

# Proposed Amendments to Board Policies

Board Policy Committee- September 19, 2022  
Jefferson County Board of Education First Reading – October 6, 2022

- 01.42 Regular Board Meetings
- 01.45 Board Meeting Agenda
- 09.313 Eligibility (Athletics)
- 03.17 Discipline/Nonrenewal/Resignation by Employee (Certified)
- 03.27 Discipline, Suspension, and Dismissal of Employees (Classified)
- 03.2711 Nonrenewal (Classified)
- 03.131 Assignment (Certified)
- 03.231 Assignment (Classified)
- 03.1232 Sick Leave (Certified)
- 03.2232 Sick Leave (Classified)
- 05.11 School Property - Naming Facilities and Alterations

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 Board Meetings**

#### **TIME AND PLACE**

The Board shall conduct an organizational meeting at its first meeting in January. The dates, times, and places of regular meetings shall be approved each year by the Board and entered in its minutes. The schedule of regular meetings shall be made available to the public.<sup>2</sup> Rescheduled regular meetings shall be noticed and held as special meetings.<sup>1</sup> & <sup>54</sup>

Notice to Board members of regular meetings shall be given by adoption of scheduled meeting dates, times, and places.

The Board may, at its discretion, conduct its meetings at places and dates other than those approved, provided that Board members and the general public receive timely notice in keeping with statutory requirements for special called meetings.

The Board shall hold at least one (1) regular business meeting each month.

There are two (2) types of regular meetings of the Board:

1. Board Business Meetings; and
2. Board Work Session Meetings.

The agenda formats for Board Business Meetings and Board Work Session Meetings are established in Board Policy 01.45.

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.

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.<sup>3</sup>

#### **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.<sup>1</sup>

**Regular Board Meetings****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 teleconference; 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 physical 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.

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.<sup>4</sup>

**REFERENCES:**

<sup>1</sup>KRS 160.270

<sup>2</sup>KRS 61.820; OAG 78-274; OAG 78-614

<sup>3</sup>KRS 61.810

<sup>4</sup>KRS 61.823; KRS 61.826

<sup>5</sup>92-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

01.45

### **Board Meeting Agenda**

#### **AGENDA PREPARATION AND DISSEMINATION**

The Superintendent shall consult with the Board Chairperson to ensure that an agenda is prepared for all regular and special meetings of the Board. For special meetings, the Board shall consider only those matters that are listed on the agenda.

There are two types of regular meetings of the Board:

1. Board Business Meetings; and
2. Board Work Session Meetings.

The Board Business Meeting format includes agenda items necessary for the Board to conduct the regular business of the District, including action items, information items, and a consent calendar. The Board Work Session Meeting format is designed to permit the Board to receive information and have in-depth discussions regarding key issues confronting the District, to better inform subsequent decisions and actions, and also includes a consent calendar for items necessary for the Board to conduct the regular business of the District.

Board members may review and offer suggestions for future Board meeting agendas during the Board Planning Calendar portion of regular Board Business meetings. Board members may also suggest topics for inclusion via e-mail to the Board Chairperson, with copy to the Superintendent. Board input is considered and coordinated as the Superintendent and Board leadership develop subsequent Board Planning Calendars and Board Meeting Agendas. In some instances, the Board Chairperson and Superintendent may determine that a requested topic is best addressed through a written report to Board members rather than through inclusion on the Board Meeting Agenda.

Agenda Items and related presentations and supporting or background material shall be provided to the Board members on or before the Tuesday seven (7) days preceding the regular meeting except if significant extenuating circumstances preclude it. Any Item added to the Agenda after that date shall note the necessity for immediate action in the rationale for that Item.

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 in writing 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 four (4) members. However, once the agenda for a special called meeting is posted and 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.

**Board Meeting Agenda****AGENDA PREPARATION AND DISSEMINATION (CONTINUED)**

To reflect the Board's focus on advancing student achievement, the agenda for regular meetings shall be developed in accordance with the following requirements:

1. The agenda may include a student presentation, performance, or other demonstration of student learning.
2. The Board shall recognize the achievements and contributions of students, staff, schools/councils, or community members.
3. The Board shall receive communications from citizens and schools/councils.
4. Each meeting shall contain opportunities for dialogue among Board members and Superintendent concerning student achievement issues, including the impact of student learning and support services and an analysis of progress indicators and data.
5. Each Board Business meeting shall contain an opportunity for Board members to report on noteworthy events pertaining to the work of schools and the District. Reports are expected to be brief, and other opportunities for sharing information with fellow Board members and the public will be made available to Board members for more extensive communications.
6. The agenda for Board Business meetings shall reflect a regular schedule of reports to the Board on the status of District finances, programs, and services.
7. To the extent practicable, standard and/or recurring business shall be organized under the Consent Calendar.

**BOARD BUSINESS MEETING AGENDA FORMAT**

- I. Moment of Silence
- II. Pledge of Allegiance
- III. Recognitions and Resolutions
- IV. Approval of Meeting Agenda
- V. Minutes
- VI. Superintendent's Report
- VII. Persons Requesting to Address the Board on Action Items, or Consent Calendar Items to be voted upon separately at Board member request
- VIII. Action Items
- IX. Information Items
- X. Consent Calendar
- XI. Board Planning Calendar
- XII. Committee Reports
- XIII. Board Reports
- XIV. Persons Requesting to Address the Board (if necessary)

**Board Meeting Agenda****BOARD BUSINESS MEETING AGENDA FORMAT (CONTINUED)**

- XV. Executive Session (if necessary)
- XVI. Action Item (if necessary)
- XVII. Adjournment

As applicable, the policy, statute or regulation that authorizes each business item and a short synopsis of each item shall appear on the agenda.

Members of the public shall be given the opportunity to share opinions or express concerns at every Board Business meeting, either through comments addressed to the Board under Agenda Items VII and XIV, or through written comments shared with Board members and the public. The Superintendent/designee shall establish administrative procedures for the process to submit written comments. The procedures shall be made available to the public on the District website.

If necessary to permit the Board to conduct its business in an orderly and efficient manner, the Board Chair may, prior to publication of the meeting notice required under KRS 61.823, remove Agenda Item VII and/or XIV permitting persons to address the Board.

**PERSONS ADDRESSING THE BOARD AT A BOARD BUSINESS MEETING**

The following shall apply regarding persons addressing the Board at a Board Business Meeting:

1. Persons addressing the Board shall comply with provisions of Board Policy 01.421.
  2. All persons who wish to address the Board regarding items on the Board Agenda shall be permitted to speak prior to persons wishing to speak regarding non-agenda items.
  3. Current District students wishing to address the Board shall be placed at the front of the lists of speakers under Agenda Items VII and XIV.
  4. A maximum of forty-five (45) minutes shall be allocated for Agenda Item VII for people to address the Board Regarding Action Items, or Consent Calendar Items to be voted on separately at Board member request.
  5. A maximum of forty-five (45) minutes shall be allocated for Agenda Item XIV for:
    - a. Speakers unable to be accommodated under Agenda Item VII due to the time limitation, who shall be permitted to speak first; and
    - b. Speakers on non-agenda items.
1. Approval of Meeting Agenda
  2. Minutes
  3. Work Sessions
  4. Persons Requesting to Address the Board on Consent Calendar Items to be voted upon separately at Board member request
  5. Consent Calendar
  6. Persons Requesting to Address the Board (if necessary)
  7. Adjournment

As applicable, the policy, statute or regulation that authorizes each business item and a short synopsis of each item shall appear on the agenda.

## **Board Meeting Agenda**

### **BOARD WORK SESSION MEETING AGENDA FORMAT**

Members of the public shall be given the opportunity to share opinions or express concerns at every Board Work Session meeting, either through comments addressed to the Board under Agenda Item IV and VI, or through written comments shared with the Board members and the public. The Superintendent/designee shall establish administrative procedures for the process to submit written comments. The procedures shall be made available to the public on the District website.

If necessary to permit the Board to conduct its business in an orderly and efficient manner, the Board Chair may, prior to publication of the meeting notice required under KRS 61.823, remove the Agenda Item IV and/or VI permitting persons to address the Board.

### **Persons Addressing the Board at a Board Work Session Meeting**

The following shall apply regarding persons addressing the Board at a Board Work Session Meeting:

1. Persons addressing the Board shall comply with provisions of Board Policy 01.421.
2. All persons who wish to address the Board regarding items on the Board Agenda shall be permitted to speak prior to persons wishing to speak regarding non-agenda items.
3. Current District students wishing to address the Board shall be placed at the front of the lists of speakers under Agenda Items IV and VI.
4. A maximum of forty-five (45) minutes shall be allocated for Agenda Item IV for people to address the Board regarding Consent Calendar Items to be voted on separately at Board member request.
5. A maximum of forty-five (45) minutes shall be allocated for Agenda Item VI for:
6. Speakers unable to be accommodated under Agenda Item IV due to the time limitation, who shall be permitted to speak first; and
7. Speakers on non-agenda items.

### **CONSENT CALENDAR ITEMS**

Routine matters and recommendations of the Superintendent that the Board has had an opportunity to review and about which no opposition is expected will be voted on as a single item in a Consent Calendar. Any Board member may request an agenda item to be removed from the Consent Calendar for consideration as a separate item. To assist in the conduct of orderly and effective Board meetings, the Board member should make every effort to submit the request prior to the meeting via e-mail to the Board Chairperson, copying the Superintendent.

Depending on the reason for the request and whether Board action is time-sensitive, the Board Chairperson may:

1. Remove the item from the agenda entirely, and add it to the agenda of the next regularly scheduled Board meeting as an Action Item; or
2. Remove the item from the Consent Calendar so the Board may consider it as a separate item during the current Board meeting.

**BOARD MEETING AGENDA****BOARD MEMBER REQUESTS FOR INFORMATION REGARDING AGENDA ITEMS**

To assist in the conduct of orderly and effective Board meetings, to the degree possible, questions by Board members regarding Board agenda items and clarification of recommendations to the Board should be dealt with prior to the meeting. Board members should submit requests for information regarding Board agenda items to the Superintendent as early as possible to allow the Superintendent and staff adequate time to prepare a response prior to the Board meeting.

**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.<sup>1</sup>

**DISTRICT EMPLOYEES/MEMBERS OF THE PUBLIC**

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.

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

**REFERENCE:**

<sup>1</sup>KRS 160.270  
KRS 160.290

**RELATED POLICIES:**

01.42; 01.421; 01.44; 01.5  
03.16/03.26

### **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.<sup>2</sup>

#### **MIDDLE SCHOOL STUDENTS PLAYING HIGH SCHOOL ATHLETICS**

District 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, equitable opportunities for participation, and harmonizing any conflicting school-based decision making (SBDM) council requirements. SBDM Council policies apply to the selection of sports activities, and student participation based on academic qualifications and attendance requirements, program evaluation, and supervision.<sup>1</sup>

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

To be eligible to try out and participate at the high school level, a middle school student shall meet all applicable KHSAA, District, and SBDM requirements. The Superintendent/Designee in cooperation with principals, SBDM councils, coaches, and athletic directors, as deemed appropriate, may develop guidelines for Board approval addressing playing up standards.

Participation in interscholastic athletics by a student in grade seven (7) or grade eight (8) shall be permitted under the following requirements:

1. A student enrolled in an A1 school that has a grade configuration that includes both middle school and high school grades shall be permitted to participate on a high school team only for that school or program.
2. A student enrolled exclusively and voluntarily in an A5 alternative education program that has a grade configuration that includes both middle school and high school grades and that is a member of KHSAA shall be permitted to participate on a high school team only for that program. The Superintendent may authorize an A5 alternative education program for membership in KHSAA, since A5 programs do not have SBDM councils.
3. A student enrolled in a middle school connected to a high school through a feeder pattern established in the Board approved District Student Assignment Plan shall be permitted to participate on a high school team only for the high school connected to the middle school by the feeder pattern.
4. A student enrolled in any other middle school shall be permitted to participate on a high school team only for the high school to which the student would be assigned under the Board approved Student Assignment Plan based on the student's residence, even if the student has applied for and has received admission to another high school for the next year.
5. A middle school student must be a member of the middle school team to play up on a high school team. Middle school practice and games take precedent over high school practice and games.

**Eligibility (Athletics)****MIDDLE SCHOOL STUDENTS PLAYING HIGH SCHOOL ATHLETICS (CONTINUED)**

6. The parent/guardian of a middle school student must apply for and receive approval from the Director of Athletics and Activities prior to participation on a high school team.

**STUDENT TRANSFERS**

After enrolling in any District high school, a student who is granted a transfer shall have his/her/their eligibility determined in accordance with the ~~be ineligible for athletic participation, regardless of prior participation, for one calendar year from date of transfer. This rule is in addition to the~~ KHSAA Transfer Rule.

**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 sanctioned by the KHSAA shall be eligible to participate in such activities at the District school of that student's residence.

**REFERENCES:**

<sup>1</sup>[KRS 160.345](#)

<sup>2</sup>[KRS 156.070](#)

[KRS 160.1592](#)

[702 KAR 007:065](#); [OAG 15-022](#); Kentucky High School Athletic Association (KHSAA)

**RELATED POLICIES:**

02.4241; 09.1222; 09.126 (re requirements/exceptions for students from military families)  
09.423

Adopted/Amended: 7/19/2022

Order #: 2022-128

**- CERTIFIED PERSONNEL -****Discipline/Nonrenewal/Resignation by Employee****TERMINATION AND NONRENEWAL**

The Superintendent shall exercise his/her power and authority to terminate or non-renew any employment contract in accordance with the limits set by law. ~~The Principal/immediate supervisor shall provide the Superintendent with notice of recommended nonrenewals by March 15.~~ Non-renewal of limited contracts of certified personnel shall be made no later than May 15, in compliance with the requirements of [KRS 161.750](#). The Superintendent shall, at the first meeting following the actions, notify the Board of terminations or non-renewals. Such notification shall be recorded in the Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

The termination of certified employment contracts shall be governed by the provisions of [KRS 161.790](#). A certified employee may be terminated for the following reasons:

1. Insubordination;
2. Immoral character or conduct unbecoming a teacher which may include being convicted of or entering an “Alford” plea, a guilty plea, or plea of nolo contendere to crimes including, but not limited to sexual misconduct, drugs, alcohol, violent crime, illegal transaction with a minor or any felony offense;
3. Physical or mental disability; or
4. Inefficiency, incompetency, or neglect of duty.

For purposes of this Board Policy, “Insubordination” by an employee shall include engaging in a dating relationship, as defined in Board Policy 01.0, with an employee they supervise or who supervises them, after having failed to disclose the intention to enter into a dating relationship, or to give notice of the existence of a dating relationship, as applicable, as provided in this paragraph. An employee may avoid discipline under the provisions of this Board Policy if they disclose to their supervisor the intention to enter into a dating relationship with an employee they supervise or who supervises them, and request a reassignment prior to entering into the dating relationship. This grounds for termination shall apply even if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having a dating relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this policy exists or may exist. An employee may avoid discipline if they give such notice as soon as such an assignment or employment status exists or may exist. Any failure to give such notice ~~may shall~~ result in disciplinary action.

Prior to notification of the Board, the Superintendent shall furnish the teacher with a written statement specifying in detail the charge against the teacher.<sup>1</sup>

The Superintendent shall develop procedures to afford employees due process as required by law.

**Discipline/Nonrenewal/Resignation by Employee****OTHER DISCIPLINARY ACTION**

The Superintendent may suspend a certified employee without pay. Such suspension shall not be effective prior to receipt of written notice of the action by the employee from the Superintendent. At the first meeting following the action, the Superintendent shall notify the Board of the action taken.<sup>2</sup> An employee may also be issued a public or private reprimand.

**RESIGNATION**

In compliance with [KRS 161.780](#), the Superintendent may accept resignations submitted to the District by its employees. This action by the Superintendent shall be subject only to notification of the Board.

**CODE OF ETHICS**

The Professional Code of Ethics for Kentucky School Certified Personnel provides that:

Section 1. Certified personnel in the Commonwealth:

1. Shall strive toward excellence, recognize the importance of the pursuit of truth, nurture democratic citizenship, and safeguard the freedom to learn and to teach;
2. Shall believe in the worth and dignity of each human being and in educational opportunities for all;
3. Shall strive to uphold the responsibilities of the education profession, including the following obligations to students, to parents, and to the education profession:

(a) To students:

1. Shall provide students with professional education services in a nondiscriminatory manner and in consonance with accepted best practice known to the educator;
2. Shall respect the constitutional rights of all students;
3. Shall take reasonable measures to protect the health, safety, and emotional well-being of students;
4. Shall not use professional relationships or authority with students for personal advantage;
5. Shall keep in confidence information about students which has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;
6. Shall not knowingly make false or malicious statements about students or colleagues;
7. Shall refrain from subjecting students to embarrassment or disparagement; and
8. Shall not engage in any sexually related behavior with a student with or without consent, but shall maintain a professional approach with students. Sexually related behavior shall include such behaviors as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape; threats of physical harm; and sexual assault.

**Discipline/Nonrenewal/Resignation by Employee****CODE OF ETHICS (CONTINUED)****(b) To parents:**

1. Shall make reasonable effort to communicate to parents information which should be revealed in the interest of the student;
2. Shall endeavor to understand community cultures and diverse home environments of students;
3. Shall not knowingly distort or misrepresent facts concerning educational issues;
4. Shall distinguish between personal views and the views of the employing educational agency;
5. Shall not interfere in the exercise of political and citizenship rights and responsibilities of others;
6. Shall not use institutional privileges for private gain, for the promotion of political candidates, or for partisan political activities; and
7. Shall not accept gratuities, gifts, or favors that might impair or appear to impair professional judgment, and shall not offer any of these to obtain special advantage.

**(c) To the education profession:**

1. Shall exemplify behaviors which maintain the dignity and integrity of the profession;
2. Shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;
3. Shall keep in confidence information acquired about colleagues in the course of employment, unless disclosure serves professional purposes or is required by law;
4. Shall not use coercive means or give special treatment in order to influence professional decisions;
5. Shall apply for, accept, offer, or assign a position or responsibility only on the basis of professional preparation and legal qualifications; and
6. Shall not knowingly falsify or misrepresent records of facts relating to the educator's own qualifications or those of other professionals.

Section 2. Violation of this administrative regulation may result in cause to initiate proceedings for revocation or suspension of Kentucky certification as provided in [KRS 161.120](#) and [704 KAR 020:585](#).<sup>3</sup>

Employees who violate provisions of the Professional Code of Ethics for Kentucky School Certified Personnel may be subject to disciplinary action, up to and including termination.

Employees shall act in compliance with the District Ethics Guidelines at all times.

**REPORTS TO EPSB**

The Superintendent shall comply with the reporting requirements of [KRS 161.120](#).

**Discipline/Nonrenewal/Resignation by Employee**

**REFERENCES:**

<sup>1</sup>[KRS 161.790](#)

<sup>2</sup>[KRS 160.390](#)

<sup>3</sup>[016 KAR 001:020](#)

[KRS 161.120](#); [KRS 161.750](#); [KRS 161.780](#)

Consolidated Omnibus Budget Reconciliation Act

[701 KAR 005:090](#)

[OAG 83-362](#); [OAG 92-135](#)

**RELATED POLICY:**

03.172

Adopted/Amended: 12/11/2018

Order #: 2018-278

**- CLASSIFIED PERSONNEL -****Discipline, Suspension and Dismissal of Classified Employees (Classified)****DISCIPLINARY OPTIONS**

Classified employees may be subject to the following actions, to include, but not limited to:

1. Oral warning or reprimand by Superintendent/designee
2. Written warning or private reprimand by Superintendent/designee
3. Disciplinary probation status imposed by Superintendent/designee
4. Reassignment (temporary or permanent) by Superintendent
5. Public reprimand by Superintendent/designee
6. Suspension without pay by Superintendent
7. Nonrenewal by Superintendent
8. Dismissal (termination of contract) by Superintendent

The Superintendent may terminate a classified employment contract pursuant to the provisions of [KRS 161.011](#).

**ACTIONS WHICH MAY REQUIRE HEARING PROCEDURES**

The Superintendent may suspend without pay or terminate a classified employee. Subject to the employee's exercise of applicable hearing rights, these personnel actions shall be effective on the employee's receipt of written notice from the Superintendent. The Superintendent shall notify the Board at the first meeting following a reassignment, suspension without pay, nonrenewal or termination and such notification shall be recorded in the Board minutes. An employee may also be issued a public or private reprimand.

**CAUSES FOR ACTION**

Any classified employee may be subject to appropriate disciplinary action for one (1) or more of the following reasons:

1. Dishonesty, neglect of duty, incompetence, inefficiency or insubordination.
2. Reporting to work under the influence of or use or possession of alcohol or controlled substances while on duty, or the illegal use or possession of controlled substances at any time.
3. Unsatisfactory evaluation of any factor on the employee's performance evaluation report.
4. Repeated unexcused absence, tardiness, absence without notification or abuse of sick leave.
5. Violation of or refusal to obey local policies or state regulations adopted by the Kentucky Board of Education or by the Board.
6. Failure to notify the Superintendent if the classified employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal.

**Discipline, Suspension and Dismissal of Classified Employees (Classified)**

**CAUSES FOR ACTION (CONTINUED)**

7. Refusal to comply with safety directives.
8. Falsifying information supplied to the District including information on application forms, absence reports, or any other information.
9. Violation of local policy, state, or federal statutes or regulations that apply to assigned duties.
10. Being convicted of or entering an “Alford” plea, guilty plea or plea of nolo contendere to crimes, including but not limited to, sexual misconduct, drugs, alcohol, violent crime, illegal transaction with a minor or any felony offense.
11. Immorality, misconduct, or conduct unbecoming a school employee.
12. Loss of licensure or certification required for the position; failure to provide cooperation or consents necessary to serve or continue serving in positions requiring licensure; or being disqualified from serving in a licensed position based on information obtained by the District from the Federal Motor Carrier Safety Administration (FMCSA) drug and alcohol electronic “Clearinghouse” or otherwise.
13. Failure to maintain the confidentiality of information about students or staff obtained in the course of employment, unless disclosure serves a legitimate job-related purpose or is required by law.
14. Engaging in any sexually related behavior with a student with or without consent, including, but not limited to, behavior such as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape, threats of physical harm; and sexual assault.
15. Physical or mental disability, consistent with applicable laws protecting employees with disabilities.<sup>1</sup>
16. Engaging in a dating relationship, as defined in Board Policy 01.0, with an employee they supervise or who supervises them. An employee may avoid discipline under this reason for disciplinary action if they disclose to their supervisor the intention to enter into a dating relationship with an employee they supervise or who supervises them, and request a reassignment prior to entering into the dating relationship. This reason for disciplinary action shall apply even if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having a dating relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this policy exists or may exist. An employee may avoid discipline if they give such notice as soon as such an assignment or employment status exists or may exist. Any failure to give such notice ~~may shall~~ result in disciplinary action.

**Discipline, Suspension and Dismissal of Classified Employees (Classified)**

**DUE PROCESS PROVISIONS**

Negotiated agreements with recognized employee organizations shall provide due process procedures. The Superintendent shall develop due process procedures for employees exempt from representation.

Employees shall act in compliance with District Ethics Guidelines at all times.

**REFERENCES:**

- <sup>1</sup>Americans with Disabilities Act
- 42 U.S.C. § 12111 et seq.
- 49 C.F.R. § 382.701; 49 C.F.R. § 382.703
- KRS Chapter 344
- [KRS 160.380](#); [KRS 160.390](#); [KRS 161.011](#)
- [OAG 92-135](#), [OAG 96-3](#), [OAG 05-006](#)
- Consolidated Omnibus Budget Reconciliation Act

**RELATED POLICIES:**

- 03.212; 03.23251; 03.26; 03.271; 03.2711
- 07.162; 09.14; 09.42811

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

**- CLASSIFIED PERSONNEL -****Nonrenewal**

~~The Principal/immediate supervisor shall provide the Superintendent with notice of recommended nonrenewals by March 15.~~

The Superintendent may non-renew a classified employment contract pursuant to the provisions of [KRS 161.011](#), with written notice being mailed or provided to the employee no later than May 15.

**BASIS FOR NONRENEWAL (LESS THAN FOUR YEARS OF SERVICE)**

The Superintendent may nonrenew the contracts of classified employees with less than four (4) years of continuous active service in the District for any legal reason.

**BASIS FOR NONRENEWAL (FOUR OR MORE YEARS OF SERVICE)**

Classified employees with four (4) or more years of continuous active service in the District may be nonrenewed for the following reasons:

1. Incompetency;
2. Neglect of duty;
3. Insubordination;
4. Inefficiency;
5. Misconduct;
6. Immorality;
7. Other grounds contained in Board policy, including, but not limited to, causes for action set forth in Board policy 03.27;
8. Loss or reduction of funding; or
9. A position becomes obsolete or redundant due to program reorganization, changes to program requirements, elimination or reduction of a program, including a school council decision that fewer employees are needed at the school, or a change in District personnel staffing policies or guidelines.

The Superintendent shall develop procedures to afford employees due process as required by law.

**REFERENCE:**

[KRS 161.011](#)

**RELATED POLICIES:**

03.27  
03.271

Adopted/Amended: 3/29/2022  
Order #: 2022-53

**- CERTIFIED PERSONNEL -****Assignment**

The assignment of all certified personnel shall be made by the Superintendent and shall be made in accordance with state law, Kentucky Administrative Regulations, and/or other legal agreements.<sup>1</sup> The Superintendent shall make all appointments, promotions, and transfers of certified personnel for positions authorized by the Board and, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. The Superintendent may designate Human Resources to provide notice of assignment. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

The Superintendent shall assign personnel who are certified for the positions they will hold and who possess qualifications established by Board policy, except in the case where no individual applies who is properly certified and/or who meets qualifications set by Board policy.

The Superintendent shall not assign the relative of a school Principal to the school where the Principal is assigned.<sup>1</sup>

No employee shall be assigned to a school, office, work group or other unit if the assignment would:

1. Cause a relative of such employee to be a supervisor of such employee; or
2. Cause such employee to supervise, or be supervised by, a person with whom such employee is in a dating relationship, as defined in Board Policy 01.0.

For purposes of this policy, a relative is defined as the employee's father, mother, brother, sister, husband, wife, son, daughter, grandparent, aunt, uncle, niece, nephew, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, or brother-in-law. For purposes of this policy, a supervisor is defined as a person who has authority to oversee and direct work assignments, assign tasks, schedule hours of work, evaluate work performance, or recommend the hiring, discipline or termination of an employee. This policy shall apply even if the status of relative results from a marriage after an initial assignment, or if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having the status of relative or the dating relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this policy exists or may exist. Any failure to give such notice may ~~shall~~ result in disciplinary action. The Superintendent shall develop procedures to implement this policy of all personnel assignments and shall make a final determination as to the appropriate action to implement this policy.

The Superintendent shall provide for an orientation and/or workshop before the employee assumes the new responsibilities.

**Assignment**

The Superintendent shall not assign a certified employee to an alternative education program as defined in [KRS 160.380](#) as part of any disciplinary action pursuant to [KRS 161.790](#) or as part of a corrective action plan established pursuant to the District's evaluation plan.

**REFERENCES:**

<sup>1</sup>[KRS 160.380](#)  
[KRS 156.095](#); [KRS 158.060](#)  
[KRS 160.345](#); [KRS 160.390](#)  
[KRS 161.760](#); [KRS 161.790](#)  
[OAG 78-266](#); [OAG 91-28](#); [OAG 91-149](#); [OAG 92-1](#); [OAG 92-135](#); [OAG 11-001](#)

**RELATED POLICIES:**

01.0; 02.4244

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

**- CLASSIFIED PERSONNEL -****Assignment**

The assignment of all classified personnel shall be made by the Superintendent and shall be made in accordance with state law, Kentucky Administrative Regulations, and/or other legal agreements.<sup>1</sup> The Superintendent shall make all appointments, promotions, and transfers of classified personnel for positions authorized by the Board and, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. The Superintendent may designate Human Resources to provide notice of assignment. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

The Superintendent shall assign personnel only in positions for which they are qualified.

The Superintendent shall not assign the relative of a school Principal to the school where the Principal is assigned.<sup>1</sup>

No employee shall be assigned to a school, office, work group or other unit if the assignment would:

1. Cause a relative of such employee to be a supervisor of such employee; or
2. Cause such employee to supervise, or be supervised by, a person with whom such employee is in a dating relationship, as defined in Board Policy 01.0.

For purposes of this policy, a relative is defined as the employee's father, mother, brother, sister, husband, wife, son, daughter, grandparent, aunt, uncle, niece, nephew, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, or brother-in-law. For purposes of this policy, a supervisor is defined as a person who has authority to oversee and direct work assignments, assign tasks, schedule hours of work, evaluate work performance, or recommend the hiring, discipline or termination of an employee. This policy shall apply even if the status of relative results from a marriage after an initial assignment, or if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having the status of relative or the dating relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this policy exists or may exist. Any failure to give such notice may ~~shall~~ result in disciplinary action. The Superintendent shall develop procedures to implement this policy of all personnel assignments and shall make a final determination as to the appropriate action to implement this policy.

The Superintendent shall provide for an orientation and/or workshop before the employee assumes the new responsibilities.

All assignments of employees shall be made in accordance with state law, Kentucky Administrative Regulations, and/or other legal agreements.

**Assignment**

The Superintendent shall not assign a classified employee to an alternative education program as defined in [KRS 160.380](#) as part of any disciplinary action pursuant to [KRS 161.011](#) or as part of a corrective action plan established pursuant to the District's evaluation plan.

**REFERENCES:**

<sup>1</sup>[KRS 160.380](#)  
[KRS 160.390](#); [KRS 161.011](#); [OAG 91-28](#); [OAG 92-1](#); [OAG 92-135](#)

**RELATED POLICIES:**

01.0; 02.4244

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

**- CERTIFIED PERSONNEL -****Sick Leave**

Sick leave shall be granted to employees in accordance with the limits and restrictions set by law provided the employee has not exhausted the current and accumulated sick leave credit. Employees must be in active pay status or on an approved leave during their scheduled work year in order to utilize sick leave, unless the employee submits documentation to support a leave under Board Policies 03.12322 Family and Medical Leave or 03.1234 Medical Leave.

Temporary, seasonal and substitute employees and student workers shall be excluded from paid sick leave.

**AFFIDAVIT**

Sick leave may be granted to an employee upon presentation of a personal affidavit or a certificate of a physician stating that the employee or member of employee's immediate family was ill on the day or days absent from duty and providing the employee has not exhausted the current and accumulated sick leave credit.<sup>1</sup>

**ACCUMULATION**

Sick leave days not taken during the school year in which they were granted shall accumulate without limitation to the credit of the certified employee to whom they were granted.

**DEFINITION**

Sickness shall mean personal illness, including illness or temporary disabilities arising from pregnancy.

**FAMILY ILLNESS/MOURNING**

Sick leave can also be taken for illness in the immediate family or for the purpose of mourning a member of the employee's immediate family. Immediate family shall mean the employee's spouse, children (including stepchildren and foster children), grandchildren, daughters-in-law and sons-in-law, brothers and sisters, parents, spouse's parents, grandparents, and spouse's grandparents, without reference to the location or residence of said relative and any other blood relative who resides in the employee's home.

**TRANSFER OF SICK LEAVE**

A certified employee ~~Teachers~~ coming to the District from another Kentucky school district or from the Kentucky Department of Education shall transfer accumulated sick leave to which the employee was entitled on the date of the transfer to the District.

A certified employee coming directly to the District from one of the Kentucky Regional Education Cooperatives recognized by the Kentucky Department of Education shall receive credit from the District for all sick leave accumulated on the last day of employment with the cooperative.

**SICK LEAVE DONATION PROGRAM**

A sick leave donation program shall be established as required by law. The Superintendent shall develop procedures to implement this program.

**SICK LEAVE BANKS**

Sick leave banks may be established as permitted by law.

**Sick Leave**

**REFERENCES:**

<sup>1</sup>[KRS 161.155](#), Sec. 2, [KRS 161.152](#), [OAG 79-148](#)  
[OAG 93-39](#)  
Family & Medical Leave Act of 1993

**RELATED POLICIES:**

03.12322  
03.1233  
03.1234  
03.124  
03.175

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

**- CLASSIFIED PERSONNEL -****Sick Leave**

Sick leave shall be granted to employees in accordance with the limits and restrictions set by law provided the employee has not exhausted the current and accumulated sick leave credit. Employees must be in active pay status or on an approved leave during their scheduled work year in order to utilize sick leave, unless the employee submits documentation to support a leave under Board Policies 03.22322 Family and Medical Leave or 03.2234 Medical Leave.

A new classified employee or a former employee rehired in a classified position shall not be paid for sick leave while serving in the ninety (90) day probationary period. A new classified employee or a former employee rehired in a classified position may be granted an unpaid leave for no more than ten (10) days while serving in the ninety (90) day probationary period, if a certificate of a physician covering the absence(s) is submitted. A permanent employee placed on probation for disciplinary reasons, shall be paid for any accumulated sick leave in the event of illness during this probationary period.

A classified or former employee rehired in a classified position may be granted up to ten (10) additional days while serving in a ninety (90) day new hire probationary period, if a physician attests that the employee has a medical condition that will require extended time off. A Certification of Healthcare Provider form from the Leave Center must be completed by the attending physician who indicates an extended leave is necessary. The new hire probationary period for a classified or former employee rehired in a classified position with a medical condition related to the Kentucky Pregnancy Act, may be granted up to twenty (20) additional days beyond those described above.

Part-time classified, new hire probationary, temporary, seasonal and substitute employees and student workers shall be excluded from paid sick leave.

**AFFIDAVIT**

Except as provided above, sick leave may be granted to an employee upon presentation of a personal affidavit or a certificate of a physician stating that the employee or member of employee's immediate family was ill on the day or days absent from duty and providing the employee has not exhausted the current and accumulated sick leave credit.<sup>1</sup>

**ACCUMULATION**

Sick leave days not taken during the school year in which they were granted shall accumulate without limitation to the credit of the classified employee to whom they were granted.

**DEFINITION**

Sickness shall mean personal illness, including illness or temporary disabilities arising from pregnancy.

**FAMILY ILLNESS/MOURNING**

Sick leave can also be taken for illness in the immediate family or for the purpose of mourning a member of the employee's immediate family. Immediate family shall mean employee's spouse, children (including stepchildren and foster children), grandchildren, daughters-in-law and sons-in-law, brothers and sisters, parents, spouse's parents, grandparents, and spouse's grandparents, without reference to the location or residence of said relative and any other blood relative who resides in the employee's home.

**Sick Leave****TRANSFER OF SICK LEAVE**

A classified employee ~~Classified employees~~ coming to the District from another Kentucky school district or from the Kentucky Department of Education shall transfer accumulated sick leave to which the employee was entitled on the date of transfer to the District.

A classified employee coming directly to the District from a Kentucky Regional Education Cooperatives recognized by the Kentucky Department of Education shall receive credit from the District for all sick leave accumulated on the last day of employment with the cooperative.

**SICK LEAVE DONATION PROGRAM**

A sick leave donation program shall be established as required by law. The Superintendent shall establish procedures to implement this program.

**SICK LEAVE BANKS**

Sick leave banks may be established as provided by law.

**REFERENCES:**

[KRS 161.155](#)

[OAG 79-148](#)

[OAG 93-39](#)

Family & Medical Leave Act of 1993

**RELATED POLICIES:**

03.22322

03.2233

03.2234

03.224

03.273

Adopted/Amended: 10/23/2020

Order #: 2020-152

## **School Property - Naming Facilities and Alterations**

### **APPROVAL NEEDED**

Repairs or alterations may not be made to any building, nor any construction or alteration effected on the school grounds, without approval from the Superintendent/designee.

Major changes in room use involving transfer of installed furniture or equipment shall not be made without approval of the Superintendent/designee. Modifications to buildings, teaching spaces, and/or other support facilities shall be recorded on appropriate facility plans maintained by the Operations Division.

All fixed or movable property purchased or donated for school use placed in schools shall become the property of the District unless otherwise specified.

### **INTEGRATED PEST MANAGEMENT**

In compliance with applicable Kentucky Administrative Regulation (302 KAR Chapter 29), the District shall implement a program of Integrated Pest Management (IPM) with the primary goal of controlling pests, general pests, and wood-destroying organisms with judicious use of pesticides.

The IPM program shall include, but not be limited to, the following components:

- Persons who apply pesticides in any District school building shall be certified in keeping with applicable statutes and regulations.
- Notification in compliance with Kentucky Administrative Regulation.

### **NAMING OF FACILITIES AND ALTERNATIVE EDUCATION PROGRAMS**

Naming of school buildings, building wings, media centers, athletic fields, gymnasiums, and other District facilities, as well as the naming of alternative education programs, shall be the responsibility of the Board. The Superintendent shall recommend one (1) name for each facility. Names usually will be selected from the following:

- Prominent state, local, or national figures;
- Pioneers;
- Community leaders, former school Board members; retired school leaders and/or teachers;
- Donors of school property; and
- Geographic areas.

District facilities may be named for living persons. Facilities may not be named for active employees of the District, except that a facility may be named for an active employee who retired from the District and was subsequently reemployed and who does not currently serve on the Board.

Preference, if clearly expressed, usually will be given to the name recommended by citizens of the school attendance area in which the facility is located.

District facilities may be renamed in the event they are closed and reopened. Criteria for renaming District facilities shall be the same as those used for the selection of the original names.

The Superintendent/designee shall establish separate procedures for: naming new schools or other new facilities; naming new programs; and renaming existing schools or other existing facilities.

**School Property - Naming Facilities and Alterations****ACADEMIES OF LOUISVILLE PARTNER-NAMED ACADEMY PROGRAM**

The District may establish a Partner-Named Academy Program to recognize business partners of Academies of Louisville schools to offer long-term and highly engaged business partners the naming rights for academies within schools. Authorization for a partner-named academy must be secured through a formal agreement between the business partner and the District that is approved by the Board.

The Partner-Named Academy Program shall set forth in guidelines the specific criteria that a business partner must meet to receive academy naming rights. Criteria may include, but not be limited to: appointment of a primary point of contact; experiential learning opportunities for staff and students; service on advisory boards and industry collaboratives; a significant annual monetary donation; and a significant annual in-kind donation.

Naming opportunities under the Partner-Named Academy Program are available only for individual academy pathways within a school; no partner may name the overall academy in a school.

School commitments in a partner-named academy relationship may include, but not be limited to: recognition through external and internal signage at the school; recognition on all printed and digital materials, exclusive naming rights for the partner to the academy.

The Assistant Superintendent for High Schools, in consultation with the Principal shall make the final determination to recommend to the Superintendent to grant academy naming rights to a business partner. The Superintendent shall have the authority to recommend the agreement for naming rights to the Board for approval.

**REFERENCES:**

[KRS 158.447](#)

[KRS 160.290](#)

[KRS 162.060](#)

[302 KAR 029:010](#); [302 KAR 029:020](#)

[302 KAR 029:050](#); [302 KAR 029:060](#)

[702 KAR 004:180](#)

**RELATED POLICY:**

10.4

Adopted/Amended: 9/1/2020

Order #: 2020-127