# School-Based Decision Making (SBDM)

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# Exemption (SBDM)

Any school performing above its threshold level requirement as determined by the Kentucky Department of Education pursuant to KRS 158.6455 may apply to the Kentucky Board of Education for exemption from school-based decision making (SBDM).

**PETITION**

Faculty members of a school who no longer wish to remain under SBDM shall present a written petition to the Principal signed by ~~a minimum of~~ twenty-five percent (25%) or more of the faculty members, indicating their desire for a vote on whether to apply for an exemption ~~the matter~~.

Under guidelines established by its membership, the parent/teacher organization of the school or, if none exists, the largest organization of parents/guardians formed for this purpose, may also submit a petition to the Principal, calling for a vote on whether to apply for an exemption.

**SCHEDULING**

On receiving a petition, the Principal shall set the date, time and place of a faculty meeting for the purpose of voting on whether to apply for an exemption. This meeting shall be held not less than five (5) and not more than ten (10) school days from the Principal's receipt of the petition.

**NOTICE**

Notice of the meeting shall be provided to all faculty members assigned to the school at least five (5) days in advance of the meeting.

**MEETINGS**

The Principal shall chair the meeting at which the vote is taken by the faculty. Voting shall be by secret ballot. Ballots shall offer faculty members the opportunity to vote for or against applying for an exemption. The Principal and at least two (2) teachers chosen by the faculty shall count the ballots and announce the results at the conclusion of the meeting.

The parent/guardian vote on applying for an exemption shall be conducted by the parent/teacher organization of the school or, if none exists, the largest organization of parents/guardians formed for this purpose.

An affirmative vote of the majority of the faculty and a majority of at least twenty-five (25) voting parents/guardians of students enrolled in the school shall be required to apply for an exemption from SBDM. The Principal shall forward results of the faculty and parent elections to the Superintendent and the Board. The Superintendent shall submit the results of the elections on behalf of the school to the Kentucky Board of Education to apply for an exemption from SBDM.

A vote to apply for an exemption shall be held not more than once every sixty (60) calendar days.

# Exemption (SBDM)

**VOTE TO RETURN**

An exemption, once granted by the Kentucky Board of Education, shall continue unless the school fails to meet threshold requirements or votes to return to SBDM.

A vote to enter into SBDM shall be held no more than once every sixty (60) calendar days. Faculty members of a school who wish to re-enter School Based Decision Making (SBDM) shall present a written petition to the Principal, signed by a minimum of twenty-five (25%) percent of the faculty members, indicating their desire for a vote on the matter.

The Principal shall chair the meeting at which the vote is taken. Voting shall be by secret ballot. Ballots shall offer faculty members the opportunity to vote for or against re-entering SBDM. The Principal and at least two (2) teachers chosen by the faculty shall count the ballots and announce the results at the conclusion of the meeting.

If two-thirds (2/3) of the faculty vote to re-enter SBDM, the school will do so. The Principal shall forward results of the vote to the Superintendent and the Board. The Superintendent shall submit the results to the Kentucky Board of Education. Organization of elections to select teacher and parent representatives for the school council shall be conducted in accordance with Board Policy 02.421.

ADMINISTRATIVE PROCEDURES

The Superintendent shall develop procedures, as necessary, for the exemption from ~~repeal of~~ school-based decision making.

**SCHOOLS OF INNOVATION**

In a designated school of innovation participating in a district of innovation application and plan, the council may request a waiver from KRS 160.345 or specific provisions within that statute by conducting a vote as set out in KRS 160.107.

**REFERENCES:**

KRS 156.108; KRS 158.6455
KRS 160.107; KRS 160.345
OAG 94-51

**RELATED POLICIES:**

02.421
02.4241

Adopted/Amended: 8/26/2013
Order #: 2013-150

# Election of School Council Members (SBDM)

## ELECTION OF TEACHER MEMBERS

Teachers assigned to a school shall organize the election to select teacher council members. Teachers may request the Principal to provide administrative assistance in preparing for the election.

Teachers may nominate themselves or another teacher. A written ballot containing the names of all qualified teachers nominated shall be prepared and kept on file with other council records. Teacher members must be employees of the District and currently assigned to the school where they are elected as council member. ~~For the purpose of electing teacher council members, a~~ A Principal or Assistant Principal~~,~~ may not vote in a teacher council member election or serve as a teacher council member. Election shall be by majority vote of all teachers assigned to the school.

Itinerant teachers may vote at all schools to which they are assigned and may serve on the council of any of those schools.

Teachers elected to a council shall not be involuntarily transferred during their term of office.

## ELECTION OF PARENT MEMBERS

As used in this policy, "Parent" means:

1. A parent, stepparent, or foster parent of a student; or
2. A person who has legal custody of a student pursuant to a court order and with whom the student resides.

Parents of students assigned to a school shall organize the election to select parent council members. They may request the Principal to provide administrative assistance required to conduct the election.

The president of the parent-teacher organization shall organize and oversee the election of parent council members. If the school does not have a parent-teacher organization, then the parent member shall be elected by the largest organization of parents formed for this purpose.

A parent council member shall be a parent~~, stepparent, or foster parent~~ of a student ~~to be~~ enrolled in the school during the parent council member's term of council service. ~~Parent shall also mean a person who has legal custody of a student pursuant to a court order and with whom the student resides.~~ A parent council member shall not be an employee or the relative of an employee of the school in which that member ~~parent~~ serves, nor shall the parent council member ~~representative~~ be an employee or a relative of an employee in the District administrative offices. A parent council representative ~~representative~~ shall not be a ~~local~~ Board member or Board member's spouse. Relative shall mean father, mother, brother, sister, husband, wife, son, and daughter.

A parent council member shall submit to a state and national fingerprint-supported criminal history background as required by KRS 160.380. In addition, the parent council member shall provide a clear CA/N check, defined in KRS 160.380 as “a letter from the Cabinet for Health and Family Services indicating that there are no administrative ~~substantiated~~ findings of child abuse or neglect relating to a specific individual.” A parent member may serve prior to the receipt of the criminal history background check and CA/N check, but shall be removed from the council on receipt by the District of a report documenting a record of abuse or neglect, or a sex crime or criminal offense against a victim who is a minor as defined in KRS 17.500 or as a violent offender as defined in KRS 17.165, and no further procedures shall be required.

# Election of School Council Members (SBDM)

**ELECTION OF PARENT MEMBERS (CONTINUED)**

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

**MINORITY REPRESENTATIVES**

As used in this policy, "minority" has the same meaning as in KRS 160.345.

If a ~~the~~ council formed under the elections described above does not have a minority member, and the school has eight percent (8%) or greater enrollment of minority students, the Principal shall be responsible for carrying out the following:

1. The Principal shall organize a special election no sooner than ten (10) and no later than twenty (20) calendar days following the elections described above to elect a minority parent to the council by ballot. The Principal shall notify all parents of the date, time, and location of the election. The notice shall call for nominations of minority parents for the ballot. The election shall be conducted using the same procedures as the election of the two (2) other parent members of the council.
2. The Principal shall call a meeting of all teachers in the building within seven (7) days following the initial election of parent and teacher council members. The teachers shall elect one (1) minority teacher to serve as a teacher member on the council.

If there are no minority teachers who are members of the faculty, an additional teacher member shall be elected by a majority of all teachers. Procedures for election of the teacher representative shall be the same as the procedures for election of the other three (3) teacher members of the council.

**TERMS**

Terms of school council members shall be for one (1) year and shall begin on July 1 and end on June 30 of the following year. A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected. Term limitations shall not apply for a minority teacher member who is the only minority on faculty. Annual elections for the following year's terms should be held no later than the preceding May, but the specific date shall be set by the council.

**COUNCIL ELECTIONS FOR NEW OR CONSOLIDATED SCHOOLS**

When a new school is opened or schools are consolidated, these guidelines shall be followed:

- If a school is scheduled for closing, no council elections for the upcoming school year shall be held.
- Council members of a school being consolidated with another school may not carry over a term of office to the newly consolidated school's council, but may stand for election if otherwise qualified.
- Following the opening of a new or consolidated school, elections shall be held to form a council.

# Election of School Council Members (SBDM)

**CONFLICT OF INTEREST**

Council members shall not have a conflict of interest pursuant to KRS Chapter 45A, except the salary paid to District employees.

**REMOVAL OF COUNCIL MEMBERS**

On recommendation of the Commissioner of Education and pursuant to statutory requirements, the Board may remove a council member for cause by a vote of four-fifths (4/5) of the Board's membership.

**VACANCIES**

Council vacancies shall be filled at a special called election and shall follow the guidelines set forth in this policy.

**REFERENCES:**

KRS 17.165; KRS 17.500; KRS 156.132
KRS 160.345; KRS 160.347; KRS 160.380
OAG 91-148; OAG 91-192; OAG 91-206
OAG 92-88; OAG 93-49; OAG 94-41

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

# School Council Authority (SBDM)

The Board is committed to shared decision making and believes that such forms of school governance foster a school environment that enhances student achievement. The Board, Superintendent, and staff shall facilitate and encourage cooperation between the Board and school-based decision making ~~District~~ councils.

No Board member, Superintendent, or District employee shall intentionally engage in a pattern or ~~of~~ practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members ~~of a school~~ and parents of a school to be involved in the decision making process to: ~~in working~~

1. Work toward meeting the educational goals in KRS 158.645 and 158.6451; or ~~to make~~ ~~1.~~2.Make decisions in the areas of policy assigned to a school council pursuant to KRS l60.345.

The Superintendent shall develop procedures, as necessary, for the implementation of school-based decision making.

## AUTHORITY OF SCHOOL COUNCIL

The school council, pursuant to KRS l60.345, is a statutory policy making body. Outside of a legally called school council meeting, no school council member other than the Principal has decision making or administrative authority. The Principal is the school's primary administrator and instructional leader and implements the decisions of the council.

## RESPONSIBILITIES OF SCHOOL COUNCIL

The school council shall have the responsibility to set school policy, consistent with District Board policy, which shall provide an environment to enhance the students' achievement and help the school meet the goals established by KRS l58.645 and l58.645l. The school council shall adopt policies to be implemented by the Principal addressing the areas required by KRS l60.345.

## REFERENCES:

OAG 93-55
KRS 160.345

## RELATED POLICY:

02.4241

Adopted/Amended: 8/26/2013
Order #: 2013-150

# School Council Meetings (SBDM)

## OPEN MEETING AND OPEN RECORD REQUIREMENTS

All meetings of the council are open to the public and subject to the open meetings law KRS 6l.805, et seq. Council records are also subject to open records law and the Records Retention Schedule, Public School District, incorporated by reference in 725 KAR 1:061.

## SCHEDULE

The first meeting of the council shall be called by the Principal; thereafter, the council shall set its own meeting schedule. At the first ~~this~~ meeting, the council shall adopt a schedule of regular meetings for the fiscal year, identifying the date, time and, place of each meeting. Any meeting held due to a change to this schedule shall be a special-called meeting.[1]

All meetings of the council and any committees or subcommittees thereof, shall be held at specified times and places which are convenient to working parents/guardians and the public. The schedule of regular meetings shall be made available to the public.[2] Advance notice of meetings shall be given to parents/guardians and teachers.

## AGENDA

A written agenda shall be prepared and copies made available to the public at all meetings of the council. The agenda of each council meeting shall provide an opportunity for interested persons to address the council.

## PUBLIC MEETINGS

A quorum of the school council must be present for the transaction of business. All meetings at which ~~of~~ a quorum of council ~~the~~ members ~~of the council~~ are present at which any public business is discussed or at which any action is taken are to be public meetings, open to the public at all times, except as provided in KRS 61.810.[3]

## OPEN RECORDS

The Principal shall be the Chair of the council and shall be responsible for securing minutes that record the council's actions. Minutes shall be approved by the council and forwarded by the Principal to the Superintendent/designee, to be kept in a permanent file along with other council records and shall be open to public inspection. The Superintendent shall keep the board informed of council actions.

## REFERENCES:

[1]92-OMD-1677
[2]KRS 61.820; OAG 78-274, OAG 78-614
[3]KRS 61.810
KRS 61.805; KRS 61.815; KRS 61.823; KRS 61.826
KRS 61.835; KRS 61.840; KRS 61.846
KRS 61.848; KRS 61.850; KRS 61.870; KRS 61.872
KRS 61.874; KRS 61.876; KRS 61.884
Records Retention Schedule, Public School District

## RELATED POLICIES:

01.43, 01.44, 10.11

Adopted/Amended: 8/26/2013
Order #: 2013-150

# School Council Relationships (SBDM)

All committees formed by school councils should provide ~~for the~~ professional staff members ~~of the school~~ and parents/guardians the opportunity to be involved in school ~~the~~ decision making. ~~process in working~~ School decision making should establish ~~toward the~~ educational goals for the school and develop policies to support ~~of the school which will assure that~~ all students to achieve the desired outcomes and acquire the capacities required by law to create an efficient public school system.

Committees ~~formed by school councils~~ should address ~~consider the~~ policy areas for which school councils are granted authority under KRS 160.345 ~~addressed in the law concerning school councils~~ and may also address matters relating to ~~include~~ grade group levels, subject areas, and ~~other~~ special programs.

All recommendations made to the council should be reviewed by the committee to determine if the recommendation conflicts with any existing Board ~~existing~~ contractual obligations ~~in effect at the time.~~ Should the review indicate a possible conflict, the recommendation should not be presented to the council until such time as the conflict has been resolved.

## COMMITTEE MEMBERSHIP

Committees established by the council shall comply with requirements of the Open Meetings Law.

If a school council establishes committees, it shall adopt a policy to facilitate the participation of interested persons, and is encouraged to ensure that committees reflect at least one-third parents. The policy shall include the number of committees, their jurisdiction, composition, and the process for membership selection.[1]

Committee membership shall include reasonable minority representation and may include other representatives of the school community such as students, classified employees, and other community at large representatives.

## COMMUNITY PARTICIPATION

Councils shall encourage parent, citizen and community participation in council meetings and school activities and shall cooperate with independent school groups such as booster and parent organizations to assist them in their service to the school.

In addition, cooperation and collaboration within the school District, with the Board, with other districts, and with other public and private agencies shall be encouraged.

## OTHER SCHOOLS

The school council shall cooperate with other schools and with local, state, and regional agencies and organizations to:

1. Seek solutions to educational problems of common concern;
2. Offer support services to students;
3. Equalize educational opportunities for students;
4. Acquire federal and state grants; and
5. Promote local school system involvement in state and federal decision making.

# School Council Relationships (SBDM)

**OTHER SCHOOLS (CONTINUED)**

The cooperation may extend to research, services for students with disabilities and other student and staff development programs, curriculum development, and exchange of information.

**REFERENCES:**

[1]KRS 160.345; OAG 92-57
KRS 61.800; KRS 61.805; KRS 61.810
KRS 61.815; KRS 61.820; KRS 61.823
KRS 61.826; KRS 61.835; KRS 61.840
KRS 61.846; KRS 61.848; KRS 61.850

**RELATED POLICIES:**

02.424
02.4241
10.3

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Order #: 2013-150

# School Council Policies (SBDM)

## RESPONSIBILITIES OF SCHOOL COUNCIL

The school-based decision making (SBDM) council shall have the responsibility to set school policy, consistent with District Board policy, which shall provide an environment to enhance the students' achievement and help the school meet the goals established by KRS l58.645 and KRS l58.645l.

## ADOPTION OF POLICY

The school council shall adopt policy to be implemented by the Principal in each of the following areas of responsibility:

1. Determination of curriculum including needs assessment and curriculum development;

   Such policies shall determine the writing program for the school, consistent with KRS 158.6453, to be submitted to the Kentucky Department of Education for review and comment.

2. Assignment of all instructional and non-instructional staff time;

3. Assignment of students to classes and programs within the school;

   - Assignment of students to classes in the elementary and middle school shall be made based on the judgment and decision of the Principal and counselor prior to the opening of school or upon the enrollment of a new student. Assignment of students to classes in high school shall be accomplished by course selection by the student and parent and the approval of the Principal or designee.

   - Placement of students from the household of an active duty service member or civilian military employee transferring into the District before or during the school year shall be based initially on enrollment in courses offered at the sending school and/or educational assessments conducted at that school.

   - ~~Course~~ Secondary course placement includes, but is not limited to, Honors, International Baccalaureate, Advanced Placement, Cambridge Advanced International, vocational, technical, and career pathways courses. Initial placement does not preclude the District/school from performing subsequent evaluations to ensure appropriate placement and continued enrollment of students in the course(s).

   - Each secondary SBDM ~~school-based decision making~~ council shall establish a policy on the recruitment and assignment of students to Advanced Placement (AP), International Baccalaureate (IB), Cambridge Advanced International, dual enrollment, and dual credit courses that recognizes that all students have the right to participate in a rigorous and academically challenging curriculum.

4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar, and transportation requirements established by the Board;

5. Determination of the use of school space during the school day related to improving classroom teaching and learning;

6. Planning and resolution of issues regarding instructional practices;

# School Council Policies (SBDM)

**ADOPTION OF POLICY (CONTINUED)**

7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and Principal;

   As reflected in the Student Support and Behavior Intervention Handbook, loss of physical activity periods shall not be used as a disciplinary consequence.

8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision;

   The school shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities to the extent they are otherwise qualified, regardless of application deadlines.

9. Adoption of a school emergency plan and implementation of safety practices required by KRS 158.162;

10. Procedures, consistent with local Board policy, for determining alignment with state standards, technology utilization, and program appraisal;

11. Commitment to a parent/guardian involvement process that provides for:

    a. Establishing an open, parent/guardian-friendly environment;

    b. Increasing parent/guardian~~al~~ participation;

    c. Improving two-way communication between school and home, including what their child will be expected to learn; and

    d. Developing parent/guardian~~al~~ outreach programs.

12. Procedures to assist the council with consultation in the selection of personnel by the Principal, including, but not limited to, meetings, timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation.

13. Schools with grades K-5~~ organization~~, or any configuration thereof, shall develop and implement, in compliance with requirements of federal and state law and board policy, a wellness policy that includes moderate to vigorous physical activity each day, encourages healthy choices among students, and incorporates an assessment tool to determine each child's level of physical activity on an annual basis. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. (In the absence of a council, the Principal of the school shall develop and implement the required wellness policy.)

    The Superintendent/designee shall provide assistance in identifying strategies and options to promote daily moderate to vigorous physical activity for students, which may include those that increase strength and flexibility, speed heart rate and breathing and stress activities such as stretching, walking, running, jumping rope, dancing, and competitive endeavors that involve all students.

# School Council Policies (SBDM)

## OTHER POLICIES

Councils may adopt policies for areas other than those listed above to provide an environment that enhances student achievement and to help the school meet goals established by law and by the Board, provided the policies adopted are consistent with Board policies in those areas.

## REVIEW OF POLICIES

Before final adoption of a council policy, it shall be reviewed by the Superintendent/designee who may request that the proposed policy be reviewed by the General Counsel. Any concerns shall be shared with the council within ten (10) working days of the Superintendent/designee's receipt of the draft policy.

The review process is not intended to interfere with a council's authority to adopt and implement legally and operationally permissible policies. Therefore, it is the Board's intent that information resulting from the review process be shared with the council in a timely manner.

## COMPLIANCE WITH BOARD POLICY

In the development and application of school policies as permitted by statute, schools operating under SBDM shall comply with those policies that fall within the authority of the Board, including, but not limited to, those prohibiting discrimination ~~based~~ on the basis of race, color, national origin, age, religion, marital or parental status, political affiliations or beliefs, sex, sexual orientation, gender identity, gender expression, veteran status, genetic information, disability, or limitations related to pregnancy, childbirth, or related medical conditions ~~age, race, sex, color, religion, national origin, political affiliation, or disability~~.

## WAIVER OF STATE REGULATIONS

School councils who decide to request a waiver of state regulations and/or reporting requirements established by a Kentucky Revised Statute requiring paperwork to be submitted to the Kentucky Board of Education or the Department of Education shall submit the supporting information to the Superintendent/designee as required by law. The Superintendent shall then forward the request to the Kentucky Board of Education.

## SCHOOLS OF INNOVATION

In a designated School of Innovation participating in a District of Innovation application and plan, the council may request a waiver from KRS 160.345 or specific provisions within that statute by conducting a vote as set out in KRS 160.107.

The school council shall vote and be responsible for conducting a vote of teachers and staff as set out in KRS 160.107 to determine if the school shall be an applicant as a School of Innovation in the District's application for District of Innovation status and to approve the school's plan of innovation before it is submitted to the District. The vote shall be taken by secret ballot among eligible employees as defined in KRS 160.107. At least seventy percent (70%) of those casting votes in the affirmative shall be required before the school requests to be included in the District's plan and to approve the school's plan of innovation.

# School Council Policies (SBDM)

**REFERENCES:**

KRS 156.072; KRS 156.160; KRS 156.730; KRS 156.735
KRS 158.197; KRS 158.162; KRS 158.645; KRS 158.6451; KRS 158.6453
KRS 160.345; KRS 160.348
KRS 156.108; KRS 160.107; 701 KAR 005:140
OAG 93-55; OAG 94-29; 702 KAR 007:140; 704 KAR 003:510
*Board of Educ. of Boone County v. Bushee,* Ky., 889 S.W. 2d 809 (1994)
U. S. Dept. of Agriculture's *Dietary Guidelines for Americans*

**RELATED POLICIES:**

01.11; 02.422; 02.4231; 03.112; 08.1
09.126 (re requirements/exceptions for students from military families)

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

# Appeal of Decisions (SBDM)

## REVIEW OF SCHOOL COUNCIL DECISIONS

A School Based Decision Making (SBDM) Appeals Board shall be created to review the decisions of school councils. The Appeals Board shall be composed of two (2) parents/guardians appointed by the president of the Fifteenth District PTA, three (3) teachers appointed by the president of the Jefferson County Teachers Association (JCTA), and a school administrator appointed by the president of the Jefferson County Association of School Administrators (JCASA). If the appointment process does not provide for minority representation on the Appeals Board, the Superintendent shall appoint a minority representative. Only those who are qualified by law to serve on a school council may serve on the Appeals Board. Each appointment shall be for a one-(1) year term and each member shall serve no more than two (2) years.

A majority of the Appeals Board constitutes a quorum. Decisions of the Appeals Board must be approved by the majority of the quorum. The Appeals Board shall act upon an ~~the~~ appeal within thirty (30) calendar days of receipt of the appeal. The decision of the Appeals Board shall bind the school council and the parties who initiated the appeal, unless appealed to the Kentucky Board of Education or the courts.

## ELIGIBILITY PROCESS

Any resident of the District or a parent/guardian, student, or employee of the school may appeal a school council decision~~s~~. Appealing a decision made by a school council shall include the following procedure:

1. An appeal must be filed in writing within ten (10) working days following a council decision.
2. An appeal of ~~on~~ a decision made by a school council must first be reviewed by the school council, which shall make a timely response to the appealing party.
3. If the matter is not satisfactorily resolved by the council, the appeal may then be submitted in writing to the Superintendent/designee.
4. If, within ten (10) calendar days, the matter is not satisfactorily resolved by the Superintendent/designee, the appealing party may, within twenty (20) calendar days, appeal to the Appeals Board. The Appeals Board shall afford the affected parties an opportunity to be heard within thirty (30) calendar days of the appeal to the Appeals Board.
5. The Appeals Board shall issue a final written decision on the appeal with its rationale no later than sixty (60) calendar days from the date of the presentation to the Appeals Board.
6. At any point in the process the Appeals Board may direct a review and report on the issues, but shall not extend its decision beyond sixty (60) calendar days from the date of the presentation to the Appeals Board, without the agreement of the affected parties.

# Appeal of Decisions (SBDM)

**BASIS FOR REVIEW**

The Appeals Board will determine whether the issue on appeal falls within the authority granted to the council by KRS 160.345.

Actions that fall within the statutory authority of the council will be reviewed on appeal based on whether the council action raises liability and/or health and safety concerns, exceeds budgetary limitations, conflicts with contractual obligations, or was ~~otherwise~~ unlawful under state or federal law.

Actions that fall within the authority of the Board ~~of Education~~ will be reviewed on appeal based on whether the council action lacks educational merit, is inconsistent with District goals, violates Board ~~District~~ policy, exceeds the authority of the council, raises liability and/or health and safety concerns, exceeds budgetary limitations, conflicts with contractual obligations, or is ~~otherwise~~ unlawful under state or federal law.

**APPEALS BOARD ACTION**

When the appeal issue falls within statutory council authority, the Appeals Board shall either (1) affirm the council decision or (2) refer the appeal back to the council with documentation of its concerns and suggestions.

When the appeal issue falls within the authority of the Board of Education, the Appeals Board shall either (1) uphold the council decision or (2) reverse any council action found to violate any of the review standards.

**REFERENCE:**

KRS 160.345

Adopted/Amended: 8/26/2013
Order #: 2013-150

# School Hiring (SBDM)

## PRINCIPAL SELECTION

When a vacancy exists in the position of school Principal, the outgoing Principal shall not serve on the school council during the Principal selection process.

The Superintendent/designee shall serve as the Chair of the school council for the purpose of the hiring process and shall have voting rights during the selection process. The school council shall have access to the applications of all persons certified for the position. The Principal shall be elected on a majority vote of the membership of the school council.

The selection of a -Principal by a majority vote of the school council shall be subject to approval by the Superintendent. If the Superintendent does not approve the Principal selected by the school council, then the Superintendent may select the Principal.

No Principal who has been previously removed from a position in the District for cause may be considered for appointment as Principal in the District.

A vacancy is created in the position of Principal by the resignation, removal, transfer, retirement or death of the current Principal.

The school council shall undergo training, with a trainer of its choice, in recruitment and interviewing techniques prior to carrying out the process of selecting a new Principal. The Board encourages the school council to follow one (1) or more of the following practices when arranging for this training:

1. Selection of a trainer approved by the Kentucky Association of School Councils (KASC);
2. Selection of a trainer certified by the Kentucky Department of Education (KDE); and/or
3. Requiring the trainer selected to emphasize recruiting and interviewing techniques that reflect model standards developed by KASC.

## ALTERNATIVE PRINCIPAL SELECTION PROCESS

The following Principal selection process may be used by the school council:

Prior to a meeting called to select a Principal, all school council members shall receive informational materials regarding Kentucky Open Records and Open Meetings laws and sign a nondisclosure agreement forbidding the sharing of information received ~~shared~~ and discussions held in the closed session;

1. The Superintendent shall convene the school council and move into closed session as provided in KRS 61.810(1)(f) to confidentially recommend a candidate;
2. The school council shall have the option to interview the recommended candidate while in closed session; and
3. After any discussion, at the conclusion of the closed session, the school council shall decide, in a public meeting by majority vote of the membership of the school council, whether to accept or reject the recommended Principal candidate;

# School Hiring (SBDM)

**ALTERNATIVE PRINCIPAL SELECTION PROCESS (CONTINUED)**

If the recommended candidate is selected, and the recommended candidate accepts the offer, the name of the candidate shall be made public during the next meeting in open session;[1]

If the recommended candidate is not accepted by the school council under the Alternative Principal Selection Process, then the Principal Selection process above applies.[1]

If the recommended candidate is not accepted by the school council, the confidentially recommended candidate's name and the discussions of the closed session shall remain confidential under KRS 61.810(1)(f), and any documents used or generated during the closed meeting shall not be subject to an open records request as provided in KRS 61.878(1)(i) and (j).

A school council member who is found to have disclosed confidential information regarding the proceeding of the closed session shall be subject to removal from the school council by the Kentucky Board of Education.

Discretionary authority exercised by a school council pursuant to the statutory alternative principal selection process shall not violate provisions of any employer-employee bargained contract existing between the District and its employees.

**OTHER VACANCIES**

When the position to be filled in the school is other than that of Principal, the Principal, after consulting with the school council in accordance with procedures established by the council, shall fill the position from a list of qualified applicants provided by the Superintendent. The Superintendent shall provide names of all additional applicants to the Principal upon request when qualified applicants are available.

The Superintendent may forward to the school council names of qualified applicants who have certification pending from the Education Professional Standards Board pursuant to state law. Applicants subsequently employed shall provide evidence they are certified prior to assuming the duties of their position.

If the applicant is the spouse of the Superintendent and meets the requirements of KRS 160.380, he or she ~~s/he~~ shall only be employed upon the recommendation of the Principal and the approval of a majority vote of the school council.

**REFERENCES:**

[1]KRS 160.345
KRS 61.810; KRS 61.878
KRS 160.380
OAG 91-149; OAG 92-131; OAG 92-78
OAG 95-10; OAG 96-38

**RELATED POLICIES:**

02.4241; 03.11; 03.21

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

# Training of School Council Members (SBDM)

All members of a school council shall complete training, as required by law. By November 1 of each year, the Principal, through the Superintendent/designee, shall forward to the Kentucky Department of Education the names and addresses of each council member and verify that the required training has been completed.

**TRAINING PROVIDED BY BOARD**

Within available resources, training shall be provided to all interested teachers and parents/guardians. The Board shall provide general areas of training and training programs. The school council shall determine other training needs.

**REFERENCE:**

KRS 160.345

Adopted/Amended: 8/26/2013
Order #: 2013-150

# Waiver of Board Policies (SBDM)

**PROCESS**

A school council may submit a request to the Superintendent for waiver of a Board policy for areas outside the authority of the council. ~~(~~It shall not be necessary to request a waiver when the council has authority for a policy area, as authorized by KRS 160.345.~~)~~

The Superintendent shall present the request to the Board~~,~~ within thirty (30) calendar days of receipt of the request, along with a recommendation to approve or deny the request. The council shall have the opportunity to address the Board directly to support the request.

Within thirty (30) calendar days from the date on which the Superintendent presents the waiver request to the Board, the Board shall approve or deny ~~rule on~~ the request. When the request for waiver is denied, the grounds for denial shall be recorded in the Board minutes and transmitted to the local school council.

**CRITERIA**

The decision to approve or deny the request shall include, but not be limited to, a consideration of the following:

1. Violation of state and/or federal laws and regulations;
2. Concerns for health and safety;
3. Concerns for liability;
4. Financial resources available;
5. Contractual obligations to personnel and other providers of goods and services;
6. The authority delegated to the council by the Board within the statutes;~~.~~
7. Whether District goals will be advanced by the waiver;
8. Whether student outcomes will be promoted;
~~8.~~9. Whether the requirements set forth in Board policy relating to equal opportunity, educational equity, and protection from harassment or discrimination will be maintained;
~~9.~~10. Whether District uniformity is required in the circumstances under consideration; and/or
~~10.~~11. Whether the larger interests of the public will be served.

**REFERENCES:**

KRS 158.645
KRS 158.6451

Adopted/Amended: 8/26/2013
Order #: 2013-150

# Other Board Policy

It is the intention of the Board for all Board policies to be implemented utilizing procedures to allow professional staff members to be involved in the decision making process as they work to meet the educational goals established by statute.

**REFERENCES:**

KRS 158.645
KRS 158.6451
KRS 160.340
KRS 160.345

**RELATED POLICIES:**

01.5
Chapter 08

Adopted/Amended: 8/26/2013
Order #: 2013-150

# Schools

| | | |
|---|---|---|
| Change | 09.1231 | Dismissal from School |
| Change | 09.221 | Supervision of Students |
| Change | 09.223 | Student Automobile Use |
| Change | 09.3 | Student Activities |
| Change | 09.32 | Student Organizations |
| No Change | 09.3211 | Use of School Facilities by Noncurriculum-Related Student Groups |
| No Change | 09.341 | School Performances |
| Change | 09.35 | Social Events |
| Change | 09.421 | Care of School and Personal Property |
| Change | 09.4281 | Reporting Educational Concerns or Grievances |
| Change | 10.5 | Visitors to Schools |

# Dismissal from School

## RELEASE OF STUDENTS

At any time students are dismissed from school, they shall be released according to the written instructions provided by the custodial parent/guardian. The instructions, which shall be requested at the time the student registers/enrolls for the school year, shall include the student's regular mode of transportation at the end of the day and a list of persons, in addition to the custodial parent/guardian, who are authorized to pick up the child from school. Any deviation from the authorized release process must be approved by the Principal/designee prior to the student departing school in another manner.

It shall be the responsibility of the custodial parent/guardian to notify the school in writing if release instructions are to be revised. If written instructions are not provided to the school, the student shall only be released pursuant to the original written instructions provided by the parent/guardian.

Unless the school has been informed and given evidence of a state law or court order concerning the status of the student, both parents shall have the right to release of the student under their care.

Any student who leaves the school grounds at any time without proper authorization shall be subject to appropriate disciplinary action.

## RELEASE PROCESS

Each school shall maintain a daily entry and exit log of students signing in late or signing out early and shall require proof of identification from individuals (visual identification by an employee, driver's license, picture identification, etc.) to assure that they are authorized to pick up the student.

### Elementary School Student Release

For an elementary school student to be released early, the custodial parent/guardian or designee shall report to the Principal's office and sign for the student's release.

### Middle or High School Student Release

For a ~~an~~ middle or high school student to be released early:

1. The custodial parent/guardian or designee shall report to the Principal's office and sign for the student's release;
2. The custodial parent/guardian or designee shall provide to the school written permission for the student to sign for their own dismissal; or
3. If the student is eighteen (18) years of age or older, or is under the age of eighteen (18) and is an emancipated youth legally free from the care, custody, and control of a parent/guardian, the student may sign for their own dismissal.

# Dismissal from School

**EXCEPTIONS**

A student may be released to a person with lawful authority to take custody of the student, e.g., a police officer with a warrant or the person authorized by the Cabinet for Health and Family Services when the student is committed to the Cabinet or when the Cabinet is granted custody of the student by a court order. In such case, the student's parent shall be notified at the earliest opportunity except as otherwise provided by a court order or law.[1]

When custody of a student is granted to the Cabinet by a court order as a result of dependency, neglect, or abuse, the Cabinet shall notify the Principal, or any Assistant Principal, of the school in which the child is enrolled, and the District's Director of Pupil Personnel, of the names of persons authorized to contact the child at school or remove the child from school grounds.

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

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

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

In addition, the Board authorizes emergency release of students for illness or other bona fide reasons, as determined by the Principal.

**REFERENCES:**

[1]OAG 85-134; OAG 92-138
KRS 620.146
702 KAR 007:125

**RELATED POLICIES:**

09.12311; 09.227; 09.3; 09.31; 09.432
09.434; 10.5

Adopted/Amended: 5/12/2020
Order #: 2020-56

# Supervision of Students

Students will be under the supervision of a qualified adult.

Each teacher and administrator shall hold pupils to a strict account for their conduct on school premises, on the way to and from school, and on school-sponsored trips and activities.[1]

A certified or classified staff member must accompany students on all school-sponsored or school-endorsed trips. Persons designated to accompany students shall be at least twenty-one (21) years old.[2] ~~2~~

A nonfaculty coach or a nonfaculty assistant may accompany students on athletic trips as provided in statute.[1]

## ACCESS TO SCHOOL PROPERTY DURING THE SCHOOL DAY

~~Unless they are authorized visitors, only those students~~ Students who are enrolled in the District and on property for an official school purpose, such as receiving instruction or participating in a school sponsored extracurricular activity, shall be permitted on the property during the school day. If a student who is officially absent or on home/hospital instruction wishes to come onto property during the school day, the student shall first go to the Principal/designee, seek permission to be on the property, and check in. Permission may be granted for the student to be on school property if the purpose relates to educational needs of the student that cannot be accomplished outside of school hours, and the student remains on the property only for the time needed to accomplish that purpose.

Authorized visitors may be permitted in a school facility or on school property in accordance with Board policy 10.5.

## STUDENT SEX OFFENDER REGISTRANTS

The Principal is authorized to set supervision requirements and limitations, as appropriate, that apply to students enrolled in the school who are registrants as defined in KRS 17.500. If the Principal has set limitations, restrictions or requirements, they shall be put in writing and a copy provided to the student/guardian.

## REFERENCES:

[1]KRS 161.180
[2]KRS 161.185
KRS 17.545; 702 KAR 005:030

## RELATED POLICIES:

09.36
10.5

Adopted/Amended: 1/27/2014
Order #: 2014-016

# Student Automobile Use

## CONDITIONS FOR USE

Upon ~~With parental~~ request from parents/guardians and subject to rules established by ~~regulations of~~ the school, ~~and of the~~ Board policies, and District administrative procedures,[1] students may have the privilege to operate ~~of operating~~ automobiles on school property. Vehicles shall be parked in designated areas on the school campus and are not to be visited or moved during the school day, unless permission is given by the Principal. Driving in a reckless or careless manner or an infraction of other established laws, rules, policies, or administrative procedures ~~regulations~~ will result in denial of the privilege of driving on school property. Students who drive automobiles and park them on school property do so with the understanding that, for good cause, a search of the automobile may be made.

Rules regarding the use of automobiles by students on school property ~~Driving rules~~ shall be given to each student driver, which shall include ~~including~~ a statement notifying student drivers that ~~giving~~ school officials have the right to search a vehicle parked on school property.

## PRIVILEGE MAY BE REVOKED

Driving on the school grounds is a privilege which may be revoked if conditions are violated.[2]

## REFERENCES:

[1]KRS 161.180
KRS 160.290
[2]OAG 74-783

## RELATED POLICY:

09.436

Adopted/Amended: 1/27/2014
Order #: 2014-016

# Student Activities

## TO BE ENCOURAGED

Student activities of an educational nature shall be encouraged and maintained, based upon the needs and interests of pupils.

In schools operating under school-based decision making (SBDM), consistent with Board policy, the school council shall determine selection of extracurricular activities, as well as academic qualifications, attendance requirements, evaluation procedures, and supervision for these programs.

## CONTROL

All school-sponsored student activities shall be under the direction of the Principal and faculty of the school, except that a nonfaculty coach or nonfaculty assistant may accompany students on athletic trips as provided by law.[1]

The Principal may suspend a student's eligibility to participate in extracurricular and cocurricular activities, pending investigation of any allegation that the student has violated either the District behavior standards or the school council's criteria for participation.[2]

## STUDENTS WITH DISABILITIES

Students with disabilities shall have an equal opportunity to participate in nonacademic and extracurricular services and activities, including, but not limited to, extracurricular athletics, intramural athletics, and clubs.

**NOTE:** The District may require a level of skill or ability of a student in order for that student to participate in a selective or competitive program or activity, so long as the selection or competition criteria are not discriminatory.

## REFERENCES:

[1]KRS 161.185
[2]KRS 158.153
KRS 158.183; KRS 161.180; KRS 620.146
702 KAR 007:125; 702 KAR 007:140; OAG 57-40812
Section 504 of the Rehabilitation Act of 1973

## RELATED POLICIES:

09.126 ~~(re requirements/exceptions for students from military families)~~
09.3211; 09.36; 09.438

Adopted/Amended: 5/12/2014
Order #: 2014-071

# Student Organizations

All school-sponsored student organizations shall be under the direction of a faculty advisor.

**MEMBERSHIP**

Groups such as honor clubs, athletic clubs or other groups where membership is determined by scholarship, special curriculum-related interests, or other such qualifications, may, consistent with Board policy 09.13 requiring schools to provide equal educational opportunities to all students, restrict membership to pupils who qualify according to bylaws of the organization approved by the Principal.[1]

**SECRET ORGANIZATIONS**

Secret societies or organizations are prohibited from operating within the District. A secret society or organization as used under this policy is one that is not recognized officially by the local school administration, one in which members take secret initiation oaths, share secret passwords and rites, and are bound to assist one another.

**REFERENCE:**

[1]KRS 160.290
KRS 158.183; KRS 161.185

**RELATED POLICIES:**

09.321
09.3211
09.36

Adopted/Amended: 5/12/2014
Order #: 2014-071

# Use of School Facilities by Noncurriculum-Related Student Groups

## APPROVAL REQUIRED

Noncurriculum-related secondary student groups may be provided meeting space on application to and approval by the Principal. Space shall be provided only during noninstructional time either before the beginning or after the conclusion of the school day.

## PROVISIONS

All meetings of noncurriculum-related student groups shall be voluntary. No meeting shall be sponsored by the District or any of its employees. All such meetings shall be student initiated, directed, conducted, and controlled. District employees may be assigned to the meeting space to maintain order. Nonschool personnel may not regularly attend such meetings nor attempt to direct, control, or conduct the meetings. District employees may attend religion-related meetings only in a nonparticipatory capacity to monitor the meeting space and maintain order.

## PERMISSION MAY BE DENIED

Permission to use school facilities may be denied where reasonable cause exists to believe the meeting will materially and substantially interfere with the orderly conduct of the educational activities of the school or pose a danger to the health, safety, or welfare of the students in attendance or to school property.

## REFERENCES:

20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)
KRS 158.181; KRS 158.183

## RELATED POLICIES:

09.3
09.32
09.321

Adopted/Amended: 5/12/2014
Order #: 2014-071

# School Performances

School sponsored performances involving students shall be under the supervision of the local school administration. Student organizations may perform before local groups with approval of parents and the school Principal and with proper supervision.

Adopted/Amended: 1/27/2014
Order #: 2014-016

# Social Events

## SOCIAL EVENTS MAY BE APPROVED

Student social events shall be planned and conducted under the supervision of the local school administration and shall be open to eligible students at the appropriate grade level.

Student social events may be approved under the following conditions:

1. The door shall be controlled and admission limited to eligible students, guests, chaperones, and school personnel.
2. No one in possession or under the influence of alcohol or drugs shall be in attendance.
3. Adequate administrator and/or faculty supervision shall be provided.
4. A police officer shall be present for any event where it is anticipated that the nature of the crowd may pose conduct or safety problems.
5. In case of any disturbance which would jeopardize the safety of students present or threaten to deface or destroy school property, the Principal or the Principal's designee shall immediately close the event and send pupils from the campus.
6. The Principal may impose additional regulations as needed.[1]

**REFERENCES:**

[1]KRS 161.180
KRS 160.290

**RELATED POLICIES:**

03.6
05.45

Adopted/Amended: 1/27/2014
Order #: 2014-016

# Care of School and Personal Property

**STUDENTS RESPONSIBLE**

~~Students~~ A student shall be held responsible for damage to school property due to the student's actions.

**SCHOOL PROPERTY**

Any student, student organization, or group of students who destroys, defaces, damages or removes school property shall be subject to disciplinary action and liability for the cost of restoring the property.

In addition, if a principal has a ~~when they have~~ reasonable belief that a violation has taken place on school property or at a school-sponsored function that involves damage to school property, the principal ~~principals~~ shall immediately report to law enforcement officials ~~when an act has occurred on school property or at a school-sponsored function that involves damage to school property~~. For the purposes of determining when to make a ~~this~~ report to law enforcement officials, damage to school property shall refer to instances involving:

1. Intentional harm, and
2. Damage beyond minor loss or breakage, excluding normal wear and tear.

**PERSONAL PROPERTY OF SCHOOL PERSONNEL**

Any student, student organization, or group of students who steals or willfully or wantonly destroys, defaces, or damages the personal property of school personnel on school property, off school property, or at school-sponsored activities shall be subject to disciplinary action in accordance with the Student Support and Behavior Intervention handbook, including, but not limited to, suspension or expulsion from school.[2]

**STUDENTS' PROPERTY**

Any student, student organization, or group of students who destroys, defaces, damages or steals the personal property of students shall be subject to disciplinary action disciplinary action in accordance with the Student Support and Behavior Intervention Handbook.

**PARENTS LIABLE**

Parents/guardians shall be liable for property damage caused by their minor children.[1]

**REFERENCES:**

[1]KRS 157.140 (Textbooks)
[1]KRS 405.025 (Willful Damage)
[2]KRS 158.150
KRS 158.154; KRS 160.290
704 KAR 003:455

**RELATED POLICY:**

09.438

Adopted/Amended: 1/27/2014
Order #: 2014-016

# Reporting Educational Concerns or Grievances

## GENERAL

Any student who wishes to express an educational concern or grievance shall observe the following order of appeal:

1. Teacher;
2. Assistant Principal;
3. Principal;
4. School council, where appropriate;
5. Executive Administrator of School Support;
6. Assistant Superintendent.

The order of appeal shall not be construed to mean that students are not free to confer with the Superintendent or Board whenever they so wish.

## EXCEPTIONS

1. Appeals relating to discipline of an individual student shall be governed by the due process provisions in Board Policy 09.431 and the due process and appeal procedures in the Student Support and Behavior Intervention Handbook.
2. Harassment/Discrimination allegations shall be governed by Board Policy 09.42811.
2.3. Title IX Sexual Harassment allegations shall be governed by Board Policy 09.428111.
3.4. Federal law requires the District to implement separate and specific processes for responding to complaints/grievances about Title I programs, addressed in Board Policy 08.13451, and to those alleging discrimination in the delivery of benefits or services in the District's school nutrition program, addressed in Board Policy 07.1.
4.5. In cases which involve students with disabilities, procedures mandated by federal and state law shall be followed.[1]

## PROCEDURES

Grievance procedures shall address, but not be limited to, the conditions for filing a grievance, time limitations for the filing and the appeal of a grievance, and a process for the orderly review and appeal of each individual grievance.

## REFERENCES:

[1]P. L. 105-17; 707 KAR Chapter 1

## RELATED POLICIES:

07.1
08.13451
09.42811
10.2

Adopted/Amended: 7/16/2019
Order #: 2019-718

# Visitors to the Schools

The Board encourages parents/guardians, professional educators, and others who have legitimate educational interests pertaining to the District's public school program to visit the schools. To ensure that school personnel are aware of visitors' presence, visits to classrooms shall be scheduled in advance unless authorized by the Principal/designee. ~~and all~~ All visitors must report immediately to the Principal's office upon entering the school and identify themselves, as well as declare their purposes for visiting.

**REGISTRANTS**

No registrant, as defined in KRS 17.500, nor any person residing outside of Kentucky who would be required to register under KRS 17.510 if the person resided in Kentucky, shall be on the clearly defined grounds of a District school, except with the advance written permission of the Principal or the Board that has been given after full disclosure of the person's status under KRS 17.510 as a registrant or sex offender from another state and all registrant information as required in KRS 17.500.

A registrant is defined as:

1. Any person eighteen (18) years of age or older at the time of the offense or any youthful offender, as defined in KRS 600.020, who has committed:
   a. A sex crime; or
   b. A criminal offense against a victim who is a minor; or
2. Any person required to register under KRS 17.510; or
3. Any sexually violent predator; or
4. Any person whose sexual offense has been diverted pursuant to KRS 533.250, until the diversionary period is successfully completed.

A registrant who is the parent/legal guardian, or the person designated by the parent/legal guardian to have access to a student, must request and receive prior permission from the Principal to come onto school grounds. The Principal shall determine whether the requesting registrant is permitted to come onto school grounds for the following reasons:

1. To pick up or drop off their child each day~~.~~;
2. To pick up the child who is injured or ill~~.~~;
3. To confer with school staff concerning academic, disciplinary or placement issues involving the student, including matters required by federal or state law~~.~~;
4. To attend a school activity, including athletic practices and competition, in which the student is a participant~~.~~; or
5. To vote when the school has been designated as a polling place.

Depending on the facts of the particular request, the Principal's response options may include, but are not be limited, to the following:

- Requiring the registrant to provide additional information needed;
- Specifying check-in and check-out requirements;

# Visitors to the Schools

**REGISTRANTS (CONTINUED)**

- Requiring the registrant to be directly supervised by an individual designated by the Principal while on school grounds; Restricting the registrant to a designated location on school grounds;
- Limiting the time the registrant will be permitted to be on school grounds; and
- Denying the request to come onto school grounds.

The Principal shall notify the Superintendent/designee of each request from a registrant and the response made to the registrant. If questions arise about a request, the Principal shall consult with the Superintendent/designee concerning requests from registrants, and the Superintendent/designee may seek further advice from the Board Attorney.

For all other reasons and for all individuals making a request other than parent/legal guardian/designee, the Principal shall consult with the Superintendent/designee as the executive agent of the Board before making a final determination.

**CONDUCT/PROHIBITION ON RECORDING**

All visitors to the schools must conduct themselves so as not to interfere with the daily operation of the school program.

Due to privacy concerns, and except for emergency situations, ~~personally-owned~~ recording devices, including personally-owned recording devices, are not to be used to create video or audio recordings or to take pictures, except with prior permission from the Principal/designee and the affected individual(s). Such devices include, but are not limited to, personal cell phones and tablets.

An exception may be made for events considered to be in the public arena (e.g. sporting events, academic competitions, or performances to which the general public is admitted) where the activity does not materially disrupt the event, prevent others from observing the event, or otherwise violate legal rights. School social events for students, activities sponsored by student clubs, and activities during the school day that are not open to the public are not considered to be in the public arena.

~~Such devices include, but are not limited to, personal cell phones and tablets.~~

**ACCOMMODATION**

Visitors with disabilities shall be accommodated as required by law. Individuals requesting accommodation shall contact the District ADA/504 Coordinator for assistance and guidance. Accommodations may include, but are not limited to, the following considerations:

- Effective communication
- Event ticket sales accommodation
- Companion seating at events
- Use of power-driven mobility devices
- Use of service animals

The District shall notify the public of any requirements and/or deadline for requesting such accommodation.

**BREAST-FEEDING PERMITTED**

In conformity with the requirements of KRS 211.755, a parent ~~mother~~ may breast-feed their ~~her~~ baby or express breast milk in any school or District location where the parent ~~mother~~ is otherwise authorized to be. Breast-feeding a child or expressing breast milk as part of breast-feeding shall

## Visitors to the Schools

not be considered an act of public indecency and shall not be considered indecent exposure, sexual conduct, lewd touching, or obscenity. No person shall interfere with a parent ~~mother~~ breast-feeding their ~~her~~ child in any school or District location where the parent ~~mother~~ is otherwise authorized to be.[1]

**USE OF TOBACCO, ALTERNATIVE NICOTINE, OR VAPOR PRODUCTS PROHIBITED**

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 in the presence of a student or students.[2]

Adequate notice of the prohibition 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. ~~Persons~~ Visitors in violation of this policy, in addition to fines which may be imposed by law[3], are subject to verbal warnings to refrain from use of the subject product. Refusal to refrain from such use or repeated instances of prohibited use after prior warnings may subject the individual to a ban from school property as permitted by law and corresponding civil and criminal penalties.[4]

**WEBSITE ACCESSIBILITY**

The District is committed to ensuring accessibility of its website for students, parents/guardians, and members of the community with disabilities. All pages on the District's website will conform to the W3C WAI's Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents.

Under administrative procedure 10.5 AP.24, ~~District developed administrative procedures,~~ students, parents/guardians, and members of the public may present a complaint regarding a violation of the Americans with Disabilities Act (ADA)~~,~~ Section 504, related to the accessibility of any official District web presence which is developed by, maintained by, or offered through the District or third party vendors and open sources.

**REFERENCES:**

[1]KRS 211.755
[2]KRS 438.345
[3]KRS 438.050
[4]KRS 511.070; KRS 511.080; OAG 90-11
KRS 17.545; KRS 17.500; KRS 17.510
KRS 160.380; KRS 211.394, KRS 211.395; KRS 438.305
KRS 600.020; KRS 620.146
OAG 91-137
P. L. 114-95, (Every Student Succeeds Act of 2015)
29 U.S.C. 794, Rehabilitation Act of 1973, (Section 504)

# Visitors to the Schools

**REFERENCES (CONTINUED):**

42 U.S.C. 2000, Civil Rights Act of 1964, Titles VI and VII
42 U.S.C. 12101 et seq., Americans with Disabilities Act

**RELATED POLICIES:**

01.1
03.113; 03.1327; 03.162; 03.212; 03.2327; 03.262; 05.3; 05.31; 06.221
09.1231; 09.227; 09.3211; 09.4232; 09.426; 09.42811
10.2

Adopted/Amended: 8/27/2019
Order #: 2019-861

# Pupil Personnel

| | | |
|---|---|---|
| Change | 09.1 | School Census |
| Change | 09.111 | Withdrawals |
| Change | 09.12 | Admissions and Attendance |
| Change | 09.121 | Entrance Age |
| Change | 09.122 | Attendance Requirements |
| Change | 09.123 | Absences and Excuses |
| No Change | 09.1221 | Shortened School Day and/or Week |
| Change | 09.1223 | Persons Over Compulsory Attendance Age |

# School Census

A complete, accurate, permanent, and continuous census of all children between the ages of five (5) and twenty-one (21) residing in the District shall be maintained. The census information shall include all data required by statute and regulation.

**REFERENCES:**

KRS 159.250

Adopted/Amended: 1/27/2014
Order #: 2014-016

# Withdrawals

**TEACHER TO ASCERTAIN REASON**

When a pupil of compulsory school age withdraws from school, the teacher of the pupil shall ascertain the reason.[1]

**REPORT TO DPP**

The teacher shall immediately report the withdrawal and the reason for it to the Superintendent's designee, the ~~office (~~Director of Pupil Personnel~~)~~.

**CHANGE OF RESIDENCE**

If the child has withdrawn because of residence, the next residence shall be ascertained and included in the report. The District shall notify the Kentucky Department of Education when a new student enrolls.[1]

**MISSING CHILDREN**

The Director of Pupil Personnel shall notify the Justice Cabinet of any request for the records of a student who has been flagged as missing.[1]

**PERMISSION**

No written permission for withdrawal shall be required after the student's eighteenth (18th) birthday.[2]

Students between the ages of six (6) and eighteen (18) shall enroll and be in daily attendance in the schools to which they are assigned and shall be subject to compulsory attendance.[2]

**FOLLOW-UP BY DISTRICT PERSONNEL**

Within three (3) months of the date of a student's eligible voluntary withdrawal from school, District personnel designated by the Superintendent shall contact each student who has withdrawn from school to encourage reenrollment in a regular, alternative, or High School Equivalency Diploma program. If the student does not reenroll at that time, personnel shall make at least one (1) more attempt toward reenrollment of the student before the beginning of the next school year.[2]

**REFERENCES:**

[1]KRS 159.170; KRS 158.032
[2]KRS 159.010; KRS 159.020

**RELATED POLICY:**

09.122

Adopted/Amended: 5/23/2017
Order #: 2017-171

# Admissions and Attendance

## RESIDENCE DEFINED

Students in the custody of a parent or guardian who resides in the District, or as otherwise provided by state or federal law, shall be considered residents and entitled to the privileges of the District's schools.

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

## SCHOOL OF ORIGIN DEFINED

"School of origin" is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool or a charter school; provided, if a determination is made that it is not in the child's or youth's best interest to remain in the school of origin at the time of a change in foster care placement, the new school in which the child or youth is enrolled would then become the school of origin. It is presumed that staying in the school of origin is in the child's best interest, unless it is against the wishes of the parent, guardian, or unaccompanied youth. When a child or youth completes the final grade level served by the school of origin, the school of origin for the next grade level includes the designated receiving schools ~~at the next grade level~~ for all feeder schools, if applicable.

## HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

The District is dedicated to ensuring all students experiencing homelessness (McKinney-Vento eligible students) have "equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths" in accordance with the McKinney Vento Homeless Assistance Act (reauthorized under the Every Student Succeeds Act, December 10th, 2015). It is the policy of the District that every homeless child and youth and homeless children or youth not in the physical custody of a parent or guardian (unaccompanied youth) be ~~sensitively~~ identified in a manner that protects student and family privacy, be permitted admission in an immediate and sensitive manner, and be enrolled in and attend school on a daily basis as required by federal law.[2]

This policy promotes the educational stability and continuity of homeless students.

1. Homeless Definition. According to the McKinney Vento law a student experiencing homelessness is defined as a child or youth who lacks a fixed, regular, and adequate nighttime residence. This includes a child or youth who is living:
    a. With a friend, relative, or someone else due to economic hardship, loss of housing, or a similar reason.
    b. In a motel, hotel, trailer park, or camp grounds due to lack of alternative accommodations.
    c. In an emergency or transitional shelter.
    d. In a public or private space not ordinarily designed for or used as a sleeping accommodation.
    e. In a car, park, abandoned building, bus or train station, substandard housing, or similar setting.

## Admissions and Attendance

**HOMELESS CHILDREN AND UNACCOMPANIED YOUTH (CONTINUED)**

2. Children and Unaccompanied Youth Experiencing Homelessness have the right to:
   a. Go to school, including a public preschool or charter school, no matter where they live or how long they have lived there.
   b. Continue in the school of origin for the duration of homelessness when deemed in the best interest of the child, or for the remainder of the school year if the family becomes permanently housed during the school year. ~~It is presumed that staying in the school of origin is in the child's best interest, unless it is against the wishes of the parent, guardian, or unaccompanied youth.~~
   c. Receive transportation to and from the school of origin. Transportation must be arranged promptly to ensure immediate enrollment and so as not to create barriers to homeless students' attendance, retention, and success.
   d. Enroll in school immediately even if documents normally required for enrollment are missing.
   e. Enroll and attend classes while the school and District arrange for the transfer of immunization records or any other documents required for enrollment.
   f. Enroll and attend classes in either the school of origin or the reside school even while the school and parent or youth seek to resolve a dispute over the selected school.
   g. Receive the same special programs and services, if needed, as provided to all other students served in these programs.
   h. Receive transportation to and from school and school programs, comparable to that of housed students.
   i. If a dispute arises over eligibility, or school selection or enrollment in a school:
      i. The child or youth shall be immediately enrolled in their school of origin, or other school in which enrollment is sought in accordance with the District's student assignment policy, pending final resolution of the dispute, including all available appeals.
      ii. The parent or guardian of the child or youth, or in the case of an unaccompanied youth, the youth, shall be provided with a written explanation of any decisions related to school selection or enrollment made by the school, the District, or the Kentucky Department of Education (KDE), including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions.
      iii. The parent, guardian, or unaccompanied youth shall be referred to the District Homeless Liaison, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute.
      iv. In the case of an unaccompanied youth, the District Homeless Liaison shall ensure that the youth is immediately enrolled in their school of origin, or other school in which the youth seeks enrollment in accordance with the District's student assignment policy pending resolution of such dispute.
      v. The Dispute Resolution for Homeless form located on the KDE website shall be used.

# Admissions and Attendance

**HOMELESS CHILDREN AND UNACCOMPANIED YOUTH (CONTINUED)**

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

**DISTRICT HOMELESS LIAISON**

The District shall designate an appropriate staff person to serve as liaison to assist in meeting the needs of homeless children and unaccompanied youth. The scope of responsibilities of the District Homeless Liaison shall align with the requirements under the McKinney-Vento law. The liaison is responsible for ensuring:

1. Homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies.
2. Homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of the District.
3. Homeless families and homeless children and youths have access to and receive educational services for which such families, children, and youths are eligible, including early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.) and other preschool programs administered by the District.
4. Homeless families and homeless children and youths receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services.
5. The parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
6. Public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths.
7. School placement decisions are made on the basis of the best interest of the child and wishes of the parent, guardian, or unaccompanied youth.
8. Enrollment disputes are mediated in accordance with this policy, 704 KAR 007.090, and federal law.
9. The parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school that is selected.

# Admissions and Attendance

**HOMELESS CHILDREN AND UNACCOMPANIED YOUTH (CONTINUED)**

10. School personnel providing services under this subtitle receive professional development and other support.
11. Unaccompanied youths:
    a. Are enrolled in school.
    b. ~~'~~Have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth.
    c. Are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and that the youths may obtain assistance from the District Homeless Liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid.'
12. Coordination and collaboration with State Coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements.

The District Homeless Liaison may affirm, without further agency action by the Department of Housing and Urban Development, that a child or youth who is eligible for and participating in a program provided by the District, or the immediate family of such a child or youth, who meets the eligibility requirements of for a program or service authorized under Title IV of ESSA, is eligible for such program or service.

All concerns regarding the education of homeless children and unaccompanied youth shall be referred to the District Homeless Liaison. If a complaint arises regarding services or placement of homeless children and unaccompanied youth, the dispute resolution procedures as set forth in 704 KAR 007:090 shall apply.

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

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

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

The District shall provide services for homeless children and unaccompanied youths with disabilities as required by law.

**POLICY REVIEW AND REVISION**

The District shall review and revise any policies that may act as barriers to the identification of homeless children and youths or the enrollment of homeless children and youths in schools. In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship. Special attention shall be given to ensuring the identification, enrollment, and attendance of homeless children and youths who are not currently attending school.

# Admissions and Attendance

## BEST INTEREST DETERMINATION FOR HOMELESS CHILD

In determining a child's or youth's best interest, the District Homeless Liaison must presume that keeping the homeless child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or in the case of an unaccompanied youth, the youth. When determining a child's or youth's best interest, the District must consider student-centered factors, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youths, giving priority to the request of the child's or youth's parent or guardian or (in the case of an unaccompanied youth) the youth.

## COMPARABLE SERVICES FOR HOMELESS STUDENTS

The District shall provide services to each homeless child and youth that are comparable to services offered to other students in the District. These services include public preschool programs and other educational programs or services for which a homeless student meets the eligibility criteria, including, but not limited to, ~~such as~~ programs for children with disabilities, programs for English learners, programs in career and technical education, programs for gifted and talented students, before-and after-school programs, school nutrition programs, transportation, and charter school programs.

## CHILDREN IN FOSTER CARE

"Foster care" is defined as "24-hour substitute care for children placed away from their parents or guardians and for whom the Cabinet for Health and Family Services has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes..."[3]

The District is committed to increasing educational stability and improving educational outcomes for students in foster care. Students in foster care shall have equal access to all educational programs and services, including transportation, which all other students enjoy.

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

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

# Admissions and Attendance

**PLACEMENT OF CHILDREN IN FOSTER CARE**

It is presumed to be in a child's best interest to remain in the school of origin. If a determination is made at the time of such change in placement that it is in the child's best interest to be placed in a school other than the school of origin, the new school shall be considered the school of origin for future school placement decisions.[4]

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

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

**BEST INTEREST OF THE CHILD IN FOSTER CARE**

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

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

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

1. The child's state agency caseworker shall immediately contact the receiving district to inform the district of the pending enrollment changes.
2. The child's state agency caseworker or child-caring facility or child placing agency case manager shall either accompany the child and the foster parent to the new school to enroll the child or contact applicable staff at the new school via telephone during the day of enrollment, to assist with the enrollment, to share information relating to the child's unique needs and prior experiences that may impact their education, and to identify and prevent disruptions in any instructional or support services that the child may have been receiving prior to that time, including but not limited to medical and behavioral health history and individual service plans.[10]

# Admissions and Attendance

**BEST INTEREST OF THE CHILD IN FOSTER CARE (CONTINUED)**

The District and the Cabinet shall have flexibility in determining the factors to be considered in evaluating the appropriateness of the educational setting of a child in foster care, and determining a school placement that is in the child's best interest. Best interest determinations should include input from relevant parties, including the child, foster parents, biological relatives, and school staff. Though the specific factors may vary depending on context, a variety of student-centered factors should be considered when determining the most appropriate educational setting for a child. The District and Cabinet shall consult U.S. Department of Education guidance regarding the factors that may be considered.[4]

**DISPUTE RESOLUTION**

The District and Cabinet shall make every effort to reach agreement regarding the appropriate school placement of children in foster care. If a conflict arises between a social service worker and the District regarding school placement, the social service worker shall address the matter through the Cabinet and District Foster Care Liaison. During a dispute, the District shall ensure transportation for the child to the school of origin until a resolution is reached. If an agreement cannot be reached, the final decision regarding a child's best interest rests with the Cabinet. [4]

**TRANSPORTATION**

The District shall collaborate with child welfare agencies to ensure that transportation to a child's school of origin for students in foster care is provided, arranged, and funded for the duration of the time the student is in foster care. Transportation costs shall not be considered as a factor when determining a child's best interest regarding school placement. The District's Foster Care Liaison shall assist in exploring transportation options.

**IMMEDIATE ENROLLMENT**

When a determination is made that it is not in the child's best interest to remain in school of origin at the time of a change in placement, the District shall immediately enroll the child in a new school in accordance with the District's student assignment plan and enrollment procedures, even if the child does not have required documentation. The District shall contact the student's prior school for relevant records.

When the placement of a state agency child, including a child in foster care, is changed, and the child is transferring from one school to another, the sending school shall prepare a Cabinet Educational Passport form within two (2) days of the transfer and provide it to the social service worker, who shall present it to the receiving school within two (2) days of enrollment.[5]

**IMMIGRANTS**

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

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

# Admissions and Attendance

**NONRESIDENTS**

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

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

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

**TRANSFER OF AVERAGE DAILY ATTENDANCE ~~ADA~~**

Nonresident students may be admitted to the District schools upon payment of tuition and/or transfer of the student's average daily attendance as defined under Kentucky's public school fund.[4&5]

**NON-IMMIGRANT FOREIGN STUDENTS**

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

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

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

**EXPELLED/CONVICTED STUDENTS**

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

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

Assault shall mean any physical assault, including sexual assault.

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

# Admissions and Attendance

**EXPELLED/CONVICTED STUDENTS (CONTINUED)**

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

**REFERENCES:**

[1]KRS 159.010; OAG 78-64
[2]42 U.S.C. 11431 et seq. (McKinney-Vento Act) & S1177 Sec.9101.
[3]45 C.F.R.1335.20(a)
[4]Non-regulatory Guidance on Foster Care Provisions in Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act of 2015
[5]45 C.F.R.1335.20(a)
[6]KRS 158.120; OAG 80-47; OAG 79-327; OAG 75-602
[7]KRS 157.320
[8]702 KAR 007:125
[9]KRS 158.155; KRS 157.330, KRS 158.150
[10]KRS 158.140
KRS 157.360; KRS 158.100
KRS 199.802
704 KAR 007:090; OAG 91-171
P. L. 104-208
P. L. 114-95 (Every Student Succeeds Act of 2015), 20 U.S.C. § 6301 et seq.
8 U.S.C. Sections 1101 and 1184: 8 C.F.R. Section 214
*Plyler* v. *Doe*, 457 U.S. 202 (1982)
Equal Educational Opportunities Act of 1974 (EEOA)

**RELATED POLICIES:**

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

Adopted/Amended: 7/21/2020
Order #: 2020-101

# Entrance Age

## PRESCHOOL

In accordance with appropriate state and federal legal requirements, any child who has been identified as disabled, and who is three (3) or four (4) years of age~~,~~ by August 1 of the current year, shall be eligible for a free and appropriate preschool education and related services.

Children at risk of educational failure who are four (4) by August 1 may enter preschool. All other four (4) year old children shall be served to the extent placements are available.[1]

## PRIMARY SCHOOL

A child who is five (5) or who may become five (5) years of age by August 1 may enter primary school and may advance through the primary program without regard to age in accordance with KRS 158.031. A child who is six (6) years of age, or who may become six (6) years of age by August 1, shall attend public school or qualify for an exemption as provided by KRS 159.030.[2]

The District shall establish guidelines to determine a student's level of academic and social skills when that student is being considered for advancement through the primary program.[3] A student who is at least five (5) years of age, but less than six (6) years of age, may be enrolled in the second level of the primary program in keeping with the process set out in Kentucky Administrative Regulation.[3 & 4]

## PETITION PROCESS

Parents/guardians may petition the Board to allow their child to enter school earlier than permitted under statutory age requirements. On receipt of a petition, the District shall conduct an evaluation process to help determine a student's readiness to engage in and benefit from early entry to school. The process shall be established in accordance with the following:

1. The District shall establish guidelines to determine a student's readiness for entry, including the date by which petitions must be submitted to the Department of Pupil Personnel.
2. Developmentally appropriate measures, which may include state-approved screening instruments, shall be used to determine a student's level of developmental, academic and social readiness.

Based on staff recommendations, the Superintendent shall recommend to the Board whether to grant the request.

## PROOF OF AGE

Upon enrollment for the first time in any elementary or secondary school, a student or student's parent shall provide:

- A certified copy of the student's birth certificate, or
- Other reliable proof of the student's identity and age with an affidavit explaining the inability to produce a copy of the birth certificate.[4]

Children who are residents of the District or otherwise eligible to attend a school in the District, shall be enrolled in accordance with KRS 159.030, Board policy 09.122, and District student assignment policies and procedures. The inability of a parent/guardian to provide documentation of a student's identity or age shall not preclude enrollment of the student.

# Entrance Age

**REFERENCES:**

[1]KRS 157.3175
[2]KRS 158.030
[3]702 KAR 007:125
[4]KRS 158.031
[5]KRS 158.032; KRS 158.035; KRS 214.034
KRS 158.990; KRS 159.010; KRS 159.030
702 KAR 001:160; 704 KAR 005:070
OAG 82-408; OAG 85-55
P. L. 114-95, (Every Student Succeeds Act of 2015), 20 U.S.C. § 6301 et seq.
McKinney-Vento Act, 42 U.S.C. 11431 et seq.

**RELATED POLICIES:**

08.22
09.126 (re requirements/exceptions for students from military families)

Adopted/Amended: 2/27/2018
Order #: 2018-48

# Attendance Requirements

## COMPULSORY ATTENDANCE

Except as provided in KRS 159.030, each parent, guardian, or other person residing in the District and having custody or charge of any child subject to the compulsory attendance law shall send the child to a regular public day school for the full term that the public school of the District in which the child resides is in session, or to the public school that the Board makes provision for the child to attend. Every child actually residing in this District is subject to the laws relating to compulsory attendance and neither he/she nor the person in charge of him/her shall be excused from the operation of those laws or penalties under them on the grounds that the child's residence is seasonable or that his/her parent is a resident of another state. Once enrolled in school, a student shall be expected to be in daily attendance. All children in the district who have entered kindergarten or who are between the ages of six (6), as of August 1, and eighteen (18), except those specifically exempted by statute, shall enroll and be in regular attendance in the schools to which they are assigned.[1]

Per 704 KAR 005:060, any five (5) year old child not otherwise subject to compulsory attendance laws, but who voluntarily enrolls in the primary school program at the beginning of the school year, may, upon parental or guardian's written request, be withdrawn from the program at any time within the first two (2) school calendar months. At the end of such trial period a child shall be considered irrevocably entered into the primary school program for purposes of KRS 159.010 and KRS 159.020.

## EXEMPTIONS FROM COMPULSORY ATTENDANCE

The Board shall exempt the following from compulsory attendance:

1. A graduate from an accredited or approved 4-year high school,
2. A pupil who is enrolled in a private or parochial school,
3. A pupil who is less than seven (7) years old and in regular attendance in a private kindergarten or nursery school,
4. A pupil whose physical or mental condition prevents or renders inadvisable, attendance at school or application to study,
5. A pupil who is enrolled and in regular attendance in private, parochial, or church school programs for exceptional children, or
6. A pupil who is enrolled and in regular attendance in a state supported program for exceptional children.[2]

## PHYSICIAN'S STATEMENT REQUIRED

The Board, before granting an exemption, shall require a signed statement as required by law unless a student's individual education plan (IEP) specifies that placement of the child with a disability at home or in a hospital is the least restrictive environment for providing services.[2]

## EXCEPTIONS TO PRESENCE AT SCHOOL

Students must be physically present in school to be counted in attendance, except under the following conditions:

1. Students shall be counted in attendance when they are receiving home/hospital, institutional,[2] or court-ordered instruction in another setting.

# Attendance Requirements

**EXCEPTIONS TO PRESENCE AT SCHOOL (CONTINUED)**

2. Participation of a pupil in 4-H activities that are regularly scheduled and under the supervision of a county extension agent or the designated 4-H club leader shall be considered school attendance.[3]

3. Students may participate in cocurricular activities and be counted as being in attendance during the instructional school day, provided the Principal~~/designee~~ has given prior approval to the scheduling of the activities. Approval shall be granted only when cocurricular activities and trips are instructional in nature, directly related to the instructional program, and scheduled to minimize absences from classroom instruction.[4]

4. Students participating in an off-site virtual high school class or block may be counted in attendance in accordance with requirements set out in Kentucky Administrative Regulation.[4]

~~4.~~5. Students enrolled in a District middle or high school may be counted in attendance in accordance with requirements set out in Kentucky Administrative Regulation.[4]

~~5.~~6. Students having an individual education plan (IEP) that requires less than full-time instructional services shall not be required to be present for a full school day, in accordance with Board policy 09.1221.[4]

~~6.~~7. Students who attend classes for moral instruction at the time specified and for the period fixed shall be credited with the time spent as if they had been in actual attendance in school, and the time shall be calculated as part of the actual school work required by law. Students shall not be penalized for any school work missed during the specified moral instruction time.[5]

~~7.~~8. Students participating as part of a school-sponsored interscholastic athletic team, who compete in a regional or state tournament sanctioned by the Kentucky Board of Education or KHSAA, that occurs on a regularly scheduled student attendance day shall be counted and recorded present at school on the date or dates of the competition, for a maximum of two (2) days per student per school year. Students shall be expected to complete any assignments missed on the date or dates of the competition.[6]

~~8.~~9. The pupil is participating in standards-based, performance-based credit that is awarded in accordance with 704 KAR 003:305, and that falls within one (1) or more of the categories of standards-based course work. A pupil may be counted in attendance for performance-based credit for a class or block for the year or semester in which the pupil initially enrolled in the class or block if the pupil demonstrates proficiency in accordance with local policies.[4 & 7]

~~9.~~10. Students attending basic training required by a branch of the United States Armed Forces shall be considered present for all purposes for up to ten (10) days.[3]

# Attendance Requirements

**REFERENCES:**

[1]KRS 159.010; OAG 85-55
[2]KRS 159.030
[3]KRS 159.035
[4]702 KAR 007:125
[5]KRS 158.240
[6]KRS 158.070
[7]704 KAR 003:305
KRS 158.030; KRS 158.143
KRS 159.020; KRS 159.180; KRS 159.990
704 KAR 005:060
OAG 79-68; OAG 79-539; OAG 87-40; OAG 97-26

**RELATED POLICIES:**

08.131; 08.1312; 09.111; 09.121; 09.123; 09.36

Adopted/Amended: 2/27/2018
Order #: 2018-48

# Absences and Excuses

Students are required to attend on time, daily at the school in which they are enrolled. Recording of absences and tardies shall be made in compliance with the requirements of 702 KAR 007:125.[1]

**TRUANCY DEFINED**

Any pupil who has been absent from school without valid excuse for three (3) days or more, or who has been tardy without valid excuse on three (3) days or more, is a truant. A pupil who has been reported as a truant two (2) or more times is a habitual truant.

**EXCUSED ABSENCES**

An excused absence or tardiness is one for which work may be made up, such as:

1. Death or severe illness in the pupil's immediate family. A ~~, (a~~ physician's note is required for verification after ten (10) absences for illness~~;).~~
2. Illness of the pupil~~,~~;
3. Religious holidays and practices~~,~~;
4. One (1) day for attendance at the Kentucky State Fair~~,~~;
5. Documented military leave~~,~~;
6. One (1) day prior to departure of parent/guardian called to active military duty~~,~~;
7. One (1) day upon the return of parent/guardian from active military duty~~,~~;
8. Visitation for up to ten (10) days with the student's parent, de facto custodian, or person with legal custody who, while on active military duty stationed outside of the country, is granted rest and recuperation leave~~,~~;
9. Ten (10) days for students attending basic training required by a branch of the United States Armed Forces~~,~~; or
10. Other valid reasons as determined by the Principal, including trips qualifying as educational enhancement opportunities.

    Provided the date(s) requested do not conflict with the State or District testing periods, a student shall be granted an excused absence for up to ten (10) school days to pursue an educational enhancement opportunity determined by the Principal to be of significant educational value. This opportunity may include, but not be limited to, participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts.

    The Principal's determination may be appealed to the Superintendent/designee whose decision may then be appealed to the Board.

    A student receiving an excused absence to pursue an educational enhancement opportunity shall be considered present in school during the excused absence for the purposes of calculating average daily attendance as defined by KRS 157.320.

# Absences and Excuses

**PARENT NOTES**

Parents/guardians are to notify the school on the day on which their child is absent and provide notes to explain and confirm excused absences and tardies within three (3) school days of the student's return.

**MAKE-UP OPPORTUNITIES**

A student receiving an excused absence shall have the opportunity to make up missed schoolwork pursuant to procedures outlined in the Student Support and Behavior Intervention Handbook and shall not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.

**REFERENCES:**

[1]702 KAR 007:125
KRS 36.396, KRS 38.470, KRS 40.366
KRS 158.070, KRS 158.183, KRS 158.293, KRS 158.294
KRS 159.035, KRS 159.140, KRS 159.150, KRS 159.180
OAG 76-566, OAG 79-68, OAG 79-539, OAG 91-79, OAG 96-28

**RELATED POLICIES:**

09.111, 09.122, 09.4281
09.126 ~~(re requirements/exceptions for students from military families)~~

Adopted/Amended: 9/13/2016
Order #: 2016-154

# Shortened School Day and/or Week

Students with disabilities must attend school for the same number of hours and minutes as non-disabled students. However, the Board shall consider a shortened school day for students with disabilities under specific conditions.

The Board shall consider a shortened school day and/or week only for students with an Individualized Education Program (IEP) or Section 504 Plan that supports a shortened day.

A recommendation to shorten the normal school day and/or week for a student shall be made through the Admissions and Release Committee (ARC) or Section 504 Plan Team (504 Team). Once the ARC or 504 Team determines that a shortened school day and/or week is in the best interest of the student with disabilities, the ARC or 504 Team must determine the delivery of services in the student's IEP or Section 504 Plan.

The decision to shorten the school day and/or week and the IEP or Section 504 Plan should be based on a student's unique, disability-related needs.

An ARC or 504 Team should exercise caution when placing a student on a shortened day and/or week as it may limit a student's ability to make adequate progress, to access the general education curriculum, to meet graduation requirements, and to receive a free and appropriate public education (FAPE). An ARC or 504 Team may not reduce a student's instructional time as a form of punishment or in lieu of a suspension or an expulsion. The ARC or 504 Team shall develop an IEP or Section 504 Plan that addresses the student's behavioral needs.

The ARC or 504 Team must submit appropriate documentation for the Board's consideration. This documentation includes:

1. A medical statement signed by a physician;

2. A documented determination by the student's ARC or 504 Team that a shortened school day is needed; and

3. An IEP or Section 504 Plan that prescribes the length of the shortened day, the continuum of services and placement, and a plan for the student's return to a full day of school.

The Board and District shall maintain the student's confidentiality throughout this process.

Once approval is granted by the Board, the District shall submit notice to the Kentucky Department of Education's Office of Special Education and Early Learning (KDE/OSEEL) as required.

Shortening a student's day and/or week raises issues regarding the provision of a FAPE under the Individuals with Disabilities Education Act (IDEA), as well as potential discrimination under Section 504 of the Rehabilitation Act. The District's Exceptional Child Education staff shall monitor the District's use and implementation of this policy to ensure its compliance with federal and state requirements.

# Shortened School Day and/or Week

**REFERENCES:**

KRS 158.3175
KRS 158.060
KRS 159.030
KRS 339.210
KRS 339.220
KRS 339.230
KRS 339.360
016 KAR 004:020
702 KAR 007:125
704 KAR 003:410
707 KAR 001:350
707 KAR 001:320Section 504 of Rehabilitation Act of 1973, Americans with Disabilities Act
Individuals with Disabilities Education Improvement Act (IDEA)

**RELATED POLICIES:**

08.131
08.31
09.13

Adopted/Amended: 7/16/2019
Order #: 2019-718

# Persons Over Compulsory Attendance Age

## ADMISSION OF RESIDENT STUDENTS OVER AGE TWENTY-ONE (21)

Resident students over age twenty-one (21) may be admitted on a tuition basis.

A student currently enrolled in the District who reaches his/her twenty-first (21st) birthday after the school year begins shall be eligible to complete that school year tuition free. Any student who reaches his/her twenty-first (21st) birthday on or before the day school begins shall be subject to a tuition charge as determined by the Board. This policy does not apply to those war veterans covered by KRS 158.105 or to individuals enrolled in any experimental program approved by the Board.

Students under age twenty-one (21) who have earned a High School Equivalency Diploma shall be permitted to enroll to work toward completion of graduation requirements.

## EXCEPTIONS

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

## STUDENTS WITH DISABILITIES

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

## REFERENCES:

[1]20 U.S.C. § 1412
KRS 157.200
KRS 157.360
KRS 158.100
KRS 158.140
KRS 159.010
KRS 159.030
704 KAR 003:305
707 KAR 001:290

## RELATED POLICY:

08.4

Adopted/Amended: 7/21/2020
Order #: 2020-101