

LEGAL: HOUSE BILL 9 (2021) CREATED KRS 78.510 – KRS 78.852 TO CLARIFY THAT THE “RETIREMENT OFFICE” MEANS THE KENTUCKY PUBLIC PENSIONS AUTHORITY (KPPA) WHICH INCLUDES THE KENTUCKY RETIREMENT SYSTEM (KRS) AND THE COUNTY EMPLOYEES’ RETIREMENT SYSTEM (CERS) AND SEPARATED CERS FROM KRS. ALL REFERENCES TO SUCH INCLUDE BOTH.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.0

Definitions

The following expressions are defined with respect to their intended meanings in the context of this manual:

POLICIES

An expression of the will of the elected Board of Education or the school council. Although other statutes may have Board policy implications, the general scope of Board policies is defined by KRS 160.290 and KRS 160.340. The scope of council policies is defined by KRS 160.345. Board policies cover the general management and governance of school district operations and functions. Within the parameters of the District’s legal authority, violations of policy may provide grounds for administrative response or action as relates to students, District employees, parents, and members of the community, but such policies are not intended to heighten standards of care, establish grounds for liability or create rules for immunities enjoyed by defendants in civil judicial actions against the Board, its members, District employees, officers, or volunteers.

ADMINISTRATIVE REGULATIONS

References such as "State Board regulations", "state regulations", and "administrative regulations" shall mean Kentucky Administrative Regulations (KAR) promulgated by the Kentucky Board of Education.

FULL-TIME/PART-TIME STATUS

Employment status shall be determined in compliance with statute and regulation and shall be defined in the employee's contract. ¹

SUPERINTENDENT

Policies that charge the Superintendent with preparing and/or implementing provisions of procedures, plans, or programs for Board review also direct any other employee to whom the Superintendent may delegate such charges.

PRINCIPAL/HEAD TEACHER

In this manual the term principal refers to principal or head teacher as appropriate and includes any other employee to whom the principal or head teacher may delegate responsibility for a specific task.

TEACHER

Except for referenced statutes which specify a different definition for the purposes of those statutes, in this manual the term teacher shall refer to any person, other than the Superintendent, for whom certification is required as a basis for employment.

HUSBAND AND WIFE

The term husband and wife, as used in the policy manual, shall be deemed to include a spouse in a legally recognized marriage unless the context otherwise requires.

Definitions**PARENT OR GUARDIAN**

Parent, as used in the policy manual, means parent, legal guardian, or other person authorized by law to act as a parent as the context requires.

GENDER

Unless otherwise noted, all gender references include both male and female.

CHILDREN AND YOUTH WITH DISABILITIES

In compliance with federal law and unless otherwise indicated, use of the terms "handicapped/special education/exceptional" shall refer to children and youth with disabilities.

SCHOOL NUTRITION PROGRAM

Use of the term "food service" shall also refer to the District's School Nutrition Program.

STUDENT ATTENDANCE DAY

Unless otherwise noted, use of the term "instructional day" shall have the same meaning as "student attendance day".

HEALTH PROVIDER

Unless otherwise noted, the terms "health care provider" and "health care practitioner" have the same meaning.

CHARTER SCHOOL

Use of the term "charter school" means a public charter school.

CHARTER SCHOOL AUTHORIZER

A local board of education as defined in KRS 1604.1590.

KENTUCKY PUBLIC PENSIONS AUTHORITY

Use of the terms Kentucky Retirement System (KRS) or County Employees' Retirement System (CERS) includes the Kentucky Public Pensions Authority (KPPA).

RELATED POLICIES

The listing of related policies at the bottom of a document is a generic list and may include some policy numbers that this manual does not contain.

REFERENCES

Legal references listed in this manual, such as state and federal statutes and regulations, Kentucky Attorney General Opinions, and court cases are provided as a tool for additional research and are not intended to be viewed as a complete listing of legal resources applicable to a particular topic.

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.0
(CONTINUED)

Definitions

REFERENCES:

¹KRS 157.320; 102 KAR 1:036; 702 KAR 1:035

[KRS 78.510 – KRS 78.852](#)

KRS 158.144

KRS 160.290; KRS 160.340; KRS 160.345

KRS 160~~1~~.1590

KRS 405.028

701 KAR 8:010; 701 KAR 8:020; 701 KAR 8:030; 701 KAR 8:040

702 KAR 6:010; 702 KAR 6:020; 702 KAR 6:040

702 KAR 6:075; 702 KAR 6:090

LEGAL: REVISIONS TO 701 KAR 5:150 REQUIRE THAT A DISTRICT SEEKING COMMISSIONER APPROVAL OF A NONTRADITIONAL INSTRUCTION (NTI) PLAN ANNUALLY INCORPORATE IT INTO THE COMPREHENSIVE DISTRICT IMPROVEMENT PLAN (CDIP).

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: AMENDMENTS TO 703 KAR 5:225 CREATE ADDED FLEXIBILITY BY CLARIFYING TIMELINES AND CREATING PROVISIONS FOR THE INCLUSION OF NEW PLAN ELEMENTS CREATED BY OTHER STATE STATUTES OR REGULATIONS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.111

District Planning

RESPONSIBILITY

The school council shall develop, ~~review/monitor~~, and ~~revise~~ annually ~~update~~-a Comprehensive District Improvement Plan (CDIP). The school council shall organize a planning process, consistent with the District's established planning process.

PLANNING CYCLE

The District's planning cycle shall follow a process of continuous improvement as data becomes available. The structure of the CDIP shall include completion of [a narrative summary of the current state of the school](#)~~the Continuous Improvement Diagnostic~~ between August 1 and October 1 of each school year and completion of the needs assessment between October 1 and November 1 of each school year. [A process for development of the CDIP is to be completed between November 1 and January 1 of each school year, and a District level plan for providing an equitable education to English Learners is to be completed by May 1 of each school year and other components required by state statutes or regulations. Unless otherwise noted, all additional components of the CDIP must be complete by May 1 of each school year.](#)

PLAN REQUIREMENTS

[The District seeking Commissioner approval of the nontraditional instruction \(NTI\) plan shall annually incorporate it within the CDIP. The District shall submit the NTI plan to the Department by May 1 for implementation at the beginning of the upcoming school term.](#)

The plan structure shall include the components set out in 703 KAR 5:225, the Every Student Succeeds Act of 2015 (ESSA), and KRS 158.649.

In addition, the school council shall review annually the school's disaggregated student data and revise the school's improvement plan, as required by applicable statute and regulation, to address any achievement gaps between various groups of students.

The plan shall also address reduction of physical and mental health barriers to learning, student equity, District safety and student discipline assessments, and District goals established by the Board Planning Cycle

The District's planning cycle shall follow a process of continuous improvement as data becomes available.

The Superintendent shall present to the Board for review and approval the form and function of the District planning process, including format and timelines.

Planning activities shall draw on information from a variety of sources that shall include an opportunity for citizens of the community to have input into the plan.

As part of the District planning process, the Board shall review District academic performance on the state assessments for various groups of students in compliance with legal requirements. Upon agreement of the council and the Superintendent, the Board shall establish an annual target for the school for reducing identified gaps in achievement.¹

District Planning**PLAN REQUIREMENTS (CONTINUED)**

If the Board determines that a school has not met its target to reduce the identified gap in student achievement for a group of students, the Board shall require the council, or the Principal if no council exists, to submit its revisions to the school improvement plan describing the use of the professional development funds and funds allocated for continuing education to reduce the school's achievement gap for review and approval by the Superintendent. The plan shall address how the school will meet the academic needs of the students in the various gap groups.

PUBLIC REVIEW

The plan shall have public review prior to presentation to the Board for final adoption. Opportunity for public and school staff review shall be provided for a period of at least two (2) weeks, including the option to post the plan on the District Web site and provide for electronic review and feedback.

BOARD APPROVAL

The plan shall be completed between November 1 and January 1 of each school year and presented to the Board for approval. If revisions are needed, the District planning committee shall forward proposed revisions to the Superintendent. Revisions must reflect requirements of Every Student Succeeds Act of 2015 and KRS 158.649. All recommendations for revisions require approval by the Board.

The Superintendent shall submit required assurances to the Kentucky Department of Education no later than September 30 of each year.

IMPLEMENTATION

The District shall maintain a copy of each plan permanently and, consistent with the District's planning cycle, post the current plan on the District's web site.

The plan shall serve as a resource for Board decision making.

SCHOOL PLANS

The District plan shall be broad enough to allow each school to develop its own plan, within the goals and objectives of the District.

DISTRICT REPORT CARDS

The District shall post the District report card on its website, as required by ESSA. District report cards shall be widely accessible to the public, in an understandable and uniform format, and when possible, written in a language that parents can understand.

As outlined in KRS 160.463, a copy of the report card is to be publicized by one of the following methods:

- a. In the newspaper of the largest general circulation in the county;
- b. Electronically on a website of the District; or
- c. By printed copy at a prearranged site at the main branch of the public library within the District.

District Planning**DISTRICT REPORT CARDS (CONTINUED)**

If b or c above is selected, the Superintendent shall cause notification to be published in the newspaper with largest circulation in the county that includes the electronic address of the website or the address of the library where the report card can be viewed by the public.

The District shall send a District report card to parents containing information about performance as outlined in KRS 158.6453 and 703 KAR 5:140, and information on electronic access to a summary of the results for the District shall be published in the newspaper with the largest circulation in the county.

REFERENCES:

¹KRS 156.500

²KRS 158.649

[KRS 158.070](#); KRS 158.6453; KRS 160.290; KRS 160.340; KRS 160.345; KRS 160.463
[701 KAR 5:150](#); 703 KAR 5:140; 703 KAR 5:225; 703 KAR 5:280; 704 KAR 3:390

P. L. 114-95, (Every Student Succeeds Act of 2015)

RELATED POLICIES:

02.44

02.441

04.1

09.21

LEGAL: HB 453 AMENDS THE NOTICE REQUIREMENTS IN KRS 61.826 TO PROVIDE SPECIFIC INFORMATION ON HOW ANY MEMBER OF THE PUBLIC OR MEDIA ORGANIZATION MAY VIEW A TELECONFERENCE MEETING ELECTRONICALLY. THE NOTICE SHALL IDENTIFY A PRIMARY PHYSICAL LOCATION IF TWO OR MORE MEMBERS ARE MEETING FROM THE SAME LOCATION.
FINANCIAL IMPLICATIONS: COST OF PROVIDING NOTICE
LEGAL: HB 121 AMENDS KRS 160.270 TO REQUIRE A PUBLIC COMMENT PERIOD AT REGULAR MEETINGS OF THE BOARD.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.42

Regular Meetings

TIME AND PLACE

At a meeting in January, the Board shall adopt a schedule of regular meetings for the calendar year, identifying the date, time and place of each meeting. Rescheduled regular meetings shall be noticed and held as special meetings.^{1 & 5-4}

PUBLICITY

All meetings of the Board, and any committees or subcommittees thereof, shall be held at specified times and places which are convenient to the public. The schedule of regular meetings shall be made available to the public.²

Note: Additional notice requirements applicable to regular meetings held for purposes of adopting the school calendar are located in KRS 158.070 and are covered in Board Policy 08.3.

OPEN MEETINGS

All meetings of a quorum of the members of the Board at which any public business is discussed or at which any action is taken are to be public meetings, open to the public at all times, except as provided in KRS 61.810.³

PUBLIC COMMENT PERIOD

Each regular meeting shall include a public comment period of at least fifteen (15) minutes. Any Board rules and policies regarding conduct during school board meetings shall apply during the public comment period.¹

VIDEO TELECONFERENCES

The Board may conduct its meeting by video teleconference (including closed sessions). Notice of a video teleconference meeting shall comply with the requirements of KRS 61.820 or KRS 61.823 as appropriate. ~~In addition,~~ The notice shall clearly state that the meeting will be a video provide specific information on how any member of the public or media organization may view the meeting electronically; and in any case where the Board has elected to provide a physical location, or in any circumstance where two (2) or more members of the Board are attending a video teleconference meeting from the same physical location, ~~and~~ precisely identify ~~the~~ primary location of the video teleconference where all members can be seen and heard and the public may attend in accordance with KRS 61.840.

The same procedures with regard to participation, distribution of materials and other matters shall apply in all video teleconference locations. Members of the Board who participate in a video teleconference shall remain visible on camera at all times that business is being discussed.

Regular Meetings

VIDEO TELECONFERENCES (CONTINUED)

Any interruption in the video or audio broadcast of a video teleconference at any location shall result in the suspension of the video teleconference until the broadcast is restored.

If a regular meeting is changed to a video conference, the meeting shall remain a regular meeting if the meeting occurs on the same date and time as originally scheduled and the Board follows the provisions of KRS 61.823 to provide a notice that meets these requirements.⁴

REFERENCES:

¹KRS 160.270

²KRS 61.820; OAG 78-274; OAG 78-614

³KRS 61.810

⁴[KRS 61.823](#); [KRS 61.826](#)

⁵⁴92-OMD-1677; 04-OMD-056

~~KRS 61.826~~; KRS 61.840; KRS 158.070

17-OMD-148

RELATED POLICIES:

01.421; 01.43; 01.44; 08.3; 08.31

LEGAL: HB 121 AMENDS KRS 160.270 TO REQUIRE A PUBLIC COMMENT PERIOD AT REGULAR MEETINGS OF THE BOARD.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.421

Public Participation in Open Meetings

PUBLIC ATTENDANCE

The public and the news media are permitted to attend all open meetings of the Board. No person may be required to identify himself in order to attend any such meeting.¹

EXCEPTION

The chairman may impose conditions upon attendance at a given meeting only if such conditions are required for the maintenance of order.¹

PUBLIC COMMENT PERIOD

Each regular meeting shall include a public comment period of at least fifteen (15) minutes. Any Board rules and policies regarding conduct during school board meetings shall apply during the public comment period.²

PUBLIC PARTICIPATION

Persons wishing to address the Board must first be recognized by the chairman.

SPEAKERS

The chairman may require the name and address of the speaker. The chairman may rule on the relevance of the topic to the Board's agenda. The chairman may also establish time limits for speakers as may be required to maintain order and to ensure the expedient conduct of the Board's business.

REFERENCE:

¹KRS 61.840

²[KRS 160.270](#)

RELATED POLICIES:

[01.42](#); 01.45; 10.2

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LEGAL: HB 121 AMENDS KRS 160.270 TO REQUIRE A PUBLIC COMMENT PERIOD AT REGULAR MEETINGS OF THE BOARD.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.45

Board Meeting Agenda

PREPARATION

Agenda for regular and special board meetings shall be prepared by the Superintendent with the advice of, and subject to the approval of, the Chairperson.

Any member of the Board may submit items for the agenda through the Chairperson or the Superintendent. The agenda shall be closed to Board members ten (10) calendar days preceding the scheduled regular meeting unless the addition of a late item is approved by the Chairperson or by a request of three (3) Board members.

Items may be placed on a proposed special called meeting agenda at the direction of the Chairperson and shall be placed on the proposed agenda if requested by three (3) or more Board members.

The agenda of a regular meeting may be amended at the meeting upon affirmative vote of at least three (3) members. However, once the agenda for a special called meeting is posted or delivered to Board members and requesting media, it may only be amended when a new notice and reposting of the agenda, as amended, is completed prior to the twenty-four (24) hour period before the meeting as required by statute.

PUBLIC COMMENT PERIOD

[Each regular meeting shall include a public comment period of at least fifteen \(15\) minutes. Any Board rules and policies regarding conduct during school board meetings shall apply during the public comment period.²](#)

DISTRICT EMPLOYEES/MEMBERS OF THE PUBLIC

District employees and any member of the public may submit items to be considered for the agenda to the Superintendent ten (10) calendar days prior to the date of the meeting by filing the appropriate form. Items may include a request that the Board consider adoption or amendment of a policy for future application.

District employees and members of the public may address the Board during the period set aside by the Board without submitting an item for the agenda. No action shall be taken during this portion of the meeting on issues raised by employees or the public unless deemed an emergency by the Board.

Employee concerns dealing with a grievance/communication issue must first be addressed in keeping with the Board's established policy/procedures.

EXCEPTIONS

Any item submitted after the printing of a regular Board meeting agenda, and approved by the Superintendent or Board Chairperson as an item requiring immediate action by the Board, shall be printed as an addendum and considered part of the agenda. The necessity for immediate action shall be listed on the addendum.

DELIVERY

Agenda for each Board meeting shall be delivered to Board members three (3) days prior to each Board meeting.

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.45
(CONTINUED)

Board Meeting Agenda

DELIVERY (CONTINUED)

In the case of emergency meetings called on less than three (3) days' notice, the agenda delivery requirement shall be waived.¹

REFERENCES:

¹KRS 61.825; KRS 160.290

²[KRS 160.270](#)

RELATED POLICIES:

[01.42; 01.421;](#) 01.44; 01.5; 03.16/03.26

LEGAL: NEW REGULATION 702 KAR 1:116 REPLACES EXPIRED REGULATION 702 KAR 1:115 AND AMENDS THE PROCESS FOR APPROVAL OF BOARD TRAINING HOURS RECEIVED FROM SOURCES OTHER THAN KSBA.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.83

In-Service Training

Annual in-service training for all school board members in office as of December 31, 2014 shall include training on topics required by regulation that meet the minimum number of total training hours as follows:¹

1. Twelve (12) hours for school board members with zero (0) to three (3) years of experience (to include five hours on the following: three (3) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation);
2. Eight (8) hours for school board members with four (4) to seven (7) years of experience (to include four hours on the following: two (2) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation); and
3. Four (4) hours for school board members with eight (8) or more years of experience (to include three hours on the following: one (1) hour of finance and one (1) hour of ethics annually and, one (1) hour of superintendent evaluation biennially).

If a Board member obtains hours through any sources other than KSBA, they shall have local Board approval prior to participation in the training event, and they shall ensure that a copy of proof of attendance including a recitation of the time, date, location, and description of the training is sent by the training provider to KSBA within two (2) weeks of completion of the training and send a copy of the record (Board minutes) to KSBA.

For Board members who begin initial service on or after January 1, 2015, annual in-service training requirements shall be twelve (12) hours for Board members with zero to eight (0-8) years of experience and eight (8) hours for Board members with more than eight (8) years of experience. Required annual training hours shall include:

1. Three (3) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation for members with zero (0) to three (3) years experience;
2. Two (2) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation for members with four (4) to seven (7) years experience; and
3. One (1) hour of finance, one (1) hour of ethics annually, and one (1) hour of superintendent evaluation biennially for members with eight (8) or more years experience.

IN-SERVICE TRAINING REGARDING CHARTER SCHOOL AUTHORIZATION

Separate and apart from the above in-service training, Board members shall participate in in-service training regarding charter school authorizers as follows:

When the Board, or a collaborative of local school boards including the Board, receives a charter school application, any member of the Board or boards who has not received charter authorization training within twelve (12) months immediately preceding the date the application was received shall receive six (6) hours of in-service training prior to evaluating the charter application. Except for training provided prior to July 15, 2020, the training shall be in addition to the annual in-service training required under KRS 160.180, and the Board shall select the trainer to deliver the training to its members. Charter authorizer training shall not be required of any Board member until a charter application is submitted to the Board or boards.²

In-Service Training**IN-SERVICE TRAINING REGARDING CHARTER SCHOOL AUTHORIZATION (CONTINUED)**

The charter authorizer training requirements shall be approved by the Commissioner of Education and shall address the following topics of authorizer responsibility and charter school formation and operation:

1. Financial governance and transparency;
2. Conflict of interest;
3. Charter application;
4. Charter school contracting;
5. Charter school monitoring;
6. Charter school renewal, nonrenewal, and revocation;
7. Charter school closure;
8. Ethics;
9. Curriculum and instruction;
10. Educational services provided for special needs, at risk, English learner, gifted, and other special population students; and
11. Physical restraint and seclusion of students.

ORIENTATION OF NEW BOARD MEMBERS

The Superintendent/designee and/or the Board Chair shall acquaint new Board members with their duties and obligations and furnish them with a copy of the Board's policy manual and/or access to the District's online manual and such other information and guidance materials as necessary to prepare them for service. Areas should include, but not be limited to, District budgeting, planning and student learning indicators. In addition, new Board members shall be provided assistance in locating training opportunities to help them meet statutory training requirements and to support them in learning their roles and responsibilities.

REFERENCES:

¹KRS 160.180

²KRS 160.1594

701 KAR 8:020

[702 KAR 1:116](#)~~702 KAR 1:115~~

OAG 85-53; OAG 85-145

LEGAL: HB 9 AMENDS 160.1594 TO CLARIFY THAT CHARTER SCHOOL AUTHORIZERS ARE ENCOURAGED TO GIVE PREFERENCE TO APPLICATIONS THAT DEMONSTRATE INTENT, CAPACITY, AND CAPABILITY TO PROVIDE COMPREHENSIVE LEARNING EXPERIENCES TO AT RISK STUDENTS, STUDENTS WITH SPECIAL NEEDS, AND STUDENTS SEEKING CAREER READINESS.
FINANCIAL IMPLICATIONS: FUNDING FOR CHARTER SCHOOLS

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.91

Authorization of Charter Schools

AUTHORIZATION

Approval of charter school applications shall be subject to the Board finding that the school described in the application meets statutory and regulatory requirements and is likely to improve student learning and achievement; that the applicant demonstrates the ability to operate the school in an educationally and fiscally sound manner; and that approval of the application will:

- Improve student learning outcomes by creating additional high-performing schools with high standards for student performance;
- Encourage the use of different, high-quality models of teaching, governing, scheduling, or other aspects of schooling that meet a variety of student needs;
- Close achievement gaps for low-performing groups of public school students;
- Allow schools freedom and flexibility in exchange for exceptional levels of results-driven accountability;
- Increase high-quality educational opportunities within the public education system for all students, especially those at risk of academic failure; and
- Provide students, parents, community members, and local entities with expanded opportunities for involvement in the public education system.

BOARD MISSION AND VISION FOR AUTHORIZING CHARTER SCHOOLS

The Board seeks to authorize high quality charter schools with innovative, unique, and effective academic programs that are designed to increase student performance and achievement in alignment with the strategic priorities of the Board as set forth in the District's vision, mission and strategic plans and is encouraged to give preference to applications that demonstrate the intent, capacity, and capability to provide comprehensive learning experiences to: (a) Students identified by the applicants as at risk of academic failure; ~~and~~ (b) Students with special needs as identified in their individualized education program as defined in KRS 158.281; and (c) students who seek career readiness education opportunities.

AUTHORIZER ORGANIZATIONAL CAPACITY

The Board shall allow the Superintendent/designee to file a letter of support or one objecting to approval of each charter application received based on substantial hardship that may result for the students who do not attend the charter school and shall allow comments at the public hearing from the Superintendent/designee if he or she has filed objections to the charter application. Any letter and supporting evidence filed by the Superintendent/designee must be published on the District website within three (3) days.

Authorization of Charter Schools**AUTHORIZER ORGANIZATIONAL CAPACITY (CONTINUED)**

The Board shall consult with the Superintendent/designee on the timeline for submission, review, decision, and appeal for a charter application and/or request for contract renewal. The Board shall require the Superintendent/designee to provide information and evidence regarding the academic performance of the students identified in the charter application as the targeted community and shall publish the information on the District website within three (3) days of submission by the Superintendent/designee.

With respect to charter school applications and monitoring of existing charter schools, the Board shall not execute or renew a charter school contract if fiscal jeopardy or failure to make consistent progress towards the stated objectives of the charter school is evident or a likely outcome. In addition, the Board shall not allow an existing charter school to operate in a manner that would jeopardize the learning, safety, or well-being of its students and shall take appropriate intervention as warranted, up to and including revocation of the charter contract.

The Board shall:

- Receive, review, and take final action concerning all properly submitted charter school applications within the timelines established by all applicable statutes and regulations and shall provide a copy of a submitted charter application to the resident local District Superintendent and to any other authorizer within three (3) days.
- Conduct a comprehensive analysis of the strengths and weaknesses of each charter school application.
- Develop, in cooperation with the applicant, a charter contract that complies with all applicable statutes and regulations, subject to approval of the Board and the Commissioner of Education.
- Submit all required reports to the Kentucky Department of Education within the required timeframe, as established by all applicable statutes and regulations.
- Monitor each charter school's progress towards the goals, objectives, and performance framework established in its charter contract, including but not limited to:
 - Taking reasonable measures to obtain charter school compliance with all applicable statutes and regulations, including, but not limited to, the Kentucky Open Records and Open Meetings laws.
 - Holding the board of directors and officers of the charter school accountable to the Board through student achievement, financial, governance, operational, and climate and culture data that shall be collected throughout the year and provided to the Board.
 - Monitoring the charter school's academic, fiscal, and operational health, as well as school climate and culture, through a transparent accountability system, to include periodic reporting, monitoring visits, and publication of reports via the websites of the Board and the charter school.

Authorization of Charter Schools

AUTHORIZER ORGANIZATIONAL CAPACITY (CONTINUED)

- Documenting, in writing, any discrepancies or deficiencies whether fiscal, educational, operational, or related to school climate and culture of the charter school and the steps and timelines developed by the charter school for correction and conduct additional monitoring. Copies of the documentation shall be provided to the charter school board of directors.
- Consider, as appropriate and required by law, amendments to as well as renewal, nonrenewal, and/or revocation of a charter contract.
- Publication of required information on the District website as well as each charter school's website, including but not limited to, the charter school's original application, charter contract, and any contract amendments.
- Compliance by each charter school with its charter contract.

[Any failure of the authorizer to act on a charter application, renewal, or other appealable decision shall be deemed an approval.](#)

REFERENCES:

KRS 160.1590; KRS 160.1591; KRS 160.1592; KRS 160.1593; KRS 160.1594
KRS 160.1595; KRS 160.1596; KRS 160.1597; KRS 160.1598; KRS 160.1599
701 KAR 8:010; 701 KAR 8:020; 701 KAR 8:030; 701 KAR 8:040

RELATED POLICIES:

01.11; 01.911; 01.9111; 01.912; 01.913; 01.914

LEGAL: HB 9 AMENDS KRS 160.1594 TO ADDRESS CHARTER SCHOOL APPLICATION DEFICIENCIES.
FINANCIAL IMPLICATIONS: FUNDING FOR CHARTER SCHOOLS

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.911

Charter School Application Process

APPLICATION PROCESS

Eligibility: An application to establish a charter school may be submitted to the Board by teachers, parents, school administrators, community residents, public organizations, nonprofit organizations, or a combination thereof. The Board shall accept and document the date and time of receipt of all charter school applications.

A charter school approved by the Board shall be nonsectarian in its organizational structure and operations. A charter school approved by the Board shall not discriminate against any student, employee, or any other person on the basis of ethnicity, religion, national origin, sex, disability, special needs, athletic ability, academic ability or any other ground that would be unlawful if done by a public school. A charter school approved by the Board may serve any grade or combination of grades from kindergarten through grade twelve (12).

Application: For a charter school application to be considered complete, the application (~~a~~) shall be submitted on the form of Kentucky Charter School Application as incorporated by reference in 701 KAR 8:020, (~~b~~) shall satisfy the requirements of KRS 160.1593 and 701 KAR 8:020, ~~and~~ satisfy the requirements of the District and shall also be submitted as a written notification of the application simultaneously to the state board as a record of the filing. Incomplete applications shall be denied. An applicant shall be provided a detailed analysis~~account of any deficiency in~~ of the any identified deficiencies. The applicant shall be permitted ten (10) calendar days after receipt of such analysis~~account~~ to address any identified deficiencies, including allowing an applicant to a sixty (60) day extension to seek technical assistance in curing deficiencies from the state. If supplemental information is not provided to remedy the deficiency, or the supplemental information provided is not sufficient, the application shall be denied by the Board.¹

Request for Charter School Applications: The request shall contain all information that will enable an applicant to submit a complete application to the Board, including but not limited to the form of Kentucky Charter School Application, a description of specific evidences to be provided by the applicant, a Scoring Rubric, and any additional information required by the Board.

An applicant shall complete and file the application on or before October 30.

Capacity: In order for an application to be approved, the applicant must demonstrate the capacity of the applicant's board of directors to operate a high-quality charter school as set forth in the performance contracting requirements. If an applicant intends to contract with an education management organization to operate all or parts of the proposed charter school, the applicant must demonstrate the ability of the applicant's board of directors to operate at arms' length from the education management organization as required in the Kentucky Charter School Application and Addendum.

Charter School Application Process**APPLICATION PROCESS (CONTINUED)**

Charter Authorization: The Board shall approve only a charter school application that has been properly and timely submitted and that demonstrates a strong capacity to establish and sustainably operate a charter school that will provide high quality learning opportunities for all of its students and which satisfies the criteria for approval described in Policy 01.91. The Board shall review the Superintendent's recommendation and related materials and shall by majority vote approve or deny an application within sixty (60) days after the applicant's timely submission. The Board shall not approve a charter application unless the application meets all legal requirements. The Board shall only approve initial charter contracts with a term of five (5) years in length. Within five (5) days of an approval, the Board shall submit the approved charter application to the Commissioner of Education for review and approval.

Appeal: Following any decision to deny an application, the applicant may submit a notice of appeal to the Board and the Kentucky Board of Education. The notice of appeal shall be filed within thirty (30) days after the Board's decision to deny the application. The notice of appeal must comply with the requirements of KRS 160.1595 and 701 KAR 8:030. The requirements for the notice of appeal shall be posted on the District website.²

Conversion Charter Schools: The Board may by a majority vote designate an existing school within the District not scheduled for closure to be converted to a charter school. The processes for submission of a conversion application, community input, the Board's review and vote, the transfer of management and operations of a conversion charter school, and the transition of employees shall adhere to the requirements of KRS 160.1599 and 701 KAR 8:040. The requirements for petitioners advocating for conversion of an existing school within the District shall be posted on the District website.³

REFERENCES:

¹KRS 160.1592; KRS 160.1593; KRS 160.1594; 701 KAR 8:020

²KRS 160.1595; 701 KAR 8:030

³KRS 160.1599; 701 KAR 8:040

RELATED POLICIES:

01.11; 01.91; 01.9111; 01.912; 01.913; 01.914

LEGAL: HB 63 AMENDS KRS 158.4414 TO REQUIRE THAT THE BOARD SHALL ENSURE, FOR EACH CAMPUS IN THE DISTRICT, THAT AT LEAST ONE (1) CERTIFIED SCHOOL RESOURCE OFFICER (SRO) IS ASSIGNED TO AND WORKING ON-SITE FULL-TIME IN THE SCHOOL BUILDING OR BUILDINGS ON THE CAMPUS. IF SUFFICIENT FUNDS AND QUALIFIED PERSONNEL ARE NOT AVAILABLE FOR THIS PURPOSE FOR EVERY CAMPUS, THE BOARD SHALL FULFILL THE REQUIREMENTS ON A PER CAMPUS BASIS, AS APPROVED IN WRITING BY THE STATE SCHOOL SECURITY MARSHAL, UNTIL A CERTIFIED SRO IS ASSIGNED TO AND WORKING ON-SITE FULL-TIME ON EACH CAMPUS IN THE DISTRICT.

FINANCIAL IMPLICATIONS: COST OF HIRING AND TRAINING SROS

LEGAL: A NEW SECTION OF KRS 158 (KRS 158.471) PROVIDES THAT BOARDS OF EDUCATION ARE AUTHORIZED TO ESTABLISH A POLICE DEPARTMENT FOR LOCAL SCHOOL DISTRICTS, APPOINT POLICE OFFICERS AND OTHER EMPLOYEES, PRESCRIBE DISTINCTIVE UNIFORMS FOR THE POLICE OFFICERS OF THE SCHOOL DISTRICT, AND DESIGNATE AND OPERATE EMERGENCY VEHICLES. POLICE OFFICERS APPOINTED SHALL TAKE AN APPROPRIATE OATH OF OFFICE IN THE FORM AND MANNER CONSISTENT WITH THE CONSTITUTION OF KENTUCKY. POLICE OFFICERS SHALL BE GRANTED WITH THE PROTECTIONS PROVIDED IN KRS 15.520 AND SHALL BE CERTIFIED IN ACCORDANCE WITH KRS 15.380.

FINANCIAL IMPLICATIONS: COST OF ESTABLISHING POLICE DEPARTMENT, HIRING, AND SALARIES OF OFFICERS

ADMINISTRATION

02.31

School Resource Officers (SROs)

DEFINITION

"School resource officer" or "SRO" means an officer whose primary job function is to work with youth at a school site who has specialized training to work with youth at a school site and is:

- (a)
 - 1. A sworn law enforcement officer; or
 - 2. A special law enforcement officer appointed pursuant to KRS 61.902; ~~or~~
 - 3. [A police officer appointed as a certified SRO; and](#)
- (b) Employed:
 - 1. Through a contract between a local law enforcement agency and a school district;
 - 2. Through a contract as secondary employment for an officer, as defined in KRS 16.010, between the Department of Kentucky State Police and a school district; or
 - 3. Directly by a local Board of Education.¹

ASSIGNMENT

[By August 1, 2022, the Board shall ensure, for each campus in the District, that at least one \(1\) certified SRO is assigned to and working on-site full-time in the school building or buildings on the campus. If sufficient funds and qualified personnel are not available for this purpose for every campus, the Board shall fulfill the requirements on a per campus basis, as approved in writing by the State School Security Marshal, until a certified SRO is assigned to and working on-site full-time on each campus in the District.](#)

School Resource Officers (SROs)**BOARD MAY AUTHORIZE POLICE DEPARTMENT**

KRS 158.196 provides that the Board is authorized to establish a police department for the District, appoint police officers and other employees, prescribe distinctive uniforms for the police officers of the District, and designate and operate emergency vehicles. Police officers appointed shall take an appropriate oath of office in the form and manner consistent with the constitution of Kentucky. Police officers shall be granted with the protections provided in KRS 15.520 and shall be certified in accordance with KRS 15.380.³

If the Board establishes a police department, the Superintendent/designee shall develop standard operating procedures governing the department.

TRAINING REQUIREMENTS

All School Resource Officers (SROs) with active SRO certification shall successfully complete forty (40) hours of annual in-service training that has been certified or recognized by the Kentucky Law Enforcement Council for SROs. Any SRO who fails to successfully complete training requirements within the specified time periods, including approved extensions, shall lose his/her SRO certification and shall no longer serve in the capacity of an SRO in a school.

FIREARM REQUIREMENT

Each SRO shall be armed with a firearm, notwithstanding any provision of local board policy, local school council policy, or memorandum of agreement.²

SUPERINTENDENT TO REPORT

No later than November 1 of each year, the Superintendent shall report to the Center for School Safety the number and placement of SROs in the District. The report shall include the source of funding and method of employment for each position.

REFERENCES:

¹KRS 158.441

²KRS 158.4414

³KRS 158.196

KRS 15.380; KRS 15.520

KRS 61.902

KRS 158.471; KRS 158.473; KRS 158.475; KRS 158.477; KRS 158.479; KRS 158.481

KRS 158.4415

RELATED POLICY:

05.48; 09.4361

LEGAL: REPEAL OF 701 KAR 5:080 AND REVISIONS TO 701 KAR 5:100 ESTABLISH THE APPLICATION PROCESS AND GUIDELINES FOR ALTERNATIVE MODELS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.414

Alternative Models (SBDM)

A school may develop an alternate form of School-Based Decision Making (SBDM) under the following process.

PROCESS

On or after January 1 and prior to March 1 of each calendar year, a school choosing to develop an alternative model for SBDM pursuant to KRS 160.345 shall submit a completed Alternative School-Based Decision Making Application through the Board to the Commissioner for consideration by the Kentucky Board of Education. Alternate models may address membership, organization, duties and responsibilities of the council. The alternate model shall be developed by a committee composed of representatives of parents, students, teachers and administrators. The composition of the committee shall be three (3) parents, three (3) teachers, one (1) student and one (1) administrator who shall be the Principal of the school. The parent representatives shall be appointed by the parent teacher organization. If no parent teacher organization exists at the school, then the parent representatives of the committee shall be elected under the procedures set out for electing parents to the school council. The student representative shall be appointed by the student government organization. If no student government organization exists at the school then the Principal shall appoint the student representative. The teacher representatives shall be elected by the teachers of the school.

APPROVAL

Any model developed by this committee must be approved by two-thirds (2/3) of the school faculty. An alternative model shall not eliminate or reduce the proportion of parent representatives on the council.

REVIEW

On recommendation of the Principal or on a two-thirds (2/3) vote of the certified staff, the alternate model may be reviewed by the establishment of a review committee whose membership shall be as described above. The review committee may propose amendments to the alternate model which must be approved by two-thirds (2/3) of the faculty of the school prior to its presentation to the Board.

Approved models or amendments shall be presented to the Board for review and transmitted to the Commissioner of Education and the Kentucky Board of Education. The date of implementation of the alternative SBDM model is July 1.

REFERENCES:

KRS 160.345; 701 KAR 5:100; OAG 93-52

LEGAL: SB 1 AMENDS KRS 160.345 TO CLARIFY THAT COUNCIL ELECTIONS MAY ALLOW VOTING TO OCCUR OVER MULTIPLE DAYS AND VIA ELECTRONIC MEANS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.421

Election of School Council Members (SBDM)

COUNCIL ELECTIONS

Council elections may allow voting to occur over multiple days and via electronic means.

Following a two-thirds (2/3) vote in favor of SBDM, the Principal shall give appropriate notice of elections of teacher and parent members to the school council. Elections shall be held not less than twenty (20) nor more than thirty (30) school days from the vote of the faculty authorizing SBDM.

ELECTION OF TEACHER MEMBERS

Procedures for holding elections for teacher council members shall be the same as those governing the election to determine if the school will adopt SBDM. Teachers may nominate themselves or another teacher. Nominations shall be made in writing to the Principal no later than five (5) days before the election. The Principal shall prepare a ballot containing the names of all qualified teachers nominated. The teachers attending the meeting shall choose a chairperson to chair the meeting to elect teacher members to the council. Balloting will continue until three (3) teachers are elected. Teacher members must be employees of the District and currently assigned to the school where they are elected as council member. Election shall be by majority vote of all teachers assigned to the school.

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

ELECTION OF PARENT MEMBERS

The president of the parent-teacher organization shall organize and oversee the election of parent council members. If the school does not have a parent-teacher organization, then the Principal shall set the date and time for parents to elect parent council members and shall provide notice of the election to parents.

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

A parent council member shall submit to a state and national fingerprint-supported criminal history background as required by KRS 160.380. In addition, the parent council member shall provide a clear CA/N check. A parent member may serve prior to the receipt of the criminal history background check and CA/N check, but shall be removed from the council on receipt by the District of a report documenting a record of abuse or neglect, or a sex crime or criminal offense against a victim who is a minor as defined in KRS 17.500 or as a violent offender as defined in KRS 17.165 and no further procedures shall be required.

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>

Election of School Council Members (SBDM)**MINORITY REPRESENTATIVES**

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

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

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

TERMS

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

CONFLICT OF INTEREST

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

REMOVAL OF COUNCIL MEMBERS

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

VACANCIES

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

REFERENCES:

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

LEGAL: SB 1 AMENDS KRS 160.345 TO CLARIFY THAT SCHOOL COUNCIL POLICIES SHALL BE CONSISTENT WITH BOARD POLICIES AND CURRICULUM RESPONSIBILITIES UNDER KRS 158.6453.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.4241

School Council Policies (SBDM)

DEFINITIONS

“School Space” means an elementary or secondary educational institution that is under the administrative control of a Principal and is not a program or part of another school. “School Space” does not include common areas including, but not limited to, the school gymnasium or District personnel offices, which shall be designated by the Board or the Superintendent.

“District Space” is any space which is not defined as “School Space”.

ADOPTION OF POLICY

~~The school council shall have the responsibility to set school policy that shall be consistent with District Board Policy and which shall provide an environment to enhance the students' achievement and help the school meet the goals established by KRS 158.645 and KRS 158.6451 and goals established by the Board to be implemented by the Principal in each of the following areas of responsibility:~~
~~The school council shall adopt policy to be implemented by the Principal in each of the following areas of responsibility:~~

1. ~~Determination of curriculum including needs assessment and e~~Curriculum responsibilitiesdevelopment under KRS 158.6453;
~~Such policies shall determine the writing program for the school, consistent with KRS 158.6453, to be submitted to the Kentucky Department of Education for review and comment.~~
2. Assignment of all instructional and non-instructional staff time;
3. Assignment of students to classes and programs within the school;
 - Placement of students from the household of an active duty service member or civilian military employee transferring into the District before or during the school year shall be based initially on enrollment in courses offered at the sending school and/or educational assessments conducted at that school. Course placement includes, but is not limited to, Honors, International Baccalaureate, Advance Placement, Cambridge Advanced International, vocational, technical, and career pathways courses. Initial placement does not preclude the District/school from performing subsequent evaluations to ensure appropriate placement and continued enrollment of students in the course(s).
 - Each secondary school-based decision making council shall establish a policy on the recruitment and assignment of students to Advanced Placement (AP), International Baccalaureate (IB), Cambridge Advanced International, dual enrollment, and dual credit courses that recognizes that all students have the right to participate in a rigorous and academically challenging curriculum.
4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar, and transportation requirements established by the Board;
5. Determination of the use of school space during the school day related to improving classroom teaching and learning;
6. Planning and resolution of issues regarding instructional practices;

School Council Policies (SBDM)**ADOPTION OF POLICY (CONTINUED)**

7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and Principal;
As reflected in the District Code of Acceptable Behavior and Discipline, loss of physical activity periods shall not be used as a disciplinary consequence.
8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision;
The school shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities to the extent they are otherwise qualified, regardless of application deadlines.
9. Adoption of a school emergency plan and implementation of safety practices required by KRS 158.162;
10. Procedures, consistent with local Board policy, for determining alignment with state standards, technology utilization, and program appraisal;
11. Commitment to a parent involvement process that provides for:
 - a. Establishing an open, parent-friendly environment;
 - b. Increasing parental participation;
 - c. Improving two-way communication between school and home, including what their child will be expected to learn; and
 - d. Developing parental outreach programs.
12. Procedures to assist the council with consultation in the selection of [the Principal by the Superintendent, and the selection of](#) personnel by the Principal, including, but not limited to, meetings, timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation.
13. Schools with K-5 organization, or any configuration thereof, shall develop and implement, in compliance with requirements of federal and state law and board policy, a wellness policy that includes moderate to vigorous physical activity each day, encourages healthy choices among students, and incorporates an assessment tool to determine each child's level of physical activity on an annual basis. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. (In the absence of a council, the Principal of the school shall develop and implement the required wellness policy.)
The Superintendent/designee shall provide assistance in identifying strategies and options to promote daily moderate to vigorous physical activity for students, which may include those that increase strength and flexibility, speed heart rate and breathing and stress activities such as stretching, walking, running, jumping rope, dancing, and competitive endeavors that involve all students.

School Council Policies (SBDM)**ADOPTION OF POLICY (CONTINUED)**

As an alternative to adopting separate policies, school councils may adopt Board policy or standards established by the Board as council policy in the above areas, or they may delegate responsibility for developing a policy to the Principal.

~~OTHER POLICIES~~

Before final adoption of a council policy, it shall be reviewed by the Superintendent who may request that the proposed policy be reviewed by the Board Attorney. Any concerns shall be shared with the council within ten (10) working days of the Superintendent's receipt of the draft policy. If there are concerns, the Superintendent shall provide a copy of the council policy to the Board for review, along with any concerns s/he and the Board Attorney may have noted, such as possible conflicts with state and federal laws or contractual obligations, liability and/or health and safety questions, and budgetary issues.

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

COMPLIANCE WITH BOARD POLICY

In the development and application of school policies as permitted by statute, schools operating under SBDM shall comply with those policies that fall within the authority of the Board, including but not limited to those prohibiting discrimination based on age, race, sex, color, religion, national origin, political affiliation, or disability.

WAIVER OF STATE REGULATIONS

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

SCHOOLS OF INNOVATION

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

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

School Council Policies (SBDM)**REFERENCES:**

KRS 156.072; KRS 156.108; KRS 156.160; KRS 156.730; KRS 156.735
KRS 158.162; KRS 158.197; KRS 158.645; KRS 158.6451; KRS 158.6453
KRS 160.107; KRS 160.345; KRS 160.348
OAG 93-55; OAG 94-29; 701 KAR 5:140; 702 KAR 7:140; 704 KAR 3:510
Board of Educ. of Boone County v. Bushee, Ky., 889 S.W. 2d 809 (1994)
U. S. Dept. of Agriculture's *Dietary Guidelines for Americans*

RELATED POLICIES:

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

LEGAL: SB 1 AMENDS KRS 160.345 TO CLARIFY THAT THE SUPERINTENDENT SHALL DETERMINE AND THE BOARD SHALL ALLOCATE AN APPROPRIATION TO EACH SCHOOL THAT IS ADEQUATE TO MEET THE SCHOOLS' NEEDS RELATED TO INSTRUCTIONAL MATERIALS AND SCHOOL-BASED STUDENT SUPPORT SERVICES, AS DETERMINED BY THE PRINCIPAL AFTER CONSULTATION WITH THE COUNCIL.

FINANCIAL IMPLICATIONS: COSTS OF ALLOCATION OF FUNDS

ADMINISTRATION

02.4242

School Budget and Purchasing (SBDM)

BOARD ALLOCATIONS

The Board shall appropriate to each school an amount equal to or greater than that specified by the formula prescribed in 702 KAR 3:246. School councils shall be provided notice of allocations for the next budget year in accordance with the timelines required by regulation.¹

An amount for professional development shall be allocated as required by Kentucky Administrative Regulation.

The Board shall allocate Section 7 funds according to the options provided in 702 KAR 3:246. Notice of the Section 7 allocation shall be provided in accordance with that regulation. Based on the needs assessment conducted by the school, the council shall forward to the Board a list of those priorities no later than January 1 each year.

SCHOOL RESPONSIBILITY

The school shall, in expending allocated funds, comply with all state and Board budgeting, purchasing and reporting laws, regulations, policies and procedures. Board purchasing procedures shall be followed in the expenditure of these funds. Expenditure of these funds, with the exception of personnel salaries, shall be accomplished only by completing a School Office purchase order.

The Board allocation is the total financial resource available to that school in those budget categories for the fiscal year. The council may reassign these funds to alternate budget categories for purposes consistent with its responsibilities. The school shall not expend or commit to expend any funds in excess of those allocated to the school. Should this occur, the employee(s) responsible shall be subject to appropriate disciplinary action, and the Superintendent may require the school/council to present, for Board approval, a plan to reimburse the District for the amount spent in excess of the allocation.

All state allocated funds managed by the school but not expended by the end of the fiscal year, shall revert to the District general fund, unless the school council has received Board approval to escrow the funds to be used at a future date for an approved project.

BOARD APPROPRIATION

The ~~Superintendent~~~~council~~ shall determine, ~~within available resources, the which curriculum, textbooks, instructional materials, resources, travel, equipment, and student support services shall~~ be provided in the school ~~after consulting with the Board, the Principal, and the school council and after a reasonable review and response period for stakeholders in accordance with Board policy.~~

PURCHASING

In order to comply with state accounting and bidding requirements, all purchases of goods and services shall be made in conformity with Board policy.

ADMINISTRATION

02.4242
(CONTINUED)

School Budget and Purchasing (SBDM)

SUPERINTENDENT'S RESPONSIBILITY

The Superintendent/designee shall prepare and provide the school a monthly statement of the current financial status of funds allocated to the school. This statement shall include the beginning unencumbered balance for each category of authorized expenditure, an itemized listing of purchase orders paid, an itemized listing of purchase orders authorized but not paid, and the end-of-the-month unencumbered balance of funds allocated.

EXPENDITURE OF FUNDS

In schools where SBDM has been implemented, the school council shall determine the expenditure of funds allocated to the school. In schools not operating under SBDM, the District administration shall determine the expenditure of these funds.

REFERENCES:

¹702 KAR 3:246; School Council Allocation Formula
704 KAR 3:510; KRS 160.345
OAG 91-10; OAG 91-206; OAG 92-59

RELATED POLICY:

04.1

LEGAL: SB 1 CHANGES THE PROCESS FOR HIRING THE PRINCIPAL FROM THE COUNCIL TO THE SUPERINTENDENT WITH CONSULTATION WITH THE COUNCIL AND REMOVES THE ALTERNATIVE SELECTION PROCESS AND REQUIRED TRAINING ON INTERVIEWING TECHNIQUES.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.4244

School Hiring (SBDM)

PRINCIPAL SELECTION

[The Superintendent shall fill the vacancy after consultation with the council.¹](#)

[Prior to consultation with the school council, each member shall sign a nondisclosure agreement forbidding the disclosure of information shared and discussions held during consultation.](#)

[A person who believes a violation of the nondisclosure agreement occurred may file a written complaint with the Kentucky Board of Education \(KBE\). A council member found to have violated the nondisclosure agreement may be subject to removal from the council by the KBE.](#)

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

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

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

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

(CONTINUED)

School Hiring (SBDM)

ALTERNATIVE PRINCIPAL SELECTION PROCESS (CONTINUED)

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

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

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

REFERENCES:

- ¹KRS 160.345
- KRS 61.810; KRS 61.878
- KRS 160.380
- OAG 91-149; OAG 92-131; OAG 92-78

OAG 95-10; OAG 96-38

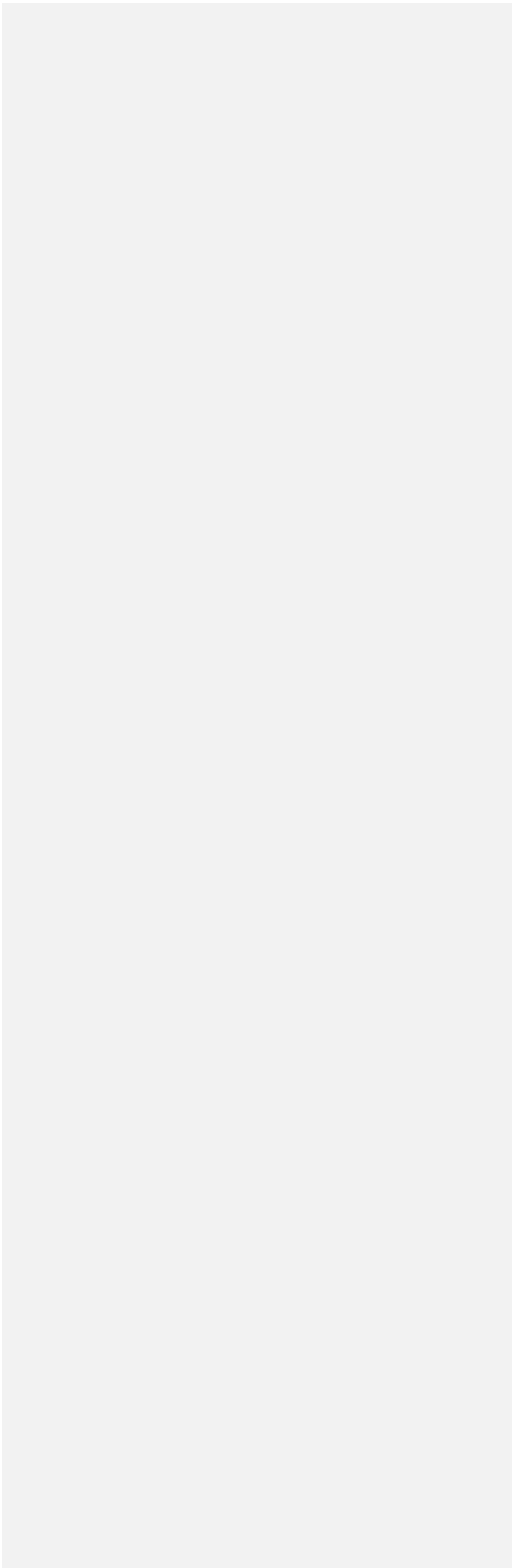
ADMINISTRATION

02.4244
(CONTINUED)

School Hiring (SBDM)

RELATED POLICIES:

02.4241; 03.11; 03.21



LEGAL: NEW REGULATION 702 KAR 1:191 REQUIRES THE DISTRICT TO HAVE A POLICY TO PROVIDE QUARANTINE LEAVE IF EMPLOYEES ARE EXPOSED TO CERTAIN INFECTIOUS DISEASES.
FINANCIAL IMPLICATIONS: COST OF PROVIDING PAID TIME OFF

PERSONNEL

03.12323

- CERTIFIED PERSONNEL -

Quarantine Leave

BOARD SHALL PROVIDE

Each eligible full or part-time employee in the District shall receive at least ten (10) days paid leave per school year for quarantine due to exposure to a reportable infectious or contagious disease under 902 KAR 2:020 or any other infectious or contagious disease designated as reportable to a local health department or the Department for Public Health by a valid order or administrative regulation of the local health department serving the school District or the Department for Public Health.

This leave shall be in addition to any other leave provided by statute or Board policy.

ELIGIBILITY

In order to be eligible for leave under this section, the employee shall:

- (a) Be ordered to quarantine by a licensed treating physician, physician assistant, or advanced practice registered nurse, the Department for Public Health, or a local health department due to exposure to a reportable infectious or contagious disease under 902 KAR 2:020 or any other infectious or contagious disease designated as reportable to a local health department or the Department for Public Health by a valid order or administrative regulation of the local health department serving the school District or the Department for Public Health; and
- (b) Have exhausted all accumulated sick leave provided to the employee pursuant to KRS 161.155 and Board policies, or be ineligible to utilize accumulated sick leave provided to the employee pursuant to KRS 161.155 and Board policies.

The District shall require the employee to provide written documentation from the entity ordering the employee to quarantine due to exposure to a reportable infectious or contagious disease under 902 KAR 2:020 or any other infectious or contagious disease designated as reportable to a local health department or the Department for Public Health by a valid order or administrative regulation of the local health department serving the school district or the Department for Public Health.

The District, at its discretion, may determine quarantine leave is unnecessary if an employee can fulfill his or her job duties remotely during the quarantine period.

Leave granted pursuant to this section shall be on a day-by-day basis, as needed, and shall not accumulate or carry over year-to-year, and shall not be transferrable to any other classification of paid leave established by KRS 161.155, KRS 161.154, or Board policy.

REFERENCES:

702 KAR 1:191; 902 KAR 2:020
KRS 156.160; 160.290; KRS 160.291; KRS 161.154; KRS 161.155

RELATED POLICY:

03.1232

LEGAL: 803 KAR 2:180 WAS FOUND DEFICIENT AND REPEALED. 803 KAR 2:181 OUTLINES NEW OSHA REPORTING REQUIREMENTS.
FINANCIAL IMPLICATIONS: EMPLOYEE TIME MAKING REPORTS

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;

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

6. Provision of personal protective equipment including an opportunity provided annually for employees who use medical sharps in performance of their duties to identify, evaluate and select engineering and work practice controls to be implemented by the District, as appropriate;
7. Maintenance of a sharps injury log;
8. Medical follow-up and counseling for employees after a 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;

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

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

REPORTING FATALITIES, AMPUTATIONS, HOSPITALIZATIONS, OR LOSS OF EYE

The District shall, within eight (8) hours from when reported to the District, make an oral report to the Kentucky Labor Cabinet of the death of any employee as a result of a work-related incident, 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 from when reported to the District, 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 an employee, including hospitalization resulting from a heart attack fewer than three (3) employees, which occurs in the work environment or is caused or contributed to by an event in the work environment.²

ASBESTOS MANAGEMENT

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

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

PERSONNEL

03.14
(CONTINUED)

Health and Safety

REFERENCES:

¹401 KAR 58:010; 40 C.F.R. Part 763

²[803 KAR 2:181](#)~~803 KAR 2:180~~

Kentucky Department for Public Health

Centers for Disease Control and Prevention

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

OSHA 29 C.F.R. 1910

132 PPE Hazard Assessment

147 Lockout/Tagout

1001 Asbestos-ACBM

1200 Hazard Communication

1030 Bloodborne Pathogens

LEGAL: NEW REGULATION 702 KAR 1:191 REQUIRES THE DISTRICT TO HAVE A POLICY TO PROVIDE QUARANTINE LEAVE IF EMPLOYEES ARE EXPOSED TO CERTAIN INFECTIOUS DISEASES.
FINANCIAL IMPLICATIONS: COST OF PROVIDING PAID TIME OFF

PERSONNEL

03.22323

- CLASSIFIED PERSONNEL -

Quarantine Leave

BOARD SHALL PROVIDE

Each eligible full or part-time employee in the District shall receive at least ten (10) days paid leave per school year for quarantine due to exposure to a reportable infectious or contagious disease under 902 KAR 2:020 or any other infectious or contagious disease designated as reportable to a local health department or the Department for Public Health by a valid order or administrative regulation of the local health department serving the school District or the Department for Public Health.

This leave shall be in addition to any other leave provided by statute or Board policy.

ELIGIBILITY

In order to be eligible for leave under this section, the employee shall:

- (a) Be ordered to quarantine by a licensed treating physician, physician assistant, or advanced practice registered nurse, the Department for Public Health, or a local health department due to exposure to a reportable infectious or contagious disease under 902 KAR 2:020 or any other infectious or contagious disease designated as reportable to a local health department or the Department for Public Health by a valid order or administrative regulation of the local health department serving the school District or the Department for Public Health; and
- (b) Have exhausted all accumulated sick leave provided to the employee pursuant to KRS 161.155 and Board policies, or be ineligible to utilize accumulated sick leave provided to the employee pursuant to KRS 161.155 and Board policies.

The District shall require the employee to provide written documentation from the entity ordering the employee to quarantine due to exposure to a reportable infectious or contagious disease under 902 KAR 2:020 or any other infectious or contagious disease designated as reportable to a local health department or the Department for Public Health by a valid order or administrative regulation of the local health department serving the school district or the Department for Public Health.

The District, at its discretion, may determine quarantine leave is unnecessary if an employee can fulfill his or her job duties remotely during the quarantine period.

Leave granted pursuant to this section shall be on a day-by-day basis, as needed, and shall not accumulate or carry over year-to-year, and shall not be transferrable to any other classification of paid leave established by KRS 161.155, KRS 161.154, or Board policy.

REFERENCES:

702 KAR 1:191; 902 KAR 2:020
KRS 156.160; 160.290; KRS 160.291; KRS 161.154; KRS 161.155

RELATED POLICY:

03.2232

LEGAL: 803 KAR 2:180 WAS FOUND DEFICIENT AND REPEALED. 803 KAR 2:181 OUTLINES NEW OSHA REPORTING REQUIREMENTS.

FINANCIAL IMPLICATIONS: EMPLOYEE TIME MAKING REPORTS

PERSONNEL

03.24

- CLASSIFIED PERSONNEL -

Health and Safety

SAFETY

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4. Determination of universal precautions to be observed, including adequate engineering controls and housekeeping procedures;
5. Appropriate training of employees;

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

6. Provision of personal protective equipment including an opportunity provided annually for employees who use medical sharps in performance of their duties to identify, evaluate and select engineering and work practice controls to be implemented by the District, as appropriate;
7. Maintenance of a sharps injury log;
8. Medical follow-up and counseling for employees after a work-site exposure;
9. Maintenance of confidential records of each exposure incident; and
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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.

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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
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1. Assignment of a District employee responsible for assessing the workplace for hazards;

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

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

REPORTING FATALITIES, AMPUTATIONS, HOSPITALIZATIONS, OR LOSS OF EYE

The District shall, within eight (8) hours from when reported to the District, make an oral report to the Kentucky Labor Cabinet of the death of any employee as a result of a work-related incident, 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.

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ASBESTOS MANAGEMENT

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

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

PERSONNEL

03.24
(CONTINUED)

Health and Safety

REFERENCES:

¹401 KAR 58:010; 40 C.F.R. Part 763

²[803 KAR 2:181](#)~~803 KAR 2:180~~

Kentucky Department for Public Health

Centers for Disease Control and Prevention

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

OSHA 29 C.F.R. 1910

132 PPE Hazard Assessment

147 Lockout/Tagout

1001 Asbestos-ACBM

1200 Hazard Communication

1030 Bloodborne Pathogens

LEGAL: HB 1 (2022-2024 BIENNIAL BUDGET BILL) INCLUDES AN EXCEPTION FOR A WORKING BUDGET WITH A MINIMUM RESERVE OF LESS THAN TWO PERCENT (2%). THE EXCEPTION EXPIRES JUNE 30, 2024.

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.

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.

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 the Principal shall review the budgets for all categorical programs and provide comments to the Board prior to the adoption of the budgets.

TIMELINE

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

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

FISCAL MANAGEMENT

04.1
(CONTINUED)

Budget Planning and Adoption

REFERENCES:

KRS 156.160; KRS 157.330; KRS 157.350; KRS 157.360

KRS 157.440; KRS 160.370; KRS 160.390

KRS 160.460; KRS 160.470; KRS 160.530; KRS 424.250

~~2021-2022 Budget Bill (HB192)~~

RELATED POLICIES:

01.11; 02.4242; 02.4331; 04.91

EXPLANATION: SB 42 AMENDS KRS 424.260 BY CHANGING THE DESCRIPTION OF PERISHABLE FOOD ITEMS.

FINANCIAL IMPLICATIONS: POTENTIAL SAVINGS IN PURCHASING PERISHABLE FOODS

FISCAL MANAGEMENT

04.33

Bidding

AUTHORITY

Bidding procedures shall conform to KRS 424.260. All purchases of Kentucky Education Technology System (KETS) components shall adhere to KETS architectural standards and procedures.

ITEMS BID/PURCHASED

Except in cases of emergency, all "like" items purchased exceeding \$30,000 in a twelve (12) month period beginning July 1 shall be purchased from an established price contract of the federal government (GSA), the State Division of Purchases, a cooperative agency bid approved by the Board or a District bid. The Superintendent/designee shall duly certify when an emergency exists that prevents the District from following this requirement and file a copy of the certificate with the Chief State School Officer.¹

EXCEPTIONS

The District may purchase supplies and/or equipment outside price contracts and/or District bids if:

1. The supplies and/or equipment meet the specifications of contracts awarded by the Division of Purchases, a federal agency (GSA), a cooperative agency, or a District bid;
2. The supplies and/or equipment are available for purchase at a lower price;
3. The purchase does not exceed \$2,500; and
4. The District's finance or purchasing officer has certified compliance with the first and second requirements.

Prior to purchase of education technology components defined in the master technology plan, the Department of Education must certify that the items to be purchased meet or exceed the specifications of components of the original equipment of manufacturers currently holding Kentucky price contracts.²

FEDERAL AWARDS/CONFLICT OF INTEREST

No employee, officer, or agent of the District may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.⁵

The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. In determining whether an activity constitutes an impermissible acceptance of a gratuity or item of monetary value, the definition of "gratuity" (covering anything of more than fifty dollars [\$50] value) set forth in KRS 45A.445 shall apply. Violation of these standards may result in disciplinary action including, but not limited, to suspension, dismissal, or removal.

Bidding**PREFERENCE FOR RESIDENT BIDDERS**

For all contracts funded in whole or in part by the District, the Board shall apply the reciprocal preference for resident bidders required by law. Geographical preferences relating to school nutrition service purchases may be utilized only as permitted by applicable federal law.⁴

EXEMPTIONS

Professional services shall be exempted from bidding.

Boards may exempt insurance if they choose.

Perishable items, as indicated in state law, ~~meat, fish, and vegetables~~ are not required to be bid.

NOTE: Federal regulatory requirements do not provide a bidding exception for purchase of perishables using school nutrition service funds. Such purchases must follow applicable federal regulations.⁵

PURCHASES OF \$30,000 OR LESS

Purchases of \$30,000 or less shall follow the District's small purchase procedures.

PRESENTATION

Principals desiring purchases which must be bid must present the following to the Superintendent or designee: items desired, specifications, and names and addresses of potential vendors.

TABULATION

Bids shall be opened and tabulated by the Superintendent or designated representative. The tabulations will be acted on by the Board. Notification of bidders shall comply with legal requirements.

BACKGROUND CHECKS

The Superintendent shall require an adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity to submit, at no expense to the District, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation and to provide clear CA/N check in keeping with KRS 160.380.³

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>

FISCAL MANAGEMENT

04.33
(CONTINUED)

Bidding

REFERENCES:

¹KRS 424.260

²KRS 156.076

³KRS 160.380

⁴KRS 160.303; 200 KAR 5:400; KRS 45A.494

⁵2 C.F.R. 200.318

KRS 45A.445

KRS 65.027; KRS 160.151

KRS 162.070; KRS 164A.575; KRS 176.080

702 KAR 3:135

OAG 77-518; OAG 77-548; OAG 79-501

OAG 82-170; OAG 82-407

Kentucky Educational Technology Systems (KETS)

LEGAL: REVISIONS TO 702 KAR 4:090 INCLUDE DISPOSITION OF REAL PROPERTY, NEW REQUIREMENTS FOR PROPERTY DISPOSAL, DOCUMENTATION OF FAIR MARKET VALUE, AND THIRD PARTY CONFLICT OF INTEREST.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

FISCAL MANAGEMENT

04.8

Disposal of School Property

BIDS OR AUCTION

The Superintendent shall advise the Board when certain properties are no longer needed for public school purposes. Upon receiving this report, the Board may, at such time as it deems proper and after compliance with applicable state¹ or federal regulations, authorize the disposal of school properties through closed sealed bids, public auction, or sale for at least the fair market value established by certified appraisal. The Board reserves the right to reject any and all bids.

DISPOSITION OF REAL PROPERTY

School property proposed for disposal shall be surplus to the educational program need of the District as determined by the effective District facility plan. Surplus property includes real property designated as a "Transitional Center" or not listed on the effective District facility plan. Request for approval to dispose of real property shall be submitted in writing to the Kentucky Department of Education. The request shall identify the property by its address and last reported name and include a plan for resolving mortgage liens or other encumbrances. Upon receipt of written contingent approval from the Department, the District may start the disposal process using one of the following methods that secures the fair market value for the property and ensures that the District retains no residual interest as owner or lender:

(a) By public auction;

(b) By accepting sealed bids; or

(c) By setting a minimum acceptable price, which is at least the fair market value of the property.

Dependent upon the method of disposal above, the District shall follow the requirements specified in 702 KAR 4:090.

CONFLICT OF INTEREST

If the Board uses a third party to dispose of or lease property, the third party shall not have any financial interest in the transaction or adjacent property beyond a standard commission approved by the Board. If the third party has any financial interest in the transaction or adjacent property beyond a standard commission, the third party shall publicly disclose his or her conflict of interest to the Board and the conflict shall be spread on the Board's meeting minutes. The Board shall provide minutes of any such meeting to the Department when requesting approval.²

REFURBISHED SURPLUS TECHNOLOGY

If the District receives a written determination that surplus technology does not meet Kentucky Education Technology System standards, it may choose to distribute the refurbished surplus property to eligible low-income students.

First priority shall be given to eligible students in the free or reduced lunch program, and they or their parent/guardian must request the property in writing.

Disposal of School Property**REFURBISHED SURPLUS TECHNOLOGY (CONTINUED)**

Efforts will be made to involve local businesses and organizations to participate in refurbishing efforts with career and technical programs and student organizations.

The Superintendent shall designate the staff member(s) who shall review requests and make recommendations for approval of the Superintendent/designee. The District shall document to whom the technology is distributed.

REFERENCES:

¹KRS 160.290

²~~702 KAR 4:090~~; KRS 160.335; KRS 45A.425

~~702 KAR 4:090~~; 704 KAR 3:455

OAG 76-291; OAG 91-85

34 CFR 80.32

LEGAL: SB 1 AMENDS KRS 160.345 TO REQUIRE THE SUPERINTENDENT TO DETERMINE WHICH CURRICULUM, TEXTBOOKS, INSTRUCTIONAL MATERIALS, AND STUDENT SUPPORT SERVICES SHALL BE PROVIDED IN THE SCHOOL AFTER CONSULTING WITH THE BOARD, THE PRINCIPAL, AND THE SCHOOL COUNCIL AND AFTER A REASONABLE REVIEW AND RESPONSE PERIOD FOR STAKEHOLDERS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.1

Curriculum

The curriculum in each school shall be designed to achieve the student capacities established by KRS 158.645 and the school goals established by KRS 158.6451. The curriculum shall comply with all applicable state and federal statutes and regulations.

CAPACITIES

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

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

SUPERINTENDENT COUNCIL RESPONSIBILITY

In any school administered under the provisions of KRS 160.345, the Superintendent shall determine which curriculum, textbooks, instructional materials, and student support services shall be provided in the school after consulting with the Board, the Principal, and the school council and after a reasonable review and response period for stakeholders.the instructional program may be designed to meet student academic expectations and goals established by statute, regulation and Board policy.

STUDENTS WITH DISABILITIES

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

REFERENCES:

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

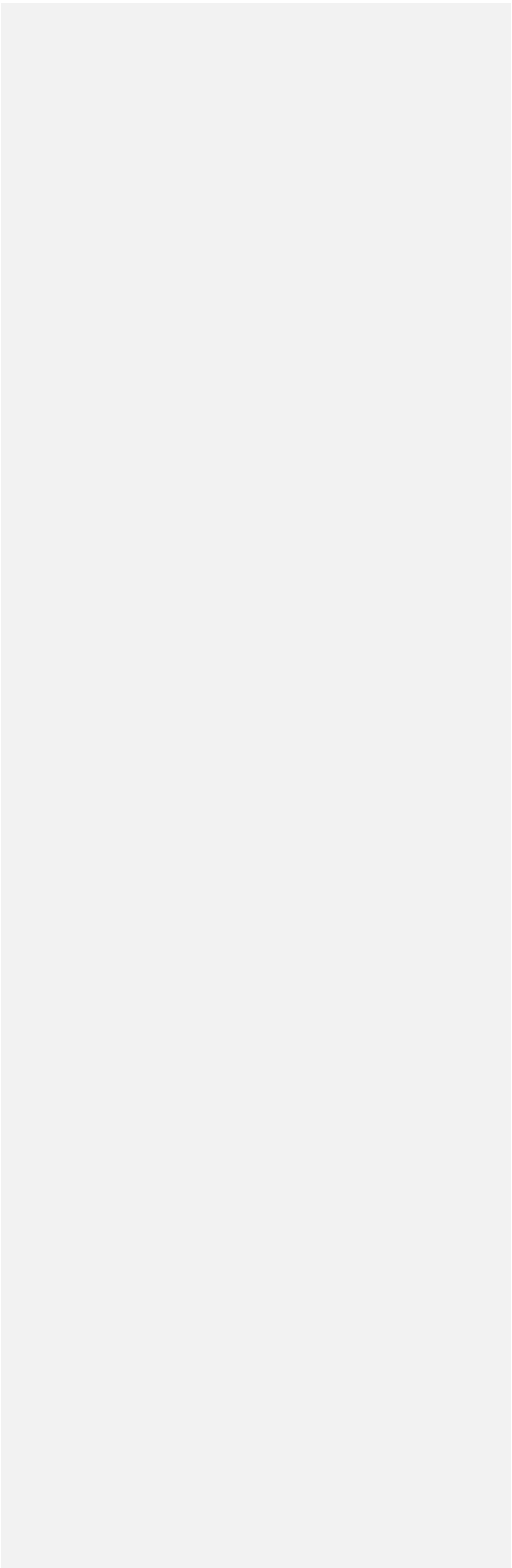
CURRICULUM AND INSTRUCTION

08.1
(CONTINUED)

Curriculum

RELATED POLICIES:

Section 02.4 (All Policies)



LEGAL: SB 1 AMENDS KRS 160.345 TO REQUIRE THE SUPERINTENDENT TO DETERMINE WHICH CURRICULUM, TEXTBOOKS, INSTRUCTIONAL MATERIALS, AND STUDENT SUPPORT SERVICES SHALL BE PROVIDED IN THE SCHOOL AFTER CONSULTING WITH THE BOARD, THE PRINCIPAL, AND THE SCHOOL COUNCIL.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.11

Course of Study

DEVELOPMENT

The Superintendent shall develop and disseminate to the school a course of study for primary school through eighth (8th) grade, which will include minimum statutory and regulatory requirements¹ and additional requirements as specified by the Board.

ASSESSMENT OF STUDENT WORK / NONDISCRIMINATION

Consistent with District policies addressing assessment of student progress and grading as well as council and school policies relating to the determination of curriculum and assignments, instructional staff are expected to issue grades or assessments of student assignments, including in the classroom, based on responsiveness to the assigned task(s), accuracy, and quality of work, utilizing sound pedagogical judgment and providing modifications for students with disabilities as required by law, free from discrimination or penalty based on constitutionally protected expressions of religious or political views in otherwise responsive student submissions.

IMPLEMENTATION

Each teacher shall implement the course of study prescribed for the assigned grade and subject area.²

SBDM

The ~~Superintendent~~~~council~~ shall determine which curriculum, textbooks, instructional materials, and student support services shall be provided in the school after consulting with the Board, the Principal, and the school council for the school.

REFERENCES:

¹704 KAR 3:303; 704 KAR 3:305

²KRS 161.170; KRS 158.100

KRS 156.160

KRS 158.183; KRS 158.645; KRS 158.6451

KRS 160.345

702 KAR 7:125; ~~703 KAR 4:060;~~

LEGAL: STUDENTS IN HOME/HOSPITAL INSTRUCTION ARE INELIGIBLE TO WORK, PLAY SPORTS, OR PARTICIPATE IN EXTRACURRICULAR ACTIVITIES. AMENDMENTS TO 702 KAR 7:150 CLARIFY THAT STUDENTS WITH A 504 PLAN MAY WORK, PLAY SPORTS, OR PARTICIPATE IN EXTRACURRICULAR ACTIVITIES IF PARTICIPATION IS CONSISTENT WITH THE STUDENT'S 504 PLAN. ADDITIONALLY, 704 KAR 7:120 IS REPEALED.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.1312

Home/Hospital Instruction

PURPOSE

Home/hospital instruction provides educational services to students who cannot attend school for extended periods due to temporary or recurring conditions, including fractures, surgical recuperation, or other physical, health, or mental conditions. An "extended period" refers to an absence for more than five (5) consecutive school days.

For purposes of KRS 157.360, a student who receives home/hospital instruction for a minimum of two (2) instructional sessions per week, with a minimum of one (1) hour of instruction per session, by a certified teacher provided by the Board, shall equal the student attending five (5) days in school. An instructional session may be delivered in person, electronically, or through other means established in regulation. A parent/guardian or responsible adult must be present in the home/hospital room during the time the home/hospital teacher is present or is otherwise delivering instruction.

ELIGIBILITY

Determination of a student's eligibility and provision of services for home/hospital instruction shall be made in compliance with applicable statutes and regulations. In accordance with KRS 159.030(2), the Board shall require evidence for students exempted from school attendance more than six (6) months. An exemption shall be reviewed annually.

At any time based on changes in the student's condition, the home/hospital review committee may schedule a review of the student's continued eligibility for home/hospital instruction. [Eligibility for home/hospital instruction shall cease for students placed by the review committee if the student works, plays sports, or participates in extracurricular activities. For students with a 504 plan, eligibility for home/hospital instruction shall not cease if the student works, plays sports, or participates in extracurricular activities if participation is consistent with the student's 504 plan.](#)

The Admissions and Release Committee (ARC) shall determine placement in home/hospital instruction for a student with disabilities. The 504 Team for a student may facilitate submission of an application to the review committee.

SECONDARY STUDENTS

A high school student placed on home/hospital instruction for extended periods may carry all appropriate credits during the first semester of placement. Except for students with an Individual Education Plan (IEP) or a 504 plan, the number of credits to be carried during all subsequent semesters of placement shall be determined on a case-by-case basis by the review committee, based on the following criteria:

1. The student's ability to work independently during extended periods without direct assistance.
2. The student's capacity to complete assignments within a reasonable time frame.

Home/Hospital Instruction**SECONDARY STUDENTS (CONTINUED)**

3. The likelihood that the student will be able to complete course criteria required for graduation, as required by the Kentucky Academic Standards.
4. When considering the student's condition, should s/he take a full or reduced course load? (If a reduced course load is appropriate, the committee shall determine the number of courses the student may take.)

STUDENTS WITH DISABILITIES

Based on documentation of student need, including medical or mental health evaluation information, a student with disabilities may be placed in the home/hospital instructional program if his/her individual education plan (IEP) specifies such placement is the least restrictive environment for providing services. The ARC Chair shall provide written notice of eligibility and documentation to the District Director of Pupil Personnel for purposes of program enrollment.

The Admissions and Release Committee (ARC) or 504 Team shall determine on a case-by-case basis the type and extent of home/hospital services for a student, including the number of credits a student at the secondary level will be permitted to earn while on home/hospital instruction.

REFERENCES:

KRS 157.360
KRS 158.033
KRS 159.030
[702 KAR 7:150](#)
704 KAR 3:303
[704 KAR 7:120](#)
707 KAR 1:350
20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)
Section 504 of the Rehabilitation Act of 1973
34 C.F.R. 104.35

RELATED POLICIES:

09.122
09.123

LEGAL: SB 102 AMENDS KRS 158.4416 BY CHANGING COUNSELORS (UNDER SUPERINTENDENT TO REPORT) TO MENTAL HEALTH PROVIDERS ALONG WITH ADDING INFORMATION TO BE REPORTED BY THE SUPERINTENDENT TO THE KY DEPARTMENT OF EDUCATION BY NOVEMBER 1, 2022.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.14

Guidance and Mental Health Service Providers

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

SERVICES

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

INDIVIDUAL LEARNING PLANS

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

CONFIDENTIAL MATERIAL

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

SUPERINTENDENT TO REPORT

No later than November 1, 2022~~19~~, and each subsequent year, the Superintendent shall report to the Kentucky Department of Education the number ~~and placement of~~ school-based mental health service providers, the position held, placement ~~school counselors~~ in the District, certification of licensure held, ~~The report shall include~~ the source of funding for each position, ~~as well as a~~ summary of the job duties and work undertaken by each school-based mental health service provider, counselor and the approximate percent of time devoted to each duty over the course of the year.

REFERENCES:

¹KRS 158.4416

²KRE 506 (Kentucky Rules of Evidence); KRS 158.154; KRS 158.155; KRS 158.156
KRS 61.878; KRS 620.030

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

RELATED POLICIES:

08.113; 09.14

LEGAL: SB 1 CREATES A NEW SECTION OF KRS 158 (KRS 158.196) TO REQUIRE EACH SCHOOL TO PROVIDE INSTRUCTION AND INSTRUCTIONAL MATERIALS THAT ARE ALIGNED WITH THE SOCIAL STUDIES ACADEMIC STANDARDS AND CONSISTENT WITH CERTAIN CONCEPTS.
FINANCIAL IMPLICATIONS: COST OF PURCHASING/CREATING INSTRUCTIONAL MATERIALS

CURRICULUM AND INSTRUCTION

08.21

Instruction and Instructional Materials

A new section of KRS 158.196 requires each school to provide instruction and instructional materials that are aligned with the social studies academic standards and consistent with the following concepts:

1. All individuals are created equal;
2. Americans are entitled to equal protection under the law;
3. An individual deserves to be treated on the basis of the individual's character;
4. An individual, by virtue of the individual's race or sex, does not bear responsibility for actions committed by other members of the same race or sex;
5. The understanding that the institution of slavery and post-Civil War laws enforcing racial segregation and discrimination were contrary to the fundamental American promise of life, liberty, and the pursuit of happiness, as expressed in the Declaration of Independence, but that defining racial disparities solely on the legacy of this institution is destructive to the unification of our nation;
6. The future of America's success is dependent upon cooperation among all its citizens;
7. Personal agency and the understanding that, regardless of one's circumstances, an American has the ability to succeed when he or she is given sufficient opportunity and is committed to seizing that opportunity through hard work, pursuit of education, and good citizenship; and
8. The significant value of the American principles of equality, freedom, inalienable rights, respect for individual rights, liberty, and the consent of the governed.

Schools are not restricted from providing instruction or using instructional materials that include:

1. The history of an ethnic group, as described in textbooks and instructional materials adopted by the District;
2. The discussion of controversial aspects of history; or
3. The instruction and instructional materials on the historical oppression of a particular group of people.

REFERENCES:

KRS 158.196

RELATED POLICY:

08.1353

LEGAL: SB 1 AMENDS KRS 160.345 TO REQUIRE THE SUPERINTENDENT TO DETERMINE WHICH CURRICULUM, TEXTBOOKS, INSTRUCTIONAL MATERIALS, AND STUDENT SUPPORT SERVICES SHALL BE PROVIDED IN THE SCHOOL AFTER CONSULTING WITH THE BOARD, THE PRINCIPAL, AND THE SCHOOL COUNCIL.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.2322

Review of Instructional Materials

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

Employees receiving a written request for review of instructional materials shall notify the Principal of the complaint, who shall then notify the Superintendent. The Superintendent shall notify the Board of all complaints filed ~~and the council's response.~~

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

KRS 158.183

[KRS 160.345](#)

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

RELATED POLICIES:

02.42411; [08.1](#)

LEGAL: SB 151 AMENDS KRS 158.070 TO ALLOW THE SUPERINTENDENT OF A DISTRICT THAT PARTICIPATES IN THE FEDERAL SCHOOL BREAKFAST PROGRAM TO AUTHORIZE UP TO FIFTEEN (15) MINUTES OF THE STUDENT ATTENDANCE DAY TO PROVIDE THE OPPORTUNITY FOR CHILDREN TO EAT BREAKFAST DURING INSTRUCTIONAL TIME.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.31

Student Attendance Day

STUDENT ATTENDANCE DAY

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

[If the District participates in the Federal School Breakfast Program, the Superintendent may authorize up to fifteen \(15\) minutes of the student attendance day to provide the opportunity for children to eat breakfast during instructional time.](#)²

EXCEPTIONS

Kindergarten (entry level of the primary program) shall be provided no less than the equivalent of one-half (1/2) day, five (5) days a week for a full school year for each kindergarten student.

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

MASTER SCHEDULE

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

REFERENCES:

¹KRS 158.060

²[KRS 158.070](#)

KRS 157.320

KRS 157.360

KRS 158.030; KRS 158.070

702 KAR 7:125

702 KAR 7:140

RELATED POLICIES:

01.42; [06.31](#); 08.3

LEGAL: HB 563 (2021) AMENDED KRS 158.120 TO REQUIRE THAT BY JULY 1, 2022, LOCAL BOARDS ADOPT A NONRESIDENT PUPIL POLICY TO GOVERN THE TERMS UNDER WHICH THE DISTRICT SHALL ALLOW ENROLLMENT OF NONRESIDENT PUPILS. WRITTEN AGREEMENTS WILL NO LONGER BE NECESSARY.

FINANCIAL IMPLICATIONS: NONRESIDENT PUPILS WILL BE COUNTED IN ADA FOR STATE FUNDING
LEGAL: G.C. V. OWENSBORO PUBLIC SCHOOLS, 711 F.3D 623 (6TH CIR., 2013) CLARIFIES THAT ONCE A NONRESIDENT STUDENT IS ENROLLED FOR THE ACADEMIC YEAR, THE STUDENT MAY NOT BE DISMISSED DURING THAT ACADEMIC YEAR WITHOUT APPLICABLE DUE PROCESS.

FINANCIAL IMPLICATIONS: COST OF DUE PROCESS HEARINGS

STUDENTS

09.12

Admissions and Attendance

RESIDENCE DEFINED

Pupils whose parent or guardian resides in the District and has custody of the student, or pupils who are legal residents of the school District, or as otherwise provided by state or federal law, shall be considered residents and entitled to the privileges of the District's schools.

All other pupils shall be classified as nonresidents for school purposes.¹

HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

The District shall provide educational and related services to homeless children and youth, including preschool-aged homeless children, and homeless children or youth not in the physical custody of a parent or guardian (unaccompanied youth) in a manner that does not segregate or stigmatize students on the basis of their homeless status.

The District shall provide its schools with guidelines that detail the rights of homeless students and the responsibilities that schools have to meet their needs and eliminate barriers to school attendance. These guidelines shall emphasize the right of homeless students to:

1. Have equal access to all educational programs and services, including transportation, that non-homeless students enjoy;
2. Have access to preschool programs as provided to other children in the District;
3. Continue attending their school of origin, when deemed in the best interest of the child, for the duration of homelessness;
4. Attend regular public school with non-homeless students; and
5. Continue to receive all services for which they are eligible (i.e., special education, gifted and talented, English learner).

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

The District shall designate an appropriate staff person to serve as liaison to homeless children and unaccompanied youth. In addition to coordination of McKinney-Vento implementation in the District, the liaison is responsible for:

Admissions and Attendance**HOMELESS CHILDREN AND UNACCOMPANIED YOUTH (CONTINUED)**

- “Outreach” to other entities and agencies so that homeless students are identified;
- Providing public notice of the educational rights of homeless children in locations frequented by parents/guardians and unaccompanied youths. This notice is to be in a manner and form that is understandable;²⁵
- Seeing that school personnel who provide McKinney-Vento Services receive professional development and other support; and
- Ensuring that unaccompanied youths are enrolled in school and receive support to accrue credits and access to higher education.

The District shall inform school personnel, service providers, advocates working with homeless families, parents, guardians and homeless children and unaccompanied youths of the duties of the liaison.

All concerns regarding the education of homeless children and unaccompanied youth shall be referred to the District liaison. If a complaint arises regarding services or placement of homeless children and unaccompanied youth, the dispute resolution procedures as set forth in 704 KAR 7:090 shall apply.

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

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

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

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

CHILDREN IN FOSTER CARE

Students in foster care shall have equal access to all educational programs and services, including transportation, which all other students enjoy.

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

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

Admissions and Attendance**CHILDREN IN FOSTER CARE (CONTINUED)**

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

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

BEST INTEREST OF THE CHILD

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

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

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

1. The child's state agency caseworker shall immediately contact the receiving district to inform the district of the pending enrollment changes.
2. The child's state agency caseworker or child-caring facility or child placing agency case manager shall either accompany the child and the foster parent to the new school to enroll the child or contact applicable staff at the new school via telephone during the day of enrollment, to assist with the enrollment, to share information relating to the child's unique needs and prior experiences that may impact their education, and to identify and prevent disruptions in any instructional or support services that the child may have been receiving prior to that time, including but not limited to medical and behavioral health history and individual service plans.⁷

IMMIGRANTS

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

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

Admissions and Attendance**NONRESIDENTS**

Nonresident pupils may be ~~enrolled in~~~~admitted to~~ the District's schools in accordance with Board [09.1222, 09.124](#), and upon approval of the Superintendent. [Once a nonresident student is enrolled for the academic year, the student may not be dismissed during that academic year without applicable due process.](#)³

~~NONRESIDENTS (CONTINUED)~~**~~TRANSFER OF ADA~~**

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

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

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

EXPELLED/CONVICTED STUDENTS

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

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

Assault shall mean any physical assault, including sexual assault.

Admissions and Attendance**EXPELLED/CONVICTED STUDENTS (CONTINUED)**

The sworn statement or affirmation shall be on a form provided by the appropriate state agency and shall be sent to the receiving school within five (5) working days of official notification that a student has requested enrollment in the new school.⁴⁶

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

REFERENCES:

¹KRS 159.010; OAG 78-64

²42 U.S.C. 11431 et seq. (McKinney-Vento Act)

³KRS 158.120; OAG 80-47; OAG 79-327; OAG 75-602; [G.C. v. Owensboro Public Schools, 711 F.3d 623 \(6th Cir., 2013\)](#)

⁴~~KRS 157.320~~

⁷~~KRS 158.140~~

[702 KAR 7:125](#); 704 KAR 7:090; OAG 91-171

P. L. 104-208

P. L. 114-95 (Every Student Succeeds Act of 2015), 20 U.S.C. § 6301 et seq.

8 U.S.C. Sections 1101 and 1184; 8 C.F.R. Section 214

Plyler v. Doe, 457 U.S. 202 (1982)

Equal Educational Opportunities Act of 1974 (EEOA)

RELATED POLICIES:

06.32; 08.1114; 09.11; 09.121; [09.1222](#); 09.1223; 09.123; 09.124; ~~09.125~~

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

09.14; 09.211

LEGAL: HB 517 AMENDS KRS 159.035 TO REQUIRE THAT ANY STUDENT ENROLLED IN A PUBLIC SCHOOL SHALL NOT HAVE HIS OR HER PERFECT ATTENDANCE RECORD NEGATIVELY AFFECTED BY PARTICIPATING IN ANY OF THE PAGE PROGRAMS OF THE GENERAL ASSEMBLY.

FINANCIAL IMPLICATIONS: ALTHOUGH THE STUDENT IS NOT PRESENT AT SCHOOL, THE DISTRICT WILL STILL RECEIVE SEEK FUNDING

LEGAL: HB 194 AMENDS KRS 158.143 TO PROVIDE THAT A STUDENT ENROLLED IN A DISTRICT-OPERATED ALTERNATIVE EDUCATION PROGRAM SHALL BE ELIGIBLE TO SEEK ATTAINMENT OF A HIGH SCHOOL EQUIVALENCY DIPLOMA UNDER CERTAIN CONDITIONS AND SHALL BE EXEMPTED FROM COMPULSORY ATTENDANCE.

FINANCIAL IMPLICATIONS: STUDENT NO LONGER ENROLLED FOR SEEK FUNDING

STUDENTS

09.122

Attendance Requirements

COMPULSORY ATTENDANCE

All children in the district who have entered kindergarten or who are between the ages of six (6), as of August 1, and eighteen (18), except those specifically exempted by statute, shall enroll and be in regular attendance in school.¹

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

EXEMPTIONS FROM COMPULSORY ATTENDANCE

The Board shall exempt the following from compulsory attendance:

1. A pupil who is enrolled in a private or parochial school;⁵
2. A pupil who is less than seven (7) years old and in regular attendance in a private kindergarten nursery school;⁵
3. A pupil whose physical or mental condition prevents or renders inadvisable, attendance at school or application to study;⁵
4. A pupil who is enrolled and in regular attendance in private, parochial, or church school programs for exceptional children;⁵ ~~or~~
5. A pupil who is enrolled and in regular attendance in a state supported program for exceptional children;⁵ ~~or~~²
6. [A student enrolled in a District-operated alternative education program who attains a High School Equivalency Diploma.](#)⁸

PHYSICIAN'S STATEMENT

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

EXCEPTIONS TO PRESENCE AT SCHOOL

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

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

1. Students shall be counted in attendance when they are receiving home/hospital, institutional,² or court-ordered instruction in another setting.
2. Participation of a pupil in 4-H activities that are regularly scheduled and under the supervision of a county extension agent or the designated 4-H club leader shall be considered school attendance.³
3. Students may participate in cocurricular activities and be counted as being in attendance during the instructional school day, provided the Principal/designee has given prior approval to the scheduling of the activities. Approval shall be granted only when cocurricular activities and trips are instructional in nature, directly related to the instructional program, and scheduled to minimize absences from classroom instruction.⁴
4. Students participating in an off-site virtual high school class or block may be counted in attendance in accordance with requirements set out in Kentucky Administration Regulation.⁴
5. Students having an individual education plan (IEP) that requires less than full-time instructional services shall not be required to be present for a full school day.⁴
6. Students who attend classes for moral instruction at the time specified and for the period fixed shall be credited with the time spent as if they had been in actual attendance in school, and the time shall be calculated as part of the actual school work required by law. Students shall not be penalized for any school work missed during the specified moral instruction time.⁵
7. Students participating as part of a school-sponsored interscholastic athletic team, who compete in a regional or state tournament sanctioned by the Kentucky Board of Education or KHSAA, that occurs on a regularly scheduled student attendance day shall be counted and recorded present at school on the date or dates of the competition, for a maximum of two (2) days per student per school year. Students shall be expected to complete any assignments missed on the date or dates of the competition.⁶
8. [Students participating in any of the page programs of the General Assembly.](#)³

REFERENCES:¹KRS 159.010; OAG 85-55²KRS 159.030³KRS 159.035⁴702 KAR 7:125⁵KRS 158.240⁶KRS 158.070⁸[KRS 158.143](#)KRS 158.030; ~~KRS 158.143~~

KRS 159.020; KRS 159.180; KRS 159.990

704 KAR 5:060

OAG 79-68; OAG 79-539

OAG 87-40; OAG 97-26

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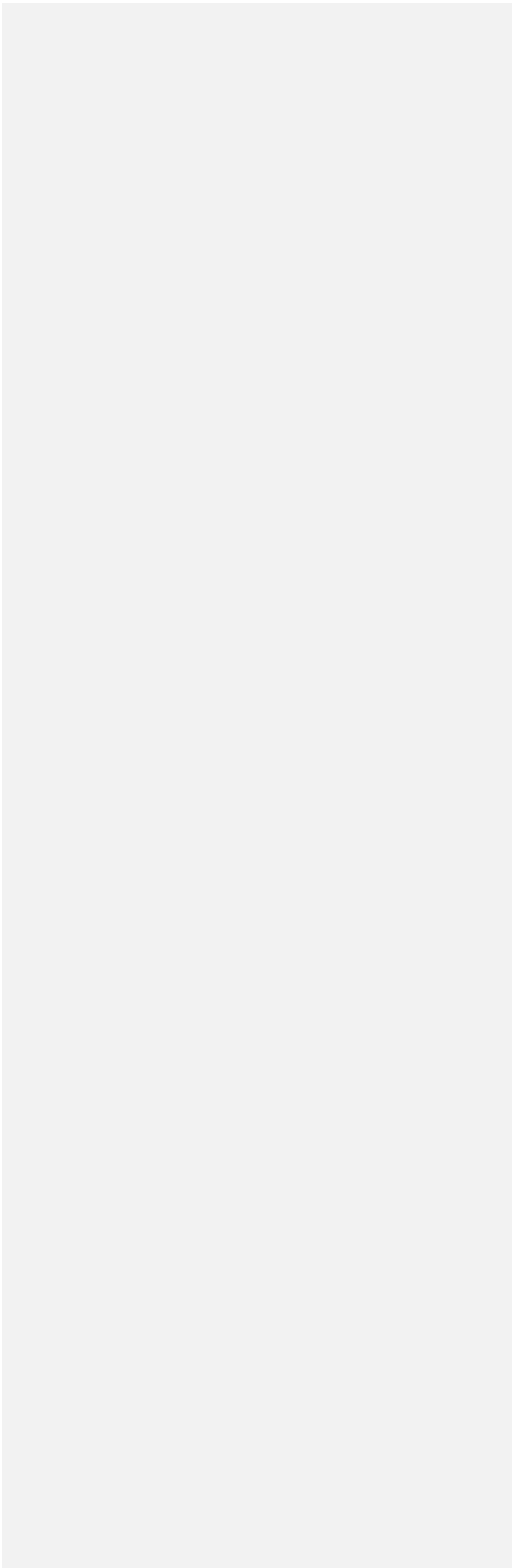
STUDENTS

09.122
(CONTINUED)

Attendance Requirements

RELATED POLICIES:

08.131; 08.1312
09.111; 09.121; 09.123; 09.36



LEGAL: HB 563 (2021) AMENDED KRS 158.120 TO REQUIRE THAT BY JULY 1, 2022, LOCAL BOARDS ADOPT A NONRESIDENT PUPIL POLICY TO GOVERN THE TERMS UNDER WHICH THE DISTRICT SHALL ALLOW ENROLLMENT OF NONRESIDENT PUPILS. WRITTEN AGREEMENTS WILL NO LONGER BE NECESSARY. CHOOSE AN OPTION BELOW.
FINANCIAL IMPLICATIONS: NONRESIDENT PUPILS WILL BE COUNTED IN ADA FOR STATE FUNDING

STUDENTS

09.1222

CHOOSE ONE OF THESE
OPTIONS.

Nonresident Students

- ☐ [The District shall not allow nonresident students to enroll in the District.](#)
- ☐ [The District shall allow nonresident students to enroll in the District pursuant to existing Admissions and Attendance Policy 09.12, Tuition Policy 09.124, and related procedures.](#)
- [Upon allowing nonresident pupil enrollment, the policy shall allow nonresident children to be eligible to enroll in any public school located within the District. The policy shall not discriminate between nonresident pupils, but may recognize enrollment capacity, as determined by the District. The nonresident pupil policy and any subsequent changes adopted by the Board shall be filed with the Kentucky Department of Education no later than thirty \(30\) days following their adoption.¹](#)

REFERENCES:

¹[KRS 158.120](#)
[KRS 157.350](#)

RELATED POLICIES:

[09.12; 09.124; 09.313; 09.42811](#)

LEGAL: HB 44 AMENDS KRS 159.035 STATING THAT THE BOARD MAY INCLUDE PROVISIONS IN THIS POLICY FOR EXCUSED ABSENCES DUE TO A STUDENT'S MENTAL OR BEHAVIORAL HEALTH.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 517 AMENDED KRS 159.035 TO REQUIRE THAT ANY STUDENT ENROLLED IN A PUBLIC SCHOOL SHALL NOT HAVE HIS OR HER PERFECT ATTENDANCE RECORD NEGATIVELY AFFECTED BY PARTICIPATING IN ANY OF THE PAGE PROGRAMS OF THE GENERAL ASSEMBLY.

FINANCIAL IMPLICATIONS: ALTHOUGH THE STUDENT IS NOT PRESENT AT SCHOOL, THE DISTRICT WILL STILL RECEIVE SEEK FUNDING

STUDENTS

09.123

Absences and Excuses

Pupils are required to attend regularly and punctually the school in which they are enrolled. Recording of absences and tardies shall be made in compliance with the requirements of 702 KAR 7:125.¹

TRUANCY DEFINED

Any student who has attained the age of six (6), but has not reached his/her eighteenth (18th) birthday, who has been absent from school without valid excuse for three (3) days or more, or tardy without valid excuse on three (3) days or more, is a truant.

Any student enrolled in a public school who has attained the age of eighteen (18) years, but has not reached his/her twenty-first (21st) birthday, who has been absent from school without valid excuse for three (3) or more days, or tardy without valid excuse on three (3) or more days, is a truant.

Any student who has been reported as a truant two (2) or more times is an habitual truant.

For the purposes of establishing a student's status as a truant, a student's attendance record is cumulative for an entire school year. When students transfer from one Kentucky district to another, attendance information from the previous district shall become part of their official attendance record for that school year.

EXCUSED ABSENCES

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

1. Death or severe illness in the pupil's immediate family;~~;~~
2. Illness of the pupil, ~~including mental or behavioral health;~~
3. Participation in school related activities approved by the Principal;~~;~~
4. One (1) day for attendance at the Kentucky State Fair;~~;~~
5. Documented military leave;~~;~~
6. One (1) day prior to departure of parent/guardian called to active military duty;~~;~~
7. One (1) day upon the return of parent/guardian from active military duty;~~;~~
8. Visitation for up to ten (10) days with the student's parent, de facto custodian, or person with legal custody who, while on active military duty stationed outside of the country, is granted rest and recuperation leave;~~;~~ ~~or~~
- 8-9. Students participating in any of the page programs of the General Assembly;² ~~or~~

Absences and Excuses**EXCUSED ABSENCES (CONTINUED)**

~~9-10.~~ Other valid reasons as determined by the Principal, including trips qualifying as educational enhancement opportunities.

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

Unless the Principal determines that extenuating circumstances exist, requests for date(s) falling within State or District testing periods shall not be granted.

The Principal's determination may be appealed to the Superintendent/designee whose decision may then be appealed to the Board under its grievance policy and procedures.

Students receiving an excused absence under this section shall have the opportunity to make up school work missed and shall not have their class grades adversely affected for lack of class attendance or class participation due to the excused absence.

SCHOOL HANDBOOKS

Each school handbook shall include specific attendance requirements.

SUSPENSION

Projects or homework assigned prior to suspension shall be accepted for credit. Students shall be responsible for submitting assignments due during the time of the suspension.

Long-term projects assigned during the suspension and due at a later date shall be accepted.

Work assigned and due during suspension shall not be accepted for credit.

REFERENCES:

¹702 KAR 7:125

~~²KRS 159.035~~

KRS 36.396~~;~~ KRS 38.470~~;~~ KRS 40.366

KRS 158.070~~;~~ KRS 158.183~~;~~ KRS 158.293~~;~~ KRS 158.294

~~KRS 159.035~~; KRS 159.140~~;~~ KRS 159.150~~;~~ KRS 159.180

OAG 76-566~~;~~ OAG 79-68~~;~~ OAG 79-539~~;~~ OAG 91-79~~;~~ OAG 96-28

RELATED POLICIES:

09.111~~;~~ 09.122~~;~~ 09.4281

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

LEGAL: HB 563 (2021) AMENDED KRS 158.120 TO REQUIRE THAT BY JULY 1, 2022, LOCAL BOARDS ADOPT A NONRESIDENT PUPIL POLICY TO GOVERN THE TERMS UNDER WHICH THE DISTRICT SHALL ALLOW ENROLLMENT OF NONRESIDENT PUPILS. WRITTEN AGREEMENTS WILL NO LONGER BE NECESSARY.
FINANCIAL IMPLICATIONS: NONRESIDENT PUPILS WILL BE COUNTED IN ADA FOR STATE FUNDING

STUDENTS

09.124

Tuition

FEE TO BE CHARGED

The Board may charge a tuition fee to the parents/guardians of all children attending a District school and residing outside the school boundaries of the District ~~when the District of residence will not release SEEK/ADA monies to the Board~~. Fees shall be charged for all children ~~not on contract with the Board and their school district of residence, authorizing release of state SEEK/ADA monies to the Board~~ for each student attending its schools whose parent/guardian is not a bona fide resident of the District. Children of employees of the Board may attend District school tuition free, without regard to residence.

TERMS FOR ADMISSION

Tuition students are admitted to the District schools based on the following conditions:

1. The enrollment of students residing within the school boundaries of the District is such that the admission of out-of-district students does not create an overcrowded situation.
2. The student has regular school attendance.
3. The student adheres to established discipline guidelines and does not present a behavior disruption in the learning process.
4. The student shows evidence of reasonable academic progress and achieves at an academic level where he or she is passing all subjects.
5. The student's tuition is paid within established time frames. Parents/guardians should contact the Superintendent at 441-0743 regarding tuition payments.

TUITION SCHEDULE

	<u>Per Family</u>
1st Student	\$1200 per year
2nd Student	\$1000 per year
3rd Student	\$800 per year
4th Student	\$600 per year
5th Student & Additional Students	TBD

PRO-RATA

Nonresident students who enter after the first day of school will be assessed a pro-rated tuition fee, based on the number of days in membership of the remainder of the school year.

STUDENTS

09.124
(CONTINUED)

Tuition

PAYMENT SCHEDULE

1. Twenty-five percent (25%) of all tuition charges are due upon the first day of the student(s) enrollment.
2. Additional twenty-five (25%) of all tuition charges are due on or before October 1.
3. The remainder of all original tuition charges are due on or before January 1.

There shall be no refunds of tuition payment(s) in cases where parents/guardians withdraw tuition students from enrollment in the District or in cases where tuition students violate one or more of the Terms for Admission and are subsequently withdrawn by the District.

REFERENCES:

KRS 158.120
KRS 157.350; KRS 158.135
702 KAR 7:125
237 S.W. 2D 65 (1951)
OAG 80-47; OAG 91-75

RELATED POLICIES:

09.11; 09.12; 09.121; 09.122; 09.1221, 09.123; 09.1231; ~~09.125~~; 09.13
09.126 (re requirements/exceptions for students from military families)

LEGAL: HB 563 (2021) AMENDED KRS 158.120 TO REQUIRE THAT BY JULY 1, 2022, LOCAL BOARDS ADOPT A NONRESIDENT PUPIL POLICY TO GOVERN THE TERMS UNDER WHICH THE DISTRICT SHALL ALLOW ENROLLMENT OF NONRESIDENT PUPILS. WRITTEN AGREEMENTS WILL NO LONGER BE NECESSARY.
FINANCIAL IMPLICATIONS: NONRESIDENT PUPILS WILL BE COUNTED IN ADA FOR STATE FUNDING

STUDENTS

09.125

LEGAL: HB 194 AMENDS KRS 158.143 TO PROVIDE THAT A STUDENT ENROLLED IN A DISTRICT-OPERATED ALTERNATIVE EDUCATION PROGRAM SHALL BE ELIGIBLE TO SEEK ATTAINMENT OF A HIGH SCHOOL EQUIVALENCY DIPLOMA UNDER CERTAIN CONDITIONS AND SHALL BE EXEMPTED FROM COMPULSORY ATTENDANCE.
FINANCIAL IMPLICATIONS: STUDENT NO LONGER ENROLLED FOR SEEK FUNDING

STUDENTS

09.4341

Alternative Education

DEFINITION

Alternative Education Program means a program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience. Alternative education programs do not include career or technical centers or departments.¹

PURPOSE

The purpose of the Board's Alternative Education Program is to provide:

- Learning activities that support innovative pathways and are aligned to college and career outcomes for all students.
- A curriculum that is aligned with the Kentucky Academic Standards and the learning goals in each student's Individual Learning Plan (ILP).
- Successful student transition to the regular school assignment, when possible, or to post-secondary status.
- A meaningful alternative to suspension and/or expulsion of a student.

NOTE: Students do not have a right to assignment to alternative programs or services except as specifically provided by law.

As required by Kentucky Administrative Regulation:

- The District's Alternative Education Program shall include training to build capacity of staff and administrators to deliver high-quality services and programming.
- The Board shall review this policy and accompanying procedure(s) annually.²

ELIGIBILITY CRITERIA

Alternative education placements may be utilized for students at all grade levels.

Placement may be voluntary or involuntary, and the program may be offered either on-site or off-site.

An ILP shall exist for a student in grade six (6) and above as required by regulation prior to placement in a District Alternative Education Program. Criteria for involuntary assignment by District personnel in the Alternative Education Program may include one (1) or more of the following:

- The need for a different educational environment for the student that will reflect an instructional delivery style best provided in an alternative setting.
- The student has contributed to substantial and on-going disruption of the educational process.

Alternative Education**ELIGIBILITY CRITERIA (CONTINUED)**

- Documentation that there are specific academic and/or behavioral performance areas that require intensive assistance best provided in alternative setting.
- Confirmation that the student has significant and on-going truancy issues that are impeding academic growth.
- Documentation that the student needs intensive support in the areas of social and personal issues that are impeding academic performance and/or behavioral expectations.
- The student has been assigned for code of conduct or Board policy violations for which assignment to an alternative program is authorized under the code or policy.
- The student has been identified as being at risk of academic failure and/or dropping out of school.
- The student has previously dropped out of school, but has requested to return to school via enrollment in an alternative education setting.
- The student is assigned to an alternative school or program for other reasons as provided in the code of conduct, Board policy, or other program standards adopted by the Board.
- Other reasons related to safety concerns and educational needs of the student referenced in 704 KAR 19:002.

A student's parent/legal guardian or a student who is eighteen (18) years of age or older may request voluntary placement in the Alternative Education Program.

NOTIFICATION

The Principal or other designated administrator shall notify the parents by letter of their child's assignment to the Alternative Education Program. The letter shall include length and reason for assignment, expected behavior of the student, and notification that assignment may be extended or shortened depending upon the attitude and cooperation of the student.

The duration of the alternative assignment shall be as provided in applicable Board policy, code of conduct, or other alternative program standards adopted by the District or as decided by the team and approved by the Superintendent/designee.

ATTAINMENT OF A HIGH SCHOOL EQUIVALENCY DIPLOMA

Students enrolled in a District-operated alternative education program shall be eligible to seek attainment of a High School Equivalency Diploma if the student:

- Is at least seventeen (17) years of age;
- Is not on track to graduate*; and
- Has previously attained a passing score on an official readiness test for a High School Equivalency Diploma.

Alternative Education**ATTAINMENT OF A HIGH SCHOOL EQUIVALENCY DIPLOMA (CONTINUED)**

*Not on track to graduate – At the fourth (4th) school year, cumulative grade point average of less than 2.5 and/or not at the 75% mark to obtain the minimum twenty-two (22) credits to graduate.

A student who has attained a High School Equivalency Diploma shall be exempt from compulsory attendance.³

ILPA TEAM

The Superintendent/designee shall appoint members of a team to develop an Individual Learning Plan Addendum (ILPA) for students in grades six through twelve (6-12) assigned to an alternative school or program. The team may consist of the lead administrator/designee of the student's current school/program, the lead administrator/designee of the alternative school/program, counselors, teachers and other staff as appropriate.

The Superintendent/designee shall chair the team and invite the parents, and as appropriate, the student to participate.

After consideration of input of the team, the counselor or the designated administrator shall prepare or revise the ILPA to address, as appropriate, academic and behavioral needs, criteria for re-entry into the traditional program and review of student progress.

EXCEPTIONS:

- Such decisions for individual students with disabilities under the IDEA shall be made when required through the Admissions and Release Committee process and changes in service delivery required under the IDEA shall be made to the student's IEP.
- Such decisions for students identified under Section 504 shall be made through the team process as required under federal law and corresponding District policies and procedures.

EXTRACURRICULAR PARTICIPATION

Students assigned to alternative schools or programs shall be eligible to access extracurricular activities including, but not limited to sports activities, as allowed under applicable Board policy, code of conduct, SBDM policy, KHSAA rules or other alternative program standards adopted by the District.

CONTINUING SUPPORT

Opportunities shall be provided for students to continue regular school work as appropriate under the supervision of Alternative Education Program staff. Students participating in an alternative program shall continue to be able to access tutoring, intervention, counseling, and other resources and services already available in the District as determined through the development of the ILPA.

TRANSITION

Students may transition to a regular classroom setting in accordance with any criteria for re-entry established by the ILPA Team and in accordance with the following process:

1. The lead Alternative Education Program administrator/designee shall invite the student (age 18 or older) or the parent/legal guardian to meet to discuss the proposed transition.

Alternative Education**TRANSITION(CONTINUED)**

If the parent/legal guardian or adult student do not attend, written notification shall be provided to explain the proposed re-entry.

For IDEA or Section 504 students, the IEP or Section 504 team shall determine placement of students as required by law.

2. Strategies shall be documented to promote successful transition to include specific staff responsibilities and how follow-up monitoring will occur.
3. Should the transition not be successful for the student, reassignment to the Alternative Education Program may be considered, and the ILPA Team may be reconvened accordingly.

COLLABORATION WITH OUTSIDE AGENCIES

The coordinator or lead administrator of the Alternative Education Program shall establish a process to collaborate with outside agencies involved with involuntary placements, including courts or other social service agencies to address student transitions between programs. Release of protected information about students involved in the program shall be in compliance with the Family Educational Rights and Privacy Act (FERPA).

NOTE: THIS POLICY DOES NOT APPLY TO A TEMPORARY/SHORT-TERM INTERVENTION.

REFERENCES:

¹KRS 160.380

²704 KAR 19:002

³[KRS 158.143](#)

707 KAR 1:320

Student Discipline Guidelines, Kentucky Department of Education

OAG 77-419

RELATED POLICIES:

08.131, 08.141

09.123, 09.14, 09.426