

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

## POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.1

### Legal Status of the Board

#### **CORPORATE POWERS**

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

#### **NOTICE OF NONDISCRIMINATION**

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

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

**Legal Status of the Board****WEBSITE ACCESSIBILITY**

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

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

**REFERENCES:**

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

**RELATED POLICIES:**

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

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

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.21

### **Board Member Disqualifications**

#### **CONFLICT OF INTEREST**

If, after the election of any member of the Board, s/he becomes interested in any contract with or claims against the Board, or if s/he moves his/her residence from the district for which s/he was chosen, or if s/he attempts to influence the hiring of any District employee except the Superintendent, Board Attorney, Board Secretary, or Board Treasurer, or if s/he does anything that would render one ineligible for re-election, s/he shall be subject to removal from office pursuant to KRS 415.050 and KRS 415.060.<sup>1</sup>

#### **IRREGULAR ATTENDANCE**

Any Board member failing to attend three (3) consecutive regular meetings, unless excused by the Board for reason satisfactory to it, shall be removed from office pursuant to KRS 415.050 and KRS 415.060.<sup>2</sup>

#### **SOLICITATION OF SERVICE**

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

#### **RESIGNATIONS OR REMOVAL**

A Board member who ~~does not meet eligibility standards~~disqualifies him/herself does not automatically lose his/her position on the Board and his/her acts are valid until s/he either resigns or is ~~suspended by action taken by the Commissioner of Education and the Kentucky Board of Education or~~ removed by action taken by the Attorney General.

#### **REFERENCES:**

<sup>1</sup>KRS 160.180

<sup>2</sup>KRS 160.270

<sup>3</sup>KRS 161.164

KRS 61.080; KRS 62.010

~~KRS 156.132~~; KRS 161.990; KRS 415.050; KRS 415.060

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

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.6

**Board Records**

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

The Secretary to the Board shall be the custodian of all Board records.

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

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**REFERENCES:**

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

96-ORD-159 1996 Open Records Decision 159

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**RELATED POLICY:**

10.11

- CERTIFIED PERSONNEL -

**Hiring**

SUPERINTENDENT'S RESPONSIBILITIES

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

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The Superintendent shall determine, pursuant to state law, when vacancies exist and shall post such staff vacancies as necessary to recruit applicants for positions.

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When a vacancy occurs, the Superintendent shall notify the Commissioner of Education fifteen (15) days before the position is to be filled.

When a vacancy needs to be filled in less than fifteen (15) days to prevent disruption of necessary instructional or support services of the school District, the Superintendent may seek a waiver of the fifteen (15)-day advance notice requirement from the Commissioner of Education. If the waiver is approved, the appointment shall not be made until the person selected by the Superintendent has been approved by the Commissioner of Education.

~~The Superintendent shall make all appointments, promotions, and transfers of certified personnel for positions authorized by the Board and, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes.~~

EFFECTIVE DATE

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~~No p~~Personnel actions shall not be effective until the employee receives prior to receipt of written notice of the action ~~by the affected employee~~ from the Superintendent. Certified employees may be appointed by the Superintendent for any school year at any time after February 1 next preceding the beginning of the school year.

QUALIFICATIONS

The Superintendent shall employ only individuals who are certified for the positions they will hold and who possess qualifications established by law, regulation, and Board policy, except in the case where no individual applies who is properly certified and/or who meets qualifications set by Board policy. In all cases, the most qualified candidate shall be hired.

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Hiring of certified personnel who have previously retired under TRS shall be in compliance with applicable legal requirements.<sup>2</sup>

All teachers shall meet applicable certification or licensure requirements as defined by state and federal regulation.<sup>3</sup>

PRE-EMPLOYMENT INQUIRIES

Pre-employment inquiries may include, but are not limited to, requests for licensure/certification, conviction and criminal history records, references, job attendance data, traffic/accident records, and physical examinations, where applicable. Information obtained from pre-employment inquiries concerning an applicant's conviction and criminal history record, toxicology screens, results of job-related competency/skills assessments and other pre-employment inquiry information shall be confidential to the extent permitted by law but shall be considered in determining employment status.

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**Hiring****CRIMINAL BACKGROUND CHECK AND TESTING**

Applicants, employees, and student teachers assigned within the District shall undergo records checks and testing as required by applicable statutes and regulations.<sup>1</sup>

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

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

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

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

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

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

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

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

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

**REPORT TO SUPERINTENDENT**

An employee shall report to the Superintendent if the employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal. **Any failure to report this finding shall result in the employee being subject to dismissal or termination.**

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**Hiring**

**JOB REGISTER**

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

**VACANCIES POSTED**

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

When a vacancy for a teaching position occurs in the District the Superintendent shall conduct a search to locate minority candidates to be considered for the position.

**REVIEW OF APPLICATIONS**

Under procedures developed by the Superintendent, each application shall be reviewed ~~and each applicant so notified upon initial application.~~ Applications for candidates not employed shall be retained for three (3) years.

**References are required on applicants for all positions and will be carefully reviewed as part of the employment decision.**

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**The application of any candidate who provides false information shall be invalidated. When information on the application is found to be false after an applicant has been hired, the employee shall be subject to termination.**

**RELATIONSHIPS**

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

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

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

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

**No employee may use his/her employment status to influence the employment in the District of a relative which is defined for the purposes of this paragraph of this Policy as the employee's father, mother, brother, sister, husband, wife, son, and daughter.**

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**No employee shall be assigned to a school, office, work group or other unit if the assignment would cause a relative of such employee to be a supervisor of such employee.**

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**Hiring**

**CONTRACT**

**Except for substitute teachers, all certified personnel shall enter written contracts with the District.**

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**JOB DESCRIPTIONS**

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

**REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT**

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

**A supplement extra-service contract is a one-year agreement and is not to be construed as continuing in nature. Any subsequent renewal will be by separate contract entered into prior to the next school year.**

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Certified employees assigned extra duties such as coaching shall be notified in writing by the last day of that assigned duty if they have reasonable assurance of continued employment in that or a similar capacity for the following school year.

**EMPLOYEES SEEKING A JOB CHANGE**

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

**REFERENCES:**

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

**RELATED POLICIES:**

- 01.11; 02.4244; 03.132



LEGAL: IN BOSTOCK V. CLAYTON COUNTY, GEORGIA, THE US SUPREME COURT HELD THAT THE TITLE VII PROHIBITION ON DISCRIMINATION ON THE BASIS OF "SEX" COVERS SEXUAL ORIENTATION OR GENDER IDENTITY.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.113

- CERTIFIED PERSONNEL -

### **Equal Employment Opportunity**

#### **NONDISCRIMINATION**

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

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

#### **INDIVIDUALS WITH DISABILITIES**

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

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

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

#### **REASONABLE ACCOMMODATION**

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

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

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

#### **ADVISING EMPLOYEES**

The Superintendent shall inform all school employees of the provisions of this policy.<sup>1</sup>

PERSONNEL

03.113  
(CONTINUED)

**Equal Employment Opportunity**

**REFERENCES:**

<sup>1</sup>34 C.F.R. § 106.8

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

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

<sup>4</sup>29 U.S.C. section 1630.14

KRS 207.135

34 C.F.R. 104.3 - 104.14

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

Americans with Disabilities Act

Kentucky Education Technology System (KETS)

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

Genetic Information Nondiscrimination Act of 2008

[Bostock v. Clayton County, Georgia 140 S.Ct. 1731 \(2020\)](#)

**RELATED POLICIES:**

03.133; 03.1621; 03.212; 03.2621; 05.11

**-CERTIFIED PERSONNEL-****Expense Reimbursement**

Provided the Superintendent/designee has given prior approval to incur necessary and appropriate expenses, the Board shall reimburse school personnel for school-related travel when such travel is a required part of the duties of the employee or for school-related activities approved by the Superintendent or the Board and, when appropriate, the School Council. Travel expenses of school-based personnel in SBDM schools shall be paid from Council funds. In the case of expenses reimbursed from internal accounts, the Principal shall be the authority for approving reimbursement. Travel expenses for guests of employees shall not be reimbursed.

The expense reimbursement process shall require documentation of the funding source/category used to pay expenses for all approved trips.

**REIMBURSEMENT FORM**

Travel vouchers shall be submitted within one (1) week of the travel. No requests for travel reimbursement will be considered unless filed on the proper form and accompanied by itemized receipts. **Receipts shall be required for all expenditures except for food per diems.**

Without proper documentation, individuals shall not receive reimbursement, and, if it is determined that reimbursement was made based on incomplete or improper documentation, the individual may be required to reimburse the District.

The Board will be responsible only for actual expenses. **Food is based on per diem.** Allowable expenses are:

**MILEAGE**

Actual mileage between official work stations within the school system and actual mileage for trips outside the school system which have been approved by the Superintendent and the Council in SBDM schools will be reimbursed at the rate approved for state employees when the employee uses his/her own vehicle. **(State travel and reimbursement)**

**GASOLINE**

Actual cost of gasoline and oil purchased and placed in a Board-owned vehicle by an employee while engaged in school-related travel. Purchase must be substantiated by a receipt showing total gallons and total charges.

**TOLLS AND FEES**

All tolls and parking fees incurred in school-related travel. Parking fees must be substantiated by a ticket or receipt.

**CAR RENTAL**

Car rental charges when approved by the Superintendent and the Council in SBDM schools. Charges must be substantiated by a receipt.

**COMMON CARRIERS**

All charges or fares for necessary travel on common carriers (plane, bus, train, subway, taxi, ferry, etc.). Sightseeing and pleasure tours are not reimbursable.

**Expense Reimbursement****COMMON CARRIERS (CONTINUED)**

**Any common carrier travel promotions and/or benefits may accrue, at no cost to the Board, to the employee to whom they were granted.**

**OUT-OF-STATE TRAVEL**

Reimbursement for out-of-state travel by car shall be made on the basis of air fare or mileage rate, whichever is the lesser amount.

**FOOD**

As established in administrative procedure, employees shall be eligible for a per diem reimbursement for meal expense while traveling, if the employee's travel requires an overnight stay and the employee is in travel status during specific time period.

Receipts will not be required to claim reimbursement for meals under the per diem method. The only authorized exception shall be for special meals prearranged as a part of a conference or meeting. The cost of such meals in **"high cost" areas** will be reimbursed in full based on itemized receipts.

**LODGING**

**Hotel or motel charges incurred in school-related travel. Charges must be substantiated by a receipt.**

**EMERGENCY REPAIRS TO VEHICLES**

Reimbursement will be made for emergency repairs or road service to Board-owned vehicles if incapacitated while out of District. Drivers may not obligate the Board for major repairs without the permission of the Director of Transportation or Superintendent.

**SUPERINTENDENT'S TRAVEL EXPENSES**

Prior to granting approval for payment, the Board shall review itemized reimbursement requests for the Superintendent's travel expenses in an open board meeting.

**USE OF PERSONALLY OWNED TELECOMMUNICATION DEVICES FOR DISTRICT BUSINESS (I OWN PLAN)**

**The following Newport Independent School District, staff whose job duties require them to be readily accessible, may be eligible for a mobile device:**

- **Principals and Assistant Principals**
- **Central Office Administrators**
- **Maintenance / Head Custodians**
- **Technology Support Staff**
- **Head Coaches**
- **Mental Health Clinicians**
- **Family Resource Youth Service Coordinators**
- **Homeless Coordinator**
- **Athletic Director**
- **Building Nurses**

**Expense Reimbursement****USE OF PERSONALLY OWNED TELECOMMUNICATION DEVICES FOR DISTRICT BUSINESS (I OWN PLAN) (CONTINUED)**

In such cases, reimbursement will be made to an employee identified as eligible for an “I Owned” option on a monthly basis via an employee travel expense voucher. Guidelines for reimbursement for District personnel on the I OWN plan are located in procedure 03.125 AP.2.

Employees assigned a mobile communication device shall:

- ensure accessibility as identified by supervisor;
- ensure ability to utilize device for work-related activities as identified and as reimbursed; and
- adhere to associated policies for work-related activities, such as; acceptable use, data and media security and social networking.

**REFERENCES:**

KRS 160.290; KRS 160.410; KRS 175.525

OAG 80-395

*United States v. Correll*, 389 U.S. 299 (1967)

Accounting Procedures for Kentucky School Activity Funds

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

PERSONNEL

03.14

- CERTIFIED PERSONNEL -

### **Health and Safety**

#### **SAFETY**

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

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

#### **HAZARD COMMUNICATION PLAN**

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

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

#### **BLOODBORNE PATHOGEN CONTROL**

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

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

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

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

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

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

**LOCKOUT/TAGOUT**

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

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

**PERSONAL PROTECTIVE EQUIPMENT (PPE)**

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

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

**Health and Safety****REPORTING FATALITIES, AMPUTATIONS, HOSPITALIZATIONS, OR LOSS OF EYE**

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

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

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**ASBESTOS MANAGEMENT**

The District shall conduct school inspection and re-inspection activities as required by state and federal law<sup>1</sup> to identify the status of asbestos. The District shall maintain an updated asbestos management plan that shall include, but not be limited to, applicable current and/or future inspection activities, response actions and surveillance activities and a description of steps taken to inform staff and parents about any such activities. Each school shall maintain in its administrative office an updated copy of the management plan for that school. Annual written notice of the availability of the plan shall be provided to parent, teacher, and employee organizations. In the absence of any such organizations, the District shall provide written notice of plan availability to parents, teachers, or employees, as applicable.

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

**REFERENCES:**

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

<sup>2</sup>803 KAR 2:180

Kentucky Department for Public Health

Centers for Disease Control and Prevention

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

OSHA 29 C.F.R. 1910

132 PPE Hazard Assessment

147 Lockout/Tagout

1001 Asbestos-ACBM

1200 Hazard Communication

1030 Bloodborne Pathogens

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LEGAL: IN BOSTOCK V. CLAYTON COUNTY, GEORGIA, THE US SUPREME COURT HELD THAT THE TITLE VII PROHIBITION ON DISCRIMINATION ON THE BASIS OF "SEX" COVERS SEXUAL ORIENTATION OR GENDER IDENTITY.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.162

- CERTIFIED PERSONNEL -

### **Harassment/Discrimination**

#### **DEFINITION**

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

#### **PROHIBITION**

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

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

#### **DISCIPLINARY ACTION**

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

#### **GUIDELINES**

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

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

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

The Superintendent shall provide for the following:

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

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

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

**PROHIBITED CONDUCT**

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

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

**Harassment/Discrimination**

**PROHIBITED CONDUCT (CONTINUED)**

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

**CONFIDENTIALITY**

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

**APPEAL**

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

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

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

**RETALIATION PROHIBITED**

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

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

**OTHER CLAIMS**

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

PERSONNEL

03.162  
(CONTINUED)

**Harassment/Discrimination**

**REFERENCES:**

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

**RELATED POLICIES:**

03.113; 03.1325; 03.16; 09.2211; 09.422; 09.42811

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

PERSONNEL

03.175

~~CERTIFIED PERSONNEL~~

### Retirement

#### DEFINITION

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

#### NOTICE

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

#### RESPONSIBILITY

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

#### UNUSED SICK DAYS

The Board shall compensate certified employees at the time of retirement, or their estate, for each unused sick day at the rate of 30% of the daily salary. This calculation is based on the employee's last annual salary. For personnel who begin employment with a local school district on or after July 1, 2008, unused sick leave days to be recognized in calculating reimbursement under KRS 161.155 shall not exceed 300 days. For personnel who become members of the Teachers' Retirement System on or after January 1, 2022, payment for unused sick leave days shall not be incorporated into the annual compensation used to calculate the retirement allowance in the foundational benefit but may be deposited into the member's supplemental benefit component.<sup>1</sup>

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

Employees retiring from the District may be compensated for unused sick days only once, even if they are subsequently rehired.

#### ESCROW ACCOUNT

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

PERSONNEL

03.175  
(CONTINUED)

**Retirement**

**REFERENCES:**

<sup>1</sup>KRS 161.155  
KRS 157.420; KRS 161.220  
KRS 161.540; KRS 161.545  
KRS 161.560; KRS 161.600  
[KRS 161.633](#); [KRS 161.635](#)  
OAG 81-1; OAG 83-191; OAG 97-28  
29 U.S.C. 631

PERSONNEL

03.193

- CERTIFIED PERSONNEL -

### **Staff Orientation**

#### **WELCOME CENTER~~CENTRAL OFFICE~~ RESPONSIBILITY**

The Welcome Center~~Central Office~~ staff, under the direction of the Superintendent, shall conduct an onboarding~~orientation~~ meeting for new instructional, ~~and~~ administrative, and classified personnel prior to the start of the school year.

#### **PRINCIPAL'S RESPONSIBILITY**

The Principal shall provide orientation for all employees assigned to his/her building.

- CLASSIFIED PERSONNEL -

**Hiring**

**SUPERINTENDENT'S RESPONSIBILITIES**

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

**EFFECTIVE DATE**

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

**PRE-EMPLOYMENT INQUIRIES**

**Pre-employment inquiries may include, but are not limited to, requests for licensure/certification, conviction and criminal history records, references, job attendance data, traffic/accident records, and physical examinations. Information obtained from pre-employment inquiries concerning an applicant's conviction and criminal history record, toxicology screens, results of job-related competency/skills assessments and other pre-employment inquiry information shall be confidential to the extent permitted by law but shall be considered in determining employment status.**

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**CRIMINAL BACKGROUND CHECK AND TESTING**

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

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

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

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

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

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



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

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

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

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

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

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

**REPORT TO SUPERINTENDENT**

An employee shall report to the Superintendent if the employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal. Any failure to report this finding shall result in the employee being subject to dismissal or termination.

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**EDUCATIONAL REQUIREMENTS**

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

~~The District shall not hire any individual with more than ten (10) years of experience on the salary schedule unless approved by the Superintendent.~~

All paraprofessionals shall satisfy educational requirements specified by federal law.<sup>4</sup>

**JOB REGISTER**

The Superintendent or the Superintendent's designee shall maintain in the Central Office and online a job register listing all current job openings in the District.

The register shall describe the duties and qualifications for each opening, and District employment policies shall be attached to the register. The job register shall be open to public inspection during Central Office business hours.

**VACANCIES POSTED**

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

The Superintendent shall implement procedures for the emergency hiring of staff to prevent disruption of necessary instructional or support services.

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**Hiring**

**REVIEW OF APPLICATIONS**

Under procedures developed by the Superintendent, each application shall be reviewed ~~and each applicant so notified~~. Applications for candidates not employed shall be retained for three (3) years.

The application of any candidate who provides false information shall be invalidated. When information on the application is found to be false after an applicant has been hired, the employee shall be subject to termination.

**References shall be required on applicants for all positions and will be carefully reviewed as part of the employment decision.**

**RELATIONSHIPS**

**All applications shall require a response concerning the relationship as defined in KRS 160.180 and KRS 160.380 of each applicant to the Superintendent, other District employees or a Board member. The hiring of relatives of the Superintendent, Board members and principals of the District is subject to the restrictions provided in KRS 160.180 and KRS 160.380.**

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

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

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

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

**EMERGENCY HIRING**

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

**JOB DESCRIPTION**

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

**CONTRACT**

All regular full-time and part-time employees shall receive a contract.

**REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT**

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

**A supplement extra-service contract is a one-year agreement and is not to be construed as continuing in nature. Any subsequent renewal will be by separate contract entered into prior to the next school year.**

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**Hiring**

~~Classified employees assigned extra duties such as coaching shall be notified in writing by the last day of that assigned duty if they have reasonable assurance of continued employment in that or a similar capacity for the following school year.~~

**EMPLOYEES SEEKING A JOB CHANGE**

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

**REFERENCES:**

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

**RELATED POLICIES:**

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221

LEGAL: IN BOSTOCK V. CLAYTON COUNTY, GEORGIA, THE US SUPREME COURT HELD THAT THE TITLE VII PROHIBITION ON DISCRIMINATION ON THE BASIS OF "SEX" COVERS SEXUAL ORIENTATION OR GENDER IDENTITY.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.212

- CLASSIFIED PERSONNEL -

### **Equal Employment Opportunity**

#### **NONDISCRIMINATION**

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

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

#### **INDIVIDUALS WITH DISABILITIES**

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

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

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

#### **REASONABLE ACCOMMODATION**

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

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

#### **ADVISING EMPLOYEES**

The Superintendent shall inform all school employees of the provisions of this policy.<sup>1</sup>

**Equal Employment Opportunity**

**REFERENCES:**

- <sup>1</sup>34 C.F.R. § 106.8
- <sup>2</sup>KRS 161.164; KRS Chapter 344; 42 U.S.C. 2000e, Civil Rights Act of 1964, Title VII
- <sup>3</sup>29 U.S.C.A. 794
- <sup>4</sup>29 U.S.C. section 1630.14
- KRS 207.135
- 34 C.F.R. 104.3 - 104.14
- Americans with Disabilities Act
- Kentucky Education Technology System (KETS)
- Section 504 of the Rehabilitation Act of 1973
- Title IX of the Education Amendments of 1972
- Genetic Information Nondiscrimination Act of 2008
- [Bostock v. Clayton County, Georgia, 140 S.Ct. 1731 \(2020\)](#)

**RELATED POLICIES:**

03.113; 03.1621; 03.233; 03.2621; 05.11

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**- CLASSIFIED PERSONNEL -****Expense Reimbursement**

Provided the Superintendent/designee has given prior approval to incur necessary and appropriate expenses, the Board shall reimburse school personnel for school-related travel when such travel is a required part of the duties of the employee or for school-related activities approved by the Superintendent or the Board and, when appropriate, the School Council. Travel expenses of school-based personnel in SBDM schools shall be paid from Council funds. In the case of expenses reimbursed from internal accounts, the Principal shall be the authority for approving reimbursement. Travel expenses for guests of employees shall not be reimbursed.

The expense reimbursement process shall require documentation of the funding source/category used to pay expenses for all approved trips.

**REIMBURSEMENT FORM**

Travel vouchers shall be submitted within one (1) week of the travel. No requests for travel reimbursement will be considered unless filed on the proper form and accompanied by itemized receipts. **Receipts shall be required for all expenditures except for food per diems.**

Without proper documentation, individuals shall not receive reimbursement, and, if it is determined that reimbursement was made based on incomplete or improper documentation, the individual may be required to reimburse the District.

The Board will be responsible only for actual expenses. **Food is based on per diem.** Allowable expenses are:

**MILEAGE**

Actual mileage between official work stations within the school system and actual mileage for trips outside the school system which have been approved by the Superintendent and the Council in SBDM schools will be reimbursed at the rate approved for state employees when the employee uses his/her own vehicle. **(State travel and reimbursement)**

**GASOLINE**

Actual cost of gasoline and oil purchased and placed in a Board-owned vehicle by an employee while engaged in school-related travel. Purchase must be substantiated by a receipt showing total gallons and total charges.

**TOLLS AND FEES**

All tolls and parking fees incurred in school-related travel. Parking fees must be substantiated by a ticket or receipt.

**CAR RENTAL**

Car rental charges when approved by the Superintendent and the Council in SBDM schools. Charges must be substantiated by a receipt.

**COMMON CARRIERS**

All charges or fares for necessary travel on common carriers (plane, bus, train, subway, taxi, ferry, etc.). Sightseeing and pleasure tours are not reimbursable.

**Any common carrier travel promotions and/or benefits, may accrue, at no cost to the Board, to the employee to whom they were granted.**

## **Expense Reimbursement**

### **OUT-OF-STATE TRAVEL**

Reimbursement for out-of-state travel by car shall be made on the basis of air fare or mileage rate, whichever is the lesser amount.

### **FOOD**

As established in administrative procedure, employees shall be eligible for a per diem reimbursement for meal expense while traveling, if the employee's travel requires an overnight stay and the employee is in travel status during specific time period.

Receipts will not be required to claim reimbursement for meals under the per diem method. The only authorized exception shall be for special meals prearranged as a part of a conference or meeting. The cost of such meals in "**high cost**" areas will be reimbursed in full based on itemized receipts.

### **LODGING**

**Hotel or motel charges incurred in school-related travel. Charges must be substantiated by a receipt.**

### **EMERGENCY REPAIRS TO VEHICLES**

Reimbursement will be made for emergency repairs or road service to Board-owned vehicles if incapacitated while out of District. Drivers may not obligate the Board for major repairs without the permission of the Director of Transportation or Superintendent.

### **USE OF PERSONALLY OWNED TELECOMMUNICATION DEVICES FOR DISTRICT BUSINESS (I OWN PLAN)**

**The following Newport Independent School District, staff whose job duties require them to be readily accessible, may be eligible for a mobile device:**

- **Principals and Assistant Principals**
- **Central Office Administrators**
- **Maintenance / Head Custodians**
- **Technology Support Staff**
- **Head Coaches**
- **Mental Health Clinicians**
- **Family Resource Youth Service Coordinators**
- **Homeless Coordinator**
- **Athletic Director**
- **Building Nurses**

**In such cases, reimbursement will be made to an employee identified as eligible for an "I Owned" option on a monthly basis via an employee travel expense voucher. Guidelines for reimbursement for District personnel on the I OWN plan are located in procedure 03.125 AP.2.**

**Expense Reimbursement**

**USE OF PERSONALLY OWNED TELECOMMUNICATION DEVICES FOR DISTRICT BUSINESS (I OWN PLAN) (CONTINUED)**

**Employees assigned a mobile communication device shall:**

- ensure accessibility as identified by supervisor;
- ensure ability to utilize device for work-related activities as identified and as reimbursed; and
- adhere to associated policies for work-related activities, such as; acceptable use, data and media security and social networking.

**REFERENCES:**

KRS 160.290, KRS 160.410, KRS 175.525

OAG 80-395

*United States v. Correll*, 389 U.S. 299 (1967)

Accounting Procedures for Kentucky School Activity Funds



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

PERSONNEL

03.24

- CLASSIFIED PERSONNEL -

### **Health and Safety**

#### **SAFETY**

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

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

#### **HAZARD COMMUNICATION PLAN**

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

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

#### **BLOODBORNE PATHOGEN CONTROL**

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

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

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

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

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

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

**LOCKOUT/TAGOUT**

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

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

**PERSONAL PROTECTIVE EQUIPMENT (PPE)**

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

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

**Health and Safety****REPORTING FATALITIES, AMPUTATIONS, HOSPITALIZATIONS, OR LOSS OF EYE**

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

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

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**ASBESTOS MANAGEMENT**

The District shall conduct school inspection and re-inspection activities as required by state and federal law<sup>1</sup> to identify the status of asbestos. The District shall maintain an updated asbestos management plan that shall include, but not be limited to, applicable current and/or future *inspection activities, response actions and surveillance activities and a description of steps taken* to inform staff and parents about any such activities. Each school shall maintain in its administrative office an updated copy of the management plan for that school. Annual written notice of the availability of the plan shall be provided to parent, teacher, and employee organizations. In the absence of any such organizations, the District shall provide written notice of plan availability to parents, teachers, or employees, as applicable.

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

**REFERENCES:**

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

<sup>2</sup>803 KAR 2:180

Kentucky Department for Public Health

Centers for Disease Control and Prevention

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

OSHA 29 C.F.R. 1910

132 PPE Hazard Assessment

147 Lockout/Tagout

1001 Asbestos – ACBM

1200 Hazard Communication

1030 Bloodborne Pathogens

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LEGAL: IN BOSTOCK V. CLAYTON COUNTY, GEORGIA, THE US SUPREME COURT HELD THAT THE TITLE VII PROHIBITION ON DISCRIMINATION ON THE BASIS OF "SEX" COVERS SEXUAL ORIENTATION OR GENDER IDENTITY.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.262

- CLASSIFIED PERSONNEL -

### **Harassment/Discrimination**

#### **DEFINITION**

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

#### **PROHIBITION**

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

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

#### **DISCIPLINARY ACTION**

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

#### **GUIDELINES**

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

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

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

The Superintendent shall provide for the following:

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

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

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

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

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

**PROHIBITED CONDUCT**

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

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

**Harassment/Discrimination**

**PROHIBITED CONDUCT (CONTINUED)**

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

**CONFIDENTIALITY**

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

**APPEAL**

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

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

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

**RETALIATION PROHIBITED**

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

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

**OTHER CLAIMS**

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

PERSONNEL

03.262  
(CONTINUED)

**Harassment/Discrimination**

**REFERENCES:**

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

**RELATED POLICIES:**

03.212; 03.2325; 03.26; 09.2211; 09.422; 09.42811

### **Substitute Teachers**

**The District may use substitute teachers in accordance with the state law and Kentucky Administrative Regulations. Substitutes shall have the same authority as the teacher while engaged for services in the place of the regularly assigned teacher.**

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#### **QUALIFICATIONS**

All substitute teachers shall meet background records check requirements (including a letter from the Cabinet for Health and Family Services provided by the individual documenting that the individual does not have an administrative finding of child abuse or neglect in records maintained by the Cabinet) and medical examination requirements as specified in policies 03.11 and 03.111. In addition, substitutes serving in a position on a long-term/extended basis must meet all certification requirements established by the Education Professional Standards Board.

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

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

#### **PARENT/GUARDIAN NOTIFICATION**

A school shall provide timely notice to the parent or guardian of a student if the student has been assigned to a class taught by a teacher for four (4) or more weeks who does not meet applicable Kentucky certification requirements at the grade level and subject area in which the teacher is assigned, as required under Board Policy 03.112.

#### **SUBSTITUTE LIST**

The Superintendent or designee shall maintain a list of qualified substitute teachers. The Superintendent or designee shall engage substitutes from this list. Refusal of assignment as a substitute shall be documented, along with any reason provided.

#### **RETIRED TEACHERS**

Retired teachers **and administrators** may be reemployed as a part-time, temporary or substitute teacher in keeping with requirements of the Teacher's Retirement System **in accordance with applicable state law, KY Administrative Regulations and requirements of the Teacher's Retirement System.**

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#### **LENGTH OF DUTY**

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

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

#### **SUBSTITUTE SALARY AND PAYMENT SCHEDULE**

Substitutes shall be paid on a per diem basis according to the salary schedule approved by the Board. The salary schedule may reflect adjustments for long-term/continuous assignment substitutes.



**Substitute Teachers**

**SUBSTITUTE SALARY AND PAYMENT SCHEDULE (CONTINUED)**

**Any substitute who teaches for twenty (20) or more consecutive days for an individual teacher shall be paid on the regular teachers' salary schedule, based on the teacher's rank and zero (0) years experience. The District allows a one (1) day interruption in the consecutive service period without affecting the employees' eligibility for the increased rate.**

Payment shall be made on the next scheduled payday for substitutes.

**EMPLOYMENT NOTIFICATION**

Each year, substitute teachers on the District's substitute list shall be notified in writing by the last day of school if they have reasonable assurance of continued employment for the following school year.

Nonrenewal of substitute teachers on limited contracts shall be made in compliance with the requirements of KRS 161.750.

**REFERENCES:**

KRS 17.160; KRS 17.165; KRS 156.106; KRS 160.380; KRS 161.605; KRS 161.611  
16 KAR 2:030; 16 KAR 2:120; 102 KAR 1:030  
702 KAR 1:035; 702 KAR 3:075; OAG 69-296

**RELATED POLICIES:**

03.11; 03.111; 03.121

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

FISCAL MANAGEMENT

04.1

### **Budget Planning and Adoption**

#### **PLANNING**

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

#### **PREPARATION OF BUDGETS**

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

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

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

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

#### **TIMELINE**

On or before January 31, the Board shall formally and publicly examine a detailed estimate of revenues and proposed expenditures by line item for the following fiscal year. On or before May 30, the Board shall adopt a tentative working budget, which includes a minimum reserve of two percent (2%) of the total budget. During the ~~2020-2021-2022~~ school year, the District may adopt, and the Kentucky Board of Education may approve, a working budget that includes a minimum reserve less than two percent (2%) of the total budget.

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

45

FISCAL MANAGEMENT

04.1  
(CONTINUED)

**Budget Planning and Adoption**

**REFERENCES:**

KRS 156.160; KRS 157.330; KRS 157.350; KRS 157.360  
KRS 157.440; KRS 160.370; KRS 160.390  
KRS 160.460; KRS 160.470; KRS 160.530; KRS 424.250  
[2021-2022 Budget Bill \(HB192\)](#)~~2020-2021 Budget Bill (HB 352)~~  
702 KAR 3:100; 702 KAR 3:110; 702 KAR 3:246; OAG 67-510

**RELATED POLICIES:**

01.11; 02.4242; 02.4331; 04.91

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

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

FISCAL MANAGEMENT

04.311

### **District Accounts**

#### **SYSTEM OF ACCOUNTING**

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

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

#### **ELECTRONIC FUNDS TRANSFER (EFT)**

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

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#### **REFERENCES:**

KRS 157.060

KRS 160.340

KRS 160.560

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

702 KAR 3:130

Governmental Accounting Standards Board (GASB)

Accounting Procedures for Kentucky School Activity Funds

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

FINANCIAL IMPLICATIONS: INCREASED INVESTMENTS

FISCAL MANAGEMENT

04.6

### Investments

#### **EXCESS FUNDS**

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

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

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

The Board shall not purchase any investment on a margin basis or through the use of any similar leveraging technique. In addition, the amount of money the District invests at any time in one (1) or more of the categories/options 5, 6, 7, 11, and 12 listed above shall not exceed twenty percent (20%) of the total amount of money invested. The amount of money the District invests in categories/options 10, 11, and 12 above shall not, aggregately, exceed forty percent (40%) of the total money invested, unless the investment is in a mutual fund consisting solely of the investments authorized above, or any combination thereof.

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

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

**GUIDELINES**

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

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

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

**Investments**

**GUIDELINES (CONTINUED)**

At the next regular Board meeting following the investment, the Board shall be informed as to the amount invested, type of investment, date of investment, rate of interest, length of investment, and current market value of the funds invested. The Finance Officer also shall provide a monthly report to the Board of the total amount invested at the end of the previous month, the maturity date of those investments and the rate of interest being earned.

The Finance Officer shall prepare for Board review an annual review of the District's investment program, which shall summarize the information that has been presented monthly.

**REFERENCES:**

- 1 KRS 66.480
- KRS 160.570
- KRS 41.240
- KRS 160.431
- 702 KAR 3:090

**RELATED POLICIES:**

- 04.2
- 04.21

LEGAL: THE LANGUAGE BEING REMOVED BELOW WAS IN THE 2018 BUDGET BILL AND IS NO LONGER IN EFFECT.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

FISCAL MANAGEMENT

04.91

### **Financial Statements and Reports**

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

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

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

- ~~1. All expenses charged to Instruction, Student Support Services, Instructional Staff Support Services, District Administrative Support Services, School Administrative Support Services and Business Support Services delineated by the relevant subfunction codes, for the previous fiscal year;~~
- ~~2. A comparison of the previous fiscal year's expenses as detailed in #1 with the same expenses in the preceding fiscal year;~~
- ~~3. A detailed section explaining steps to reduce administrative expenditures while maintaining and expanding instructional expenditures; and~~
- ~~4. A copy of the District's policy for maintaining a reserve fund balance in compliance with appropriate government and accounting standards.~~

#### **REFERENCES:**

KRS 160.431  
KRS 160.463  
~~2018 Budget Bill~~  
Governmental Accounting Standards Board

#### **RELATED POLICY:**

04.1



**Building Lockdowns****DEFINITION**

*Building lockdown* means to restrict the mobility of building occupants to maintain their safety and care.

**ANNUAL PRACTICES**

A building lockdown practice shall be implemented at least **four (4) timestwice** during each school year. At a minimum, lockdown drills are to be held during the first thirty (30) instructional days of the school year and in January. As directed by the Superintendent, the Principal or other building supervisor shall document that the practice has occurred.

**PROCEDURE REQUIRED**

The school council or, if none exists, the Principal shall establish procedures to perform a building lockdown, including protective measures to be taken during and immediately following the lockdown. Local law enforcement agencies shall be invited to assist in establishing lockdown procedures. Each school year, the school shall provide appropriate notice of building lockdown procedures to students, certified staff, and classified staff.

**REFERENCES:**

KRS 158.162

KRS 158.164

**RELATED POLICY:**

05.4

LEGAL: REVISIONS TO 702 KAR 5:080 CLARIFY THAT SCHOOL BUS DRIVERS, MECHANICS, OR ANYONE PERFORMING SAFETY-SENSITIVE STUDENT TRANSPORTATION DUTIES FOUND UNDER THE INFLUENCE OF ALCOHOL OR ANY ILLEGAL DRUGS WHILE ON DUTY OR WITH REMAINING DRIVING RESPONSIBILITIES THAT SAME DAY, SHALL BE DISMISSED FROM EMPLOYMENT IN ACCORDANCE WITH KENTUCKY ADMINISTRATIVE REGULATION AND BOARD POLICY AND SHALL NOT BE ELIGIBLE FOR REEMPLOYMENT IN A SAFETY-SENSITIVE STUDENT TRANSPORTATION POSITION FOR FIVE (5) YEARS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TRANSPORTATION

06.221

### **School Bus Drivers' Use of Tobacco and Other Substances**

#### **TOBACCO, ALTERNATIVE NICOTINE, OR VAPOR PRODUCTS**

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

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

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

School employees shall enforce the policy.

#### **DEFINITIONS**

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

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

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

#### **USE PROHIBITED**

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

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

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

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

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

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

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

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

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

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

**TESTING**

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

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

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

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

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

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

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

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

**TESTING COSTS**

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

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

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

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

**REFERENCES:**

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

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

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

49 C.F.R. § 382.701; 49 C.F.R. § 382.703; 49 C.F.R. § 390  
Omnibus Employee Testing Act of 1991, Public Law 102-143, Title V

**RELATED POLICIES:**

03.11; 03.13251; 03.1327; 03.17

03.21; 03.23251; 03.2327; 03.27

09.4232; 10.5

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

TRANSPORTATION

06.23

### **Driver and Substitute Driver Training**

#### **SUPERINTENDENT RESPONSIBILITY**

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

All training requirements include both regular and substitute drivers.

#### **FIRST AID AND CARDIOPULMONARY RESUSCITATION (CPR) TRAINING REQUIRED**

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

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

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

#### **REFERENCES:**

<sup>1</sup>702 KAR 5:080  
KRS 189.370  
KRS 189.375  
KRS 189.380  
KRS 189.450  
KRS 189.540  
KRS 189.550  
KRS 189.580  
KRS 189.635  
702 KAR 5:030  
~~702 KAR 5:080~~  
702 KAR 5:010

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

TRANSPORTATION

06.342

### **Hazards in and on Bus**

#### **PROHIBITED ITEMS**

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

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

1. Firearms or weapons, either operative or ceremonial (exception: archery bows, used in connection with a school archery team, may be transported inside the passenger compartment and arrows transported in the underneath storage compartment);
2. Fireworks or other explosive materials of any type;
3. Live animals, except for a service animal necessary for a student to attend school; Note: animals that are not a risk to other bus riders and that are necessary to enable a person to safely utilize the bus transportation as documented by adequate medical evidence, or required by a student's Individual Education or Section 504 Plan, or a service animal shall be allowed on the bus. or
4. Preserved specimens that would likely frighten a pupil or cause a commotion on the bus; or
5. Glass objects or helium balloons.

#### **REFERENCES:**

KRS 158.110  
702 KAR 5:080  
702 KAR 5:150

20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Improvement Act (IDEA)  
Section 504 of Rehabilitation Act of 1973  
Americans with Disabilities Act

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

SUPPORT SERVICES

07.16

### **Food Service/School Nutrition Employees**

#### **FOOD SERVICE/SCHOOL NUTRITION EMPLOYEES**

All food service/school nutrition employees shall meet the qualifications of and be in compliance with the responsibilities noted in federal regulation, ~~or 702 KAR 6:045, whichever is most stringent.~~<sup>4</sup> In addition, food service/school nutrition program directors and school cafeteria managers shall meet training and credential requirements specified in statute.<sup>12</sup>

#### **REFERENCES:**

<sup>4</sup>~~702 KAR 6:045~~

<sup>12</sup>KRS 158.852

KRS 156.160

KRS 161.011

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

7 C.F.R. § 210.31

#### **RELATED POLICIES:**

See Section 03.2

07.1



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

CURRICULUM AND INSTRUCTION

08.113

### **Graduation Requirements**

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

\*Students must meet college or career readiness standards as adopted by the Kentucky Board of Education and the Newport Independent Board of Education in order to graduate. Principals will disseminate these readiness standards to students through the guidance program, inclusion in student handbooks, and in the ILP.

~~Academic Ready Benchmarks: ACT or other adopted readiness indicators established by the Council on Postsecondary Education~~

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~~Career Ready Benchmarks: CTE end of course program or valid industry certification as established by KDE~~

Exceptions to this requirement shall be made for students with identified learning disabilities as determined in the IEP by the Admissions and Release committee. Eligible students who complete an approved Service Learning Project based upon good faith effort in meeting one of the credentialing benchmarks outlined above.

#### **INDIVIDUAL LEARNING PLAN (ILP)**

Students shall complete an individual learning plan that focuses on career exploration and related postsecondary education and training needs.

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

#### **CIVICS EXAM REQUIREMENT**

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

#### **ADDITIONAL REQUIREMENTS OF THE BOARD**

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The Board shall not adopt any graduation requirements that include achieving a minimum score on a statewide assessment.

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

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

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

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

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

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

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

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

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

**Graduation Requirements**

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

5. Obtain an industry certification as approved by the Kentucky Workforce Innovation Board;
6. Complete four (4) credits from valid courses within a single Kentucky Department of Education approved career pathway;
7. Complete a Kentucky Department of Education approved process to verify 500 hours of exceptional work experience, or alternative requirements as determined by a student's Admissions and Release Committee and specified in the student's IEP; and
8. Complete two (2) years in an approved Kentucky Department of Education or Kentucky Labor Cabinet pre-apprenticeship or apprenticeship program.

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

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

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

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

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

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

**Graduation Requirements****GOOD FAITH EFFORT**

All students are expected to give a good faith effort on any and all tests required by the school, District or state. The school Principal will determine the requirements for a good faith effort and communicate those to the students at the beginning of the school year and include in the student handbook.

**PERFORMANCE-BASED CREDITS**

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

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

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

2. Performance descriptors and their linkages to State content standards and academic standards;  
At the high school level, performance descriptors and evaluation procedures shall be established to determine if the content and performance standards have been met.
3. Assessments and the extent to which state-mandated assessments will be used;
4. An objective grading and reporting process; and
5. Criteria to promote and support school and community learning experiences, such as internships and cooperative learning, in support of a student's ILP. Such experiences shall be supervised by qualified instructors and aligned with State and District content and performance standards.

**MIDDLE SCHOOL COURSES FOR HIGH SCHOOL CREDIT**

Middle school students may take designated courses that will count toward graduation requirements. However, the following requirement shall apply:

1. Middle school student taking such courses must earn at least a C average and pass the final exam in the class for the course to count toward graduation.
2. Grades earned in those courses shall not be used to calculate a student's high school grade point average (GPA).

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

### **Graduation Requirements**

#### **ALIGNMENT OF GRADUATION REQUIREMENTS WITH GOALS AND EXPECTATIONS**

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

#### **OTHER PROVISIONS**

The Board may authorize different diploma programs. In addition, the Board may award a diploma to a student posthumously indicating graduation with the class with which the student was expected to graduate.

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

No pupil shall be permitted to participate in graduation exercises until all specified graduation requirements have been fulfilled, as determined by the Principal and staff.

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

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

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

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

#### **EARLY GRADUATION CERTIFICATE**

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

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

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

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



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

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

**DIPLOMAS FOR VETERANS**

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

**REFERENCES:**

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

<sup>2</sup>KRS 158.622

<sup>3</sup>KRS 156.160; 20 U.S.C. [§see: 1414](#)

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

<sup>5</sup>KRS 158.141

KRS 156.027; KRS 158.135

KRS 158.1411; KRS 158.143; KRS 158.183; KRS 158.281

KRS 158.302; KRS 158.645; KRS 158.6451

KRS 158.860

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

704 KAR 3:303; 704 KAR 3:306; [704 KAR 7:090](#); 704 KAR Chapter 8

OAG 78-348; OAG 82-386

[Kentucky Academic Standards](#)

**RELATED POLICIES:**

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

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

**RELATED PROCEDURE:**

[09.12 AP.25](#)

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**Students With Disabilities****LEGAL OBLIGATIONS**

The Board shall operate programs for students with disabilities in accordance with the legal obligations contained in the special education and section 504 procedures relating to such programs.

In situations involving students with disabilities, the Board shall determine whether to file for due process or appeals there from, on behalf of the District, except in the following situations: The Superintendent/designee is authorized to request due process hearings and to file for extensions and appeals therefrom, and to request injunctive relief, due to substantial likelihood of harm/danger/likelihood of injury by or of a student. The Superintendent/designee is authorized to file for mediation on behalf of the Board and to file appeals from the Kentucky Department of Education Special Education Complaint decisions on behalf of the Board.

**ASSESSMENT**

District special education programs and related services shall meet all requirements established by governance authorities.

(See the above referenced District procedure information for students with disabilities.)

**REFERENCES:**

Individuals with Disabilities Education Improvement Act of 2004

District 504 procedures

[KRS 157.200](#)

707 KAR Chapter 1

A complete listing of pertinent legal references is contained in the District's special education and section 504 procedures, which are incorporated herein by reference.

**RELATED POLICY:**

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

Adopted/Amended: 7/30/2003

Order #: 1421

RECOMMENDED: IN BOSTOCK V. CLAYTON COUNTY, GEORGIA, THE US SUPREME COURT HELD THAT THE TITLE VII PROHIBITION ON DISCRIMINATION ON THE BASIS OF "SEX" COVERS DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION OR GENDER IDENTITY. BOSTOCK DEALS WITH DISCRIMINATION (TERMINATION) IN EMPLOYMENT. ON JANUARY 20, 2021, THE PRESIDENT OF THE UNITED STATES INDICATED IN EXEC ORDER 1402, 86 FED.REG.13,803 (3/11/21) THAT THE REASONING OF BOSTOCK APPLIES TO OTHER LAWS THAT PROHIBIT SEX DISCRIMINATION, INCLUDING TITLE IX, "SO LONG AS THE LAWS DO NOT CONTAIN SUFFICIENT INDICATIONS TO THE CONTRARY." THE PRESIDENT DIRECTED OTHER FEDERAL AGENCIES TO REVIEW SUCH ISSUE. THE UNITED STATES DEPARTMENT OF JUSTICE HAS SINCE ISSUED A MEMORANDUM ADVISING OTHER FEDERAL AGENCIES THAT THE REASONING OF BOSTOCK APPLIES TO TITLE IX AND THE UNITED STATES DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS HAS STATED THAT ONE FOCUS IN IMPLEMENTING THE REFERENCED EXECUTIVE ORDER WILL BE ENSURING THAT STUDENTS WHO HAVE EXPERIENCED DISCRIMINATION BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY WILL HAVE THEIR LEGAL RIGHTS "FULLY MET." WHILE THE INCLUSION OF THE SPECIFIC ADDITIONAL TERMINOLOGY IS NOT MANDATORY AT THIS TIME, IT IS RECOMMENDED BASED ON THE ABOVE.

STUDENTS

09.13

### **Equal Educational Opportunities**

#### **DISCRIMINATION PROHIBITED**

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

No pupil shall be ~~subject to unlawful discrimination~~<sup>discriminated against</sup> because of age, color, disability<sup>2</sup>, race, national origin, religion, sex (including sexual orientation or gender identity), or veteran status.

#### **STUDENTS WITH DISABILITIES**

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

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

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

#### **STUDENT RELIGIOUS ACTIVITIES OR POLITICAL EXPRESSION**

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

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

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

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

**REFERENCES:**

<sup>1</sup>34 C.F.R. § 106.8

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

District special education policy and procedures manual; District 504 procedures

KRS 157.200; KRS 157.224; KRS 157.230; KRS 157.350

KRS 158.183; KRS 160.295; Age Discrimination Act of 1975

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

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

Vietnam Era Veterans Readjustment Assistance Act of 1974

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

[Bostock v. Clayton County, Georgia 140 S.Ct. 1731 \(2020\)](#)

**RELATED POLICIES:**

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

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

STUDENTS

09.2241

### Student Medication

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

The Board authorizes the administration to students of over-the-counter medications, including, but not limited to, acetaminophen, ibuprofen, stomach, cold and allergy meds, etc., by school nurses in the absence of the School-Based Health Center staff.

This authorization is pursuant to written orders of the Medical Director of the District School-Based Health Centers and a completed registration form and consent form signed by the student's parent or guardian in accordance with District School-Based Health Centers' policies and procedures.

All over-the-counter medications will be supplied by the District School-Based Health Centers under the leadership of St. Luke Pediatric Centers.

Antiseptic and appropriate other emergency medications shall be maintained in the first-aid kit.

Pupils may take medicine which is brought from home once a completed authorization form from the parent/guardian is on file.<sup>1</sup>

#### **SELF-ADMINISTRATION**

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

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

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

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

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

STUDENTS

09.2241  
(CONTINUED)

**Student Medication**

**REFERENCES:**

<sup>1</sup>OAG 73-768

<sup>2</sup>KRS 158.834; KRS 158.838

<sup>3</sup>KRS 158.836

KRS 156.502; KRS 158.832; 702 KAR 1:160; Americans with Disabilities Act  
Section 504 of the Rehabilitation Act of 1973

OAG 77-530; OAG 83-115

**RELATED POLICIES:**

09.22; 09.224

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

STUDENTS

09.42811

**Harassment/Discrimination**

**DEFINITION**

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

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

**PROHIBITION**

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

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

**DISCIPLINARY ACTION**

Students who engage in harassment/discrimination of an employee or another student on the basis of any of the areas mentioned above shall be subject to disciplinary action as directed by the Superintendent.

**Harassment/Discrimination**

**GUIDELINES**

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

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

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination;  
The Superintendent/designee may take interim measures to protect complainants during the investigation.
2. Correction of the conditions causing such harassment/discrimination;
3. Identification and enactment of the methods to prevent reoccurrence of the harassment/discrimination;
4. A process where the provisions of this policy are disseminated in writing to all students, which may include, but not be limited to, the following:
  - written notice provided in publications such as handbooks, codes, and/or pamphlets; and/or
  - such other measures as determined by the Superintendent/designee.

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

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

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



**Harassment/Discrimination****NOTIFICATIONS**

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

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

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

**PROHIBITED CONDUCT**

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

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

**CONFIDENTIALITY**

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

**APPEAL**

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

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

**Harassment/Discrimination****RETALIATION PROHIBITED**

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

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

**FAILURE TO ACT**

All employees are required to report suspected sexual abuse of a student to their supervisor and to the Title IX Coordinator. Employees who fail to report shall be subject to disciplinary action, including termination. This requirement does not alter or amend the requirement under KRS 620.030 of every person to report abused or neglected children to an appropriate law enforcement agency.

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

**FALSE COMPLAINTS**

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

**OTHER CLAIMS**

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

**REFERENCES:**

- <sup>1</sup>KRS 158.156
- 42 USC 2000e, Civil Rights Act of 1964, Title VII
- Racial Incidents and Harassment Against Students at Educational Institutions: Investigative Guidance (U.S. Department of Education)
- U. S. Supreme Court - Franklin vs. Gwinnett County
- 29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations Implementing Title VII
- 20 U.S.C. 1681, Education Amendments of 1972, Title IX
- 34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights Regulations Implementing Title IX
- Gebser v. Lago Vista Independent School Dist., 118 S. Ct. 1989 (1998)
- Davis v. Monroe County Bd. of Educ., 119 S. Ct. 1661 (1999)
- [Bostock v. Clayton County, Georgia 140 S.Ct. 1731 \(2020\)](#)

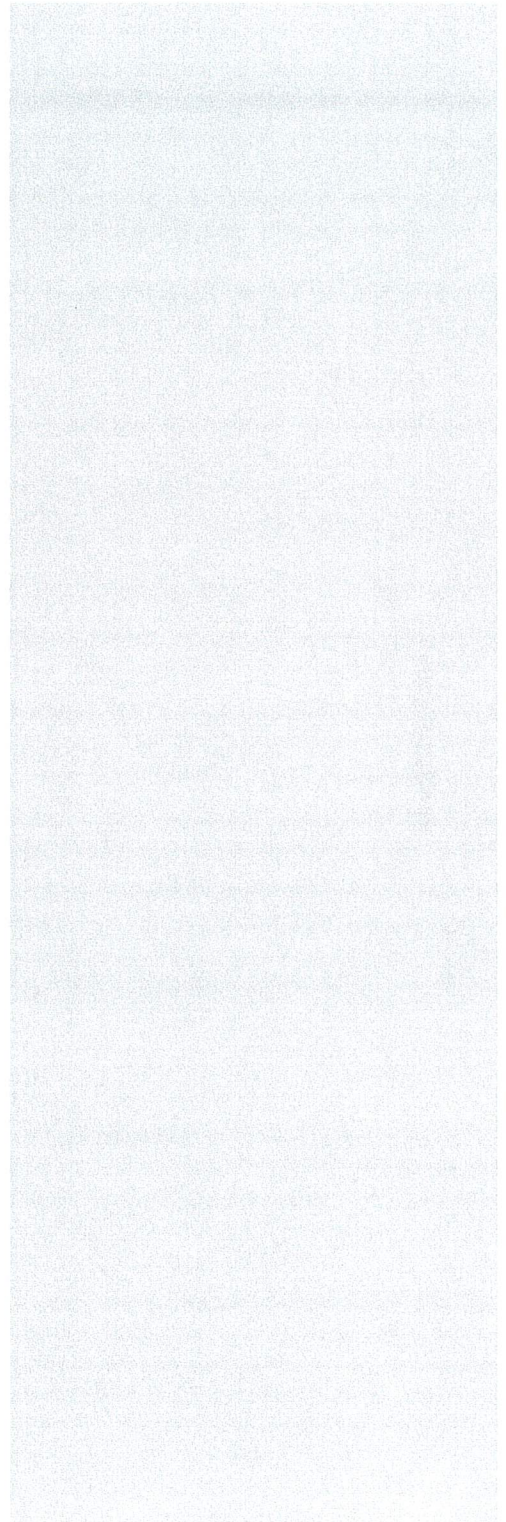
STUDENTS

09.42811  
(CONTINUED)

**Harassment/Discrimination**

**RELATED POLICIES:**

03.162; 03.262  
09.13; 09.2211; 09.227; 09.422; 09.426; 09.438



LEGAL: SB 1 (2019) CREATED KRS 158.4416 TO REQUIRE ON OR BEFORE JULY 1, 2021, DISTRICTS TO ADOPT A PLAN FOR IMPLEMENTING A TRAUMA-INFORMED APPROACH IN ITS SCHOOLS INCLUDING DEVELOPING TRAUMA-INFORMED DISCIPLINE POLICIES.  
FINANCIAL IMPLICATIONS: COST OF IMPLEMENTING TRAUMA-INFORMED AND SCHOOL SAFETY AND THREAT ASSESSMENT TEAMS

STUDENTS

09.43

### **Student Disciplinary Processes**

#### **SCHOOL-RELATED ACTIVITIES**

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

#### **TRAUMA-INFORMED APPROACH**

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

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

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

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#### **TREATMENT OF PUPILS**

Student disciplinary measures should not be administered in a manner that is humiliating, degrading, or unduly severe or in a manner that would cause the pupil to lose status before his/her peer group. Teachers should guard against making remarks to other pupils concerning a student's shortcomings.

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

**Student Disciplinary Processes**

**TREATMENT OF PUPILS (CONTINUED)**

1. Restrictions imposed on the student shall represent the least restrictive alternative available and appropriate to remedy the threat.
2. Supporting material shall be documented in and kept with the student’s juvenile court record.
3. The student and/or parent/guardian may appeal actions taken to the Superintendent or to the Circuit Court with appropriate jurisdiction.<sup>1</sup>

**SERIOUS PROBLEMS**

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

**COUNCIL RESPONSIBILITY**

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

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

**REPORTING**

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

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

**CHILDREN AND YOUTH WITH DISABILITIES**

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

**REFERENCES:**

<sup>1</sup>KRS 158.153

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

KRS 158.150; KRS 158.449

KRS 160.290; KRS 160.340; KRS 160.345

KRS 161.180; KRS 610.345

P. L. 105-17

**RELATED POLICIES:**

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

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