



Kenton County School District | It's about ALL kids.

# Issue Paper

**DATE:**

July 8, 2021

**AGENDA ITEM (ACTION ITEM):**

Consider/Approve the Annual Policy Update and Revision Drafts – 2<sup>nd</sup> Reading.

**APPLICABLE BOARD POLICY:**

01.5 – School Board Policies

**HISTORY/BACKGROUND:**

The Kentucky School Board Association completes an annual update of our policies after the legislative session to align our policies with revised statutes. Administrators in the District also reviewed and revised several Policies that are included in the annual update. Policy 09.124 (on page 109 of the attachment) has been revised since the 1st reading of the annual update on July 5, 2021 and the new revision is highlighted in yellow.

**FISCAL/BUDGETARY IMPACT:**

N/A

**RECOMMENDATION:**

Approval of the Annual Policy Update and Revision Drafts upon the second reading.

**CONTACT PERSON:**

Henry Webb

\_\_\_\_\_  
Principal/Administrator

\_\_\_\_\_  
District Administrator

\_\_\_\_\_  
Superintendent

*Use this form to submit your request to the Superintendent for items to be added to the Board Meeting Agenda.*

*Principal –complete, print, sign and send to your Director. Director –if approved, sign and put in the Superintendent's mailbox.*

## KSBA Policy Service

## 2021 Policy Update (#44) Checklist

**District: Kenton County Schools**

To enable KSBA to track and store your District's policies in our policy database, please indicate below what action you have taken on the new/revised policies enclosed for your review. We will forward printed or reproducible copies of the policies when we receive this form and update your online manual if you belong to that service.

Policy Number	Adopt as Written	Adopt with Modification*	Adoption Date	Order Number	Keep Current Policy	Rescind Policy
01.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
01.21	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
01.6	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
03.113	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
03.14	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
03.162	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
03.175	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
03.212	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
03.24	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
03.262	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
04.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
04.6	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
04.91	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
06.221	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
06.23	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
06.342	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
07.16	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
08.113	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
09.13	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
09.2241	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>



Policy Number	Adopt as Written	Adopt with Modification*	Adoption Date	Order Number	Keep Current Policy	Rescind Policy
09.42811	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
09.43	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
08.1131	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
08.12	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
08.133	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
08.1341	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
08.13451	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
08.1353	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
08.14	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
08.2211	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
08.2321	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
08.2322	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
08.31	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
08.33	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>

# KCSD Revisions to Policies

2021

## District: Kenton County Schools

To enable KSBA to track and store your District's policies in our policy database, please indicate below what action you have taken on the new/revised policies enclosed for your review. We will forward printed or reproducible copies of the policies when we receive this form and update your online manual if you belong to that service.

Policy Number	Adopt as Written	Adopt with Modification*	Adoption Date	Order Number	Keep Current Policy	Rescind Policy
03.117	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
03.1211	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
03.1213	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
03.21	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
03.215	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
03.2211	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
03.2212	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
08.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
08.22	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
08.232	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
08.2323	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
09.124	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
09.15	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
09.435	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
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_____			_____	_____		

\*Please attach a copy of the modified policy. DO NOT RETYPE A DRAFT - simply indicate the district-initiated changes by writing in colored ink, circling, highlighting, etc.

\_\_\_\_\_  
Board Chair's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Superintendent's Signature

\_\_\_\_\_  
Date

**Please return this completed form to KSBA at your earliest opportunity.  
Please contact your KSBA Consultant IF you need KSBA to completely reprint all policy pages or to order additional new manuals, instead of just getting copies of the updated policies.**

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 Kenton County, 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.<sup>1</sup>
5. The Board has power to act only when it meets in session as a Board and as a Committee of the Whole. The Board shall not be bound in any way by any statement or action on the part of any individual Board member or employee.

#### 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.

**REFERENCE:**

<sup>1</sup>KRS 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 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.<sup>1</sup>

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 Said~~ procedures shall be ~~printed and made available to the public upon request~~ 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:

<sup>1</sup>KRS 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 ~~1996 Open Records Decision 159~~

#### RELATED POLICY:

10.11

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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.<sup>1</sup>

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.<sup>2</sup>

#### **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.<sup>3</sup>

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.<sup>4</sup>

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.<sup>1</sup>

PERSONNEL

03.113  
(CONTINUED)

**Equal Employment Opportunity**

**REFERENCES:**

<sup>1</sup>34 C.F.R. § 106.8

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

<sup>3</sup>29 U.S.C.A. 794

<sup>4</sup>29 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 \(2020\)](#)

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**RELATED POLICIES:**

03.133; 03.1621; 03.212; 03.2621; 05.11

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. The employee shall report any condition he/she believes to be unsafe to his/her 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.

**REPORTING ACCIDENTS AND/OR INJURIES**

Employees involved in a job-related accident or incident wherein the employee may have received an injury shall report the incident to the Superintendent or designee. The employee shall be required to fill out forms, etc., attesting to the incident.

**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 Communication Plan;
2. An 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;

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

6. Health and Safety 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;
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. Annually document 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;



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

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.

**REPORTING FATALITIES, AMPUTATIONS, HOSPITALIZATIONS, OR LOSS OF EYE**

The District shall, within eight (8) hours, make an oral report to the Kentucky Labor Cabinet and the Occupational Safety and Health Administration (OSHA) 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 and OSHA 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.<sup>2</sup>

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**ASBESTOS MANAGEMENT**

The District shall conduct school inspection and re-inspection activities as required by state and federal law<sup>1</sup> 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.

PERSONNEL

03.14  
(CONTINUED)

**Health and Safety**

**REFERENCES:**

<sup>1</sup>401 KAR 58:010; 40 C.F.R. Part 763

<sup>2</sup>[803 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

147 Lockout/Tagout

1001 Asbestos-ACBM

1200 [Hazard Communication](#)

1030 [Bloodborne Pathogens](#)

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.

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

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. 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.



**Harassment/Discrimination****GUIDELINES (CONTINUED)**

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

2. A process to identify and implement, within ten (10) 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;
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 the 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.

**Harassment/Discrimination****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.

**REFERENCES:**

<sup>1</sup>KRS 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 may compensate certified employees only upon initial retirement for each unused sick day at a rate not to exceed 30% of the daily salary. This calculation is based on the employee's last annual salary. For personnel who begin employment with a local school district on or after July 1, 2008, unused sick leave days to be recognized in calculating reimbursement under KRS 161.155 shall not exceed 300 days. [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.](#)<sup>1</sup>

For employees who retire before completing 95% of their current year contract, the last annual salary for the purpose of calculating compensation for unused sick leave shall be the employee's salary during the preceding school year. 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 teachers or employees who qualify for the retirement benefit.

PERSONNEL

03.175  
(CONTINUED)

**Retirement**

**REFERENCES:**

<sup>1</sup>KRS 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



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

03.212

- CLASSIFIED 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.<sup>1</sup>

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.<sup>2</sup>

#### **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.<sup>3</sup>

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.<sup>4</sup>

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.<sup>1</sup>

PERSONNEL

03.212  
(CONTINUED)

**Equal Employment Opportunity**

**REFERENCES:**

<sup>1</sup>34 C.F.R. § 106.8

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

<sup>3</sup>29 U.S.C.A. 794

<sup>4</sup>29 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)

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:**

03.113; 03.1621; 03.233; 03.2621; 05.11

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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. The employee shall report any conditions he/she believes to be unsafe to his/her immediate supervisor, who shall examine the situation and take appropriate action.

#### **REPORTING ACCIDENTS AND/OR INJURIES**

Employees involved in a job-related accident or incident wherein the employee may have received an injury shall report the incident to the Superintendent or designee. The employee shall be required to fill out forms, etc., attesting to the incident.

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;
2. An 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;



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

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 worksite 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 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.

**Health and Safety****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
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 and the Occupational Safety and Health Administration (OSHA) 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 and OSHA 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.<sup>2</sup>

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**ASBESTOS MANAGEMENT**

The District shall conduct school inspection and re-inspection activities as required by state and federal law<sup>1</sup> 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.

PERSONNEL

03.24  
(CONTINUED)

**Health and Safety**

**REFERENCES:**

<sup>1</sup>401 KAR 58:010; 40 C.F.R. Part 763

<sup>2</sup>[803 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

147 Lockout/Tagout

1001 Asbestos – ACBM

1200 Hazard Communication

1030 Bloodborne Pathogens



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 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 have been a victim of an act of harassment/discrimination or who have observed incidents involving students or other employees that they believe to be an act of 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.

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. 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.

**Harassment/Discrimination****GUIDELINES (CONTINUED)**

2. A process to identify and employ, within ten (10) 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 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. 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;
4. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
5. 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
6. Destroying or damaging an individual's property based on any of the protected categories.

**Harassment/Discrimination****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 an employee, immediate supervisor, Principal, and/or Superintendent 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 files a written 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.

**REFERENCES:**

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  
KRS 161.164 (re discrimination based on political opinions/affiliations)  
[Bostock v. Clayton County, Georgia, 140 S.Ct. 1731 \(2020\)](#)

**RELATED POLICIES:**

03.212; 03.2325; 03.26; 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 establish procedures to provide for annual community, parent, school and, where appropriate, student input in the development of recommendations to be considered for the District budget. These procedures shall include a needs assessment process to identify, confirm, reassess and/or prioritize recommendations regarding District goals for future financial emphasis. The plan shall provide for reviewing the achievement of established goals and academic expectations of the District.

**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.

**BUDGET DEFICIT PROHIBITED**

The Superintendent shall not recommend and a Board member shall not knowingly vote for an expenditure in excess of the revenue and income of any year as shown by the approved budget.

**FISCAL YEAR**

The fiscal year shall begin on July 1 and end on June 30.

**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 ~~2020-2021~~-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.



FISCAL MANAGEMENT

04.1  
(CONTINUED)

**Budget Planning and Adoption**

**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 \(HB192\)](#) ~~2020-2021 Budget Bill (HB 352)~~  
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

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, including surety bonds, by any obligations permitted by KRS 41.240(4);
5. Uncollateralized certifications of deposit issued by any bank or savings and loan institution having a physical presence in Kentucky rated in one (1) of the three (3) highest categories by a competent rating agency;
6. Bankers' acceptances for banks rated in one (1) of the three (3) highest categories by a competent rating agency;
7. Commercial paper rated in the highest category by a competent rating agency;
8. Bonds or certificates of indebtedness of this state and of its agencies and instrumentalities;
9. Securities issued by a state or local government or any instrumentality of agency thereof, in the United States, and rated in one (1) of the three (3) highest categories by a competent rating agency;
10. Shares of mutual funds and exchange traded funds, as permitted by law;<sup>1</sup>
11. 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
12. 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.

**Investments****EXCESS FUNDS (CONTINUED)**

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 5, 6, 7, 11, and 12 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 10, 11, and 12 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;
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.

**GUIDELINES**

The primary objectives of investment activities, in priority order, shall be:

1. *Legality* - All investments shall be made in accordance with applicable legal requirements.
2. *Safety* - The Finance Officer shall consider safety of principal, along with reduction of credit and interest rate risk, in making investment decisions.
3. *Liquidity* - Investments shall remain sufficiently liquid to meet reasonably anticipated operating requirements. To promote this objective, the Finance Officer shall develop a fiscal year anticipated cash flow projection schedule.
4. *Yield* - The Finance Officer shall select investments or recommend investments with the objective of attaining the maximum rate of return.

The Finance Officer also shall provide a monthly report to the Board of the total amount invested at the end of the previous month, the maturity date of those investments and the rate of interest being earned.

FISCAL MANAGEMENT

04.6  
(CONTINUED)

**Investments**

**REFERENCES:**

<sup>1</sup>KRS 66.480  
KRS 160.570  
KRS 41.240  
KRS 160.431  
702 KAR 3:090

**RELATED POLICIES:**

04.2  
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.

~~The District shall submit a report to the Legislative Research Commission and the Kentucky Department of Education no later than December 1 of each fiscal year for the past fiscal year. The report shall include the following:~~

- ~~1. All expenses charged to Instruction, Student Support Services, Instructional Staff Support Services, District Administrative Support Services, School Administrative Support Services and Business Support Services delineated by the relevant subfunction codes, for the previous fiscal year;~~
- ~~1. A comparison of the previous fiscal year's expenses as detailed in #1 with the same expenses in the preceding fiscal year;~~
- ~~1. A detailed section explaining steps to reduce administrative expenditures while maintaining and expanding instructional expenditures; and~~
- ~~1. A copy of the District's policy for maintaining a reserve fund balance in compliance with appropriate government and accounting standards;~~

#### **REFERENCES:**

KRS 160.431  
KRS 160.463  
~~2018 Budget Bill~~  
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

**Transportation Employees' 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.<sup>1</sup>

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.

**ALCOHOL AND CONTROLLED SUBSTANCES**

The Board recognizes that the use and abuse of alcohol and controlled substances by school transportation personnel may present a serious threat to the safety of the children of the District. Therefore, it is the policy of the Board that transportation personnel in safety sensitive positions be alcohol and drug free.

Because the Board is committed to providing an alcohol-and drug-free workplace and a convenient, efficient and safe pupil transportation system, this policy and the program to implement it have been designed for full compliance with the alcohol and drug testing rules of the Kentucky Department of Education and the Federal Highway Administration.<sup>1</sup>

The Board believes that this program will be a deterrent to the abuse of alcohol and controlled substances by transportation personnel. Also, this policy is intended to reduce cost of operation and improve safety for school children. Finally, the Board believes the program will enhance the safety and health of transportation personnel through early detection of employees with alcohol or substances abuse problems.

**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).

**Transportation Employees' Use of Tobacco and Other Substances****DEFINITIONS (CONTINUED)**

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

Other pertinent definitions are included in the District's guidelines for implementing this policy.

**USE PROHIBITED**

All transportation employees 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.

**REQUIRED REPORTS**

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

**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.



**Transportation Employees' Use of Tobacco and Other Substances****FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) DRUG AND ALCOHOL CLEARINGHOUSE (CONTINUED)**

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 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. The testing program shall utilize only accurate and reliable testing instruments and employ procedures that protect the dignity and privacy of employees.

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

Current employees who test positive shall be subject to immediate suspension and shall be dismissed in accordance with Board policy and administrative procedures. A school bus driver, itinerant driver, substitute driver, school bus mechanic or anyone performing safety-sensitive pupil transportation duties who tests above 0.02 percent on the confirmation alcohol test immediately before, during, or immediately following the performance of these duties shall be relieved of these duties immediately. (Employees 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 testing positive.

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;



**Transportation Employees' Use of Tobacco and Other Substances****TESTING (CONTINUED)**

- 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 cost shall be paid for by the District.

**IMPLEMENTATION**

This policy shall be implemented in accordance with the Board-approved alcohol and drug testing requirements, which are incorporated herein by reference.

**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.<sup>3</sup>

**REFERENCES:**

<sup>1</sup>KRS 438.050; KRS 438.305; KRS 438.345

<sup>2</sup>702 KAR 5:080

<sup>3</sup>49 C.F.R. Part 382

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

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

The Pro Children Act of 1994

LEGAL: REVISIONS TO 702 KAR 5:080 INCLUDE FIRST AID AND CPR TRAINING REQUIREMENTS.  
FINANCIAL IMPLICATIONS: COST OF ADDITIONAL TRAINING

TRANSPORTATION

06.23

### **Bus Driver Training**

#### **SUPERINTENDENT RESPONSIBILITY**

The Superintendent/designee 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 regular, itinerant 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.<sup>1</sup>

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#### **COMMERCIAL DRIVER'S LICENSE**

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

#### **REFERENCES:**

<sup>1</sup>702 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 5:080~~

702 KAR 5:010

DRAFT WITH DISTRICT CHANGES 6/16/2021  
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.

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~~A driver shall not knowingly permit any of the following~~ are not to be transported on the bus:

1. ~~F~~irearms or weapons, either operative or ceremonial (exception: archery bows, used in connection with a school archery team competition, may be transported inside the passenger compartment and arrows transported in the underneath storage compartment);
2. ~~F~~ireworks or other explosive materials of any type;
3. ~~L~~ive animals ~~except for a service animal necessary for a student to attend school;~~ Note: animals that are not a risk to other bus riders and that are necessary to enable a person to safely utilize the bus transportation as documented by adequate medical evidence, or required by a student's Individual Education or Section 504 Plan, or a service animal shall be allowed on the bus. or
4. ~~Preserved specimens that would likely frighten a pupil or cause a commotion on the bus; or~~
5. ~~G~~lass 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 ~~Improvement~~ Act (IDEA)  
Section 504 of Rehabilitation Act of 1973  
Americans with Disabilities Act

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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, ~~or 702 KAR 6:045, whichever is most stringent.~~<sup>1</sup> In addition, food service/school nutrition program directors and school cafeteria managers shall meet training and credential requirements specified in statute.<sup>12</sup>

#### **REFERENCES:**

~~<sup>1</sup>702 KAR 6:045~~

<sup>12</sup>KRS 158.852

KRS 156.160

KRS 161.011

7 C.F.R. §§ 210.30 (b) – (g)~~7 C.F.R. 235.11 (g)~~; 42 U.S.C. § 1776(g)

7 C.F.R. § 210.31

#### **RELATED POLICIES:**

See Section 03.2

07.1



DRAFT #2 WITH DISTRICT CHANGES 6/16/2021

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 a Kenton County High School with a Traditional Diploma.

#### **Civics Exam Requirement**

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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.<sup>5</sup>

#### **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**

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

**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
<b>Additional qualifiers as follows:</b>	

**Complete one (1) or more of the following graduation qualifiers:**

- ~~0. Satisfy precollege curriculum as established by the Council on Postsecondary Education in 13 KAR 2:020;~~
- ~~0. Achieve benchmark score as established by the Council on Postsecondary Education in 13 KAR 2:020 in one (1) section of a college admissions or placement examination;~~
- ~~0. Complete three (3) postsecondary credit hours or more of a Kentucky Department of Education approved dual credit course with a grade of C or higher;~~
- ~~0. Complete one (1) course and corresponding assessment meeting the following criteria:
 
  - ~~d) — Advanced placement (AP) with a score of three (3) or higher;~~
  - ~~e) — Cambridge Advanced International (CAI) with a score at E or higher; or~~
  - ~~f) — International Baccalaureate (IB) with a score of five (5) or higher;~~~~

GRADUATION REQUIREMENTS

**For Students Entering Grade Nine (9) on or after the First Day of the 2019-2020 Academic Year (continued)**

- ~~1. OBTAIN AN INDUSTRY CERTIFICATION AS APPROVED BY THE KENTUCKY WORKFORCE INNOVATION BOARD;~~
- ~~1. Complete four (4) credits from valid courses within a single Kentucky Department of Education approved career pathway;~~
- ~~1. Complete a Kentucky Department of Education approved process to verify 500 hours of exceptional work experience, or alternative requirements as determined by a student's Admissions and Release Committee and specified in the student's IEP; and~~
- ~~1. Complete two (2) years in an approved Kentucky Department of Education or Kentucky Labor Cabinet pre-apprenticeship or apprenticeship program.~~



**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.
Additional qualifiers and prerequisites as follows:	

**~~I. Complete one (1) or more of the following graduation qualifiers:~~**

- ~~0. Satisfy precollege curriculum as established by the Council on Postsecondary Education in 13 KAR 2:020;~~
- ~~0. Achieve benchmark score as established by the Council on Postsecondary Education in 13 KAR 2:020 in one (1) section of a college admissions or placement examination;~~
- ~~0. Complete three (3) postsecondary credit hours or more of a Kentucky Department of Education approved dual credit course with a grade of C or higher;~~

GRADUATION REQUIREMENTS**For Students Entering Grade Nine (9) on or after the First Day of the 2020-2021 Academic Year (continued)**

- ~~0. COMPLETE ONE (1) COURSE AND CORRESPONDING ASSESSMENT MEETING THE FOLLOWING CRITERIA:~~
- ~~) Advanced placement (AP) with a score of three (3) or higher;~~
  - ~~) Cambridge Advanced International (CAI) with a score at E or higher; or~~
  - ~~) International baccalaureate (IB) with a score of five (5) or higher;~~
- ~~0. Obtain an industry certification as approved by the Kentucky Workforce Innovation Board;~~
- ~~0. Complete four (4) credits from valid courses within a single Kentucky Department of Education approved career pathway;~~
- ~~0. Complete a Kentucky Department of Education approved process to verify 500 hours of exceptional work experience, or alternative requirements as determined by a student's Admissions and Release Committee and specified in the student's IEP; and~~
- ~~0. Complete two (2) years in an approved Kentucky Department of Education or Kentucky Labor Cabinet pre-apprenticeship or apprenticeship program.~~
- ~~I. Meet one (1) of the following graduation prerequisites for reading and one (1) of the following graduation prerequisites for mathematics:~~
- ~~0. Score at or above the minimum criteria on the tenth (10th) grade state required assessments in reading or mathematics;~~
  - ~~0. Score proficient or higher for reading or mathematics on the eighth (8th) grade state required assessment; or~~
  - ~~0. A student collection of evidence submitted by the Principal to the Superintendent/designee for review and approval. The collection of evidence shall include the following:~~
    - ~~• The student's IEP that includes student transcript;~~
    - ~~• If applicable, for students with IEPs, evidence that the student has achieved progress on measurable annual IEP goals as determined by the Admissions and Release Committee;~~
    - ~~• Performance on the tenth (10th) grade state required assessments in reading or mathematics;~~
    - ~~• Appropriate interventions, targeted to the student's needs;~~
    - ~~• Student work demonstrating the student's competency in reading or mathematics; and~~
    - ~~• The student's post-graduation plans.~~



**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:

- 0. ~~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.~~

- 0. ~~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.~~

- 0. ~~Assessments and the extent to which state-mandated assessments will be used;~~

- 0. ~~An objective grading and reporting process; and~~

- 0. ~~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 Board requires enrollment for four (4) full school calendar years for all high school students. (For exceptions, see sections for Graduate Early and Early Graduation Certificate.)

**ALTERNATIVE HIGH SCHOOL DIPLOMA**

Students eligible for an Alternative High School Diploma will participate in graduation ceremonies during the same school year in which they complete their program or reach twenty-one (21) years of age.

**PARTICIPATION IN GRADUATION EXERCISES**

No student shall be permitted to participate in graduation ceremonies until all graduation requirements have been fulfilled, as determined by the Principal.

**KENTON COUNTY BASIC DIPLOMA**

A student must meet or exceed all credits in the prescribed domains and meet or exceed all SBDM requirements to be granted a traditional Diploma from one of the high schools in Kenton County. While it is anticipated that all students will meet this standard, the Board recognizes there may be extenuating circumstances that prevent some students from successfully completing all the standards. In an effort to meet the needs of the total student population, students meeting the following criteria may apply for a Kenton County Basic High School Diploma that meets the State minimum requirements as set forth in 704 KAR 3:305 and described above.

**Graduation Requirements****KENTON COUNTY BASIC DIPLOMA (CONTINUED)**

1. Receive their Principal's recommendation for participation in the program;
2. Review all SWS/Alternative School options;
3. Enrolled in a Kenton County high school for two (2) semesters.

**KENTON COUNTY STATE MINIMUM STANDARDS DIPLOMA**

A Kenton County State Minimum Standards Diploma, that meets the minimum state high school graduation credit requirements as set forth in 704 KAR 003:305, may be awarded to a state agency child, as defined in KRS 158.135. Individual students with extenuating circumstances and who meet the minimum state graduation requirements and local guidelines may qualify for such a diploma.

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.

**OTHER PROVISIONS**

Upon request and approval of the Board, District high schools may offer different diploma programs.

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

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.<sup>3</sup>

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 District shall report individual student data regarding the completion of each graduation qualifier and each graduation prerequisite to the Kentucky Department of Education.~~

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.

**GRADUATE EARLY (CREDIT-BASED)**

Students who meet the District's requirements shall be eligible to apply to graduate early. The student shall notify the Principal of their intent to request Board approval to graduate early. The Board has the right to deny any request to graduate early. The requirements to apply to graduate early are:

1. Student shall submit a Letter of Intent stating the valid reason for their request.
2. Must have completed all District high school graduation credit requirements.
3. Must provide proof of enrollment in a post-secondary program or enlistment in the military.



**Graduation Requirements****EARLY GRADUATION CERTIFICATE (PATHWAY)**

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 ([08.113 AP.21](#)) to apply shall be entered into the student information system by October 1 of the year the student declares intent for early graduation.<sup>4</sup> The student must graduate in three (3) years or less. Students exceeding three (3) years to not qualify for the incentives identified with Early Graduation.

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

To earn an Early Graduation Certificate, the student must meet all requirements established in 013 KAR 002:020, 703 KAR 005:200, and 704 KAR 003:305.

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.

**MIDDLE SCHOOL CREDIT**

With Board approval, high school credit may be awarded for courses taken at the middle school level if the following criteria are met:

- Teachers with secondary certification with the appropriate content specialization teach proposed middle school courses.
- The student demonstrates mastery of middle school level content as specified in the Kentucky Academic Standards and criteria are in place to make reasonable determination that the middle school students are capable of success in the high school course.
- The content of the course offered at the middle school level is the same as that defined in the Kentucky Academic Standards for the high school course.

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 "C" or better in a high school equivalent.<sup>2</sup>

**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.<sup>1</sup>

**Graduation Requirements**

**REFERENCES:**

<sup>1</sup>KRS 40.010; KRS 158.140; 704 KAR 7:140

<sup>2</sup>KRS 158.622

<sup>3</sup>KRS 156.160; 20 U.S.C. ~~§see:~~ 1414

<sup>4</sup>KRS 158.142; 704 KAR 3:305

<sup>5</sup>KRS 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:**

08.1131; 08.14; 08.22; 08.222; [08.4](#)

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

**RELATED PROCEDURE:**

[09.12 AP.25](#)

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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.<sup>1</sup>

No pupil shall be subject to unlawful discrimination~~discriminated against~~ because of age, color, disability<sup>2</sup>, 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:**

<sup>1</sup>34 C.F.R. § 106.8

<sup>2</sup>Bd. 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.

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

#### **SELF-ADMINISTRATION**

Students 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 and follows the procedures developed by the Superintendent, a student under treatment for certain chronic conditions may be permitted to self-administer medication.<sup>1</sup>

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~~auto-injector~~ in all school environments. The injectable epinephrine device~~auto-injector~~ shall be provided by the student's parent/guardian, and a written individual health care plan shall be in place for the student.<sup>2</sup>

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:**

<sup>1</sup>KRS 158.834; KRS 158.838

<sup>2</sup>KRS 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 73-768

OAG 77-530

OAG 83-115

#### **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.

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. 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.

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

**Harassment/Discrimination****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.<sup>1</sup>

**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.

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.



**Harassment/Discrimination****APPEAL (CONTINUED)**

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:**

<sup>1</sup>KRS 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 District in matters of student behavior is not limited to school buildings and grounds or to times when the pupil is on his 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.<sup>2</sup>

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#### **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 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.



**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.<sup>1</sup>

**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:**

<sup>1</sup>KRS 158.153

<sup>2</sup>[KRS 158.4416](#)

KRS 158.150; KRS 158.449

KRS 160.290; KRS 160.340; KRS 160.345

KRS 161.180; KRS 610.345

P. L. 105-17

Code of Conduct

**RELATED POLICIES:**

[08.14](#); [09.14](#); [09.429](#); [09.438](#)

### **Alternative Credit Options**

#### **KENTON COUNTY HIGH SCHOOL STUDENTS ENROLLED IN COURSES AT A COLLEGE, UNIVERSITY OR THROUGH VIRTUAL LEARNING PROGRAM/HIGH SCHOOL**

The grade point average (GPA) for any Kenton County High School Student accumulates from the first semester of the student's first year in high school through the final semester of the student's graduation year. Any student who completes a high school course while in grades 5-8 will be required to accept the high school credit and the grade will be averaged in the cumulative high school GPA (Grade Point Average), and the student receives a grade of A, B, C, or passing if it is standards-based. Students within grades 5-8 who are taking a high school course for credit and receive a D or F grade, the student shall repeat the course before credit will be given and the student is permitted to progress to the next class in the content area. Students in Kenton County High Schools are required to complete a minimum of twenty-two (22) high school credits. Credits for courses completed from outside sources are subject to the Principal's approval.

#### **ALTERNATIVE OPTIONS FOR REQUIRED CREDIT**

The Kenton County School Board in collaboration with the high school principal will determine the method students will use to meet the required course for graduation when it is not offered in the traditional student/teacher classroom. An application (08.1131 AP.2) must be completed and approved for courses that are not reflected on the student's high school schedule or are not arranged with school administration. Credits can be earned through high school virtual learning courses monitored and supervised by a certified teacher during the school day, or dual credit college courses for students enrolled in a college or university, or performance-based credits approved by the high school SBDM Council. In addition to regular classroom-based instruction, students may earn credit through the following means.

#### **VIRTUAL/ONLINE COURSES**

High school students may also earn units of academic credit to be applied toward graduation requirements by completing virtual learning courses offered through agencies approved by the Board. Students requesting virtual/online courses shall submit a completed application (08.1131 AP.2) to the Principal/designee. Virtual/online courses must be approved by the SBDM. Virtual learning is a type of Performance-Based Instruction because courses are self-paced. Credit from a virtual learning course may be earned only in the following circumstances:

1. The course is not offered at the high school;
2. Although the course is offered at the high school, the student will not be able to take it due to an unavoidable scheduling conflict that would keep the student from meeting graduation requirements;
3. The course will serve as a supplement to extend homebound instruction;
4. The student has been expelled from the regular school setting by the Board of Education or placed by the District administrative hearing officer for a discipline violation, but educational services are to be continued; ~~or~~

4.5.Credit recovery; or



**Alternative Credit Options****VIRTUAL/ONLINE COURSES (CONTINUED)**

- ~~5.6. The Principal, with agreement from the student's teachers and parents/guardians, determines the student requires a differentiated or accelerated learning environment.~~
- ~~5. It shall be the discretion of the high school Principal, with consultation from the Superintendent/designee, to approve or disapprove application for Performance-Based Instruction participation. This process should include the determination of course prerequisites and establish appropriate monitoring and supervision of students participating in Performance-Based Instruction.~~
- ~~5. Unless otherwise approved by the Principal/designee, students taking such courses must be enrolled in the District.~~

The District shall recognize only those virtual learning courses that meet the international standards for virtual learning teachers, courses, and programs that have been adopted by the Kentucky Department of Education.

As determined by school/council policy, students applying for permission to take a virtual learning course shall complete prerequisites and provide teacher/counselor recommendations to confirm the student possesses the maturity level needed to function effectively in an online learning environment. Virtual learning courses may be subject to review by the Superintendent/designee for conformance with Kentucky Academic Standards and District graduation requirements. In addition, the express approval of the Principal/designee shall be obtained before a student enrolls in a virtual learning course. The school must receive an official record of the final grade before credit toward graduation will be recognized.

Provided virtual learning courses are part of the student's regular school day coursework as approved by the Principal/designee and within budgetary parameters, the tuition fee and other costs for an online course shall be borne by the District for students enrolled full-time, from funds that have been allocated to the school. The Superintendent shall determine, within the budget adopted by the Board, whether additional funding shall be granted, based on supporting data provided by the Principal.

Through its policies and/or supervision plan, the school shall be responsible for providing appropriate supervision and monitoring of students taking virtual learning courses.

**FULL-TIME VIRTUAL LEARNING PROGRAM**

Students in grades P-12 who are currently enrolled in the District may apply for a full-time Virtual Learning Program. Students who are not currently enrolled in the District will be enrolled upon acceptance into the full-time Virtual Learning Program. Students requesting full-time virtual learning to apply toward graduation shall submit a completed application (08.1131 AP.2) to the Principal/designee. Participation will allow students to receive the benefits of attending a Kenton County School while taking rigorous online classes. If accepted, the student and parent shall sign the Full-Time Virtual Learning Contract (08.1131 AP.22).

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**Alternative Credit Options****DUAL CREDIT COURSES**

High school students may earn units of academic credit to be applied toward graduation requirements by completing dual credit courses from an approved college or university through attendance on the college/university campus, through admission to an approved residence program, or through attendance of an approved college course taught at the high school by approved staff.

Each high school SBDM Council shall approve a policy to award quality points in alignment with the number grade equivalent at the high school or as a pass/fail course option.

Each high school SBDM Council shall approve a policy that will determine if a dual credit course should be awarded a weighted grade point average comparable to a weighted Advanced Placement Course using KEES guidelines as well as other pertinent information.

Each high school must develop a check in/check out procedure. The dual credit class will be reflected in the student's schedule.

**DUAL-CREDIT SCHOLARSHIP PROGRAM**

The District may offer the opportunity for students to earn dual-credits through the Kentucky Dual-Credit Scholarship Program and follows the guidelines outlined in the "*Kentucky Council on Postsecondary Education and Kentucky Department of Education Dual Credit Policy for Kentucky Public and Participating Postsecondary Institutions and Secondary Schools*," located on the Kentucky Department of Education website.

**PERFORMANCE-BASED CREDIT COURSES**

The District shall award standards-based, performance-based credits for high school subjects to be applied toward graduation. Students requesting performance-based credit to apply toward graduation shall submit a completed~~make~~ application (08.1131 AP.2) to the Principal/designee. Performance-based credits must be approved by the SBDM. Credit shall be awarded for:

- Standards-based course work that constitutes satisfactory demonstration of learning in any high school course approved for performance-based credit, consistent with Kentucky Administrative Regulation;
- Standards-based course work that constitutes satisfactory demonstration of learning in a course for which the student failed to earn credit when the course was taken previously;
- Standards-based portfolios, culminating assessment, senior year or capstone projects;
- Standards-based virtual learning or other technology mediated courses;
- Standards-based dual credit or other equivalency courses; and
- Standards-based internship, cooperative learning experience, or other supervised experience in the school and the community.

~~Students requesting performance-based credit to apply toward graduation shall make application to the Principal/designee.~~



**Alternative Credit Options****COURSE DESCRIPTION AND ASSESSMENT**

Performance-based course descriptions shall be developed by teachers in areas for which they are certified and reflect needs indicated in the student's Individual Learning Plan (ILP). The content standards of performance-based courses shall be documented to align with the Kentucky Performance Rating for Educational Progress (K-PREP), Kentucky Academic Standards, and Kentucky Academic Expectations.

**WORK-BASED LEARNING**

Work-based learning experiences provided by the District shall be conducted consistent with provisions of the Kentucky Department of Education's Work-Based Learning Manual. Students requesting work-based credit to apply toward graduation shall submit a completed application (08.1131 AP.2) to the Principal/designee. Work-based credits must be approved by the SBDM. ~~Prior to a student being assigned to a work-based learning experience, a Work-Based Learning Agreement/Plan shall be completed for the student.~~

**COUNCIL RESPONSIBILITY**

Performance-based credits will only be accepted by the Board if previously approved by the high school SBDM Council. It is also the responsibility of the high school SBDM Council to determine the appropriateness of content and courses for performance-based credit. The council shall determine what information must be submitted. Required information may include, but is not limited to the following:

- A description of the proposed course;
- Proposed assessment method(s) (e.g., performance tasks, open-response questions, descriptions of expected products);
- How proficiency will be determined;
- Sample papers, projects, or other products that would represent work deserving of credit;
- Proposed check points to track progress.

The Council may determine whether the teacher must request additional authorization when a previously approved course must be revised (description, assessment, proficiency determination, checkpoints, etc.).

**TRANSPORTATION**

If transportation to and from the college or university is necessary for courses required to meet high school graduation requirements, the school district will be responsible for the student transportation. If transportation to and from the college or university is necessary for courses not required to meet high school graduation requirements, the parent or guardian shall provide written information to high school officials as to how the participating student will be transported, which shall be subject to final approval by the high school principal.

**Alternative Credit Options****FEES AND TUITION**

All fees and tuition for any college level course not required to meet high school graduation requirements will be the responsibility of the student. Fees and tuition for a student who chooses to enroll in online high school course taken after the regularly scheduled school day will be the responsibility of the student. Fees and tuition for a student who opts and is approved by the principal to take an elective online high school course during the regularly scheduled school day will be the responsibility of the student. Fees and tuition for a student enrolled in a college level course required to meet graduation requirements will be the responsibility of the Kenton County School District.

**REFERENCES:**

KRS 158.622  
KRS 164.786

**RELATED POLICIES:**

08.113; 08.2323; 09.1221; 09.3; 09.435



### **Instructional Organization**

#### **PHYSICAL ORGANIZATION**

Elementary school consists of preschool (P) through grades five (5) ~~or six (6)~~. Middle school consists of grades six (6), seven (7), and eight (8). ~~Senior-high~~ High school consists of ~~grades seven (7) through twelve (12) or~~ grades nine (9) through twelve (12). A school academy may consist of any combination of preschool (P) through grade twelve (12).

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#### **CURRICULAR ORGANIZATION**

For curricular purposes, grades preschool through five (P-5) shall be considered elementary childhood education; grades six through eight (6-8), middle childhood education; and grades nine through twelve (9-12), secondary childhood education.

#### **REFERENCES:**

KRS 157.320  
KRS 158.110

**Extended School/Direct Student Services****PLAN FOR DIAGNOSING**

The Superintendent/designee shall develop a plan for diagnosing and addressing student academic deficiencies by providing extended school services (ESS) as required by state law.

**EXTENDED SCHOOL SERVICES**

The Board shall provide extended school services consistent with students' intervention plans and goals included as part of individual learning plans, requirements of 704 KAR 3:390, and local plans and procedures.

For students eligible to attend ESS, the District shall:

- Identify learning goals and benchmarks for each student that, if achieved, indicate that the student may exit the extended school services program;
- Determine conditions under which a student's absence from the program may be considered excused or unexcused; and
- Determine method for transporting students mandated to attend.

The District shall select pupils who need additional instructional time or differentiated opportunity to learn academic and enrichment content aligned with their individual student needs to improve their present level of performance in one (1) or more content areas. Priority for ESS services shall be placed on designing and delivering services to students at risk academically.

The District may provide extended school services during the regular school day when a waiver for alternative service delivery has been obtained. ~~Extended school services offered during the summer shall be available to all eligible students residing in the District regardless of whether they attend District schools.~~

**DIRECT STUDENT SERVICES**

The District may apply for Title I funding for Direct Student Services if eligible as provided in Every Student Succeeds Act and the state plan required under federal law. Required notices, funding, and provision of Direct Student Services shall be consistent with federal and state requirements.

**REFERENCES:**

KRS 158.070  
704 KAR 3:390  
20 U.S.C. § 6303b  
P. L. 114-95 (Every Student Succeeds Act of 2015)

**Essential Workplace Programs****INDICATORS**

~~Beginning with the 2019-2020 school year,~~ The District shall implement essential workplace ethics programs that promote characteristics that are critical to success in the workplace. Each student in elementary, middle, and high school shall receive essential workplace ethics instruction that includes but is not limited to the following characteristics:

- a) Adaptability, including an openness to learning and problem solving, an ability to embrace new ways of doing things, and a capability for critical thinking;
- b) Diligence, including seeing a task through to completion;
- c) Initiative, including taking appropriate action when needed without waiting for direct instruction;
- d) Knowledge, including exhibiting an understanding of work-related information, the ability to apply that understanding to a job, and effectively explain the concepts to colleagues in reading, writing, mathematics, science, and technology as required by the job;
- e) Reliability, including showing up on time, wearing appropriate attire, self-control, motivation, and ethical behavior;
- f) Remaining drug free; ~~and~~
- g) Working well with others, including effective communication skills, respect for different points of view and diversity of coworkers, the ability to cooperate and collaborate, enthusiasm, and the ability to provide appropriate leadership to or support for colleagues; ~~and~~

6-h) Essential Workplace Skill instruction includes District "Portrait of a Graduate" characteristics: reliable, active citizens, adaptable critical thinkers, responsible team members, respectful diligent leaders, creative problem solvers, and curious resilient learners.

The District shall use these characteristics when creating or choosing an existing program. By January 1, 2019 and every two (2) years thereafter, the Board shall collaborate with the local workforce investment board, in conjunction with local economic development organizations and other economic, workforce, or industry organizations the workforce investment board deems necessary, to establish essential workplace ethics indicators for middle and high school students that are aligned with the characteristics listed above.

**ATTAINMENT**

The Board shall design and adopt a diploma seal, certificate, card, or other identifiable symbol to award students deemed as having minimally demonstrated attainment of the Board's essential workplace ethics indicators. At the beginning of their senior year, students shall be informed of the opportunity to earn the Essential Workplace Certificate following the criteria listed in the application (08.1341 AP.2).

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**Essential Workplace Programs**

**REPORTING REQUIREMENT**

By September 1, 2019, and every two (2) years thereafter, the Superintendent shall provide a report to the Commissioner of Education, in a format specified by the Commissioner, describing the District's essential work ethics programs and their implementation at each school.

**REFERENCE:**

KRS 158.1413



### **Title I - Parent and Family Engagement Policy**

This Policy and the plan to implement it have been developed jointly and in agreement with, and will be distributed to, parents and family members of students participating in the Title I program. Parents and family shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language that recipients can understand. This Policy shall be made available to the local community and updated periodically to meet the changing needs of parents and family, and the school.

#### **EXPECTATIONS FOR PARENT AND FAMILY ENGAGEMENT**

Contingent on confirmation of resources and other necessary information being provided by state and federal authorities, it is the intent of the Board that parents and family of participating students shall be provided with flexible opportunities for organized, on-going, and timely participation in the planning, review, and improvement of the Title I program, including opportunities to suggest modifications, based on changing needs of parents, family, and the schools.

All comments indicating parent and family dissatisfaction with the Title I plan shall be collected and submitted along with the plan to the Department of Education.

The Title I program shall be designed to assist students to acquire the capacities and achieve the goals established by law, as well as the goals and standards established by the Board. Consistent with law and policy covering student records confidentiality, these goals and standards shall be shared with parents and family in a manner that will give them: (1) timely information about programs; (2) a description and explanation of the school's curriculum, the forms of academic assessment used to measure student progress, the achievement levels in the challenging state academic standards; the achievement level of their child on the challenging state academic standards assessments; and (3) if requested, opportunities for regular meetings to formulate suggestions and to participate in decisions relating to the education of their children.

#### **SUPPORT FOR PROGRAM**

If the District's Title I allocation is \$500,000 or more, the District shall reserve not less than one percent (1%) of its allocation for the purpose of promoting parent and family engagement and shall distribute to Title I schools not less than ninety percent (90%) of the reserved funds with priority given to high-need schools. Parents and family of participating students shall be provided the opportunity to help decide how this portion of the Title I funds will be allotted for parent and family engagement activities.

The District will provide coordination, technical assistance, and other support necessary to assist schools in planning and implementing effective parent and family engagement activities to improve student academic achievement and school performance. These measures may include, but shall not be limited to, the following:

1. Designation of resources to assist in communicating with parents and family, transporting them to meeting sites and/or implementing home visits, providing child-care for meetings, encouraging them to use available parent and family resource centers, and working with them to improve parenting skills, particularly those that will assist them in working with their child to improve his/her educational achievements. Resources may include individuals, agencies, materials, and services.



**Title I - Parent and Family Engagement Policy****SUPPORT FOR PROGRAM (CONTINUED)**

2. Sharing options for coordinating and integrating Title I program strategies with services of other community programs, businesses, and agencies.
3. Identification of ways in which parents and family can be engaged in staff training activities to demonstrate the value of parent and family engagement and various techniques designed to successfully engage parents and family as equal partners in their child's education.
4. Making a good faith effort to convene an annual meeting at a convenient time to which all parents and family of participating children shall be invited and encouraged to attend for informing them of their school's participation in and requirements for Title I programs and of their rights to be involved.
5. Designing and conducting an effective annual evaluation process whereby parents can share their ideas about the content and effectiveness of this Policy in improving the academic quality of schools receiving Title I funds, and the plan designed to implement it. The process shall focus on the following questions:
  - Does this Policy increase parent participation?
  - What barriers to parent participation still exist, and how can they be reduced or removed?
  - The findings produced by the annual evaluation shall be utilized to design strategies for school improvement and for revising this Policy, if necessary.
6. In the design of activities and materials for parents, particular attention shall be given to reaching and involving those who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background.

**SCHOOL POLICY**

Each school shall submit to the Superintendent and Board, for review and comment, its Title I school parent and family engagement policy, which must meet all legal requirements, including a school-parent compact developed in keeping with legal requirements. This Policy shall be developed jointly with, and distributed by the school to, parents of participating students.

A copy of each school's parent and family engagement policy and accompanying checklist shall be kept on file in the Central Office.

~~Title I, Part A: Improving the Academic Achievement of the Disadvantaged: These funds target high-poverty school districts and are used to provide supplementary educational services—usually in reading/language arts and math—to students who are educationally disadvantaged or at risk of failing to meet the state requirements.~~

~~To insure that parents and family and guardians of children served by Title I programs have an opportunity to participate in the design and implementation of these programs, the following Policy is adopted:~~

- ~~1. A district-wide parent and family engagement committee will be set up, consisting of parents and family of Title I students, teachers, and principal(s) in participating schools; and will jointly develop or modify this Policy. Parents and family shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language that recipients can understand. This Policy shall be made available to the local~~

community and updated periodically based on annual evaluation of content effectiveness to meet the changing needs of parents, family, and the school.

2. The policy will include the following items:

- (a) An annual meeting will be held at a convenient time to inform parents and family/guardians of the individual school's participation in Title I and what this means to them;
- (b) A flexible number of meetings may be scheduled where transportation, child care or home visits are provided as needed;
- (c) The engagement of parents/guardians and family will be carried out in an organized, ongoing, and timely way to assist in planning, reviewing, and improvement of the Title I program and the development of the Comprehensive District Improvement Plan (CDIP). Regular meetings will be scheduled to gain parental input.

3. The policy will provide timely information concerning the following activities:

- (a) Title I program;
- (b) School performance profiles that show the school's progress toward meeting the learning goals (annually);
- (c) The individual student assessment results and interpretation of those results (annually);
- (d) A description of the school curriculum maps (annually with written copies available);
- (e) The assessments used to measure student progress and the level of proficiency expected annually.

4. A school-parent compact will be developed as a model by the committee and specifically address the following issues:



**Title I – Parent and Family Engagement Policy****PARENT AND FAMILY ENGAGEMENT (CONTINUED)**

- (a) ~~How parents, family, the entire school staff, and students will share the responsibility for improving student achievement;~~
  - (b) ~~How the school and parents and family will build and develop a partnership to achieve the state's high standards;~~
  - (c) ~~How the school will provide a high quality curriculum and instruction in a supportive and effective learning environment;~~
  - (d) ~~How the parents and family will be responsible for supporting their children's learning by monitoring attendance, homework completion, volunteering at school and participating in decisions related to their child's education, etc.;~~
  - (e) ~~How ongoing communication between parents, family, and teachers will be emphasized and at least one (1) annual parent teacher conference will be held to discuss the child's achievement. Included in this communication process should be frequent reports on progress and reasonable access by the parent to the school staff.~~
5. ~~The policy will ensure effective parent and family engagement and support partnerships among the schools, parents, family, and community by:~~
- (a) ~~Assisting parents and family in understanding the National Education Goals, student performance standards, the state and local Kentucky Academic Standards, school level assessments, which may include Compass Learning, DIBELS, SRI, SPI, Reading Intervention Screening, STAR, Do the Math and MAP and how parents and family can use this information to monitor and improve the performance of their child and participate in decisions related to their child's education;~~
  - (b) ~~Providing materials and training to parents and family;~~
  - (c) ~~Using the assistance of parents and family to make teachers, principals, and other staff aware of the value and utility of contributions from them and how to reach out and work with them as equal partners in implementing this Policy;~~
  - (d) ~~Coordinating and integrating Title I parent and family engagement activities with those of preschool programs and other parent student training programs, such as the family resource centers;~~
  - (e) ~~Developing appropriate roles for community-based organizations and businesses in parent and family engagement activities;~~
  - (f) ~~Providing activities and opportunities such as parent and family resource centers, training in child development, and other areas to help parents and family become full partners in their child's education;~~
  - (g) ~~Ensuring that information related to school and parent programs, meetings, and activities are sent to the parents in the language used in the home;~~
  - (h) ~~Ensuring full opportunity for the participation of parents and family with limited English proficiency or with disabilities.~~
6. ~~Documentation should be kept to substantiate the activities of the Title I School Parent and Family Engagement Committee.~~



**Title I - Parent and Family Engagement Policy****GLOSSARY OF TERMS**

**Site-Based Council:** The decision-making body comprised of the Principal or Head Teacher and elected teacher and parent representatives. The council has the authority to set school policies that govern decisions about operations and improvement of the school.

**SAMPLING OF ASSESSMENTS THAT MAY BE ADMINISTERED AT THE SCHOOL**

**K-PREP** The grades 3-8 assessment is a blended model built with criterion-referenced test (CRT) and norm-referenced test (NRT) items. This test is a series of multiple choice, short answer and extended response questions that will check for content knowledge in Math, Reading, Science, Social Studies, and On-Demand Writing. Content area assessed varies at each grade level.

**DIBELS:** Dynamic Indicators of Basic Early Literacy Skills is available to grades K-6. This test assesses phonological awareness, initial sounds, fluency, phonemic segmentation, alphabetic principle, nonsense word fluency, fluency with connected text, and oral reading fluency.

**MAP—Measures of Academic Progress** is a computerized test that is adaptive and offered in *Reading, Language Usage, and Mathematics and Science*. MAP scores are used to measure growth and progress in basic skills.

**SRI—The Scholastic Reading Inventory** is a computer adaptive assessment used with the READ 180 intervention program to measure reading comprehension.

**SPI—The Scholastic Phonics Inventory** is a computer adaptive assessment used with the System 44 intervention program to measure phonics skills.

**Reading Intervention Screening:** Students in the primary program are assessed on letter identification, book handling skills, writing, hearing sounds in words, test reading levels. This screening is given in the beginning and again at the end of the year.

**REFERENCES:**

Section 1118 of Improving America's Schools Act (IASA) of 1994  
P. L. 114-95, (Every Student Succeeds Act of 2015)  
KRS 157.077; KRS 158.645, KRS 158.6451  
KRS 158.865; KRS 158.866; KRS 158.867  
20 U.S.C. § 6318

**RELATED POLICIES:**

03.112; 08.1345; 09.11

**Controversial Issues**

**JUDGMENT**

Teachers are expected to exercise reasonable and prudent judgment in the selection and use of materials and discussion of issues in their classrooms.

**ISSUES**

The study of controversial issues shall be objective and scholarly. Issues discussed shall be appropriate for and within the range of knowledge, understanding, age, and maturity of students and shall be current, relevant, and significant to the instructional program.

**MATERIALS**

All classroom materials shall be current, relevant, and significant to the instructional program. Materials shall be appropriate for and within the range of the knowledge, understanding, age and maturity of students.

**NOT DISRUPTIVE**

Neither issues nor materials that have a potentially disruptive effect on the educational process shall be discussed or chosen.

**CONFERENCE WITH PRINCIPAL**

Teachers who suspect that materials or a given issue may be inconsistent with this policy shall confer with the Principal prior to the classroom use of the materials or discussion of the issue. If the Principal is in doubt, s/he shall confer with the Superintendent/[designee](#).

**REFERENCES:**

KRS 158.183

**RELATED POLICIES:**

08.2322

08.234

**Guidance**

Guidance and counseling services shall be provided for students. Counselors may perform mental health services and provide implementation and training on trauma-informed practices as addressed in law.<sup>1</sup>

**SERVICES**

Services provided by the guidance program shall consist of educational counseling; career and ~~mental health~~~~personal~~ counseling; testing, and other services requested by students, parents, or staff.

**INDIVIDUAL LEARNING PLANS**

In keeping with Kentucky Administrative Regulation, the District shall implement an advising and guidance process to support development and implementation of an Individual Learning Plan (ILP) for each student that includes career development and awareness. The ILP shall specifically address the content as provided in the Kentucky Academic Standards for career studies.

**CONFIDENTIAL MATERIAL**

All records and counseling information shall be kept in confidence as provided by applicable law.<sup>2</sup>

**SUPERINTENDENT TO REPORT**

No later than November 1, 2019, and each subsequent year, the Superintendent shall report to the Kentucky Department of Education the number and placement of school counselors in the District. The report shall include the source of funding for each position, as well as a summary of the job duties and work undertaken by each counselor and the approximate percent of time devoted to each duty over the course of the year.

**REFERENCES:**

<sup>1</sup>KRS 158.4416

<sup>2</sup>KRE 506 (Kentucky Rules of Evidence); KRS 158.154; KRS 158.155; KRS 158.156

KRS 61.878; KRS 620.030

703 KAR 4:060; 704 KAR 3:303; 704 KAR 3:305; 704 KAR Chapter 8

**RELATED POLICIES:**

08.113; 09.14



**Academic Honors Program****CLASS RANK/GPA**

Class rank at the high school level shall be determined by the total number of quality points earned during the high school career.

At the time of graduation, total quality points shall determine the final class rank order. For ranking purposes, those who take more than four (4) years to graduate shall be ranked based on quality points earned prior to the graduation of his/her original graduating class. For example, a fifth-year senior graduates in 2011. However, he entered school as a member of the graduating class of 2010. He will be ranked in the class of 2010 using only those quality points earned **at the end of the 2010 school year.**

**HIGH SCHOOL CREDITS FOR MIDDLE SCHOOL STUDENTS**

High school credits earned while in middle school (grades ~~5~~, 6, 7, or 8) shall count toward Grade Point Average (GPA) as required through KRS 158.622 and toward meeting graduation requirements if that student attains performance levels expected of high school students in the District as determine by achieving a grade of "C" or better in the course.

**GRADING SCALE FOR ALL HIGH SCHOOLS**

All AP Classes will be weighted. All Honors Classes (grade 11 and 12) will be weighted.

UNWEIGHTED/KEES SCALE			KCS D WEIGHTED GPA SCALE		
GRADE	RANGE	SCALE	GRADE	RANGE	SCALE
A+	97-100	4.0	A+	97-100	5.0
A	93-96	4.0	A	93-96	5.0
A-	90-92	4.0	A-	90-92	4.7
B+	87-89	3.0	B+	87-89	4.3
B	83-86	3.0	B	83-86	4.0
B-	80-82	3.0	B-	80-82	3.7
C+	77-79	2.0	C+	77-79	3.3
C	73-76	2.0	C	73-76	3.0
C-	70-72	2.0	C-	70-72	2.7
D+	67-69	1.0	D+	67-69	2.3
D	63-66	1.0	D	63-66	2.0
D-	60-62	1.0	D-	60-62	1.7
F	0-59	0	F	0-59	0

**Academic Honors Program****GRADING SCALE FOR ALL HIGH SCHOOLS STANDARD GRADING SCALE**

UNWEIGHTED/KEES SCALE			KCSD GPA SCALE (Non-weighted Courses)		
GRADE	RANGE	SCALE	GRADE	RANGE	SCALE
A+	97-100	4	A+	97-100	4
A	93-96	4	A	93-96	4
A-	90-92	4	A-	90-92	3.7
B+	87-89	3	B+	87-89	3.3
B	83-86	3	B	83-86	3
B-	80-82	3	B-	80-82	2.7
C+	77-79	2	C+	77-79	2.3
C	73-76	2	C	73-76	2
C-	70-72	2	C-	70-72	1.7
D+	67-69	1	D+	67-69	1.3
D	63-66	1	D	63-66	1
D-	60-62	1	D-	60-62	.7
F	0-59	0	F	0-59	0

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**LATIN SYSTEM FOR STUDENT RECOGNITION** ~~VALEDICTORIAN AND SALUTATORIAN~~

Students in the senior class who have the highest and second highest scholastic averages and who have attended the District high school for the final four (4) semesters or six (6) trimesters shall be eligible for Valedictorian and Salutatorian.

No later than the graduating class of 2020-2021, recognition of Valedictorian and Salutatorian will be replaced with a Latin System of recognizing students.

Summa Cum Laude: students who have a GPA above 4.2

Magna Cum Laude: students who have a GPA of 3.800-4.199

Cum Laude: students who have a GPA of 3.500-3.799

**OTHER HONOR GRADUATES**

To be named as honor graduates of the graduating class, students must have completed the final two semesters at the district high school.

**Copyrighted Materials**

The use of copyrighted material for educational purposes, by school personnel, shall be within the generally accepted uses delineated by applicable law. The Superintendent shall develop procedures for informing appropriate personnel of the fair use of copyrighted material for educational purposes.

**ELECTRONIC MATERIALS**

All employees shall use electronic materials only in accordance with the license agreement under which the electronic materials were purchased or otherwise procured. Electronic materials are defined as computer software, databases, video tapes, compact and laser disks, electronic textbooks, or any other copyrighted material distributed in electronic form.

Any duplication of copyrighted electronic materials, except for backup and archival purposes, is a violation of the law, unless the license agreement explicitly grants duplication rights. The archival copy is not to be used on a second computer at the same time the original is in use. In addition, illegal copies of copyrighted software shall not be used on Board equipment.

~~Through appropriate professional development activities, the technology coordinator shall inform all employees of their compliance responsibilities with electronic materials licensing agreements and of the penalties for violating these agreements.~~

~~All software license agreements require Board approval prior to being signed by the Superintendent/ or designee shall sign all District software license agreements.~~ Each school using licensed software shall have on file a copy of the executed agreement, the original disk, or the original documentation.

**REFERENCES:**

Kentucky Educational Technology System (KETS)  
17 U.S.C. §106, 107, 110

**RELATED POLICY:**

08.2323



**Review of Instructional Materials**

A review of instructional materials on the basis of citizen concerns shall be conducted in response to a properly filed written request under procedures developed by the Superintendent. In schools operating under SBDM, these procedures for review shall include school council consideration of the written concerns regarding instructional materials. Instructional materials shall include textbooks, supplementary materials, and library books in hard copy or electronic form. Forms for such requests may be obtained from the school and will be made available to any resident of the school district at the Superintendent's office. The request shall include a written reason for objection and a statement of the desired action regarding the material under consideration.

Employees receiving a written request for review of instructional materials shall notify the Principal of the complaint, who shall then notify the Superintendent/[designee](#). The Superintendent shall notify the Board of all complaints filed and the council's response.

Individuals may appeal a council's decision concerning challenged materials under the Board's policy on appeal of SBDM decisions.

**REFERENCES:**

KRS 158.183

Board of Educ., Island Trees v. Pico, 102 S.Ct. 2799 (1982)

**RELATED POLICY:**

02.42411

**Student Attendance Day****STUDENT ATTENDANCE DAY**

The length of the student attendance day designated by the Board shall provide students with no less than the minimum number of student attendance days/hours required by law. The Board may request approval of an alternative school calendar based on procedures set out in Kentucky Administrative Regulations.

**EXCEPTIONS**

The Board shall provide a preschool education program in compliance with applicable statutes and administrative regulations.

~~Except for schools where full-day kindergarten service is provided, the student attendance day for kindergarten students shall be one-half (1/2) day (either morning or afternoon), five (5) days a week for a full school year.~~

Students with disabilities and students attending primary school may attend less than six (6) hours per day under programs approved by the Board and the Commissioner of Education.<sup>1</sup>

**MASTER SCHEDULE**

An up-to-date master (bell) schedule shall be on file in each school and up-to-date master (bell) schedules for each school shall be on file in the District's central office.

**REFERENCES:**

<sup>1</sup>KRS 158.060  
KRS 157.320  
KRS 157.360  
KRS 158.030; KRS 158.070  
702 KAR 7:125  
702 KAR 7:140

**RELATED POLICIES:**

01.42  
08.1112  
08.1114  
08.3

**Emergency Closings**

When, in the judgment of the Superintendent, an emergency exists, he shall close the schools or reduce the hours of the school day as appropriate in the interest of the health and safety of the pupils.

**SYSTEM OF NOTIFICATION**

The Superintendent ~~or his~~ designee shall devise a system for notifying parents, pupils, teachers, and other employees when it becomes necessary to close schools because of emergency conditions.

**REFERENCE:**

702 KAR 7:140

**RELATED POLICY:**

06.21



**Re-employment of Retirees****DEFINITIONS**

Full-time employment is defined as employment in a position that requires service on a continuing basis equal to seven-tenths (7/10) or more of normal full-time service for that position as established by the Kenton County Board of Education.

Part-time employment is defined as less than seven-tenths (7/10) of the time established by the Kenton County Board of Education for that position.

**RETURN TO WORK PROVISIONS****100 DAY PROGRAM**

Members of the Kentucky Teachers Retirement System who retired on or before June 30, 2002 are eligible to participate in the 100 Day Program. Participation is limited to these members. Participants in the 100 Day Program are required to make regular member contributions to the Kentucky Teachers Retirement System. The effective termination date of the 100 Day Program is June 30, 2007.

**PART-TIME RE-EMPLOYMENT AND SUBSTITUTE POSITIONS**

Effective July 1, 2002 all part-time employees and substitutes filling Kentucky Teachers Retirement System eligible positions will require regular employee contributions to the Kentucky Teachers Retirement System. Part-time and substitute employees filling Kentucky Teachers Retirement System eligible positions will no longer contribute social security contributions from these wages.

Retirees re-employed on a part-time basis that have thirty (30) or more years of service credit to the Kentucky Teachers Retirement System or any state teachers retirement system or retired prior to July 1, 2002, can earn seventy-five percent (75%) of their last annual compensation measured on a daily rate increased by the CPI index established by the Kentucky Teachers Retirement System or the current Rank two (2) with fifteen (15) years experience level on the Kenton County Board of Education certified salary schedule, measured on a daily rate, whichever is less.

Retirees re-employed on a part-time basis that have less than thirty (30) years service credit with the Kentucky Teachers Retirement System or any state teacher retirement system or retired prior to July 1, 2002, can earn sixty-five percent (65%) of their last annual compensation measured on a daily rate increased by the CPI index established by the Kentucky Teachers Retirement System or the current Rank two (2) with twelve (12) years experience level on the Kenton County Board of Education certified salary schedule, measured on a daily rate, whichever is less.

Retirees re-employed in substitute positions that are Kentucky Teachers Retirement System eligible will be paid from the substitute teacher salary schedule as established by the Kenton County Board of Education, but not to exceed the above limitations set forth for retirees re-employed part-time.

### **Re-employment of Retirees**

#### **FULL-TIME RE-EMPLOYMENT**

Effective July 1, 2002 all retirees re-employed full-time in Kentucky Teachers Retirement System eligible positions are required to make regular employee contributions to the Kentucky Teachers Retirement System. Retirees re-employed full-time will not make employee contributions to social security from these wages.

Retirees re-employed on a full-time basis that have thirty (30) or more years of service credit in the Kentucky Teachers Retirement System or any state teacher retirement system or retired prior to July 1, 2002, can earn seventy-five percent (75%) of their last annual compensation measured on a daily rate increased by the CPI index established by the Kentucky Teachers Retirement System or the current Rank two (2) with fifteen (15) years experience level on the Kenton County Board of Education certified salary schedule, measured on a daily rate, whichever is less. This provision does not apply to out-of-state retirees hired prior to July 1, 2002.

Retirees re-employed on a full-time basis that have less than thirty (30) years of service credit or any state teacher retirement system or retired prior to July 1, 2002 can earn sixty-five percent (65%) of their last annual compensation on a daily rate increased by the CPI index established by the Kentucky Teachers Retirement System or the current Rank two (2) with twelve (12) years experience level on the Kenton County Board of Education certified salary schedule, measured on a daily rate, whichever is less.

The Kentucky Teacher Retirement System must approve each of these positions annually. Retirees re-employed full-time must have medical insurance coverage through the Kenton County Board of Education.

#### **REQUIRED BREAK IN SERVICE**

Retirees are eligible for full-time re-employment after a one (1) year break in service if returning to the same employer. Retirees are eligible for full-time re-employment after a ninety (90) day break in service if returning to a different employer.

Retirees are eligible for part-time and substitute re-employment after a ninety (90) day break in service regardless of the employer.

There is no break in service required for employees retired prior to July 1, 2001.

#### **WAIVER OF ANNUITY**

Retired members may freeze their annuity with the Kentucky Teachers Retirement System and return to work full-time at the Kenton County Board of Education's established salary schedule level. The member will no longer receive the Kentucky Teachers Retirement System annuity and medical insurance must be carried with the Kenton County Board of Education.

#### **REFERENCE:**

KRS 160.340 (4)



**- CERTIFIED PERSONNEL -****Salary Deductions****MANDATORY DEDUCTIONS**

Mandatory payroll deductions made by the Board include:

1. State and federal income taxes;
2. Occupational tax, when applicable;
3. The Teachers' Retirement System of the State of Kentucky;
4. Any deductions required as a result of judicial process, e.g., salary attachments, etc.; ~~and~~
5. Medicare (FICA) - applicable to personnel newly hired after 3/31/86; ~~and~~
- 5-6. Federal student loan garnishments.

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**OPTIONAL DEDUCTIONS**

Pursuant to the provisions of KRS 161.158, the following optional payroll deductions are authorized by the Board for those employees who choose to participate:

1. Board approved health/life insurance program;
2. Board approved Tax Sheltered Annuity program;
3. Other state approved deferred compensation plan;
4. Board approved voluntary benefits specified under the Board approved cafeteria plan Policy 03.1213.
5. Team Kenton Foundation;
6. KSBA Education Foundation Scholarship program;
4. Board approved credit union;
- 5-7. State-designated Flexible Spending Account (FSA) and Health Reimbursement Account (HRA) plans;
- 6-8. Board approved membership dues for professional teachers' organizations (for the purposes of this policy, a professional teacher organization is one in which all teachers are eligible for membership);
- 7-9. Board approved membership dues in professional administrators' or supervisors' organizations (for the purposes of this policy, a professional administrators' or supervisors' organization is defined as a professional organization in which all administrators and supervisors are eligible for membership).

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Deductions for membership dues of an employee organization, association, or union shall only be made upon the express written consent of the employee. This consent may be revoked by the employee at any time by written notice to the employer.

**ADDITIONAL DEDUCTIONS**

~~Additional payroll deductions requested by employee shall be made only with the Superintendent's approval. No other deductions shall be made unless authorized by the Board.~~ Administrative procedures may limit the number of participants required before additional programs are approved.

**REFERENCES:**

KRS 160.291; KRS 161.158  
KRS 336.134  
702 KAR 1:035; OAG 72-802



**- CERTIFIED PERSONNEL -****Cafeteria Plan**

Certified personnel shall be eligible to participate in a cafeteria plan program of benefits, which may include all eligible coverages that are considered Section 125 qualified benefits, which are clearly defined by the Internal Revenue Code. The total annual cost of such benefits, including cash, shall not exceed the legal maximum limits of the reference code per employee in compliance with the plan document and uniform non-discrimination requirements, and shall be determined by the Superintendent and is to be deducted from the employee's salary or compensation.

This plan provides for employees to use pre-tax dollars to purchase benefits. Unless there is a change in family status, participants may not revoke or amend a cafeteria plan benefit during the plan year once coverage has commenced.

The Superintendent shall develop and make available to employees a list of benefits and procedures consistent with the regulations as listed in 26 C.F.R., Part I, 1.125.1. This listing, or any amendments thereto, shall be subject to review and final approval by the Board.

**REFERENCE:**

26 C.F.R., Part I, 1.125.1

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**- CLASSIFIED PERSONNEL -****Hiring****SUPERINTENDENT'S RESPONSIBILITIES**

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

**EFFECTIVE DATE**

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

**RECRUITMENT/SELECTION**

The recruitment and recommendation of candidates for school-based classified positions shall be the responsibility of each principal. The appropriate central office administrator or supervisor shall be responsible for recruiting and recommending candidates for District-wide positions.

**CRIMINAL BACKGROUND CHECK AND TESTING**

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

Each application form provided by the employer to an applicant for a classified position shall conspicuously state the following:

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

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

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

1. Not appealed through an administrative hearing conducted in accordance with KRS Chapter 13B;

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

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

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

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

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

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

**REPORT TO SUPERINTENDENT**

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

**JOB PLACEMENT ASSESSMENT (JPA)**

Applicants for the positions listed below will be required to undergo and pass job placement assessment (JPA) protocol. The cost of the JPA shall be borne by the District. Positions requiring JPA: transportation department employees, cafeteria employees, maintenance employees, custodial employees and special education instructional assistants.

**EDUCATIONAL REQUIREMENTS**

No person shall be initially hired unless s/he holds at least a high school diploma or high school certificate of completion or High School Equivalency Diploma or unless s/he shows progress, as defined by Administrative Regulations of the State Board for Adult, and Technical Education, toward obtaining a High School Equivalency Diploma. Employees shall hold the qualifications for the position as established by the Commissioner of Education.<sup>3</sup> Applicants possessing regular or emergency teaching certification shall be given preference in the employment process.

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

**JOB REGISTER**

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



**Hiring****VACANCIES POSTED**

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

**REVIEW OF APPLICATIONS**

Each application shall be reviewed and each applicant so notified. Applications for candidates not employed shall be retained for three (3) years.

**HIRING RELATIONSHIPS**

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

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

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

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

Relatives of current District employees may be employed. They shall not be assigned to positions wherein they are directly responsible to, or would directly supervise, a relative. Exception is the section on substitute personnel above.

**EMERGENCY HIRING**

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

**JOB DESCRIPTION**

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

**CONTRACT**

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

**INTENT**

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

**REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT**

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

### **Hiring**

#### **REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT (CONTINUED)**

Classified employees assigned extra duties such as coaching, but are not otherwise employed by the District on a full-time basis, shall be notified in writing by the last day of that assigned duty if they have reasonable assurance of continued employment in that or a similar capacity for the following school year.

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

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

#### **EMPLOYMENT OF RETIREES**

When the District hires full-time classified employees previously retired under the Kentucky Retirement System, those employees shall participate in the District's health insurance program.

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Employed retirees that have an initial retirement date after June 30, 2002 and have thirty (30) or more years of service credit in the County Employees Retirement System or any state or federal retirement system, can earn up to the fifteen (15) year experience level for the position that they are rehired as established by the Kenton County Board of Education.

Employed retirees that have an initial retirement date after June 30, 2002 and have less than thirty (30) years of service credit in the County Employees Retirement System or any state or federal retirement system, can earn up to the twelve (12) year experience level for the position that they are rehired as established by the Kenton County Board of Education.

#### **REQUIRED BREAK IN SERVICE**

Retired employees under the age sixty-five (65) may return to work in a different position after a break in service of at least one (1) month.

Retired employees under age sixty-five (65) may not be re-employed, including substitute, in the same position or a position with the same principal duties until there has been a consecutive six (6) month break in service.

Retired employees age sixty-five (65) or older may return to the same position after a break in service of at least one (1) month.

**Hiring**

**REFERENCES:**

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

**RELATED POLICIES:**

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221



~~PERSONNEL~~~~03.215~~~~-CLASSIFIED PERSONNEL-~~**Re-employment of Retirees****RETURN TO WORK PROVISIONS**

~~Re-employed retirees that have an initial retirement date after June 30, 2002 and have thirty (30) or more years of service credit in the County Employees Retirement System or any state or federal retirement system, can earn up to the fifteen (15) year experience level for the position that they are rehired as established by the Kenton County Board of Education.~~

~~Re-employed retirees that have an initial retirement date after June 30, 2002 and have less than thirty (30) years of service credit in the County Employees Retirement System or any state or federal retirement system, can earn up to the twelve (12) year experience level for the position that they are rehired as established by the Kenton County Board of Education.~~

**REQUIRED BREAK IN SERVICE**

~~Retired employees under the age sixty-five (65) may return to work in a different position after a break in service of at least one (1) month.~~

~~Retired employees under age sixty-five (65) may not be re-employed, including substitute, in the same position or a position with the same principal duties until there has been a consecutive six (6) month break in service.~~

~~Retired employees age sixty-five (65) or older may return to the same position after a break in service of at least one (1) month.~~

**REFERENCES:**

KRS 160.340 (4)

PERSONNEL

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03.2211

- CLASSIFIED PERSONNEL -

### Salary Deductions

#### MANDATORY DEDUCTIONS

Mandatory payroll deductions made by the Board include:

1. State and federal income taxes;
2. Occupational tax, when applicable;
3. Social Security, when applicable;
4. County Employees' Retirement System of the State of Kentucky, when applicable;
5. Any deductions required as a result of judicial process, e.g., salary attachments, etc.; ~~and~~
6. Medicare (FICA) - applicable to personnel newly hired after 3/31/86; ~~and~~
- 6-7. Federal student loan garnishments.

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#### OPTIONAL DEDUCTIONS

Pursuant to the provisions of KRS 161.158, the following optional payroll deductions are authorized by the Board for those employees who choose to participate:

1. Board approved health/life insurance program;
2. Board approved Tax Sheltered Annuity program;
3. Other state approved deferred compensation plan;
4. Board approved voluntary benefits specified under the Board approved cafeteria plan Policy 03.2212;
5. Team Kenton Foundation;
6. KSBA Education Foundation Scholarship program;
4. ~~Board approved credit union;~~
- 5-7. ~~State-designated Flexible Spending Account (FSA) and Health Reimbursement Account (HRA) plans;~~
- 6-8. ~~Board approved M~~membership dues for job-related organizations.

Deductions for membership dues of an employee organization, association, or union shall only be made upon the express written consent of the employee. This consent may be revoked by the employee at any time by written notice to the employer.

#### ADDITIONAL DEDUCTIONS

~~Additional payroll deductions requested by employee shall be made only with the Superintendent's approval. No other deductions shall be made unless authorized by the Board.~~ Administrative procedures may limit the number of participants required before additional programs are approved.

PERSONNEL

03.2211  
(CONTINUED)

**Salary Deductions**

**REFERENCES:**

KRS 78.610; KRS 161.158  
KRS 336.134  
702 KAR 1:035; OAG 72-802



**- CLASSIFIED PERSONNEL -****Cafeteria Plan**

Classified personnel shall be eligible to participate in a cafeteria plan program of benefits, which may include all eligible coverages that are considered Section 125 qualified benefits, which are clearly defined by the Internal Revenue Code. The total annual cost of such benefits, including cash, shall not exceed the legal maximum limits of the reference code per employee in compliance with the plan document and uniform non-discrimination requirements, and shall be determined by the Superintendent and is to be deducted from the employee's salary or compensation.

This plan provides for employees to use pre-tax dollars to purchase benefits. Unless there is a change in family status, participants may not revoke or amend a cafeteria plan benefit during the plan year once coverage has commenced.

The Superintendent shall develop and make available to employees a list of benefits and procedures consistent with the regulations as listed in 26 C.F.R., Part I, 1.125.1. This listing, or any amendments thereto, shall be subject to review and final approval by the Board.

**REFERENCE:**

26 C.F.R. Part I, 1.125.1

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### **Curriculum**

The curriculum in each school shall be designed to achieve the student capacities established by KRS 158.645 and the school goals established by KRS 158.6451. The curriculum shall comply with all applicable state and federal statutes and regulations and will include a study of the Constitution of the United States and the Bill of Rights.

~~Each school shall obtain and maintain accreditation with the Southern Association of Colleges and Schools.~~

### **CAPACITIES**

The curriculum shall allow and assist all students to acquire the following capacities:

1. Communication skills necessary to function in a complex and changing civilization;
2. Knowledge to make economic, social, and political choices;
3. Core values and qualities of good character to make moral and ethical decisions throughout his or her life;
4. Understanding of governmental processes as they affect the community, the state, and the nation;
5. Sufficient self-knowledge and knowledge of his/her mental and physical wellness;
6. Sufficient grounding in the arts to enable each student to appreciate his/her cultural and historical heritage;
7. Sufficient preparation to choose and pursue his/her life's work intelligently;
8. Skills to enable him/her to compete favorably with students in other states.

### **CURRICULUM AND AVAILABILITY OF ADVANCED PLACEMENT COURSES**

Each year, all Kenton County High Schools will offer college-level courses in at least four (4) of the following six (6) areas:

- |                 |                      |
|-----------------|----------------------|
| 1.) English     | 4.) Social Studies   |
| 2.) Science     | 5.) Foreign language |
| 3.) Mathematics | 6.) The Arts         |

These courses will be offered as Advanced Placement/Dual Credit classes within the schools, through the Kentucky Virtual High School, or through arrangements with nearby colleges or universities.

Students are responsible for tuition, books, fees, and exam fees for college-level/Dual Credit courses.

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If the course is designated as an Advanced Placement course, it must:

- 1.) Be identified as an Advanced Placement course by the College Board.
- 2.) Include the content as described in the College Board overview, description, and recommended course syllabus for the appropriate course.
- 3.) Be aligned with Kentucky's Academic Expectations and Kentucky Academic Standards.
- 4.) Prepares a student to take and be successful on the appropriate advanced placement examination administered by the College Board.



**Curriculum****CURRICULUM AND AVAILABILITY OF ADVANCED PLACEMENT COURSES (CONTINUED)**

- 5.) Be taught by staff with appropriate content certification and professional development preparation to teach the advance placement course. ~~The principal will make appropriate arrangements for these courses to be offered, including any arrangements for District payment of KVHS fees for those classes needed to complete the Commonwealth Diploma and not offered at the high school.~~

**STUDENT ASSIGNMENT AND RECRUITMENT**

High schools will encourage all students to prepare for and take one or more college-level courses. They will do that in the following ways:

- 1.) Counselors will advise students and parents of those options when they prepare and revise their Individual Learning Plans (ILP) and encourage each student to take appropriate preparatory courses.
- 2.) Teachers will encourage all students to take challenging courses each term.
- 3.) The council may amend its school improvement plan to add additional steps to ensure equitable participation in future terms.

All students may take college-level courses if they have the skills they need to be ready for that work. They may establish that they have that level of skill by any one or more of the following means:

- 1.) Successful completion of prerequisite courses listed in the Student Handbook.
- 2.) Taking and passing the examinations for those prerequisite courses.
- 3.) Receiving permission of the teacher.

**~~DISTRICT EXPECTATIONS~~**

- ~~1.) Students enrolled in a designated Advanced Placement Class are expected to take the corresponding AP exam for the class. Grades for all Advanced Placement classes will be weighted. Should the student decide not to complete the course by taking the appropriate exam, the course will no longer be consolidated in the Advanced Placement category and the grade for that course will not be weighted.~~
- ~~2.) The examination fee will be paid by the student.~~

**COUNCIL RESPONSIBILITY**

The council of each school operating under School Based Decision Making shall adopt school policy to be implemented by the principal in each of the areas specified in policy 02.4241.

In any school administered under the provisions of KRS 160.345, the curriculum and the instructional program may be determined by school policy adopted by the school council. All council policies shall be designed to meet student academic expectations and goals established by statute, regulation and Board policy.

**CURRICULUM DEVELOPMENT**

The District shall establish district curricula and guidelines for P-12 programs. Staff from throughout the District will be invited to serve on Curriculum Development committees.

**STUDENTS WITH DISABILITIES**

The Board shall operate programs for students with disabilities in accordance with the legal obligations contained in the District's policy and procedures manual relating to such programs.



**Curriculum**

**REFERENCES:**

KRS 156.160; KRS 156.162; KRS 158.075; KRS 158.183  
KRS 158.188; KRS 158.301; KRS 158.302; KRS 158.305  
KRS 158.645; KRS 158.6451; KRS 158.6453; KRS 160.345  
704 KAR 3:303; 704 KAR 3:305; 704 KAR 3:440  
Kentucky Academic Standards

**RELATED POLICIES:**

Section 02.4 (All Policies)

### **Promotion and Retention**

Any promotions or credits earned in attendance in any approved public school are valid in any other public school.<sup>1</sup>

#### **TRANSFERS**

In case a pupil transfers from the school of one district to the school of another district, s/he may not be assigned to a lower grade or course until the pupil has demonstrated that s/he is not suited for the work in the grade or course to which s/he has been promoted.<sup>1</sup>

Pupils who transfer from a non-accredited school may be required to take tests from the previous grade to determine grade placement or course credit.<sup>2</sup>

#### **HIGH SCHOOL GRADUATION**

Upon successful completion of all state and Board requirements, the student shall receive a diploma indicating graduation from high school.<sup>1</sup>

#### **VOCATIONAL CERTIFICATE**

A student who has completed the requirements established by the State Department of Education for a vocational program shall receive an industry certificate of completion specifying the areas of competence.<sup>1</sup>

#### **STUDENT PROGRESS**

Each school shall determine criteria for student progress through the school's program. The criteria shall reflect mastery of state-required capacities and be aligned with the Kentucky Core Academic Standards.

A student may advance through the primary program without regard to age if the District determines that s/he has acquired the academic and social skills taught in kindergarten and that advancement would be in his/her best educational interest. Students in the primary program must complete the exit criteria specified in administrative procedures before entering fourth grade.

High school students shall be promoted and classified on the following basis:

Sophomores - 56 academic credits (including English I)

Juniors - 13 academic credits (including English I and II)

Seniors - 20 academic credits (including English I, II and III)

The promotion/classification criteria listed above are based on a traditional six period day. Due to high school alternative scheduling, variations may occur.

#### **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.<sup>3</sup>

#### **PARENTAL NOTIFICATION**

Parents shall be notified when their child is performing below expectations and/or achieving below expected outcomes. Although final decisions as to promotion or retention shall rest with school authorities, no student may be retained without prior consultation with the parents and approval of the Principal.

**Promotion and Retention**

**REFERENCES:**

<sup>1</sup>KRS 158.140  
<sup>2</sup>704 KAR 3:307  
<sup>3</sup>P .L. 105-17  
KRS 156.070  
KRS 158.030  
KRS 158.031  
KRS 158.645  
KRS 158.6451  
KRS 158.6453  
KRS 158.860  
KRS 160.1592  
KRS 160.345  
OAG 82-473

**RELATED POLICIES:**

08.113  
08.222  
08.5  
09.121



**Instructional Resources****SURVEY**

Schools shall survey teachers to determine their needs for instructional resources. The results of the survey shall be used to establish priorities for purchase.

**ALLOCATION METHOD**

Within budgetary limits, schools or school councils shall establish an equitable method of allocating funds to purchase instructional resources.

**FINANCIAL REPORT**

A financial report on allocations to and expenditures for instructional resources shall be prepared annually by the Board and shall be a public record.

Each school may carry forward to the next fiscal year any part of the instructional resource allocation distributed to the school that has not been spent or committed in the current fiscal year.

**INSTRUCTIONAL RESOURCE FUND**

Schools with any grade from P-8 may purchase instructional resources using State funds in accordance with 704 KAR 3:455.

Each school allocated instructional resource funds shall complete an annual plan to identify purchases following guidelines of the Kentucky Board of Education.

The annual plan shall be approved by the Board and by the School Council in SBDM schools.

All plans shall be approved by the local Board as to sufficiency of funding to support the requested purchases.

Any purchase exceeding the funds allocated shall be paid from other Council funds in SBDM schools.

**FEES**

If the Board authorizes charging rental fees for students in grades nine through twelve (9-12), the Board shall establish those fees ~~annually~~.

Instructional resources shall be made available to all students. No student shall be denied full participation in any educational program due to an inability to pay for, or rent, all necessary instructional resources.<sup>1</sup>

Fee waivers shall be provided as required by applicable statutes and regulations.<sup>2</sup>

**RESPONSIBILITY**

Students or parents shall compensate the District for instructional resources that are lost, damaged, or destroyed while in the student's possession.

**SECTARIAN TEXTS**

No book or other publication of a sectarian, infidel, or immoral character or one that reflects on any religious denomination shall be used or distributed in any school.<sup>3</sup>

**Instructional Resources****SECTARIAN TEXTS (CONTINUED)**

This does not prevent a teacher, consistent with his or her assigned duties, from using or distributing books or other publications that reflect any religious denomination to teach the secular study of religion as permitted by the Constitutions of the United States of America or the Commonwealth of Kentucky.

**REFERENCES:**

<sup>1</sup>KRS 158.108  
<sup>2</sup>KRS 160.330; 702 KAR 3:220  
<sup>3</sup>KRS 158.190  
KRS 156.162  
KRS 156.433  
KRS 156.439  
KRS 157.110; KRS 158.188  
702 KAR 3:246  
704 KAR 3:455

**RELATED POLICIES:**

02.4242  
04.32  
09.15

## Access to Electronic Media

### (Acceptable Use Policy)

The Board supports reasonable access to various information formats for students, employees and the community and believes it is incumbent upon users to utilize this privilege in an appropriate and responsible manner as required by this policy and related procedures, which apply to all parties who use District technology.

### **SAFETY PROCEDURES AND GUIDELINES**

The Superintendent shall develop and implement appropriate procedures to provide guidance for access to electronic media. Guidelines shall address teacher supervision of student computer use, ethical use of electronic media (including, but not limited to, the Internet, e-mail, and other District technological resources), and issues of privacy versus administrative review of electronic files and communications. In addition, guidelines shall prohibit utilization of networks for prohibited or illegal activities, the intentional spreading of embedded messages, or the use of other programs with the potential of damaging or destroying programs or data.

Students shall be provided instruction about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms and cyberbullying awareness and response.

Internet safety measures, which shall apply to all District-owned devices with Internet access or personal devices that are permitted to access the District's network, shall be implemented that effectively address the following:

- Controlling access by minors to inappropriate matter on the Internet and World Wide Web;
- Safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
- Preventing unauthorized access, including "hacking" and other unlawful activities by minors online;
- Unauthorized disclosure, use and dissemination of personal information regarding minors; and
- Restricting minors' access to materials harmful to them.

A technology protection measure may be disabled by the Board's designee during use by an adult to enable access for bona fide research or other lawful purpose.

~~The District shall provide reasonable public notice of, and at least one (1) public hearing or meeting to address and communicate, its initial Internet safety measures.~~

Specific expectations for appropriate Internet use shall be reflected in the District's eCode of Conduct and Expected acceptable bBehavior and discipline including appropriate orientation for staff and students.

### **PERMISSION/AGREEMENT FORM**

An Electronic Access/User Agreement Form (08.2323 AP.21) ~~written parental request~~ shall be required prior to the student being granted independent access to electronic media involving District technological resources.



**Access to Electronic Media**

(Acceptable Use Policy)

**PERMISSION/AGREEMENT FORM (CONTINUED)**

The required Electronic Access/User permission/ a Agreement fForm, which shall specify acceptable uses, rules of on-line behavior, access privileges, and penalties for policy/procedural violations, must be signed by the parent or legal guardian of minor students (those under 18 years of age) and also by the student. This document shall be kept on file as a legal, binding document. In order to modify or rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the Superintendent/designee with a written request.

**EMPLOYEE USE**

Employees shall not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. (Authorization is not required each time the electronic media is accessed in performance of one's duties.) Each employee is responsible for the security of his/her own password.

Employees are encouraged to use electronic mail and other District technology resources to promote student learning and communication with the home and education-related entities. If those resources are used, they shall be used for purposes directly related to work-related activities.

Technology-based materials, activities and communication tools shall be appropriate for and within the range of the knowledge, understanding, age and maturity of students with whom they are used.

District employees and activity sponsors may set up approved blogs and other social networking accounts using District resources and following District guidelines to promote communications with students, parents, and the community concerning school-related activities and for the purpose of supplementing classroom instruction.

Networking, communication and other options offering instructional benefits may be used for the purpose of supplementing classroom instruction and to promote communications with students and parents concerning school-related activities.

In order for District employees and activity sponsors to utilize a social networking site for instructional, administrative or other work-related communication purposes, they shall comply with the following:

1. They shall request prior permission from the Superintendent/designee.
2. If permission is granted, staff members will set up the site following any District guidelines developed by the Superintendent's designee.
3. Guidelines may specify whether access to the site must be given to school/District technology staff.
4. If written parental consent is not otherwise granted through AUP forms provided by the District, staff shall notify parents of the site and obtain written permission for students to become "friends" prior to the students being granted access. This permission shall be kept on file at the school as determined by the Principal.

**Access to Electronic Media**

(Acceptable Use Policy)

**EMPLOYEE USE (CONTINUED)**

5. Once the site has been created, the sponsoring staff member is responsible for the following:
  - a. Monitoring and managing the site to promote safe and acceptable use; and
  - b. Observing confidentiality restrictions concerning release of student information under state and federal law.

Staff members are discouraged from creating personal social networking sites to which they invite students to be friends. Employees taking such action do so at their own risk.

All employees shall be subject to disciplinary action if their conduct relating to use of technology or online resources violates this policy or other applicable policy, statutory or regulatory provisions governing employee conduct. The Professional Code of Ethics for Kentucky School Certified Personnel requires certified staff to protect the health, safety, and emotional well-being of students and confidentiality of student information. Conduct in violation of this Code, including, but not limited to, such conduct relating to the use of technology or online resources, must be reported to Education Professional Standards Board (EPSB) as required by law and may form the basis for disciplinary action up to and including termination.

**COMMUNITY USE**

~~On recommendation of the Superintendent/designee, the Board shall determine when and which computer equipment, software, and information access systems will be available to the community.~~

~~Upon request to the Principal/designee, community members may have access to the Internet and other electronic information sources and programs available through the District's technology system, provided they attend any required training and abide by the rules of usage established by the Superintendent/designee.~~

**DISREGARD OF RULES**

Individuals who refuse to sign required acceptable use documents or who violate District rules governing the use of District technology shall be subject to loss or restriction of the privilege of using equipment, software, information access systems, or other computing and telecommunications technologies.

Employees and students shall be subject to disciplinary action, up to and including termination (employees) and expulsion (students) for violating this policy and acceptable use rules and regulations established by the school or District.

**RESPONSIBILITY FOR DAMAGES**

Individuals shall reimburse the Board for repair or replacement of District property lost, stolen, damaged, or vandalized while under their care. Students or staff members who deface a District web site or otherwise make unauthorized changes to a web site shall be subject to disciplinary action, up to and including expulsion and termination, as appropriate.

**Access to Electronic Media**

(Acceptable Use Policy)

**RESPONDING TO CONCERNS**

School officials shall apply the same criterion of educational suitability used to review other educational resources when questions arise concerning access to specific databases or other electronic media.

**AUDIT OF USE**

Users with network access shall not utilize District resources to establish electronic mail accounts through third-party providers or any other nonstandard electronic mail system.

The Superintendent/designee shall establish a process to determine whether the District's education technology is being used for purposes prohibited by law or for accessing sexually explicit materials. The process shall include, but not be limited to:

1. Utilizing technology that meets requirements of Kentucky Administrative Regulations and that blocks or filters internet access for both minors and adults to certain visual depictions that are obscene, child pornography, or, with respect to computers with Internet access by minors, harmful to minors;
2. Maintaining and securing a usage log; and
3. Monitoring online activities of minors.

**TEACHER AND STUDENT OWNED COMPUTERS**

The District appreciates the fact that employees are willing to bring in personally owned computer equipment to be used for schoolwork and student use. However, several items must be addressed when connecting a non-KETS standard device to the District's network;

1. Security
2. Network stability
3. Liability for personal property
4. Virus protection
5. Repairs and upgrades

A student or staff member who brings privately owned computers and/or other technological devices to school are personally responsible for the equipment. Responsibility for the maintenance and repair of the equipment rests solely with the student/staff member. Any damage to the equipment is the responsibility of the individual. No privately owned computers, printers, or other devices may be attached to the District's network unless District technology department personnel have authorized the addition. All privately owned computers attached and/or connected to the District's network are treated as District computers. Any device that runs Palm OS, Windows CE or Pocket PC is considered a computer.

Software residing on privately owned computers must be personally owned. All devices must include anti-virus software as necessary.



**Access to Electronic Media**

(Acceptable Use Policy)

**TEACHER AND STUDENT OWNED COMPUTERS (CONTINUED)**

District technicians will not service or repair any computer not belonging to the District. No internal components belonging to the District shall be placed in any personal equipment, whether as enhancements, upgrades or replacements. No software that is deemed by the District technology department to be for personal use will be supported by District level personnel. If personal software interferes with the District network software or hardware, a technician may remove the personal software from the computer. Any damage caused by use in the District is the responsibility of the owner.

Technology peripherals (printers, scanners, projectors, etc.) purchased privately to be used in the school system must also be maintained by the owner. Purchasing perishable supplies to be used in equipment not owned by the District is the owner's responsibility.

The District retains the right to determine where and when privately owned equipment may be plugged into the network. The student/staff member is responsible for the security of the equipment when it is not being used. The District does not guarantee the privacy or security of any item stored on or transmitted by any privately owned computers.

A privately owned computer can be connected to the District's network, including access to the Internet, under the following conditions:

1. The connection has been approved and performed by the District technology department.
2. Use of the computer must adhere to this policy.
- ~~3. File storage on the network from privately owned computers is limited to schoolwork only.~~
- ~~4.~~3. The individual must supply all necessary hardware/software and cabling to connect to the network.
- ~~5.~~4. Privately owned computers must be running virus detection software prior to accessing the network or Internet.

For privately owned computers being used in District facilities, the District reserves the right to:

1. Monitor all activity.
2. Make determinations on whether specific uses of the computer are consistent with this policy.
3. Log network use ~~and monitor storage disk space utilized by such users.~~
4. Deem what is appropriate use.
5. Remove the user's access to the network and suspend the right to use the privately owned computer in District facilities if at any time it is determined that the user is engaged in unauthorized activity or is violating this policy.

**Access to Electronic Media**

(Acceptable Use Policy)

**RETENTION OF RECORDS FOR E-RATE PARTICIPANTS**

Following initial adoption, this policy and documentation of implementation shall be retained for at least ten (10) years after the last day of service in a particular funding year.

**REFERENCES:**

KRS 156.675; KRS 365.732; KRS 365.734  
701 KAR 5:120  
16 KAR 1:020 (Code of Ethics)  
47 U.S.C. 254/Children's Internet Protection Act; 47 C.F.R. 54.520  
Kentucky Education Technology System (KETS)  
47 C.F.R. 54.516  
15-ORD-190

**RELATED POLICIES:**

03.13214/03.23214; 03.1325/03.2325; 03.17/03.27  
08.1353; 08.2322  
09.14; 09.421; 09.422; 09.425; 09.426; 09.4261  
10.5

## STUDENTS

09.124

**Tuition****FEE TO BE CHARGED**

According to a schedule recommended by the Superintendent and adopted by the Board ~~annually~~, the Board shall charge an annual fee of five hundred dollars (\$500.00) for each student attending its schools whose parent, guardian or legal custodian is not bona fide resident of the District<sup>1</sup> or a full-time employee of the District.

If the student's district of residence does not release ADA funds, or if the student lives out of state, the tuition fee shall also include the ADA amount.

**WHEN STUDENTS MOVE**

When a student's parents move out of the District, the student may continue to attend the District school during the current grading period without tuition charge.

Students who move out of the District with more than a full grading period remaining in the year shall be required to transfer to a school in their new district of residence or pay tuition.

Requests to remain in a District school must be based on a family hardship or a physical, psychological, or educational reasons. Family hardship may also be considered in allowing a student to continue the current school assignment. Approval to remain in the current school, for any reason, without paying tuition may only be granted for the remainder of the school year. The Superintendent shall be authorized to waive tuition for any of the above reasons.

Failure by the student or parent/guardian to notify the school that the student has moved outside the District or is fraudulently attending the school shall result in the forfeiture of attendance privileges, effective on the date school officials become aware of the situation.

**EMPLOYEES' CHILDREN**

With permission of the Superintendent/designee, full-time employees who live outside the District may enroll their children in District schools grades K-12 without a tuition charge, contingent on the District receiving ADA as provided by law. District full-time employees who live outside the District may enroll their children in the District preschool program if approved by the Superintendent/designee and if the District receives preschool funds or the tuition is paid. Preschool tuition is two thousand five hundred dollars (\$2,500.00) per student for the school year, or one thousand two hundred fifty dollars (\$1,250.00) for enrollment after January 1st of the school year.

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**STUDENTS WITH DISABILITIES**

For information concerning nonresident students requiring special educational services, refer to the Board-approved policy and procedures manual for students with disabilities. The District shall not discriminate against students with disabilities in accordance with Section 504 and Title II of the Americans with Disabilities Act.

**TUITION REIMBURSEMENT**

If a tuition paying family moves into the District within the first sixty (60) days of the first day of the school year, tuition may be reimbursed.

**REFERENCES:**

- <sup>1</sup>KRS 158.120  
237 S.W. 2D 65 (1951), OAG 80-47, OAG 91-75  
KRS 157.350, KRS 158.135, 702 KAR 7:125



| STUDENTS

09.124  
(CONTINUED)

**Tuition**

**RELATED POLICIES:**

09.12, 09.125

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

**Student Fees****INSTRUCTIONAL FEES**

It is the intent of the Board that no instruction fees shall be assessed to students, however, exceptional instructional opportunities that involve fees may be approved on an individual basis by the Board.

**BOARD APPROVAL REQUIRED**

All student fees and charges shall be approved ~~annually~~ (09.15 AP.2) by the Board, including any student activity fees, membership dues, or for individual consumable extra-curricular/co-curricular items.

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

**ADDITIONAL FEES**

Students may be assessed additional fees by the Superintendent/designee for the cost to replace lost or damaged school/District property.

**INABILITY TO PAY**

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

**WAIVER OF FEES**

The Superintendent shall recommend and the Board shall approve a process (09.15 AP.1) to waive fees for students who qualify. At the beginning of the school year or at the time of enrollment all students who qualify shall be given clear and prominent written notice of the fee waiver provisions. The written notice of the fee waiver process shall include a form (09.15 AP.21) that parents may use to request waiver of fees. Mandatory waiver of fees for qualifying students shall be accomplished in compliance with applicable statutory and regulatory requirements.

**REFERENCES:**

<sup>1</sup>KRS 158.108

KRS 160.330

702 KAR 3:220; 704 KAR 3:455

Accounting Procedures for Kentucky School Activity Funds

**RELATED POLICIES AND PROCEDURES:**

04.312; 08.232

09.15 AP.1; 09.15 AP.2; 09.15 AP.21

**Expulsion****BOARD MAY EXPEL**

The Board may expel any pupil from the regular school setting for misconduct as defined by law. Provision of educational services will be required unless the Board determines, on the record and supported by clear and convincing evidence, that the expelled student posed a threat to the safety of other students or school staff and could not be placed in a state-funded agency program.<sup>1</sup>

Behavior that may be determined to pose a threat shall include, but not be limited to, the physical assault, battery, or abuse of others; the threat of physical force; being under the influence of drugs or alcohol; the use, possession, sale, or transfer of drug or alcohol; the carrying, possessing, or transfer of weapons or dangerous instruments; and any other behavior that may endanger the safety of others.

The Superintendent shall present to the Board for its approval options for providing educational services to expelled students.

**HEARING AND RECORDS REQUIRED**

Action to expel a pupil shall not be taken until the parent of the pupil has had an opportunity for a hearing before the Board.<sup>1</sup> The special education and disciplinary records of IDEA eligible students shall be [available](#) sent to the Board for review before the decision is made to expel.<sup>3</sup>

**BOARD DECISION FINAL**

The Board's decision shall be final.<sup>1</sup>

**STUDENTS WITH DISABILITIES**

In cases which involve students with disabilities, procedures mandated by federal and state law for students with disabilities shall be followed.<sup>4</sup> (Students with disabilities who are eligible for services under federal law may be expelled for behavior unrelated to their disabilities, as long as legally required procedural safeguards are followed. Educational services must continue for IDEA eligible students who are expelled.)<sup>1&3</sup>

**TRANSFER OF RECORDS**

Records transferred to another school shall reflect the charges and final action of an expulsion hearing if the student was expelled for homicide, assault, or an offense in violation of state law or school regulations governing weapons, alcohol or drugs. Records of a student facing an expulsion hearing on charges described above shall not be transferred until the expulsion hearing process is completed.<sup>2</sup>

**REFERENCES:**

<sup>1</sup>KRS 158.150

<sup>2</sup>KRS 158.155

<sup>3</sup>20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA); 707 Chapter 1; Section 504 of the Rehabilitation Act of 1973, as amended  
OAG 78-673; Honig v. Doe, 108 S.Ct. 592(1988)

**RELATED POLICIES:**

09.12; 09.423; 09.425; 09.43; 09.431; 09.434