

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;
 - 3. Directly by a local Board of Education;¹ or
 - 4. Directly by the Kentucky School for the Blind (KSB) or the Kentucky School for the Deaf (KSD).

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.

This Assignment language needs to be reviewed with counsel as it relates to applicability to KSB/KSD.

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

PRINCIPAL TO REPORT

No later than November 1 of each year, the Principal shall report to the Center for School Safety the number and placement of SROs at KSB/KSD. 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

This Authorization language needs to be reviewed with counsel as it relates to applicability to KSB/KSD.

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 KSB/KSD 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 KSB/KSD shall develop, maintain and implement health and safety plans in compliance with state and federal law.

HAZARD COMMUNICATION PLAN

The Principal/designee shall develop a KSB/KSD Hazard Communication Plan. The plan shall include:

1. The assignment of a KSB/KSD 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 KSB/KSD 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 Principal/designee shall develop an Exposure Control Plan to eliminate or minimize KSB/KSD 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 KSB/KSD, 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 Principal/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 Principal/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 KSB/KSD 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 Principal/designee shall conduct a hazard assessment to determine when and where the use of personal protective equipment (PPE) is necessary. The hazard assessment shall address:

1. Assignment of a KSB/KSD employee responsible for assessing the workplace for hazards;
2. Selection of appropriate PPE to safeguard employees from hazards that cannot be eliminated;

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

3. A training program to be conducted to educate employees about the need for PPE and when it must be worn;
4. Training of employees on the use and care of PPE, how to recognize deterioration and failure and the need for replacement; and
5. Requiring employees to wear designated PPE as deemed necessary by the hazard assessment.

REPORTING FATALITIES, AMPUTATIONS, HOSPITALIZATIONS, OR LOSS OF EYE

The KSB/KSD shall, within eight (8) hours from when reported to the **KSB/KSD**, make an oral report to the Kentucky Labor Cabinet of the death of an employee as a result of a work-related incident, including death resulting from a heart attack.

The KSB/KSD shall, within seventy-two (72) hours from when reported to the **KSB/KSD**, 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.²

ASBESTOS MANAGEMENT

The KSB/KSD shall conduct school inspection and re-inspection activities as required by state and federal law¹ to identify the status of asbestos. The KSB/KSD 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 KSB/KSD 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.

Health and Safety

REFERENCES:

¹401 KAR 58:010: 40 C.F.R. Part 763

²803 KAR 2:181

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: 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

TRANSPORTATION

06.31

Bus Scheduling and Routing

RESPONSIBILITY

The KSB/KSD shall be responsible for scheduling and routing all buses in keeping with applicable statutes and regulations. This shall include a system of notifying parents, pupils, and drivers of bus schedules and routes and, for those schools serving breakfast, arranging bus schedules so that buses arrive in sufficient time to provide breakfast prior to the student attendance day. If the KSB/KSD participates in the Federal School Breakfast Program, the KSB/KSD may also authorize up to fifteen (15) minutes of the student attendance day to provide the opportunity for children to eat breakfast during instructional time.¹

Buses shall be routed only on public roads which are safe for bus travel.

REGULAR ROUTE VEHICLES

Except in cases of emergencies or for the transportation of students with disabilities, only school buses as defined by applicable statute and administrative regulation shall be used for transporting students to and from school along regular bus routes.

REFERENCES:

- ¹KRS 158.070
- KRS 156.153
- KRS 158.110 702 KAR 5:030

RELATED POLICY:

08.31

LEGAL: SB 61 AMENDS KRS 158.142 TO REMOVE BENCHMARK SCORES FOR END-OF-COURSE EXAMINATIONS AND THE ACT AS REQUIREMENTS FOR EARLY GRADUATION.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.113

Graduation Requirements

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

CIVICS EXAM REQUIREMENT

Students wishing to receive a regular diploma must pass a civics test made up of one hundred (100) questions selected from the civics test administered to persons seeking to become naturalized citizens and prepared or approved by the Kentucky Board of Education. A minimum score of sixty percent (60%) is required to pass the test and students may take the test as many times as needed to pass. Students that have passed a similar test within the previous five (5) years shall be exempt from this civics test. This shall be subject to the requirements and accommodations of a student's individualized education program (IEP) or a Section 504 Plan.³

INDIVIDUAL LEARNING PLAN (ILP)

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

In addition to the content requirements established by the Kentucky Academic Standards, the Kentucky Board of Education may impose other credit requirements for graduation from high school. However, the KBE shall not adopt any graduation requirements that include achieving a minimum score on a statewide assessment.

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

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

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

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

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

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

Graduation Requirements

PERFORMANCE-BASED CREDITS

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

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

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

2. Performance descriptors and their linkages to State content standards and academic standards;

At the high school level, performance descriptors and evaluation procedures shall be established to determine if the content and performance standards have been met.

3. Assessments and the extent to which state-mandated assessments will be used;
4. An objective grading and reporting process; and
5. Criteria to promote and support school and community learning experiences, such as internships and cooperative learning, in support of a student's ILP. Such experiences shall be supervised by qualified instructors and aligned with State and KSB/KSD content and performance standards.

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

In keeping with statutory requirements, the KSB/KSD shall accept for credit toward graduation and completion of high school course requirements an advanced placement or a high school equivalent course taken by a student in grades 5, 6, 7, or 8 if that student attains performance levels expected of high school students as determined by achieving a score of "3" or higher on a College Board Advanced Placement examination or a grade of "B" or better in a high school equivalent.¹

OTHER PROVISIONS

The KSB/KSD may grant different diplomas to those students who complete credits above the minimum number as established by the Kentucky Board of Education. In addition, the KSB/KSD may award a diploma to a student posthumously indicating graduation with the class with which the student was expected to graduate.

The KSB/KSD, Principal, or teacher may award special recognition to students.

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

Graduation Requirements

OTHER PROVISIONS

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

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

EARLY GRADUATION CERTIFICATE

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

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

To graduate early and earn an Early Graduation Certificate, a student shall successfully complete the requirements for early high school graduation as established in administrative regulation by the Kentucky Board of Education.

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

REFERENCES:

¹KRS 158.622

²KRS 158.142; 704 KAR 3:305

³KRS 158.141

KRS 156.027; KRS 158.135

KRS 158.1411; KRS 158.143; KRS 158.183; KRS 158.281

KRS 158.302; KRS 158.645; KRS 158.6451; KRS 158.860; KRS 156.160

20 U.S.C. § 1414

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

704 KAR 3:303; 704 KAR 3:306; 704 KAR 7:090; 704 KAR Chapter 8

OAG 78-348; OAG 82-386

Kentucky Academic Standards

Graduation Requirements

RELATED POLICIES:

08.1131; 08.14; 08.22; 08.222

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

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 KSB/KSD 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 Admissions and Release Committee (ARC) may schedule a review of the student's eligibility for home/hospital instruction. Eligibility for home/hospital instruction shall cease for students placed by the ARC 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.

For students with disabilities, the ARC shall determine placement in home/hospital instruction not the home/hospital review committee.

A student's 504 Team may facilitate submission of an application to the review committee.

KSB/KSD STUDENTS

Based on documentation of student need, including medical or mental health evaluation information, a KSB/KSD student may be placed in the home/hospital instructional program in the student's district of residence/referring district. The ARC Chair shall provide written notice of eligibility and documentation to the Principal of KSB/KSD for purposes of placing the student on home/hospital instruction in the student's district of residence/referring district.

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.

Home/Hospital Instruction

REFERENCES:

KRS 157.360; KRS 158.033; KRS 159.030

702 KAR 7:150

704 KAR 3:303

707 KAR 1:320; 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 KSB/KSD 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

PRINCIPAL TO REPORT

No later than November 1, 2022, and each subsequent year, the Principal shall report to the Kentucky Department of Education the number of school-based mental health service providers, the position held, placement at KSB/KSD, certification of licensure held, the source of funding for each position, a summary of the job duties and work undertaken by each school-based mental health service provider, 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 Principal. These procedures for review shall include 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 KSB/KSD. 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 State Supervisor. The State Supervisor shall notify the Kentucky Board of Education of all complaints filed and the KSB/KSD's response.

REFERENCES:

KRS 158.183

KRS 160.345

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

RELATED POLICY:

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

If KSB/KSD participates in the Federal School Breakfast Program, KSB/KSD 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 may attend a program of less than six (6) hours per day under procedures adopted by KSB/KSD and upon the recommendation of the Admissions and Release Committee (ARC).¹ Only the ARC shall determine placement and shortened days as provided in the Individual Education Program (IEP).

REFERENCES:

¹KRS 158.060

²KRS 158.070

KRS 157.360

KRS 158.030; KRS 158.070

702 KAR 7:125

RELATED POLICIES:

01.42; 08.3

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

STUDENTS

09.122

Attendance Requirements

COMPULSORY ATTENDANCE

All children enrolled at KSB/KSD 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 remain enrolled and be in regular attendance in the schools to which they are assigned.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.

PHYSICIAN'S STATEMENT REQUIRED

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

EXCEPTIONS TO PRESENCE AT SCHOOL

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

1. Students shall be counted in attendance when they are receiving home/hospital, institutional,² or court-ordered instruction in another setting.
2. 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.³
3. 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.³
4. 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.³

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

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.⁴
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.⁵
8. The pupil is participating in standards-based, performance-based credit that is awarded in accordance with 704 KAR 3:305, and that falls within one (1) or more of the categories of standards-based course work. A pupil may be counted in attendance for performance-based credit for a class or block for the year or semester in which the pupil initially enrolled in the class or block if the pupil demonstrates proficiency in accordance with local policies.^{4 & 6}
9. Students attending basic training required by a branch of the United States Armed Forces shall be considered present for all purposes for up to ten (10) days.³
10. Students participating in any of the page programs of the General Assembly.³

REFERENCES:

- ¹KRS 159.010; OAG 85-55
- ²KRS 159.030
- ³702 KAR 007:125
- ⁴KRS 158.240
- ⁵KRS 158.070
- ⁶704 KAR 3:305
- ⁷KRS 158.143
- KRS 158.030
- 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

RELATED POLICIES:

- 08.131; 08.1312
- 09.111; 09.121; 09.123; 09.36

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.

A 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.

A student's parents and LEA are notified when a student is identified as truant or as a habitual truant.

EXCUSED ABSENCES

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

1. Death or severe illness in the pupil's immediate family;
2. Illness of the pupil, including mental or behavioral health;
3. Religious holidays and practices;
4. One (1) day for attendance at the Kentucky State Fair;
5. Documented military leave;
6. One (1) day prior to departure of parent/guardian called to active military duty;
7. One (1) day upon the return of parent/guardian from active military duty;
8. Visitation for up to ten (10) days with the student's parent, de facto custodian, or person with legal custody who, while on active military duty stationed outside of the country, is granted rest and recuperation leave;
9. Students participating in any of the page programs of the General Assembly;² or
10. Ten (10) days for students attending basic training required by a branch of the United States Armed Forces;

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

11. Students participating in any of the page programs of the General Assembly;² or
12. 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 KSB/KSD State Supervisor 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.

UNEXCUSED ABSENCES

Work may be made up for unexcused absences in compliance with KSB/KSD policy.

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 159.140; 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

LEGAL: HB 563 (2021) AMENDED KRS 156.070 TO CLARIFY THAT ANY STUDENT WHO TRANSFERS ENROLLMENT FROM A DISTRICT OF RESIDENCE TO A NONRESIDENT DISTRICT SHALL BE INELIGIBLE TO PARTICIPATE IN INTERSCHOLASTIC ATHLETICS FOR ONE (1) CALENDAR YEAR FROM THE DATE OF TRANSFER.

FINANCIAL IMPLICATIONS: NONRESIDENT PUPILS WILL BE COUNTED IN ADA FOR STATE FUNDING

STUDENTS

09.313

Eligibility (Athletics)

Determination of athletic eligibility shall be made in compliance with applicable administrative regulations and Kentucky High School Athletic Association requirements. Any student who transfers enrollment from a district of residence to a nonresident district shall be ineligible to participate in interscholastic athletics for one (1) calendar year from the date of transfer.²

Standards for playing up from middle school (grades seven and eight [7 & 8]) to high school in sports other than football and soccer may include, but are not limited to, considerations related to safety, physical readiness, use of school space after the school day, transportation, funding, the student's disciplinary status and record, any substance testing restrictions, and equitable opportunities for participation.

To be eligible to try out and participate at the high school level, middle school students must meet all applicable KHSAA and school requirements. The Commissioner/Designee in cooperation with principals, coaches, and athletic directors, as deemed appropriate, may develop guidelines for Kentucky Board of Education approval addressing playing up standards.

CHARTER SCHOOL STUDENTS

A student enrolled in a public charter school that offers any interscholastic athletic activity shall be ineligible to participate in interscholastic activities at any other school. Subject to applicable law, regulations, and bylaws (e.g. KHSAA, Title IX) and the terms of the charter contract, students who are enrolled in a charter school that does not offer any interscholastic athletic activities shall be eligible to participate in such activities at the District school of that student's residence.

REFERENCES:

¹KRS 160.345

²KRS 156.070

KRS 160.1592

702 KAR 7:065; OAG 15-022

Kentucky High School Athletic Association (KHSAA)

RELATED POLICIES:

09.1222

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

09.423