working days of the completion of the evaluation.
ATC Principal	File and retain reports in employee's medical files.
ATC Principal	Report the incident to the Kentucky Department for Public Health, Division of Epidemiology and Health Planning.
Employee	Report the date, time, and type of exposure to first line supervisor.
Employee	Treatment in accordance with recommended guidelines, based on type of exposure.
Employee	Initiate a consent form for treatment, if indicated.
Employee	Adhere to follow-up treatment regimen and/or testing as prescribed by the physician. Follow-up will be paid for through Workers' Compensation.

STAFF TRAINING

Each Principal shall establish a safety training program that includes a general safety orientation for all staff upon initial employment and at the beginning of each school year. Training must be provided and documented in the following areas:

- Asbestos Training
- Bloodborne Pathogens
- Crime Awareness and Campus Security
- Drills – Fire, Tornado, Earthquake, Lockdown
- Emergency Plans and Fire Prevention
- Employee Fire Extinguisher Training
- First Aid Training and First Aid Kits
- Forklift Training
- Hazardous Communications
- Lockdown Procedures
- Lockout/Tagout
- Respirator Training
- Safety Committees and Inspections
- Safety Responsibility and Accountability
- Other Training as Identified

Health and Safety

FIRE EXTINGUISHER TRAINING

According to OSHA regulations, where portable fire extinguishers have been provided for employee use, the employer shall provide annual training for employees to familiarize them with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting. This training shall be provided upon initial employment and at least annually thereafter. All area technology centers shall be covered by this regulation.

The Principal shall arrange for training that satisfies these requirements for the school staff. Local fire departments, fire marshals, or a member of the staff who possesses the proper qualifications can provide training. Fire extinguishers shall be checked monthly by designated staff to ensure they are in a fully charged and operable condition. In addition, all fire extinguishers are to receive six (6) and twelve (12) month maintenance as specified in OSHA Standards and Kentucky Fire code.

FORKLIFT TRAINING

The Occupational Safety and Health Act of 1970 includes a provision that only trained and authorized operators shall be permitted to operate a powered industrial truck. Accordingly, the employer shall provide training on the proper operation of industrial trucks. Forklifts fall under the category of powered industrial trucks. ([OSHA 29 CFR 1910.178](#)) Training shall be required to clarify the differences in handling between a truck and a car, to develop safe operating habits, and reduce the risk of injury.

Training shall be provided to all employees who operate equipment covered under this OSHA standard and documentation of the training shall be kept on file in the school office. Information on what is acceptable training is available from the Division of Education and Training, Kentucky Occupational Safety and Health Program, 1047 U.S. 127 South, Suite 4, Frankfort, KY 40601, or from the KDE Safety Coordinator.

HAZARD COMMUNICATIONS PROGRAM

The Hazard Communication Standard (often referred to as HazCom) established rules for all workplaces covered by OSHA. The standard requires that information on hazardous chemicals be communicated to all employees and students.

Program Requirements:

1. A written hazard communications plan shall be in place for the safety of all employees, students, and visitors.
2. Safety Data Sheets (SDS) must be made available by chemical manufacturers and distributed to the employer. The employer shall make them available to employees. **In area technology centers, the teacher shall be responsible for providing instructions on how to read Safety Data Sheets and the proper use, handling, and health hazards of chemicals used in the program.**
3. Containers shall be labeled so employees and students can handle chemical safely. Protective equipment shall be worn when chemicals may cause a health hazard or physical hazard. Chemicals that are not in the original container shall be properly labeled.
4. A complete inventory of all chemicals shall be prepared and available. (This inventory must be kept current.)

Health and Safety

HAZARD COMMUNICATIONS PROGRAM (CONTINUED)

5. All employees shall be trained annually to recognize and safely handle all chemicals at work. Training shall be provided on how to read and interpret an SDS and label. Students in area technology centers shall receive the same annual training as employees. Documentation of the training shall be kept on file in the school.

All hazardous waste materials shall be stored in labeled containers. Area technology centers are classified as limited quantity generators (businesses that generate less than 220 pounds of hazardous waste per month) and may be able to dispose of hazardous materials such as mercury containing fluorescent light bulbs on site. The safest method to dispose of hazardous waste is with a company who will supply and remove solvents and other waste. In all cases, accurate records shall be kept.

Used Motor Oil Recovery and Disposal:

Waste oil shall be properly stored in labeled containers. All hazardous waste shall be disposed of in accordance with EPA regulations (not to exceed 28 gallons liquid or 200 kg, in any given month). A log to record the amount of oil added to the container shall be maintained. Antifreeze shall not be added to used oil. Transmission fluid, rear end grease, hydraulic fluid, and brake fluid shall be added. Each used fluid added shall be logged accordingly.

If oil spills occur while placing used fluids in the container, Oil Dry or other appropriate cleaning compound shall be used to clean up the spill and the residue shall be placed in a garbage container. Once the container is filled, a certified used oil hauler shall be contacted to remove the oil. Receipts for all oil picked up shall be filed in the school office along with the log.

a. Used Oil Filters

To dispose of used oil filters, the following process shall be followed:

- Drain the oil and place it in a waste oil container for storage and eventual recycling.
- Drain oil filter into waste oil container and store used filter in a metal drum for recycling pickup.

b. Antifreeze

Antifreeze shall be stored in a labeled plastic container for recycling. Antifreeze shall not be mixed with used oil.

c. Mercury Containing Light Bulbs

Federal and State laws require some fluorescent lamps be treated as hazardous waste.

- Spent fluorescent lamps shall be on the list of registered hazardous waste-streams.
- Spent lamps shall be stored in protective boxes to guard against breakage.
- Boxes shall be labeled **“UNIVERSAL WASTE-LAMPS.”**
- Boxes shall be dated when first spent lamp was stored.
- Spent lamps may be stored for up to one (1) year before being picked up by certified hazardous waste hauler. Pickup documentation shall be kept on file.

Health and Safety

HAZARDOUS COMMUNICATIONS PROGRAM (CONTINUED)

- The Principal or designee shall check with the following for possible no cost or cost sharing opportunities for disposal: local school districts, city and/or county government personnel in charge of waste disposal, and company currently used for other hazardous waste disposal.

NOTE: Some fluorescent lamps, commonly referred to as “environmentally preferable” or “green ends” may or may not be approved for land-fill disposal. The green ends lamps do not automatically mean compliance with EPA regulations for land-fill disposal. Lamps shall pass the “toxicity characteristic leaching procedure” (TCLP) and the Center shall have the manufacturer’s product sheet verifying the lamps are EPA compliant for land-fill disposal.

d. Refrigerant Recovery

The 1990 Federal Clean Air Act requires that refrigerants used in mobile and stationary systems be recovered. Technical education teachers who do live work on equipment containing refrigerants shall have recycling recovery equipment in their program or have access to it.

Willful venting of CFC’s and HCFC’s into the atmosphere is strictly prohibited by the enforcement provision of the Clean Air Act, which carries very stiff penalties for violations. Students handling refrigerants shall be closely supervised by teacher.

LOCKOUT/TAGOUT

OSHA has established a lockout/tagout standard ([29 CFR 1910.147](#)) to safeguard workers from hazardous energy while they are performing maintenance on machines and equipment. The standard requires that equipment must be turned off and disconnected from the energy source prior to servicing. In addition, it further requires employers to develop written lockout/tagout procedures, provide training to all employees and students who could be injured, and to carry out periodic inspections (at least annually) to ensure that the energy control procedures are implemented properly.

Lockout:

- Lockout means bringing machinery to zero energy by locking out the power.
- Each teacher shall have an assigned lock, key and lockout device. No two (2) keys shall fit the same lock.
- Notify persons using the machinery that work will be performed on the machinery.
- Electrical power shall be turned off and an assigned lockout device attached.
- Appropriate warning signs shall be placed at the controls indicating that work is being performed on the machinery.
- Protective equipment shall be worn to include goggles, safety glasses, steel-toed shoes, etc.
- A check shall be made to make sure that the power is off and all moving parts of the machinery have come to a complete stop.
- A check shall be made to verify that all residual energy in the machine has been either controlled or eliminated.

Health and Safety**LOCKOUT/TAGOUT (CONTINUED)**

- When work is completed, the work area shall be cleaned up and guards shall be replaced on machinery.
- When inspection is complete, the lockout device shall be removed and other employees and students shall be clear of the equipment before energizing the unit.
- Machinery shall be tested for proper operation.

Tagout:

- If equipment cannot be locked out, then it shall be tagged out.
- A tagout device is a warning device that takes the place of a lock without providing physical restraint.
- Tags shall clearly identify the employee who applied them and shall not be removed except by the person who applied them.
- Tags shall be readable and understandable and must warn against the hazardous conditions that will result if energy is restored to the machinery.
- Most tags shall display legends such as DO NOT START, DO NOT OPEN, DO NOT OPERATE - DANGER, etc.
- Tags shall be made of materials that can withstand environmental conditions.
- Tags shall be secured to energy-isolating devices so that they cannot be detached accidentally while in use.

Each Principal shall provide designated staff with appropriate lockout/tagout devices and training. The Principal shall observe and document the designated individuals performing lockout/tagout at least annually. Each teacher shall maintain a record of machinery and equipment that falls under the requirements of lockout/tagout.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Each year, the Principal/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 an 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
5. Requiring employees to wear designated PPE as deemed necessary by the hazard assessment.

Health and Safety

ASBESTOS PLAN

Each school shall have on file in the school office an asbestos management plan (if applicable).¹ Any asbestos work done in the building shall be filed with the plan. Parents/legal guardians and employees shall be notified at the beginning of the school year that the facility has been inspected and a management plan developed for any asbestos containing materials found during the inspection. This may be done by letter or published in the student handbook and faculty handbook. The management plan shall be available for inspection during normal business hours.

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. All new maintenance and custodial employees shall be provided asbestos training within thirty (30) days of hiring. 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.

EMERGENCY EYEWASH STATION STANDARDS

Eyewash stations shall be required in programs where the eyes or body of any person may be exposed to corrosive materials in accordance with [OSHA 1910.151 \(c\)](#).

Corrosive materials refer to any solid, liquid, or gaseous substance that burns, irritates, or destructively attacks organic tissues, most notably the skin, eyes, and when taken internally, the lungs and gastrointestinal tract.

The following are required guidelines for eyewash stations:

1. The eyewash shall have the capability to deliver fifteen (15) minutes of freely flowing water at a comfortable temperature range (15-35 degrees Celsius, or 60-95 degrees Fahrenheit), a maximum inlet pressure of 30 psig, and a minimum flow of 1.5 liters per minute. The flow shall be uninterrupted and the water filtered.
2. The emergency eyewash shall be accessible in locations that require no more than 10 seconds to reach and shall be within a travel distance no greater than 25 feet from hazard, or in the nearest safe area outside of the release area if the release could pose a further danger.
3. The valve shall be designed in such a manner that the water flow remains on without the use of the operator's hands.
4. The eyewash unit shall be activated weekly to flush the line and verify proper operation.
5. The weekly eyewash record shall be maintained for the previous twelve (12) consecutive months to verify compliance with testing procedures.
6. Each emergency eyewash station shall be identified with a highly visible sign that can easily be comprehended by the reader.
7. Instructions on proper usage shall be affixed to the eyewash facility.

Health and Safety

COMPRESSED AIR REGULATIONS

[OSHA 1910.242 \(b\)](#) states that compressed air cannot be used for cleaning purposes (work surfaces) unless the pressure is reduced to less than 30 p.s.i. and then only when effective chip guarding and personal protective equipment is used. For worker safety, a brush be used to remove dust and debris from clothing and not compressed air.

FALL PROTECTION

Maintenance of area technical centers and construction trades programs that may require employees and/or students to work six (6) feet above a lower level shall abide by the following OSHA standards.

- 1926.500 Scaffolds
- 1926.500 Fall Protection
http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10756

Labs with mezzanine storage, or any overhead storage areas, shall abide by the following OSHA standards:

- 1910.23 Guarding Floor and Wall Openings and Holes
http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9715
- 1910.27 – Fixed Ladders
http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9719

REPORTING FATALITIES, AMPUTATIONS, HOSPITALIZATIONS, OR LOSS OF EYE

The Office of Career and Technical Education 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 Office of Career and Technical Education 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

OSHA 300 REPORTING REQUIREMENTS

The following OSHA reporting forms will be used:

[OSHA Form 300](#) – Log of Work Related Injuries

[OSHA Form 300A](#) – Summary of Work Related Injuries and Illnesses

All worksites shall maintain an OSHA log for each separate facility/department/school on a calendar year basis (January – December).

All logs and summaries shall be kept for five (5) years following the end of the calendar year to which it relates.

Health and Safety**OSHA 300 REPORTING REQUIREMENTS (CONTINUED)**

If there is a change in the extent or outcome of a case, the first entry shall be lined out and the new information entered.

All injuries shall be entered on the log within six (6) days after receiving knowledge that a case has occurred. If in doubt whether a case is recordable or not, it is recommended that all cases are logged, regardless of recordability. The log serves as a reference/tracking document and, in addition, an injury may not be recordable at first but may be determined recordable at a later date. It is important that all information on the logs and the IA1 reports are legible.

There are strict penalties for not complying with federal regulations regarding the posting of logs and maintaining of OSHA files. In cases of an OSHA inspection, the compliance officer will ask to review the log for the previous year and may ask to review the current year's log. Employers shall provide records to an OSHA compliance officer who requests them within four (4) hours.

To report an injury/illness, the Principal shall complete the First Report of Injury (IA-1)

The area technology center Principals/designee shall take the following steps when reporting:

- The supervisor shall immediately call in all state employee work-related injuries, illness and fatalities to the Personnel Cabinet/Office of Worker's Compensation.
- The electronic copy of the First Report of Injury Form IA-1 generated by Worker's Compensation will be forwarded to the Department of Labor, the supervisor, and the Division of Resource Management.
- The supervisor shall obtain the signature of the injured employee (back side of IA-1 First Report of Injury or Illness Report) that relates to fraudulent claims and mail to Worker's Compensation at the following address:

Worker's	Compensation	Branch,	Cabinet	for	Personnel
Suite	4,	1047	U.S.	Highway	127
Frankfort,	KY	40601.			South
- The hard copy of the IA-1 shall be kept on file (not in a personnel file) at the worksite, with the information recorded on the OSHA Form 301 and 300 Log.

OSHA 300-A SUMMARY OF WORK RELATED INJURIES AND ILLNESS

At the end of each calendar year, the Occupational Safety and Health Administration (OSHA) requires each covered location to review the OSHA 300 Log for completeness and accuracy and to prepare an Annual Summary of the OSHA 300 Log using the form OSHA 300-A (Summary of Work Related Injuries and Illness).

The summary must be certified by the ATC Principal for accuracy and completeness and be posted in the facility by February 1 of the year following the year covered by the summary. The summary must remain posted until April 30 of the year in which it was posted.

Preparing the OSHA 300-A Summary of Work Related Injuries and Illness requires four steps:

1. Reviewing the OSHA 300 Log;
2. Computing and entering the summary information on the OSHA 300-A;
3. OSHA 300-A is certified as indicated on the form;
4. Summary must be posted in a conspicuous place where notices are customarily posted.

Health and Safety

ACCIDENT REPORTING (CONTINUED)

The OSHA 300 Log and OSHA 300-A Summary are based on the actual number of employees at the worksite and both must be maintained even if the facility had no recordable accidents for the year.

SUBMISSION OF OSHA 300-A SUMMARY

Each ATC Principal shall forward to the KDE Safety Coordinator in the Division of Resource Management a copy of the completed and signed OSHA 300-A Summary.

KDE Accident Report

Every work related or workplace injury (students, employees, vendors, visitors, and customers) occurring in a Kentucky Department of Education facility, regardless of its severity, must be investigated and reported on the Department of Education Accident Report.

The original Accident Report is maintained on file in the ATC with originals send to the KDE Safety Coordinator and Division Director.

Workers' Compensation First Report of Injury or Illness (IA-1)

For Workers' Compensation benefits, there is only one requirement of the employee—to “notify his/her supervisor as soon as practicable after happening thereof” (KRS 342). When a supervisor has knowledge of a work related injury or illness or alleged injury or illness to one of his/her employees, it is the supervisor's responsibility to obtain all pertinent information and complete Workers' Compensation First Report of Injury or Illness (IA-1). The supervisor responsible will enter the IA-1 online for submission directly to the Workers' Compensation Branch at <https://personnel.ky.gov/layouts/15/FirstReportofInjury/reportinjury.aspx> or call 502-564-6846, 502-564-6847, or 1-888-860-0302.

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 PPE Hazard Assessment

134/ Protective Breathing Devices

147 Lockout/Tagout

151/ Eyewash Stations

157 Portable Fire Extinguishers

178 Forklift Training

242/Compressed Air

1001 Asbestos-ACBM

1200 Hazard Communication

1030 Bloodborne Pathogens

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9806

Supervisor's Guide to Biohazards in the Workplace

PERSONNEL

03.14
(CONTINUED)

Health and Safety

RELATED POLICIES:

05.4; 05.41; 05.411; 05.42; 05.43; 05.47; 05.5; 09.22; 09.224

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

Harassment/Discrimination

APPLICABILITY

This policy applies to all employees, students, clients and contract personnel doing business with the Office of Career and Technical Education.

The Office of Career and Technical Education is committed to maintaining an educational and work environment that is free from harassment and violence on the basis of sex (including sexual orientation or gender identity), genetic information, race, color, national origin, disability, age 40 or over, religion, marital status, limitations related to pregnancy, childbirth, or related medical conditions, or any other basis prohibited by federal, state, or local law, ordinance, or regulation 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.

Accordingly, the Office of Career and Technical Education strictly prohibits any form of harassment, discrimination or violence on the basis of any of the protected areas mentioned above. Complaints of such conduct shall be investigated in a prompt, effective and uniform manner. Appropriate action shall be taken to correct and prevent reoccurrence of the harassment/discrimination behavior.

DEFINITION

Discriminatory harassment is any conduct that, by reference to any of the aforementioned protected areas, intentionally or recklessly abuses, ridicules or disparages a person or persons so as to adversely affect their work performance, academic performance, or service received from the Office of Career and Technical Education.

PROHIBITED CONDUCT

State law specifically prohibits unwelcome sexual advances, requests for sexual acts or favors, with or without accompanying promises, threats, or reciprocal favors or actions; or other verbal or physical conduct of a sexual nature that has the purpose of or creates a hostile or offensive environment.

Examples of prohibited sexual harassment behavior include, but are not limited to:

1. Negative or offensive comments, jokes, or suggestions about an individual's gender or sexuality;
2. Sexual innuendo, including embarrassing comments or terminology addressed to a specific employee;
3. Vulgar or indecent gesture, language or joke;
4. Bringing or displaying a sexually suggestive object, book, magazine, photograph, cartoon, calendar or picture in the workplace;
5. Use of the computer to transmit, solicit, display or download obscene messages or material;

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

6. Threatening, demeaning or offensive conduct directed toward an individual because of his/her gender;
7. Unwelcome sexual advances, request for sexual favors, or sexually motivated physical conduct/contact;
8. Slang names or labels such as “honey”, “sweetie”, “boy”, “girl” that others find offensive;
9. Commenting about or calling attention to an individual’s body, attire or sexual characteristics in a negative or embarrassing way; or
10. Ridiculing, ignoring or not taking seriously an individual who experiences sexual harassment.

Examples of prohibited racial harassment behavior include, but are not limited to:

1. A physical act of aggression or assault upon another individual because of race, color, or national origin;
2. Unwelcome verbal harassment or abuse; or
3. Unwelcome behavior or words directed at an individual because of race, color, or national origin.

Examples of prohibited religious harassment behavior include, but are not limited to:

1. Physical conduct related to an individual’s religion;
2. Verbal conduct related to an individual’s religion; or
3. A physical act of aggression or assault upon another because of religion.

REPORTING RESPONSIBILITY

Employees subjected to harassment or other prohibited behavior shall report the harassment to their supervisor.

Individuals other than employees who need to register a complaint about harassment, are encouraged to seek the aid of an EEO Counselor at the ATC, or the Office of Career and Technical Education Ombudsman.

CONFIDENTIALITY

The privacy of the complainant and the accused harasser shall be protected to the fullest extent permitted by the circumstances. An individual interviewed in the course of resolving the complaint shall be cautioned to treat the information as confidential. Breach of this confidentiality directive shall be grounds for disciplinary action.

RETALIATION

Retaliation by or against any party involved in a complaint shall be strictly prohibited. Retaliation shall be grounds for disciplinary action in and of itself.

Harassment/Discrimination**FALSE ACCUSATION**

If a complaint is filed falsely and maliciously, or if it is learned that false information is provided to anyone in the course of an investigation, disciplinary action shall be taken.

QUESTIONS OR CONCERNS

Questions or concerns regarding this policy should be addressed to an employee's supervisor or the individual authorized to handle discrimination matters.

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.

REFERENCES:

KRS 18A.140
KRS 156.020
780 KAR 3:120
780 KAR 3:072
42 USC 2000e, Civil Rights Act of 1964, Title VII, KRS Chapter 344
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:

03.11; 03.113; 03.1325; 03.16; 09.422; 09.42811

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 Commonwealth of Kentucky does not discriminate on the basis of sex regarding admission or in the educational programs or activities operated by the Commonwealth of Kentucky. Inquiries regarding Title IX Sexual Harassment may be referred to the 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.

EEO COUNSELOR(S)

Each Principal must designate one or more EEO counselor(s) to coordinate compliance with the federal regulations below:

<https://www2.ed.gov/about/offices/list/ocr/docs/hq43e4.html>

<https://www.justice.gov/crt/fcs/TitleVI-Overview>

<https://www.eeoc.gov/laws/statutes/titlevii.cfm>

<https://www2.ed.gov/policy/elsec/leg/esea02/pg98.html>,

[Title IX](#)

[Section 504](#) and

[ADA](#).

An EEO counselor should be a person in the Center who is available to students and staff at all times. The EEO counselor should be a person other than an administrator, academic counselor or supervisor. The Faculty Handbook and Student Handbook are examples of publications that should identify the EEO Counselor(s) by name, address and telephone number.

STUDENTS WITH DISABILITIES

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

Equal Educational Opportunities**STUDENTS WITH DISABILITIES (CONTINUED)**

The school 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 school 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 school 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:

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.

GENDER EQUITY

Teachers and administrators must devote attention to how they can achieve equity within the learning environment, teacher-student interaction, and curriculum. Educational practices must be implemented that address the needs of all students. Not only is it wrong to treat males and females differently in programs, it is discrimination which Federal and state laws prohibit.

The following is a list of precautions schools can take to ensure compliance with the law:

- Review policies and practices of the entire school
- Review course descriptions in handbooks and other publications
- Examine the master schedule
- Review instructional materials, course objectives and activities, and student organizations practices
- Analyze textbooks and implement guidelines for selection
- Implement fair recruitment practices
- Provide equity training to staff and students
- Establish written policies for dealing with gender equity issues
- Observe teachers for equitable and effective instructional practices
- Assess staff and students to determine the level of bias, stereotyping, and discrimination

Equal Educational Opportunities

REFERENCES:

¹34 C.F.R. § 106.8

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

Local District special education policy and procedures manual; Local 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

42 U.S.C. 200e, Civil Rights Act of 1964, Title VII

Vietnam Era Veterans Readjustment Assistance Act of 1974

28 C.F.R. Section 35.101 et seq.

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

RELATED POLICIES:

01.1; 03.113; 03.1621; 05.1;08.131; 09.42811; 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 shall not dispense medication of any type. However, antiseptic and appropriate other emergency medications shall be maintained in the first-aid kit.

A student who takes prescription or over the counter medication shall have written permission on file in the office before medication is brought to school.¹ Medications shall be carried in their original container. If medication is to be taken during school hours, the teacher shall be notified. Any drug that is seen and not reported to the teacher shall be in violation of school policy. This information shall be communicated to students during the orientation process and included in the student handbook.

SELF-ADMINISTRATION

As authorized by policy of the student's sending district, 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 with the student's sending district 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. 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

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

OAG 77-530; OAG 83-115

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 Grievances

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.)

School 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 Grievances**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 of the local school district. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the local 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 Principal, who shall immediately invoke the grievance investigation process. The Principal/designee may take interim measures to protect complainants during the investigation.

PROCESS

The following student grievance process must be published each school year in its entirety in a student handbook or code of conduct for each center with an assurance that every student is notified and receives a copy of this policy and procedure.

Students shall be informed of this procedure as part of the Kentucky TECH student orientation. Documentation of this training is to be placed in student files each year.

Harassment/Discrimination Grievances**TITLE VI – TITLE IX – SECTION 504 – ADA – HARASSMENT****STUDENT GRIEVANCE PROCEDURE**

Students who feel they have been discriminated against, harassed by students or employees, denied reasonable accommodations, and/or denied an opportunity to enroll in a vocational program, or participate in activities because of their race, color, national origin, sex, disability, age, religion, or marital status have the right to file an informal and/or formal complaint as follows:

NOTE: Regulations require notification of 180 days for filing with the Office for Civil Rights and/or filed within 60 days after the institution or other agency has completed its investigation and notified the complainant that it will take no further action. Extension can be granted for good reason.

INSTITUTION EEO/GRIEVANCE COUNSELOR(S)

NAME_____

ADDRESS_____PHONE_____

STUDENT INFORMAL GRIEVANCE PROCEDURE

Step 1: If a complainant feels that he/she has been discriminated against, the student must first bring the problem to the attention of the EEO/Grievance Counselor within five (5) days of the knowledge or alleged cause for grievance occurs. The EEO Counselor will conduct a preliminary investigation of the alleged complaint.

Step 2: The complainant, EEO/Grievance Counselor, and other involved parties will work informally to negotiate a solution within five (5) school days (or a total of ten (10) days from filing a grievance).

Step 3: If the grievance cannot be satisfactorily resolved by working informally, the student may want to proceed to file a formal written grievance within five (5) school days. (A total of fifteen (15) school days from filing a grievance)

Step 4: A formal written grievance may be filed within fifteen (15) days of starting the Informal Grievance Process by completing the [Formal Grievance Process Form](#), which is available from the Harassment Coordinator or any of the following:

<https://www2.ed.gov/about/offices/list/ocr/docs/hq43e4.html>

<https://www.justice.gov/crt/fcs/TitleVI-Overview>

[Title IX](#)

[Section 504](#)

[ADA](#)

NOTE: Days given are to keep the process moving and can be changed by agreement of all parties.

In the following Formal Grievance Procedure, the reference to the EEO/Grievance Counselor is the person assigned the duties of Title VI, Title IX, Section 504, ADA, and Harassment at the various levels in the procedure.

Harassment/Discrimination Grievances**STUDENT FORMAL GRIEVANCE PROCEDURE**

Step 1: Within fifteen (15) school days of the alleged discrimination or denial of service, a student will file written notice to the appointed institution EEO/Grievance Counselor. The student's written notice shall identify the nature of the alleged discrimination, the date(s) of occurrence, expected outcomes, and be signed and dated by the student filing the grievance. The appointed EEO/Grievance Counselor shall respond in writing regarding the process followed, persons involved, and other investigative steps taken to try and resolve the alleged grievance. The EEO/Grievance Counselor's response will be given to the complainant within five (5) school days from the date of initiation of Step 1 of the formal grievance process. (*See Form, [Formal Grievance Response to the Student](#).*) The proposed solution to resolving the alleged grievance will have to be approved by the Kentucky TECH administrator and other parties involved. (Within a total of twenty (20) school days from the initiation of the grievance process)

Step 2: If the complainant is not satisfied with the proposed solution, the complainant may appeal in writing by notifying the Kentucky TECH administrator within five (5) school days of the proposed solution to be taken in Step 1. (*See Form, [Formal Grievance Appeal Form for Students](#).*) The Step 2 appeal written notice must contain all written documentation from Step 1 and the student's written reasons for not accepting the proposed solution to be taken. The Kentucky TECH administrator will respond in writing to the complainant within five (5) school days from the date of the Step 2 written appeal as to the action to be taken (or within a total of thirty (30) school days from the initiation of the grievance process).

Step 3: If the complainant is not satisfied with the recommended action to be taken by the Kentucky TECH administrator, the complainant may appeal in writing within five (5) school days to the attention of the EEO/Grievance Coordinator, Office of Career and Technical Education, 300 Sower Blvd., 5th Floor, Frankfort, KY 40601. Mark the envelope "CONFIDENTIAL". The Step 3 written appeal must contain all written documentation related to Step 1 and Step 2 of this Formal Grievance Process. The complainant must include their written statement as to the reasons for not accepting the proposed solution to their alleged grievance. The EEO/Grievance Coordinator for the Office of Career and Technical Education will respond in writing, within twenty (20) school days of the date of the Step 3 appeal as to the recommended action to be taken, or within fifty-five (55) school days from the initiation of the grievance process.

A complainant may withdraw a complaint at any time during Step 1, 2, and 3 by completing the Complaint Withdrawal Form for Students. (*See Form, [Complaint Withdrawal Form for Students](#).*)

The following is another option for resolving a complaint that can be used by students, parent/guardian of a minor student, or employees:

In the event that the complainant is not satisfied with the action taken at any point in the grievance process or upon completion of Step 3, the complainant may call or write for technical assistance to the Director of the Office of Civil Rights, Eastern Division, in Philadelphia, PA. If the complainant wants to file a grievance with OCR it must be in writing, signed, and dated and include any information collected or used in the attempt to resolve the complaint at the local level. The complainant has 180 days to file with OCR from the date of the incident or within 60 days after completion of the local grievance process.

Harassment/Discrimination Grievances**NOTIFICATIONS**

Within twenty-four (24) hours of receiving a serious allegation of harassment/discrimination, school 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

School 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.

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.

Harassment/Discrimination Grievances**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 Principal 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:

09.13; 09.2211; 09.227; 09.422; 09.426

LEGAL: REVISIONS TO 780 KAR 2:060 REQUIRE DISCIPLINE INCIDENTS TO BE RECORDED IN THE STUDENT INFORMATION SYSTEM.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT 5/6/21

STUDENTS

09.43

Student Discipline

Teachers and administrators employed in or assigned to work in a Kentucky TECH school shall be responsible for the supervision and discipline of students while they are in attendance at the area technology center. Students are responsible for complying with the policies and procedures of the area career and technology center.

The authority of the school in matters of student behavior is not limited to the school building 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.

The following, along with other serious infractions, shall be cause for disciplinary action, up to and including suspension from the school:

- Willful disobedience or defiance of the authority of teachers and administrators
- Assault, battery, or abuse of other students or school personnel
- Threat of force or violence
- Use or possession of illicit drugs or alcohol
- Stealing, destroying or defacing school or personal property
- Possessing or using dangerous weapons or instruments
- Other incorrigible bad conduct on school property or at school- sponsored activities

Secondary students who are subject to disciplinary action by the ATC Principal shall be reported to the principal of the sending high school in which the student is enrolled, where pursuant to KRS 158.444, the incident must be recorded within the student information system.

TREATMENT OF PUPILS

Student disciplinary measures should not be administered in a manner that is humiliating, degrading, or unduly severe or in a manner that would cause the pupil to lose status before his/her peer group. 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.
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 Principal or to the Circuit Court with appropriate jurisdiction.¹

Student Discipline**SERIOUS PROBLEMS**

Serious disciplinary problems shall be promptly reported to the Principal and to the parent(s) of the student. The Principal shall also forward the report to the principal of the sending high school.

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
KRS 158.150; KRS 158.444
KRS 160.290, KRS 160.340, KRS 160.345
KRS 161.180; KRS 610.345
P. L. 105-17
780 KAR 2:060

RELATED POLICIES:

09.14
09.423
09.425
09.426
09.434

LEGAL: SB 101 AMENDS KRS 156.844 TO REQUIRE CONTINUING CONTRACT STATUS FOR ONE (1) YEAR FOR PERSONNEL UPON TRANSFER TO A LOCAL BOARD OF EDUCATION.
FINANCIAL IMPLICATIONS:

PERSONNEL

03.114

Continuing Status

Probationary Period: New 156 hires do not acquire continuing status until the beginning of the fifth (5th) year as indicated below:

First Twelve (12) Months: *Initial Probation*

Following Thirty-Six (36) Months: *Limited Status (Renewable on an annual basis)*

Beginning the Fifth (5th) Year: *Go to Continuing Status*

A certified employee who has earned continuing status in the state certified personnel system under KRS 156.800 to KRS 156.860 shall be granted a continuing service contract as defined in KRS 161.720 upon transfer to a local board of education. A principal who has earned continuing status prior to transfer shall be granted a continuing service contract, but the provisions relating to demotion of the principal under KRS 24 161.765 shall apply.

REFERENCES:

KRS 156.800 to KRS 156.860
KRS 161.720

RELATED POLICIES:

03.1
03.112

LEGAL: REVISIONS TO 780 KAR 2:060 CLARIFY WHO MAY SUSPEND AND THAT DUE PROCESS PROCEDURES MUST BE FOLLOWED:
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT 5/6/21

STUDENTS

09.434

Suspension

WHO MAY SUSPEND

In accordance with KRS 158.150, the area technology center Principal or his/her designee shall have the authority to immediately suspend secondary students from the Area Technology Center (ATC), without action by the sending school, to protect persons or property, or to avoid disruption of the ongoing academic programs. Students who are covered under IDEA or Section 504 may not be suspended from school for more than ten (10) days total during the school year. If more suspension is required, an ARC meeting must be held to determine appropriate placement and if the behavior is a result of the disability.

The Kentucky TECH school administrator shall submit in writing to the principal of the sending high school the reason(s) for disciplinary action and recommend any further action. The principal of the sending high school shall respond to the Principal of the area technology center as to the action to be taken.

Secondary students who are suspended from a participating local high school or expelled from a participating local school district shall be suspended or expelled for the Kentucky TECH School in which the student is enrolled.

PRIOR DUE PROCESS REQUIRED

A pupil shall not be suspended until due process procedures have been provided as described in KRS 158.150 (09.431)¹, unless immediate suspension is essential to protect persons or property or to avoid disruption of the educational process.

IMMINENT DANGER

The due process procedures outlined in KRS 158.150 shall follow the suspension as soon as practicable, but no later than three (3) school days after the suspension.

WRITTEN REPORT REQUIRED

The Principal/designee shall report any suspension in writing¹ immediately to the principal of the sending school and to the parent of the pupil being suspended. The written report shall include the reason for suspension, the length of time of the suspension, and the conditions for reinstatement.

ALTERNATIVE SCHOOL STUDENTS

According to Title 780 of the Kentucky Administrative Regulations, any student who is suspended or expelled from a participating local high school is also suspended from the Kentucky Tech School in which he/she is enrolled. If a student is expelled from the school system and placed in an alternative school setting, he/she will only be allowed back in a Kentucky Tech School with special permission from the Associate Commissioner's Office.

The Kentucky Tech System is like any other school system in the state and has the right to deny admission to a student who has been expelled from another school to ensure a safe environment that is conducive to learning for all students.

Suspension

STUDENTS WITH DISABILITIES

In cases which involve students with disabilities, the procedures mandated by federal and state law for students with disabilities shall be followed.²

REFERENCES:

¹KRS 158.150

²20 U.S.C. Sections § 1400 et seq; 707 Chapter 1; Honig v. Doe, 108 S.Ct. 592(1988)

OAG 77-419; OAG 77-427; OAG 77-547

OAG 78-392; OAG 78-673

707 KAR 1:340, 780 KAR 2:060

Goss v. Lopez, 419 US 565 (1975)

RELATED POLICIES:

08.131

09.43

09.431