

LEGAL: HB 319 AMENDS KRS 160.380 TO REQUIRE THAT WHEN A VACANCY OCCURS, THE SUPERINTENDENT SHALL SUBMIT THE JOB POSTING TO THE STATEWIDE JOB POSTING SYSTEM.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.11

- CERTIFIED PERSONNEL -

### Hiring

#### SUPERINTENDENT'S RESPONSIBILITIES

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

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

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

#### EFFECTIVE DATE

Personnel actions shall not be effective until the employee receives written notice of such action from the Superintendent. Certified employees may be appointed by the Superintendent for any school year at any time after February 1 preceding the beginning of the school year.

#### QUALIFICATIONS

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

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

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

#### CRIMINAL BACKGROUND CHECK AND TESTING

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

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

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

### **Hiring**

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

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

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

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

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

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

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

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

#### **REPORT TO SUPERINTENDENT**

An employee shall report to the Superintendent if the employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal.

#### **JOB REGISTER**

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

#### **VACANCIES POSTED**

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted on a timely basis and shall refer interested persons to the online employment job register for additional information. Postings of vacancies may be made with other agencies, as appropriate.

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

## Hiring

### **REVIEW OF APPLICATIONS**

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

### **RELATIONSHIPS**

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

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

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

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

### **CONTRACT**

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

### **JOB DESCRIPTION**

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

### **INTENT**

Under procedures developed by the Superintendent, employees may be requested to indicate their availability for employment for the next school year.

### **REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT**

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

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

### **EMPLOYEES SEEKING A JOB CHANGE**

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

**Hiring**

**REFERENCES:**

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

**RELATED POLICIES:**

- 01.11; 02.4244; 03.132

LEGAL: PER SMITH V. BENNETT, 644 S.W.3D 516 (KY. APP. 2021) WHEN A TEACHER HAS ATTAINED CONTINUING SERVICE CONTRACT STATUS IN ONE DISTRICT AND BECOMES EMPLOYED IN ANOTHER DISTRICT, THE TEACHER SHALL RETAIN THAT STATUS. HOWEVER, A DISTRICT MAY REQUIRE A ONE (1) YEAR PROBATIONARY PERIOD OF SERVICE IN THAT DISTRICT BEFORE GRANTING THAT STATUS. THE CONTINUING SERVICE CONTRACT STATUS OF A TEACHER SHALL NOT BE TERMINATED WHEN THE TEACHER LEAVES EMPLOYMENT, ALL PROVISIONS OF KRS 161.720 TO 161.810 TO THE CONTRARY NOTWITHSTANDING, AND THE CONTINUING SERVICE CONTRACT STATUS SHALL BE TRANSFERRED TO THE NEXT SCHOOL DISTRICT FOR A PERIOD OF UP TO SEVEN (7) MONTHS FROM THE TIME EMPLOYMENT IN THE FIRST SCHOOL DISTRICT WAS TERMINATED.

FINANCIAL IMPLICATIONS: TEACHERS OBTAINING TENURE IN DISTRICT

PERSONNEL

03.115

- CERTIFIED PERSONNEL -

### Transfer of Tenure

The continuing service contract status of a teacher shall not be terminated when the teacher leaves employment, all provisions of KRS 161.720 to KRS 161.810 to the contrary notwithstanding, and the continuing service contract status shall be transferred to the next school district, for a period of up to seven (7) months from the time employment in the first school district has terminated.

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All teachers employed who have attained continuing service contract status from another Kentucky district shall serve a one (1)-year probation period before being considered for continuing service contract status in the school District.

#### REFERENCE:

KRS 161.740 (1)(e)

KRS 161.720 to KRS 161.810

Smith v. Bennett, 644 S.W.3d 516 (Ky. App. 2021)

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LEGAL: HB 331 AMENDS KRS 158.162 TO REQUIRE THE DISTRICT TO MAINTAIN A PORTABLE AUTOMATED EXTERNAL DEFIBRILLATOR (AED) IN EVERY MIDDLE AND HIGH SCHOOL BUILDING, AND AS FUNDS BECOME AVAILABLE, AT SCHOOL-SANCTIONED MIDDLE AND HIGH SCHOOL ATHLETIC PRACTICES AND COMPETITIONS, AND TO ADOPT PROCEDURES FOR THE USE OF AEDS DURING EMERGENCIES. IT ALSO REQUIRES ALL INTERSCHOLASTIC ATHLETIC COACHES BE TRAINED ON THE USE OF PORTABLE AEDS AND MAINTAIN A CPR CERTIFICATION RECOGNIZED BY A NATIONAL ACCREDITING BODY ON HEART HEALTH.  
FINANCIAL IMPLICATIONS: COSTS OF PURCHASING, MAINTAINING AEDS, COPYING AND DISTRIBUTING PLANS, AND PERSONNEL TRAINING COSTS

PERSONNEL

03.1161

- CERTIFIED PERSONNEL -

### Coaches and Assistant Coaches

Any middle or high school coach (head or assistant, paid or unpaid) shall successfully complete all training required by the District, the Kentucky Board of Education, the Kentucky High School Athletic Association, and state law and regulation. This shall include safety and first aid training and providing the school documentation of successful completion of a cardiopulmonary resuscitation (CPR) C-P-R course that includes the use of an automated external defibrillator and first aid training, conducted by an instructor or program approved by a college or university, the American Red Cross, American Heart Association, or other bona fide accrediting agency. Initial certification shall use in-person instruction with certification updated as required by the approving agency.<sup>2</sup> All interscholastic athletic coaches shall maintain a CPR certification recognized by a national accrediting body on heart health.<sup>3</sup>

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Nonfaculty coaches and nonfaculty assistants shall complete District training that includes information on the physical and emotional development of students of the age with which they will be working, the District's and school's discipline policies, procedures for dealing with discipline problems, and safety and first aid training. Follow-up training shall be provided annually.<sup>1</sup>

#### REFERENCES:

<sup>1</sup>KRS 161.185

<sup>2</sup>702 KAR 7:065

<sup>3</sup>KRS 158.162

KRS 156.070

KRS 160.445

KRS 161.180

#### RELATED POLICIES:

03.2141

09.311

LEGAL: SB 7 (EFFECTIVE NOW) AMENDS KRS 336.134 TO PROHIBIT DISTRICTS FROM DEDUCTING MONEY FROM EMPLOYEE PAYROLL FOR CERTAIN PURPOSES. DISTRICTS SHALL NO LONGER DEDUCT ANY AMOUNT FOR: "ANY DUES, FEES, ASSESSMENTS, OR OTHER CHARGES TO BE HELD FOR, TRANSFERRED TO, OR PAID OVER TO A LABOR ORGANIZATION; OR ... POLITICAL ACTIVITIES."

ALSO NOTE THAT SB 7 AMENDS KRS 161.158 TO REFLECT THE FOLLOWING:  
"THE DISTRICT BOARD IS PROHIBITED FROM DEDUCTING MEMBERSHIP DUES OF AN EMPLOYEE ORGANIZATION, MEMBERSHIP ORGANIZATION, OR LABOR ORGANIZATION [WITHOUT THE EXPRESS WRITTEN CONSENT OF THE EMPLOYEE. EXPRESS WRITTEN CONSENT OF THE EMPLOYEE MAY BE REVOKED IN WRITING BY THE EMPLOYEE AT ANY TIME]."

FINANCIAL IMPLICATIONS: TIME SPENT REMOVING PAYROLL DEDUCTIONS

PERSONNEL

03.1211

- CERTIFIED PERSONNEL -

### Salary Deductions

#### MANDATORY DEDUCTIONS

Mandatory payroll deductions made by the Board include:

1. State and federal income taxes;
2. Occupational tax, when applicable;
3. The Teachers' Retirement System of the State of Kentucky;
4. Any deductions required as a result of judicial process, e.g., salary attachments, etc.; and
5. Medicare (FICA) - applicable to personnel newly hired after 3/31/86.

#### OPTIONAL DEDUCTIONS

Pursuant to the provisions of KRS 161.158, the following optional payroll deductions are authorized by the Board for those employees who choose to participate:

1. Board approved health/life insurance program;
2. Board approved Tax Sheltered Annuity program;
3. Other state approved deferred compensation plan;
4. Savings - direct deposit; and
5. State-designated Flexible Spending Account (FSA) and Health Reimbursement Account (HRA) plans.;

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- ~~1. Membership dues for professional teachers' organizations when thirty percent (30%) or more eligible members request the deduction. Such deductions may include a life insurance plan and an income protection plan associated therewith, but excluding teachers' organizations devoted to a particular discipline or disciplines, e.g., organizations for mathematics teachers, English teachers, etc. (For purposes of this policy, a professional teacher organization is one in which all teachers are eligible for membership.)~~
- ~~2. Membership dues in professional administrators' or supervisors' organizations when thirty percent (30%) or more of the eligible members request the deductions. Such deductions may include a life insurance plan and an income protection plan associated therewith, but excluding administrators' or supervisors' organizations devoted to a particular discipline or disciplines, e.g., organizations for school business officials, personnel officers, etc. (For purposes of this policy, a professional administrators' or supervisors' organization is defined as a professional organization in which all administrators and supervisors are eligible for membership.)~~

**Salary Deductions**

**OPTIONAL DEDUCTIONS (CONTINUED)**

~~The above limitations as to groups specified in subsections (6) and (7) above are designed to permit the Board to maintain a practicable control over the number of payroll deductions.~~

~~Deductions for membership dues of an employee organization, association, or union shall only be made upon the express written consent of the employee. This consent may be revoked by the employee at any time by written notice to the employer.~~

Additional payroll deductions requested by employees shall be made only with the Superintendent's approval. Administrative procedures may limit the number of participants required before additional programs are approved.

**REFERENCES:**

KRS 160.291; KRS 161.158; KRS 336.134  
702 KAR 1:035; OAG 72-802

LEGAL: HB 319 REMOVES THE REQUIREMENT THAT AN AFFIDAVIT BE SUBMITTED FOR SICK AND PERSONAL LEAVE AND REPLACES AFFIDAVIT WITH STATEMENT.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.1231

- CERTIFIED PERSONNEL -

### Personal Leave

#### NUMBER OF DAYS

Full-time certified employees shall be entitled to three (3) days of personal leave with pay each school year. Employees that work 223 days or more, will receive four (4) personal days.

Persons employed for less than a full year contract shall receive a prorata part of the authorized personal leave days calculated to the nearest ~~one-half (1/2)~~ 1/2 day.

Persons employed on a full year contract but scheduled for less than a full work day shall receive the authorized personal leave days equivalent to their normal working day.

#### APPROVAL

The Superintendent or designee must approve the leave date, but no reasons shall be required for the leave.

Approval shall be contingent upon the availability of qualified substitute employees. Those employees making earliest application shall be given preference.

#### ~~STATEMENT AFFIDAVIT~~

Employees taking personal leave must file a personal ~~statement affidavit~~ on their return to work stating that the leave was personal in nature.

#### ACCUMULATION

On June 30 of each year, personal leave days not taken during the current school year shall be transferred and credited to the employee's sick leave account.

#### REFERENCE:

KRS 161.154

#### RELATED POLICY:

03.1232

LEGAL: HB 319 REMOVES THE REQUIREMENT THAT AN AFFIDAVIT BE SUBMITTED FOR SICK AND PERSONAL LEAVE AND REPLACES AFFIDAVIT WITH STATEMENT.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.1232

- CERTIFIED PERSONNEL -

### Sick Leave

#### NUMBER OF DAYS

All full-time certified personnel employed for the minimum number of working days required by law shall be entitled to ten (10) days of sick leave with pay per year. Full-time certified personnel who are employed for 223 days shall be entitled to twelve (12) days of paid sick leave per year and full-time certified personnel who are employed for 238 days shall be entitled to twelve (12) days of paid sick leave per year.

Persons employed for less than a full year contract shall receive a prorata part of the authorized sick leave days calculated to the nearest ~~one-half (1/2)~~ 1/2 day.

Persons employed on a full year contract but scheduled for less than a full work day shall receive the authorized sick leave days equivalent to their normal working day.

#### 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), parents, spouse's parents, daughters-in-law and sons-in-law, brothers, sisters (including stepbrothers and stepsisters), grandparents, spouse's grandparents, grandchildren and spouse's grandchildren 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

Teachers coming to the District from another Kentucky school district or from the Kentucky Department of Education shall transfer accumulated sick leave to the District.

#### SICK LEAVE DONATION PROGRAM

Under procedures developed by the Superintendent, certified employees who have accrued more than fifteen (15) days of sick leave may request to transfer sick leave days to another certified employee who is authorized to receive the donation. Donations by certified employees shall occur no later than ten (10) days after the initial request. The number of days donated shall not reduce the employee's sick leave balance to less than fifteen (15) days.

Certified employees are eligible to receive donated days if they meet the criteria established in statute.

Any sick leave not used shall be returned on a proportionate/pro-rated basis to employees who donated days.

PERSONNEL

03.1232  
(CONTINUED)

**Sick Leave**

**STATEMENT AFFIDAVIT**

Upon return to work a certified employee claiming sick leave must file a personal [statement affidavit](#) or a certificate of a physician stating that the employee was ill or that the employee was absent for the purpose of attending to a member of the immediate family who was ill.<sup>1</sup>

**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:**

03.124;<sup>3</sup> 03.12322;<sup>3</sup> 03.1233

LEGAL: HB 547 CREATES A NEW SECTION OF KRS 158 WHICH PERMITS A SCHOOL DISTRICT EMPLOYEE ON DUTY TO ENGAGE IN RELIGIOUS EXPRESSION OTHERWISE PROTECTED BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.13241

- CERTIFIED PERSONNEL -

### Employee Religious Expression

#### “ON DUTY”

Per KRS 158.193, "on duty" means those times when an employee is:

1. Required by the District to be on campus or at another designated location and required to perform the scope of the employee's duties; or
2. Otherwise acting as a designated representative of the District.

The District shall not punish or prohibit an employee from, or punish an employee for, engaging in private religious expression otherwise protected by the First Amendment to the United States Constitution absent a showing that the employee has engaged in actual coercion.

#### EMPLOYEE MAY

While an employee is on duty, the employee may, at a minimum:

1. Engage in religious expression and discussions and share religious materials with other employees at the same time and in the same manner that employees are permitted to engage in nonreligious expression and discussions outside the scope of duties;
2. Engage in private religious expression at a time when it is otherwise permissible for an employee to engage in private expressive conduct or act outside the scope of duties;
3. Meet with other District employees for prayer or religious study during times that the employee is allowed to act outside the scope of duties, including but not limited to employee breaks, time before school, and during lunch;
4. Work as a sponsor of a student religious club or organization and assist students in planning meetings, activities, and events to the same extent that employee sponsors of nonreligious clubs or organizations are permitted to do so;
5. Wear religious clothing, symbols, or jewelry, provided that such items otherwise comply with any dress code implemented by the District;
6. Decorate their desk and other personal spaces with personal items that reflect their religious beliefs to the same extent that other employees are permitted to decorate their desk and other personal spaces with personal items; and
7. During noninstructional time, engage in religious expression and share religious materials to the same extent that other employees may engage in private expression permitted under the First Amendment to the United States Constitution.

**Employee Religious Expression**

**AUTHORITY**

This shall not be construed to authorize the state or any other governmental organization to:

1. Require any person to participate in prayer or any other religious activity; or
2. Violate the constitutional rights of any person.

This shall not be construed to limit the District's authority to:

1. Maintain order and discipline on school property in a content-neutral and viewpoint-neutral manner;
2. Protect the safety of students, employees, and visitors; and
3. Adopt and enforce policies and procedures regarding student speech at school that respect the rights of students.

**REFERENCES:**

KRS 158.193

Kennedy v. Bremerton School District 142 S.Ct. 2407 (2022)

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**RELATED POLICIES:**

03.1325; 03.2325; 09.32; 09.34; 09.426

LEGAL: HB 319 CREATES A NEW SECTION OF KRS 160 TO REQUIRE THE BOARD TO ADOPT A POLICY TO ENSURE THAT DISTRICT EMPLOYEES COMPLETE AN EXIT SURVEY WHEN THEY VOLUNTARILY LEAVE THE DISTRICT.  
FINANCIAL IMPLICATIONS: POTENTIAL COST ASSOCIATED WITH THE SURVEY

PERSONNEL

03.17

- CERTIFIED PERSONNEL -

### **Termination/Nonrenewal/Separation by Employee**

Termination and nonrenewal of contracts shall be the responsibility of the Superintendent who, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

#### **CODE OF ETHICS**

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.

#### **TERMINATION**

No contract shall be terminated except upon notification of the Board by the Superintendent. 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>

Termination of contracts of certified personnel shall be made in compliance with the requirements of KRS 161.790.

#### **ALTERNATIVES TO TERMINATION**

As an alternative to termination, the Superintendent, upon notifying the Board and providing written notification to the teacher, may impose sanctions in accordance with KRS 161.790.

#### **NONRENEWAL**

The Principal/immediate supervisor shall provide the Superintendent with notice of recommended nonrenewals by March 15. Nonrenewal of limited contracts of certified personnel shall be made no later than May 15 in compliance with the requirements of KRS 161.750.

#### **SEPARATION BY EMPLOYEE**

Certified employees seeking to resign or terminate contracts in force shall do so in compliance with KRS 161.780.

A certified employee who voluntarily leaves the District shall complete an exit survey that includes, but is not limited to the position vacated, the employee's years of service in the position and in the District, if the employee is taking a similar position in another district, and the reason(s) provided for leaving the District. This information shall be reported to the Kentucky Department of Education (KDE) by the District in a system developed by KDE without providing personally identifiable information.

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#### **REPORTING**

The Superintendent shall comply with the reporting requirements of KRS 161.120.

PERSONNEL

03.17  
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- CERTIFIED PERSONNEL -

**Termination/Nonrenewal/Separation by Employee**

**REFERENCES:**

<sup>1</sup>KRS 161.790

[KRS 160.382](#)

KRS 161.120; KRS 161.750; KRS 161.780

16 KAR 1:020 (Code of Ethics)

Consolidated Omnibus Budget Reconciliation Act

701 KAR 5:090

OAG 83-362; OAG 92-135

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**RELATED POLICY:**

03.172

LEGAL: HB 32 AMENDS KRS 161.011 TO PERMIT HIRING OF CLASSIFIED PERSONNEL WITHOUT A HIGH SCHOOL DIPLOMA IF OPPORTUNITY TO OBTAIN A HIGH SCHOOL EQUIVALENCY DIPLOMA IS PROVIDED BY THE DISTRICT AND PERMITS CERTAIN GOVERNMENT ISSUED CERTIFICATIONS OR LICENSES TO SUBSTITUTE.  
FINANCIAL IMPLICATIONS: POTENTIAL COST ASSOCIATED WITH ADMINISTERING THE EQUIVALENCY PROGRAM

PERSONNEL

03.21

- CLASSIFIED PERSONNEL -

### Hiring

#### **SUPERINTENDENT'S RESPONSIBILITIES**

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

#### **EFFECTIVE DATE**

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

#### **QUALIFICATIONS**

The Superintendent shall employ only individuals who possess qualifications established by law, regulation, and Board policy except in the case where no individual applies who meets established qualifications.

#### **EDUCATIONAL REQUIREMENTS**

No person shall be initially hired unless s/he holds at least a high school diploma or high school certificate of completion or High School Equivalency Diploma or is provided an opportunity by the District upon employment to obtain a High School Equivalency Diploma at no cost to the employee or unless s/he shows progress, as defined by Administrative Regulations of the State Board for Adult, and Technical Education, toward obtaining a High School Equivalency Diploma. Licenses or credentials issued by a government entity that require specialized skill or training may also substitute for this requirement. Employees shall hold the qualifications for the position as established by the Commissioner of Education.<sup>3</sup>

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

#### **CRIMINAL BACKGROUND CHECK AND TESTING**

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

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

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

## Hiring

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

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

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

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

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

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

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

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

### **REPORT TO SUPERINTENDENT**

An employee shall report to the Superintendent if the employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal.

### **JOB REGISTER**

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

### **VACANCIES POSTED**

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted on a timely basis and shall refer interested persons to the online employment job register for additional information. Postings of vacancies may be made with other agencies, as appropriate.

### **REVIEW OF APPLICATIONS**

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

**Hiring**

**RELATIONSHIPS**

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

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

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

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

**CONTRACT**

All regular full-time and part-time classified personnel shall enter into annual written contracts with the District.

**EMERGENCY HIRING**

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

**JOB DESCRIPTION**

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

**INTENT**

Under procedures developed by the Superintendent, employees may be requested to indicate their availability for employment for the next school year.

**REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT**

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

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

**EMPLOYEES SEEKING A JOB CHANGE**

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

PERSONNEL

03.21  
(CONTINUED)

**Hiring**

**REFERENCES:**

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

**RELATED POLICIES:**

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221

LEGAL: HB 13 AMENDS KRS 281A.175 RELATED TO THE PHYSICAL EXAM REQUIREMENT FOR SCHOOL BUS DRIVERS. IT CHANGES THE REQUIRED PHYSICAL EXAM FROM EVERY YEAR TO EVERY TWO (2) YEARS.  
FINANCIAL IMPLICATIONS: LESS FREQUENT EXAMS COULD BE A COST SAVINGS

PERSONNEL

03.211

- CLASSIFIED PERSONNEL -

### Medical Examination

#### **BUS DRIVERS**

As a condition of employment, each school bus driver, including substitute drivers, shall pass a medical examination on initial employment and ~~every two (2) years each year thereafter~~ in accordance with ~~KRS 281A.175, 702 KAR 5:030, and 702 KAR 5:080.~~

Before being allowed to drive a bus, the driver must be free of any medical condition which could endanger the health or safety of students in the performance of duties.

#### **OTHER NEWLY EMPLOYED CLASSIFIED PERSONNEL**

As a condition initial of employment, all classified employees (except bus drivers), including substitute employees, shall pass a medical examination as indicated in 702 KAR 1:160.

#### **COSTS OF MEDICAL EXAMINATIONS**

The Board shall bear the cost of all Board and/or State required medical examinations for classified employees, including ~~annual~~ examinations for bus drivers, when the examination is performed by a Board-designated physician, physician assistant (PA), or Advanced Practice Registered Nurse. If the examination is performed by a practitioner of the employee's choice, the cost shall be borne by the employee.<sup>1</sup>

#### **REPORT REQUIREMENTS**

Unless a new employee is hired after the beginning of the school year, examinations shall be conducted prior to August 1 of the school year in which the person is employed.

Medical examinations performed within a ninety (90)-day period prior to initial employment will be accepted.

The medical examination shall be reported on the form required by Kentucky Administrative Regulation or an electronic medical record that includes all of the data equivalent to that on the Medical Examination of School Employees form. A copy of the form or electronic medical record and a statement indicating the employee's medical status must be filed with the Superintendent prior to assuming assigned duties.

#### **TUBERCULOSIS (TB) SCREENING/TESTING**

Each medical examination shall include a risk assessment for ~~TB~~tuberculosis as required by Kentucky Administrative Regulation. Individuals identified by that assessment as being at high risk for TB shall be required to undergo a tuberculin skin test or a blood test for Mycobacterium tuberculosis (BAMT) as required by 702 KAR 1:160. A person who tests positive for TB shall be required to comply with the directives of the Board, local board of health and the Kentucky Department for Public Health, Cabinet for Health and Family Services, for further evaluation and treatment of the ~~TB~~tuberculosis infection.<sup>1, 2 & 3</sup>

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**Medical Examination****REQUIRED EXAMINATION FOR PRESENT PERSONNEL**

When, in the opinion of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties because of health problems or when the employee poses a health threat to students or other employees, the Superintendent may, consistent with the Americans with Disabilities Act and the Family Medical Leave Act, require the employee to provide evidence of fitness in the form of an examination and report by a physician of the Superintendent's choosing. The Board shall bear the cost of this examination.<sup>3</sup>

**SCHOOL TO REPORT**

Local school authorities shall report immediately all known or suspected cases of communicable disease to the local health department. Diseases to be reported shall not include those considered confidential, such as HIV/AIDS, as set forth in Kentucky Administrative Regulation.<sup>2</sup>

**MEDICAL CONFIDENTIALITY**

Signed consent of the employee designating personnel to be informed shall be required before the Superintendent advises personnel of the employee's medical condition.

The Superintendent shall determine which employees are to have access to medical information. This determination shall be made on a need-to-know basis.

**REFERENCES:**

<sup>1</sup>KRS 161.145; 702 KAR 5:080

<sup>2</sup>702 KAR 1:160, 902 KAR 2:020; KRS 214.181; KRS 214.625

[702 KAR 5:030; KRS 281A.175](#)

OAG 91-1

Genetic Information Nondiscrimination Act of 2008

Americans with Disabilities Act

Family Medical Leave Act of 1993

**RELATED POLICIES:**

<sup>3</sup>03.2234; 03.24

LEGAL: HB 331 AMENDS KRS 158.162 TO REQUIRE THE DISTRICT TO MAINTAIN A PORTABLE AUTOMATED EXTERNAL DEFIBRILLATOR (AED) IN EVERY MIDDLE AND HIGH SCHOOL BUILDING, AND AS FUNDS BECOME AVAILABLE, AT SCHOOL-SANCTIONED MIDDLE AND HIGH SCHOOL ATHLETIC PRACTICES AND COMPETITIONS, AND TO ADOPT PROCEDURES FOR THE USE OF AEDS DURING EMERGENCIES. IT ALSO REQUIRES ALL INTERSCHOLASTIC ATHLETIC COACHES BE TRAINED ON THE USE OF PORTABLE AEDS AND MAINTAIN A CPR CERTIFICATION RECOGNIZED BY A NATIONAL ACCREDITING BODY ON HEART HEALTH.  
FINANCIAL IMPLICATIONS: COSTS OF PURCHASING, MAINTAINING AEDS, COPYING AND DISTRIBUTING PLANS, AND PERSONNEL TRAINING COSTS

PERSONNEL

03.2141

- CLASSIFIED PERSONNEL -

### Nonteaching Coaches and Assistant Coaches

Any middle or high school coach (head or assistant, paid or unpaid) shall successfully complete all training required by the District, the Kentucky Board of Education, the Kentucky High School Athletic Association, and state law and regulation. This shall include safety and first aid training and providing the school documentation of successful completion of a cardiopulmonary resuscitation (CPR) C-P-R course that includes the use of an automated ie external defibrillator and first aid training, conducted by an instructor or program approved by a college or university, the American Red Cross, American Heart Association, or other bona fide accrediting agency. Initial certification shall use in-person instruction with certification updated as required by the approving agency.<sup>2</sup> All interscholastic athletic coaches shall maintain a CPR certification recognized by a national accrediting body on heart health.<sup>3</sup>

Nonfaculty coaches and nonfaculty assistants shall complete District training that includes information on the physical and emotional development of students of the age with which they will be working, the District's and school's discipline policies, procedures for dealing with discipline problems, and safety and first aid training. Follow-up training shall be provided annually.<sup>1</sup>

#### REFERENCES:

- <sup>1</sup>KRS 161.185
- <sup>2</sup>702 KAR 7:065
- <sup>3</sup>KRS 158.162
- KRS 156.070
- KRS 160.445
- KRS 161.180

#### RELATED POLICIES:

- 03.1161
- 09.311

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LEGAL: SB 7 (EFFECTIVE NOW) AMENDS KRS 336.134 TO PROHIBIT DISTRICTS FROM DEDUCTING MONEY FROM EMPLOYEE PAYROLL FOR CERTAIN PURPOSES. DISTRICTS SHALL NO LONGER DEDUCT ANY AMOUNT FOR: "ANY DUES, FEES, ASSESSMENTS, OR OTHER CHARGES TO BE HELD FOR, TRANSFERRED TO, OR PAID OVER TO A LABOR ORGANIZATION; OR ... POLITICAL ACTIVITIES."

ALSO NOTE THAT SB 7 AMENDS KRS 161.158 TO REFLECT THE FOLLOWING:

"THE DISTRICT BOARD IS PROHIBITED FROM DEDUCTING MEMBERSHIP DUES OF AN EMPLOYEE ORGANIZATION, MEMBERSHIP ORGANIZATION, OR LABOR ORGANIZATION ~~{WITHOUT THE EXPRESS WRITTEN CONSENT OF THE EMPLOYEE. EXPRESS WRITTEN CONSENT OF THE EMPLOYEE MAY BE REVOKED IN WRITING BY THE EMPLOYEE AT ANY TIME.}~~"

FINANCIAL IMPLICATIONS: TIME SPENT REMOVING PAYROLL DEDUCTIONS

PERSONNEL

03.2211

- CLASSIFIED PERSONNEL -

### Salary Deductions

#### MANDATORY DEDUCTIONS

Mandatory payroll deductions made by the Board include:

1. State and federal income taxes;
2. Occupational tax, when applicable;
3. Social Security, when applicable;
4. Medicare (FICA);
5. County Employees' Retirement System of the State of Kentucky, when applicable; and
6. Any deductions required as a result of judicial process, e.g., salary attachments, etc.

#### OPTIONAL DEDUCTIONS

Pursuant to the provisions of KRS 161.158, the following optional payroll deductions are authorized by the Board for those employees who choose to participate:

1. Board approved health/life insurance program;
2. Board approved Tax Sheltered Annuity program;
3. Other state approved deferred compensation plan;
4. Savings - direct deposit, and
5. State-designated Flexible Spending Account (FSA) and Health Reimbursement Account (HRA) plans.;

~~1. Membership dues for job-related organizations when thirty percent (30%) or more eligible members request the deduction(s). Such deductions may include a life insurance plan and an income protection plan associated therewith.~~

~~Deductions for membership dues of an employee organization, association, or union shall only be made upon the express written consent of the employee. This consent may be revoked by the employee at any time by written notice to the employer.~~

Additional payroll deductions requested by employees shall be made only with the Superintendent's approval. Administrative procedures may limit the number of participants required before additional programs are approved.

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PERSONNEL

03.2211  
(CONTINUED)

**Salary Deductions**

**REFERENCES:**

KRS 160.291; KRS 161.158  
KRS 336.134  
702 KAR 1:035; OAG 72-802

LEGAL: HB 319 REMOVES THE REQUIREMENT THAT AN AFFIDAVIT BE SUBMITTED FOR SICK AND PERSONAL LEAVE AND REPLACES AFFIDAVIT WITH STATEMENT.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.2231

- CLASSIFIED PERSONNEL -

### Personal Leave

#### NUMBER OF DAYS

Full-time classified employees shall be entitled to three (3) days of personal leave with pay each school year. Employees that work 223 days or more, will receive four (4) personal days.

Persons employed for less than a full year contract shall receive a prorata part of the authorized personal leave days calculated to the nearest ~~one-half (1/2)~~  $\frac{1}{2}$  day.

Persons employed on a full year contract but scheduled for less than a full work day shall receive the authorized personal leave days equivalent to their normal working day.

#### APPROVAL

The Superintendent or designee must approve the leave date, but no reasons shall be required for the leave.

Approval shall be contingent upon the availability of qualified substitute employees. Those employees making earliest application shall be given preference.

#### ~~AFFIDAVIT~~STATEMENT

Employees taking personal leave must file a personal ~~affidavit~~statement on their return to work stating that the leave was personal in nature.

#### ACCUMULATION

On June 30, personal leave days not taken during the current school year shall be transferred and credited to the employee's accumulated sick leave account.

#### REFERENCES:

[KRS 161.154](#)

OAG 77-115

#### RELATED POLICY:

03.2232

LEGAL: HB 319 REMOVES THE REQUIREMENT THAT AN AFFIDAVIT BE SUBMITTED FOR SICK AND PERSONAL LEAVE AND REPLACES AFFIDAVIT WITH STATEMENT.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.2232

-CLASSIFIED PERSONNEL-

### Sick Leave

#### NUMBER OF DAYS

All full-time classified personnel employed for the minimum number of working days required by law shall be entitled to ten (10) days of sick leave with pay per year. Full-time classified personnel who are employed for 223 days shall be entitled to twelve (12) days of paid sick leave per year and full-time classified personnel who are employed for 238 days shall be entitled to twelve (12) days of paid sick leave per year.

Persons employed for less than a full year contract shall receive a prorata part of the authorized sick leave days calculated to the nearest ~~one-half (1/2)~~ <sup>1/2</sup> day.

Persons employed on a full year contract but scheduled for less than a full work day shall receive the authorized sick leave days equivalent to their normal working day.

#### 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 the employee's spouse, children (including stepchildren and foster children), parents, spouse's, parents, brothers, sisters (including stepbrothers and stepsisters), daughters-in-law and sons-in-law, brothers and sisters, grandparents, and spouse's grandparents, grandchildren and spouse's grandchildren 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

Classified employees coming to the District from another Kentucky school district or from the Kentucky Department of Education shall transfer accumulated sick leave to the District.

#### SICK LEAVE DONATION PROGRAM

Under procedures developed by the Superintendent, classified employees who have accrued more than fifteen (15) days of sick leave may request to transfer sick leave days to another classified employee who is authorized to receive the donation. Donations by classified employees shall occur no later than ten (10) days after the initial request. The number of days donated shall not reduce the employee's sick leave balance to less than fifteen (15) days.

PERSONNEL

03.2232  
(CONTINUED)

**Sick Leave**

**SICK LEAVE DONATION PROGRAM (CONTINUED)**

Classified employees are eligible to receive donated days if they meet the criteria established in procedures.

Any sick leave not used shall be returned on a proportionate/pro-rated basis to employees who donated days.

**STATEMENT AFFIDAVIT**

Upon return to work, an employee claiming sick leave must file a personal [statement affidavit](#) or a certificate of a physician stating that the employee was ill or that the employee was absent to attend a member of the immediate family who was ill.

**REFERENCES:**

KRS 161.155  
OAG 79-148  
OAG 93-39  
Family & Medical Leave Act of 1993

**RELATED POLICY:**

03.2234; 03.12322; 03.22322; 03.273

LEGAL: HB 547 CREATES A NEW SECTION OF KRS 158 WHICH PERMITS A SCHOOL DISTRICT EMPLOYEE ON DUTY TO ENGAGE IN RELIGIOUS EXPRESSION OTHERWISE PROTECTED BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.23241

- CLASSIFIED PERSONNEL -

### Employee Religious Expression

#### “ON DUTY”

Per KRS 158.193, "on duty" means those times when an employee is:

1. Required by the District to be on campus or at another designated location and required to perform the scope of the employee's duties; or
2. Otherwise acting as a designated representative of the District.

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The District shall not punish or prohibit an employee from, or punish an employee for, engaging in private religious expression otherwise protected by the First Amendment to the United States Constitution absent a showing that the employee has engaged in actual coercion.

#### EMPLOYEE MAY

While an employee is on duty, the employee may, at a minimum:

1. Engage in religious expression and discussions and share religious materials with other employees at the same time and in the same manner that employees are permitted to engage in nonreligious expression and discussions outside the scope of duties;
2. Engage in private religious expression at a time when it is otherwise permissible for an employee to engage in private expressive conduct or act outside the scope of duties;
3. Meet with other District employees for prayer or religious study during times that the employee is allowed to act outside the scope of duties, including but not limited to employee breaks, time before school, and during lunch;
4. Work as a sponsor of a student religious club or organization and assist students in planning meetings, activities, and events to the same extent that employee sponsors of nonreligious clubs or organizations are permitted to do so;
5. Wear religious clothing, symbols, or jewelry, provided that such items otherwise comply with any dress code implemented by the District;
6. Decorate their desk and other personal spaces with personal items that reflect their religious beliefs to the same extent that other employees are permitted to decorate their desk and other personal spaces with personal items; and
7. During noninstructional time, engage in religious expression and share religious materials to the same extent that other employees may engage in private expression permitted under the First Amendment to the United States Constitution.

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**Employee Religious Expression**

**AUTHORITY**

This shall not be construed to authorize the state or any other governmental organization to:

1. Require any person to participate in prayer or any other religious activity; or
2. Violate the constitutional rights of any person.

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This shall not be construed to limit the District's authority to:

1. Maintain order and discipline on school property in a content-neutral and viewpoint-neutral manner;
2. Protect the safety of students, employees, and visitors; and
3. Adopt and enforce policies and procedures regarding student speech at school that respect the rights of students.

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**REFERENCES:**

- KRS 158.193
- Kennedy v. Bremerton School District 142 S.Ct. 2407 (2022)

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**RELATED POLICIES:**

03.1325; 03.2325; 09.32; 09.34; 09.426

LEGAL: HB 319 CREATES A NEW SECTION OF KRS 160 TO REQUIRE THE BOARD TO ADOPT A POLICY TO ENSURE THAT DISTRICT EMPLOYEES COMPLETE AN EXIT SURVEY WHEN THEY VOLUNTARILY LEAVE THE DISTRICT.

FINANCIAL IMPLICATIONS: POTENTIAL COST ASSOCIATED WITH THE SURVEY

PERSONNEL

03.272

- CLASSIFIED PERSONNEL -

### Separation by Employee

A classified employee who voluntarily leaves the District shall complete an exit survey that includes, but is not limited to the position vacated, the employee's years of service in the position and in the District, if the employee is taking a similar position in another district, and the reason(s) provided for leaving the District. This information shall be reported to the Kentucky Department of Education (KDE) by the District in a system developed by KDE without providing personally identifiable information.

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REFERENCE:

KRS 160.382

RELATED POLICY:

03.27

LEGAL: SB 169 AMENDS KRS 65.028 BY PERMITTING SCHOOL DISTRICTS TO ENGAGE IN PUBLIC-PRIVATE PARTNERSHIPS WITH BOARD APPROVAL.  
FINANCIAL IMPLICATIONS: POTENTIAL SAVINGS IN SHARING COST OF PROJECTS  
LEGAL: HB 522 AMENDS KRS 45A.385 INCREASING THE AGGREGATE CONTRACT AMOUNT MAXIMUM FOR SMALL PURCHASE TO \$40,000.  
FINANCIAL IMPLICATIONS: LARGER AMOUNT FOR SMALL PURCHASE PROCEDURES

FISCAL MANAGEMENT

04.32

### Model Procurement Code Purchasing

#### **AUTHORITY**

Purchasing procedures shall conform to the Model Procurement Code, KRS 45A.345 – KRS 45A.460.<sup>1</sup> All contracts or purchases shall be awarded by competitive sealed bidding or competitive negotiation, both of which may include the use of a reverse auction, except as otherwise provided by law.<sup>2</sup>

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

The District may purchase supplies and/or equipment outside an established price contract of the federal government (GSA), the State Division of Purchases, a cooperative agency bid approved by the Board, or a District bid if:

1. The supplies and/or equipment meet the specifications of contracts awarded by the Division of Purchases, a federal agency (GSA), a cooperative agency, or a District bid;
2. The supplies and/or equipment are available for purchase at a lower price;
3. The purchase does not exceed \$2,500<sup>4</sup> & <sup>8</sup>; and
4. The District's finance or purchasing officer has certified compliance with the first and second requirements.

Prior to purchase of education technology components defined in the master technology plan, the Department of Education must certify that the items to be purchased meet or exceed the specifications of components of the original equipment of manufacturers currently holding Kentucky price contracts.<sup>4</sup>

#### PUBLIC-PRIVATE PARTNERSHIPS

The Board may utilize a public-private partnership delivery method. Public-private partnerships shall comply with KRS 65.028 and other applicable state laws and regulations.

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#### **FEDERAL AWARDS/CONFLICT OF INTEREST**

No employee, officer, or agent of the District may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.<sup>7</sup>

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

**Model Procurement Code Purchasing****ETHICAL STANDARDS**

To avoid conflicts that may arise during the decision-making process for procurement of services and products for the District, employees shall adhere to the ethical standards set out in KRS 45A.455.

**PREFERENCE FOR RESIDENT BIDDERS**

For all contracts funded in whole or in part by the District, the Board shall apply the reciprocal preference for resident bidders required by law. Geographical preferences relating to school nutrition service purchases may be utilized only as permitted by applicable federal law.<sup>3</sup>

**EXEMPTIONS**

Federal regulatory requirements do not provide a bidding exception for purchase of perishables using school nutrition service funds. Such purchases must follow applicable federal regulations.<sup>7</sup>

**PRICE REDUCTIONS**

Price reductions may be accepted on supplies and/or equipment being offered by the vendor with whom a price agreement has been made if the supplies and/or equipment meet all terms and conditions specified in the price agreement except for price and if the price reduction is offered to all participants in the price agreement. Price reductions may be accepted even if the reduced price requires the purchase of a specified quantity of units different from the quantity stated in the original price agreement.

**SMALL PURCHASES**

District small purchase procedures may be used for any contract in which the aggregate amount does not exceed \$~~40,000.00~~~~30,000.00~~.<sup>5</sup>

**BACKGROUND CHECKS**

The Superintendent shall require an adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity to submit, at no expense to the District, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation and to provide a clear CA/N check in keeping with KRS 160.380.<sup>6</sup>

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

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

**Model Procurement Code Purchasing**

**REFERENCES:**

- <sup>1</sup>KRS 45A.343
- <sup>2</sup>KRS 45A.345; KRS 160.290; KRS 45A.380
- <sup>3</sup>KRS 160.303; 200 KAR 5:400; KRS 45A.494
- <sup>4</sup>KRS 156.076
- <sup>5</sup>KRS 45A.385
- <sup>6</sup>KRS 160.380
- <sup>7</sup>2 C.F.R. 200.318
- <sup>8</sup>KRS 45A.360
- KRS 45A.352; KRS 45A.365; KRS 45A.370
- KRS 45A.420; KRS 45A.445; KRS 45A.455; KRS 45A.460; KRS 45A.620
- KRS 65.027; [KRS 65.028](#); KRS 160.151; KRS 164A.575; KRS 176.080
- [200 KAR 5:355](#)
- OAG 79-501; OAG 82-170; OAG 82-407
- Kentucky Educational Technology Systems (KETS)

**RELATED POLICIES:**

- 05.6; 06.4; 07.13

LEGAL: HB 331 AMENDS KRS 158.162 TO REQUIRE EACH SCHOOL TO HAVE A WRITTEN CARDIAC EMERGENCY RESPONSE PLAN. IT ALSO REQUIRES THE DISTRICT TO MAINTAIN A PORTABLE AUTOMATED EXTERNAL DEFIBRILLATOR (AED) IN EVERY MIDDLE AND HIGH SCHOOL BUILDING, AND AS FUNDS BECOME AVAILABLE, AT SCHOOL-SANCTIONED MIDDLE AND HIGH SCHOOL ATHLETIC PRACTICES AND COMPETITIONS, AND TO ADOPT PROCEDURES FOR THE USE OF AEDS DURING EMERGENCIES. IT ALSO CREATES A NEW SECTION OF KRS 158 TO REQUIRE THE DISTRICT TO REPORT THE NUMBER OF AEDS AT EACH SCHOOL TO THE KENTUCKY DEPARTMENT OF EDUCATION.

FINANCIAL IMPLICATIONS: COSTS OF PURCHASING, MAINTAINING AEDS, COPYING AND DISTRIBUTING PLANS, AND PERSONNEL TRAINING COSTS

SCHOOL FACILITIES

05.4

### Safety

#### **BOARD TO ADOPT PLAN**

The Board shall adopt a plan for immediate and long-term strategies to address school safety and discipline, which shall be reviewed annually and revised, as needed. This plan shall utilize information gathered from the District assessment of school safety and student discipline required by law and shall include the Board's code of acceptable behavior and discipline and a description of instructional placement options for threatening or violent students. The committee that develops the plan for Board consideration shall include at least one (1) representative from each school in the District, as well as representatives from the community as required by law.

The plan shall identify measures to be taken in protecting students, staff, visitors, and property. Areas addressed by the plan shall include, but not be limited to, the following:

1. Employment practices and employee management;
2. School facility design, maintenance, and usage;
3. Safety and security procedures, orientation and training in use and management of equipment and facilities;
4. Supervision of students;
5. Compliance with state and federal safety requirements;
6. Quarterly reports to the Board concerning implementation of the plan and its effects on District students, personnel, and operations;:-
7. Emergency/crisis intervention; and
8. Community involvement.

#### **DISTRICT SCHOOL SAFETY COORDINATOR**

The Superintendent shall appoint an individual to serve as the District's School Safety Coordinator (SSC) and primary point of contact for public school safety and security functions.<sup>1</sup> The SSC shall:

1. Complete the school safety coordinator training program developed by the Center for School Safety within six (6) months of his or her date of appointment;
2. Designate a school safety and security threat assessment team at each school in the District consisting of two (2) or more staff members to identify and respond to students exhibiting behavior that indicates a potential threat to school safety or security. Members of a threat assessment team may include school administrators, school counselors, school resource officers, school-based mental health services providers, teachers, and other school personnel;

**Safety****DISTRICT SCHOOL SAFETY COORDINATOR (CONTINUED)**

3. Provide training to school Principals on procedures for completion of the school security risk assessment;
4. Review all school security risk assessments completed within the District and prescribe recommendations as needed in consultation with the state school security marshal;
5. Advise the Superintendent by ~~July 1, 2021, and~~ annually ~~thereafter~~ of completion of required security risk assessments;
6. Formulate recommended policies and procedures, which shall be excluded from the application of KRS 61.870 to KRS 61.884, for an all-hazards approach including conducting emergency response drills for hostage, active shooter, and building lockdown situations in consultation and coordination with appropriate public safety agencies to include but not be limited to fire, police, and emergency medical services for review and adoption as part of the school emergency plan required by KRS 158.162. The recommended policies shall encourage the involvement of students, as appropriate, in the development of the school's emergency plan; and
7. Ensure each school campus is toured at least once per school year, in consultation and coordination with appropriate public safety agencies, to review policies and procedures and provide recommendations related to school safety and security.

The SSC, and any school employees participating in the activities of a School Safety and Security Threat Assessment Team, acting in good faith upon reasonable cause in the identification of students, shall be immune from any civil or criminal liability that might otherwise be incurred or imposed from:

- a. Identifying the student and implementing a response pursuant to policies and procedures adopted as required above; or
- b. Participating in any judicial proceeding that results from the identification.

**SUPERINTENDENT TO REPORT**

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

**AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)**

The District shall maintain AEDs in designated locations throughout the District. An AED shall be used in emergency situations warranting its use in accordance with KRS 311.665 to KRS 311.669.

The District shall notify the local emergency medical services system and the local emergency communications or vehicle dispatch center of the existence, location, and type of each AED.

AEDs shall be kept on school property and will not accompany EMS personnel to a hospital emergency room.

**Safety**

**SCHOOL EMERGENCY PLANNING**

The Board shall require ~~the school council or, if none exists, the Principal to~~ **shall** adopt an emergency plan for the school that shall include:

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1. ~~Procedures to be followed in cases of medical emergency, fire, severe weather, earthquake, or a building lockdown as defined in KRS 158.164;~~
2. ~~A written cardiac emergency response plan; and~~
3. ~~A copy of the emergency plan, including a diagram of the facility~~ **facilities that clearly identifies the location of each AED.**

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The emergency plan shall be ~~provided~~ **given** to ~~appropriate~~ first responders, ~~including local fire, police, and emergency medical personnel and all school staff.~~

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Following the end of each school year, ~~the school nurse, the school council, or if none exists, the Principal, and first responders shall review the emergency plan and revise it as needed.~~

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The school emergency plan shall address staff responsibilities for safely evacuating students needing special assistance during safety drills and actual emergency situations, including students with disabilities and those with 504 plans. The Principal shall discuss the emergency plan with all school staff prior to the first instructional day annually and ~~shall~~ document the date and time ~~of any discussion.~~

The cardiac emergency response plan shall be ~~rehearsed by simulation prior to the beginning of each athletic season by all:~~

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1. ~~Licensed athletic trainers, school nurses, and athletic directors; and~~
2. ~~Interscholastic coaches and volunteer coaches of each athletic team active during that athletic season.~~

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Whenever possible, first responders shall be invited to observe emergency response drills.

In addition, the school council or, if none exists, the Principal shall:

1. Establish and post primary and secondary evacuation routes in each room by any doorway used for evacuation;
2. Identify the best available severe weather safe zones, in consultation with local and state safety officials and informed by guiding principles set forth by the National Weather Service and the Federal Emergency Management Agency, and post the location of the safe zones in each room;
3. Develop school procedures to follow during an earthquake; ~~and~~
4. Develop and adhere to practices to control access to the school. ~~As soon as practicable but no later than July 1, 2022, p~~ **Practices** shall include but not be limited to:

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- Controlling outside access to exterior doors during the school day;
- Controlling the main entrance of the school with electronically locking doors, a camera, and an intercom system;

**Safety**

**SCHOOL EMERGENCY PLANNING (CONTINUED)**

- Controlling access to individual classrooms;
- Requiring classroom doors to be equipped with hardware that allows the door to be locked from the outside but opened from the inside;
- Requiring classroom doors to remain closed and locked during instructional time, except in instances when only one (1) student and one (1) adult are in the classroom or when approved in writing by the State School Security Marshal;
- Requiring classroom doors with windows to be equipped with material to quickly cover the window during a building lockdown;
- Requiring all visitors to report to the front office of the building, provide valid identification, and state the purpose of the visit; and
- Providing a visitor's badge to be visibly displayed on a visitor's outer garment;

5. Maintain a portable AED in a public, readily accessible, well-marked location in every middle and high school building and, as funds become available, at school-sanctioned middle and high school athletic practices and competitions and:

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- a) Adopt procedures for the use of the portable AED during an emergency;
- b) Adopt policies for compliance with KRS 311.665 to KRS 311.669 on training, maintenance, notification, and communication with the local emergency medical services system;
- c) Ensure that a minimum of three (3) employees in the school and all interscholastic athletic coaches be trained on the use of a portable AED in accordance with KRS 311.667; and
- d) Ensure that all interscholastic athletic coaches maintain a cardiopulmonary resuscitation certification recognized by a national accrediting body on heart health; and

6. Require development of an event-specific emergency action plan for each school-sanctioned nonathletic event held off-campus to be used during a medical emergency, which may include the provision of a portable AED. The plan shall:

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- a) Include a delineation of the roles of staff and emergency personnel, methods of communication, any assigned emergency equipment including a portable AED, a cardiac emergency response plan, and access to and plan for emergency transport; and
- b) Be in writing and distributed to any member of school personnel attending the school-sanctioned event in an official capacity.

**Safety****SCHOOL EMERGENCY PLANNING (CONTINUED)**

No later than November 1 of each school year, the Superintendent shall send verification to the Kentucky Department of Education that all schools are in compliance with school emergency planning requirements.

By August 1 of each year, the Superintendent shall report to the Kentucky Department of Education on the number of portable AEDs at each school within the District.<sup>2</sup>

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**PRECAUTIONS**

Precautions will be taken for the safety of the students, employees, and visitors.

**REPORTING HAZARDS**

Each employee observing a potential safety or security hazard shall report such hazard in writing to his/her immediate supervisor who shall cause the situation to be remedied or reported to the proper authority for remedy.

**COMMUNICATION SYSTEM**

The Board shall establish a process for a two-way communication system for employees to notify the Principal, supervisor or other administrator of an existing emergency. The process may include, but is not limited to, use of intercoms, telephones, and two-way radios.

**REFERENCES:**

<sup>1</sup>KRS 158.4412

<sup>2</sup>KRS 158.1621

KRS 61.870 to KRS 61.884

KRS 158.148; KRS 158.162; KRS 158.164; KRS 158.4410; KRS 158.445

KRS 160.290; KRS 160.445

KRS 311.665 to KRS 311.669; KRS 311.667; KRS 411.148

702 KAR 1:180

**RELATED POLICIES:**

02.31; 03.14; 03.24; 05.2; 05.21; 05.41; 05.411; 05.42; 05.45; 05.47; 05.5

09.22; 09.221; 09.4 (entire section); 10.5

### Alternative Credit Options

In addition to regular classroom-based instruction, students may earn credit through the following means.

#### **ONLINE COURSES**

High school students may also earn academic credit to be applied toward graduation requirements by completing online courses offered through agencies approved by the Board. Credit from an online course may be earned only in the following circumstances:

1. The course is not offered at the high school;
2. Although the course is offered at the high school, the student will not be able to take it due to an unavoidable scheduling conflict that would keep the student from meeting graduation requirements;
3. The course will serve as a supplement to extend homebound instruction;
4. The student has been expelled from the regular school setting, but educational services are to be continued; or
5. The Principal, with agreement from the student's teachers and parents/guardians, determines the student requires a differentiated or accelerated learning environment.
6. Unless otherwise approved by the Principal/designee, students taking such courses must be enrolled in the District and take the courses during the regular school day at the school site.

The District shall recognize only those online courses that meet the international standards for online teachers, courses, and programs that have been adopted by the Kentucky Department of Education.

As determined by school/council policy, students applying for permission to take an online course shall complete prerequisites and provide teacher/counselor recommendations to confirm the student possesses the maturity level needed to function effectively in an online learning environment. Online courses may be subject to review by the Superintendent/designee for conformance with Kentucky Academic Standards and District graduation requirements. In addition, the express approval of the Principal/designee shall be obtained before a student enrolls in an online course. The school must receive an official record of the final grade before credit toward graduation will be recognized.

Provided online courses are part of the student's regular school day coursework and within budgetary parameters, the tuition fee and other costs for an online course shall be borne by the District for students enrolled full-time, from funds that have been allocated to the school. The Superintendent shall determine, within the budget adopted by the Board, whether additional funding shall be granted, based on supporting data provided by the Principal. The Board shall pay the fee for expelled students who are permitted to take online courses in alternative settings.

Through its policies and/or supervision plan, the school shall be responsible for providing appropriate supervision and monitoring of students taking online courses.

**Alternative Credit Options**

**DUAL-CREDIT SCHOLARSHIP PROGRAM**

The District may offer the opportunity for students to earn dual-credits through the Kentucky Dual-Credit Scholarship Program and follows the guidelines outlined in the “Kentucky Council on Postsecondary Education and Kentucky Department of Education Dual Credit Policy for Kentucky Public and Participating Postsecondary Institutions and Secondary Schools,” located on the Kentucky Department of Education website.

**PERFORMANCE-BASED CREDITS**

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

1. Conditions under which each high school may grant performance-based credits and the related performance descriptors and assessments;
2. Objective grading and reporting procedures;
3. Content standards established in 704 KAR 3:303 and 704 KAR Chapter 8;
4. The extent to which state-provided assessments will be used;
5. The ability for students to demonstrate proficiency and earn credit for learning acquired outside of school or in prior learning; and
6. Criteria to ensure that internships, cooperative learning experiences, and other learning in the school and community are:
  - Designed to further student progress towards the Individual Learning Plan;
  - Supervised by qualified instructors; and
  - Aligned with State and District content and performance standards.

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**REFERENCES:**

KRS 158.622  
KRS 164.786  
704 KAR 3:303; 704 KAR 3:305; 704 KAR Chapter 8

**RELATED POLICIES:**

08.113;08.11311; 08.2323;09.1221; 09.3;09.435

LEGAL: REVISIONS TO 704 KAR 3:305 IMPACT THE EARLY GRADUATION PROGRAM.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.11311

### Early Graduation Program

Students who meet all applicable legal requirements shall be eligible for the Early Graduation Program (EGP) in relation to receipt of a graduation diploma and an Early Graduation Certificate. Students wishing to participate in the EGP shall notify the Principal in writing at the beginning of grade nine (9) or as soon as the intent is known, but no later than the first thirty (30) school days of the academic year in which the student intends to graduate.

A student shall not be prohibited from completing the EGP if the student meets all requirements. Students who enroll in the EGP and meet all applicable legal requirements shall receive a diploma and an Early Graduation Certificate.

A Letter of Intent to Apply shall be entered into the student information system by October 15 of the year the student intends to graduate.

A student shall complete all requirements applicable to the academic year in which the student intends to graduate as established in administrative regulation by the Kentucky Board of Education.

A student who has indicated an intent to complete the EGP may participate in the state administration of the college entrance exam prior to the junior year, if needed.

For students wishing to participate in the EGP and earn an Early Graduation Certificate and scholarship the Superintendent/designee shall provide:

- a. Criteria for supporting the development and monitoring of the student's ILP;
- b. Goal planning related to the attainment of established District essential workplace ethics programs;
- c. Completion of a professional resume; and
- d. Completion of one (1) postsecondary admissions application that may be used at a Kentucky public two (2) year community and technical college, or a Kentucky four (4) year public or non-profit independent institution accredited by the Southern Association of Colleges and Schools.

Each EGP participant, with the support of the comprehensive school counselor/designee, shall:

- a. Identify all EGP requirements and develop a strategy within the ILP for meeting those requirements, including the District's established workplace ethics program; and
- b. Complete an entrance interview with the Principal/designee to discuss postsecondary goals and career aspirations.

By July 1, 2024, each high school shall determine performance descriptors and evaluation procedures for an EGP performance-based project, portfolio, or capstone required for students who intend to complete the EGP beginning with the 2024-2025 academic year.

### Early Graduation Program

#### EARLY GRADUATION PROGRAM (EGP) (CONTINUED)

Performance descriptors and evaluation procedures shall provide an opportunity for the student to demonstrate attainment of the following critical skills required for post-secondary and career success:

- a. Attainment of essential workplace ethics program components;
- b. Demonstration of an ability to apply the academic standards as a lifelong learner and contributing member of society;
- c. Demonstration of written and verbal communication skills needed for post-secondary success; and
- d. Demonstration of an ability to think critically, synthesize information, and draw conclusions.

By July 1, 2024, the performance-based project, portfolio, or capstone shall be required for completion of the EGP.

Each high school shall maintain and make readily available to the Kentucky Department of Education the EGP participant's performance-based project, portfolio, or capstone for a minimum of five (5) years.

Any student seeking to graduate early who receives services deemed essential by the District shall engage in meaningful consultation with a school-based mental health services provider on the creation of a continuity of services plan prior to graduation.

The District shall ensure the creation of a continuity of services plan for all students identified as a homeless child, a migratory child, or youth engaged in foster care. A transition plan shall be completed for children aging out of foster care.

#### REFERENCES:

KRS 158.142  
704 KAR 3:305

#### RELATED POLICIES:

08.113; 08.1131

LEGAL: REVISIONS TO 704 KAR 3:395 CLARIFY THAT EXTENDED SCHOOL SERVICES SHALL BE PROVIDED TO ELIGIBLE STUDENTS WHO ARE IN THE FIRST YEAR OF THE PRIMARY SCHOOL PROGRAM THROUGH GRADE TWELVE. STUDENTS SHALL BE ELIGIBLE TO RECEIVE THESE SERVICES UNTIL THEY GRADUATE FROM GRADE TWELVE OR REACH TWENTY-ONE (21) YEARS OF AGE, WHICHEVER COMES FIRST.  
FINANCIAL IMPLICATIONS: COST OF PROVIDING ESS

CURRICULUM AND INSTRUCTION

08.133

### **Extended School/Direct Student Services**

#### **PLAN FOR DIAGNOSING**

The Superintendent/designee shall develop a plan for diagnosing and addressing student academic deficiencies by providing Extended School Services (ESS) as required by state law.

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#### **ESSEXTENDED SCHOOL SERVICES**

ESS shall be provided to eligible students who are in the first year of the primary school program through grade twelve. Students shall be eligible to receive these services until they graduate from grade twelve or reach twenty-one (21) years of age, whichever comes first. The Board shall provide ESSextended-school-services consistent with students' intervention plans and goals included as part of individual learning plans, requirements of 704 KAR 3:395, and local plans and procedures.

For students eligible to attend ESS, the District shall:

- Identify learning goals and benchmarks for each student that, if achieved, indicate that the student may exit the ESSextended-school-services program;
- Determine conditions under which a student's absence from the program may be considered excused or unexcused; and
- Determine method for transporting students mandated to attend.

The District shall select pupils who need additional instructional time or differentiated opportunity to learn academic and enrichment content aligned with their individual student needs to improve their present level of performance in one (1) or more content areas. Priority for ESS services shall be placed on designing and delivering services to students at risk academically.

The District may provide ESSextended-school-services during the regular school day when a waiver for alternative service delivery has been obtained. ESSExtended-school-services offered during the summer shall be available to all eligible students residing in the District regardless of whether they attend District schools.

#### **DIRECT STUDENT SERVICES**

The District may apply for Title I funding for Direct Student Services if eligible as provided in Every Student Succeeds Act and the state plan required under federal law. Required notices, funding, and provision of Direct Student Services shall be consistent with federal and state requirements.

#### **REFERENCES:**

KRS 158.070  
704 KAR 3:395  
20 U.S.C. § 6303b  
P. L. 114-95 (Every Student Succeeds Act of 2015)

LEGAL: SB 150 (EFFECTIVE NOW) AMENDS KRS 158.1415 TO REQUIRE A POLICY TO RESPECT PARENTAL RIGHTS REGARDING HUMAN SEXUALITY. IT ALSO REQUIRES PARENTAL NOTIFICATION OF THE STUDENT'S PLANNED PARTICIPATION IN THE COURSE AND A PROCESS FOR WRITTEN CONSENT FROM THE PARENT OR GUARDIAN.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.13531

### Human Sexuality

Per KRS 158.1415, if a school council or, if none exists, the Principal adopts a curriculum for human sexuality or sexually transmitted diseases, instruction shall include but not be limited to the following content:

- a) Abstinence from sexual activity is the desirable goal for all school-age children;
- b) Abstinence from sexual activity is the only certain way to avoid unintended pregnancy, sexually transmitted diseases, and other associated health problems;
- c) The best way to avoid sexually transmitted diseases and other associated health problems is to establish a permanent mutually faithful monogamous relationship;
- d) A school policy to respect parental rights by ensuring that:
  1. Children in grade five (5) and below do not receive any instruction through curriculum or programs on human sexuality or sexually transmitted diseases; or
  2. Any child, regardless of grade level, enrolled in the district does not receive any instruction or presentation that has a goal or purpose of students studying or exploring gender identity, gender expression, or sexual orientation; and
- e) A school policy to notify a parent in advance and obtain the parent's written consent before the parent's child in grade six (6) or above receives any instruction through curriculum or programs on human sexuality or sexually transmitted diseases.

### CURRICULUM REQUIREMENTS

Any course, curriculum, or program offered by a public school on the subject of human sexuality provided by school personnel or by third parties authorized by the school shall:

- a) Provide an alternative course, curriculum, or program without any penalty to the student's grade or standing for students whose parents have not provided written consent as required by law;
- b) Be subject to an inspection by parents of participating students that allows parents to review the following materials:
  - 1) Curriculum;
  - 2) Instructional materials;
  - 3) Lesson plans;
  - 4) Assessments or tests;
  - 5) Surveys or questionnaires;
  - 6) Assignments; and
  - 7) Instructional activities;

### Human Sexuality

#### CURRICULUM REQUIREMENTS (CONTINUED)

- c) Be developmentally appropriate; and
- d) Be limited to a curriculum that has been subject to the reasonable review and response by stakeholders in conformity with KRS 160.345.

A public school offering any course, curriculum, or program on the subject of human sexuality shall provide written notification to the parents of a student at least two (2) weeks prior to the student's planned participation in the course, curriculum, or program. The written notification shall:

- a) Inform the parents of the provisions of the course or curriculum;
- b) Provide the date the course, curriculum, or program is scheduled to begin;
- c) Detail the process for a parent to review the materials;
- d) Explain the process for a parent to provide written consent for the student's participation in the course, curriculum, or program; and
- e) Provide the contact information for the teacher or instructor of the course, curriculum, or program and a school administrator designated with oversight.

This shall not prohibit school personnel from:

- a) Discussing human sexuality, including the sexuality of any historic person, group, or public figure, where the discussion provides necessary context in relation to a topic of instruction from a curriculum approved pursuant to KRS 160.345; or
- b) Responding to a question from a student during class regarding human sexuality as it relates to a topic of instruction from a curriculum approved pursuant to KRS 160.345.

#### REFERENCES:

[KRS 158.1415](#); [KRS 160.345](#)

#### RELATED POLICIES:

08.1; 08.23; 08.2322

LEGAL: SB 247 CREATES A NEW SECTION OF KRS 158 TO ALLOW THE PARENT OR GUARDIAN OF A STUDENT WHO HAS CHANGED RESIDENCES WITHIN THE DISTRICT AND IS IN GRADES K-3 THE OPTION TO REQUEST TO REMAIN IN THE ORIGINAL SCHOOL REGARDLESS OF TRANSPORTATION DECISION.

FINANCIAL IMPLICATIONS: COSTS OF TRANSPORTING STUDENTS TO ANOTHER SCHOOL

STUDENTS

09.11

### **School Attendance Areas**

#### **ASSIGNED ZONES**

All pupils shall be assigned by geographic attendance areas and will attend the school designated to serve their area of residence. Specific attendance areas will be marked on a map in the central administration office. The Area Vocational School shall be considered a part of the high school attendance area. The Board may revise attendance zones from time to time to attain maximum utilization of school facilities.<sup>1</sup>

No student may be assigned to or required to attend a charter school by the District.

#### **EXCEPTION FOR EMPLOYEES' CHILDREN**

**Children of District employees may enroll in any District school that is age-appropriate, as long as the parent provides transportation to and from that school if no bus route is available. In addition, in cases involving non-resident students, ADA must be transferred from the district of residence.**

#### **PROOF OF RESIDENCY**

The District will request information regarding residency to determine the location of the student's domicile but not as it relates to citizenship or immigration status.

The place of residence for the child is deemed to be that place, with address specific, where the parent(s) or guardian eats and sleeps on a continuous basis. A student and his/her parents cannot occupy a residence at more than one (1) address. If Homestead Exemption within Todd County is claimed, that address is considered the family's primary residence. Proof of such residency and exemption is required.

#### **Notice**

Students whose parents are found, after an appropriate, reasonable investigation, to have submitted inaccurate information in an effort to enroll a student in a school to which the student is not assigned and it is determined the place of residence, including that which is claimed as Homestead, is not the real residence, shall be immediately withdrawn and referred for enrollment in the appropriate attendance zoned school.

#### **PROOF OF RESIDENCY**

Parents or guardians may prove residency by providing:

**A. One (1) of the following:**

- 1. Homestead Exemption Card – reflecting Homestead Exemption within Todd County (considered family's primary residence);**
- 2. Property Tax Notice (may require additional verification);**
- 3. Home Purchase Contract in Todd County specified closing date, with a copy of the deed to be provided within sixty (60) days of closing date;**

**School Attendance Areas**

**PROOF OF RESIDENCY (CONTINUED)**

4. Copy of a Manifestation of Domicile filed by the parent (obtained at the Todd County Courthouse/the Clerk of Courts Office); or
5. A current rental or lease agreement

AND

**B. Two (2) of the following:**

1. A current statement documenting government assistance.
2. A current Kentucky driver license
3. Automobile insurance (last two (2) statements)
4. A current electric billing statement with the portion showing name and service address
5. A current water bill, cable bill, or landline phone bill (last two (2) statements)

**Parents who live with someone else must provide:**

- A. A notarized letter from the person they are living with stating that the parent and child live there and notarized confirmation from parent(s) that they, in fact, live with such person;
- B. Two (2) proofs of address from person who wrote the letter to establish that they live in the school zone;
- C. Two (2) proofs of address from the parent to verify that they live at the address.

**Parents whose child lives with someone else must provide:**

- A. A notarized Power of Attorney that includes the following information must be submitted to the Department of Pupil Personnel by the school or parent for review prior to enrollment:
  1. Relationship of guardian to child;
  2. States that guardian will be responsible for the child's educational needs;
  3. Length of temporary guardianship.
- B. Department of Pupil Personnel will notify the school regarding status of enrollment;
- C. If the Department of Pupil Personnel approves enrollment of the child by the guardian:
  1. Guardian must sign District Code of Acceptable Behavior Form
  2. Parent or guardian must provide evidence of pursuit of legal custody through the courts to the school within one (1) year;
  3. Department of Pupil Personnel will follow-up with District letter to parent/guardian and school as needed.

**CLASS ENROLLMENT**

Adjustments to conform to the provisions of KRS 157.360 and 702 KAR 3:190 shall be completed under the requirements of the governing laws and regulations.

**School Attendance Areas****ELIGIBLE STUDENTS AND TRANSPORTATION**

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Per KRS 158.072, "eligible student" is defined as a student enrolled in kindergarten or grade one (1), two (2), or three (3) who qualifies for free or reduced-price school meals or attends a school that participates in the community eligibility provision of the National School Lunch Program.

If the eligible student changes residence and the change in residence results in the student being assigned to a different school within the District, the parent or guardian of the eligible student shall have the option to request the student, and any of the student's siblings enrolled in the same school in any grade, remain enrolled in the original school regardless of the transportation decision made by the Superintendent.

The District shall provide transportation to the original school from the eligible student's new residence unless the Superintendent denies the transportation request if s/he determines the distance and travel time that the student would spend in transport is impracticable. The District shall report the transportation denial and supporting rationale to the Kentucky Department of Education.

**REQUESTS FOR TRANSFER**

Requests for transfer to another District school must be presented to the Board in writing and will be approved only if the request is based on physical, psychological, or educational reasons.

In compliance with and as set forth by federal requirements, the District shall allow students to transfer to another school within the District if:

1. The assigned school is designated by the state as being "persistently dangerous"; or
2. The student becomes a victim of a violent criminal offense, as determined by state law, while attending school.<sup>2</sup>

**REFERENCES:**

<sup>1</sup>KRS 159.070

<sup>2</sup>P. L. 114-95, (Every Student Succeeds Act of 2015); 20 U.S.C. § 6301 et seq.

~~KRS 158.072~~; KRS 160.1592

McKinney-Vento Act, 42 U.S.C. 11431 et seq.; 20 U.S.C. § 7912(a)

OAG 80-394

LEGAL: REVISIONS TO 702 KAR 7:125 ADD ANOTHER EXCEPTION TO THE REQUIREMENT FOR STUDENTS TO BE PHYSICALLY PRESENT IN SCHOOL TO BE COUNTED IN ATTENDANCE.  
FINANCIAL IMPLICATIONS: STUDENTS COUNTED AS PRESENT UNDER SEEK

STUDENTS

09.122

### **Attendance Requirements**

#### **COMPULSORY ATTENDANCE**

All children in the District who have entered kindergarten or are between the ages of six (6), as of August 1, and eighteen (18), except those specifically exempted by statute, shall enroll and be in regular attendance in the schools to which they are assigned.<sup>1</sup>

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

#### **EXEMPTIONS FROM COMPULSORY ATTENDANCE**

The Board shall exempt the following from compulsory attendance:

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

#### **STATEMENT REQUIRED**

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

#### **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,<sup>2</sup> or court-ordered instruction in another setting.

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

2. Participation of a pupil in 4-H activities that are regularly scheduled and under the supervision of a county extension agent or the designated 4-H club leader shall be considered school attendance.<sup>3</sup>
3. Students may participate in cocurricular activities and be counted as being in attendance during the instructional school day, provided the Principal/designee has given prior approval to the scheduling of the activities. Approval shall be granted only when cocurricular activities and trips are instructional in nature, directly related to the instructional program, and scheduled to minimize absences from classroom instruction.<sup>4</sup>
4. Students enrolled and participating in a full-time, online, virtual and remote learning program, or participating in an off-site virtual high school class or block may be counted in attendance in keeping with statute and regulation accordance with requirements set out in Kentucky Administration Regulation.<sup>4 & 9</sup>
5. Students having an individual education plan (IEP) that requires less than full-time instructional services shall not be required to be present for a full school day.<sup>4</sup>
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.<sup>5</sup>
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.<sup>6</sup>
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.<sup>4 & 7</sup>
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.<sup>3</sup>
10. Students participating in any of the page programs of the General Assembly.<sup>3</sup>

STUDENTS

09.122  
(CONTINUED)

**Attendance Requirements**

**REFERENCES:**

<sup>1</sup>KRS 159.010; OAG 85-55

<sup>2</sup>KRS 159.030

<sup>3</sup>KRS 159.035

<sup>4</sup>702 KAR 7:125

<sup>5</sup>KRS 158.240

<sup>6</sup>KRS 158.070

<sup>7</sup>704 KAR 3:305

<sup>8</sup>KRS 158.143

<sup>9</sup>~~KRS 158.150~~

KRS 158.030; KRS 159.020; KRS 159.180; KRS 159.990

~~704 KAR 3:535~~; 704 KAR 5:060

OAG 79-68; OAG 79-539; OAG 87-40; OAG 97-26

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**RELATED POLICIES:**

08.131; 08.1312

09.111; 09.121; 09.123; 09.36

LEGAL: SB 150 (EFFECTIVE NOW) CREATES A NEW SECTION OF KRS 158 TO REQUIRE THE BOARD TO ADOPT POLICIES NECESSARY TO PROTECT THE PRIVACY RIGHTS OF STUDENTS.  
FINANCIAL IMPLICATIONS: COST OF LITIGATION DEFENDING THIS LEGISLATION

STUDENTS

09.141

### Student Privacy Rights

#### PUBLIC COMMENT REQUIRED

KRS 158.189 requires the Board, after allowing public comment at an open meeting, to adopt this Policy (09.141), necessary to protect the privacy rights for students, that at a minimum, does not allow students to use restrooms, locker rooms, or shower rooms that are reserved for students of a different biological sex.

A student who asserts to school officials that his or her gender is different from his or her biological sex and whose parent or legal guardian provides written consent to school officials shall be provided with the best available accommodation, but that accommodation shall not include the use of school restrooms, locker rooms, or shower rooms designated for use by students of the opposite biological sex while students of the opposite biological sex are present or could be present.

Acceptable accommodations may include but are not limited to access to single-stall restrooms or controlled use of faculty bathrooms, locker rooms, or shower rooms.

#### REFERENCE:

KRS 158.189

LEGAL: HB 331 AMENDS KRS 158.162 TO REQUIRE THE DISTRICT TO MAINTAIN A PORTABLE AUTOMATED EXTERNAL DEFIBRILLATOR (AED) IN EVERY MIDDLE AND HIGH SCHOOL BUILDING, AND AS FUNDS BECOME AVAILABLE, AT SCHOOL-SANCTIONED MIDDLE AND HIGH SCHOOL ATHLETIC PRACTICES AND COMPETITIONS, AND TO ADOPT PROCEDURES FOR THE USE OF AEDS DURING EMERGENCIES.

FINANCIAL IMPLICATIONS: COSTS OF PURCHASING, MAINTAINING AEDS, COPYING AND DISTRIBUTING PLANS, AND PERSONNEL TRAINING COSTS

STUDENTS

09.224

### **Emergency Medical Treatment**

#### **FIRST AID TO BE PROVIDED**

First aid shall be provided to all pupils in case of an accident or sudden illness until the services of a health care professional become available.

#### **FIRST-AID ROOM**

A first-aid area with appropriate equipment, supplies and provisions for the child to recline shall be designated in each school. At least two (2) adult employees in each school, at least one (1) of whom shall be present at the school at all times during school hours, shall have completed and been certified in a standard first aid course that includes CPR for infants and children.

The District shall have employees trained in accordance with the law to administer or help administer emergency medications.

When enrolled students, for whom documentation under KRS 158.838, including seizure action plans, has been provided to the school, are present during school hours or as participants in school-related activities, a school employee who has been appropriately trained to administer or assist with the self-administration of glucagon, insulin, seizure rescue medications, or medication prescribed to treat seizure disorder symptoms approved by the FDA and administered pursuant to a student's seizure action plan, shall be present.

#### **AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)**

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The District shall maintain a portable AED in a public, readily accessible, well-marked location in every middle and high school building and, as funds become available, at school-sanctioned middle and high school athletic practices and competitions. A minimum of three (3) employees in the school and all interscholastic athletic coaches shall be trained on the use of a portable AED.<sup>2</sup>

#### **INFORMATION NEEDED**

A number at which parents can be reached and the name of the family physician shall be maintained at each school for all its pupils.<sup>1</sup> Parents will be notified in the event of an accident.

#### **EMERGENCY CARE PROCEDURES**

Schools shall have emergency care procedures comporting with regulation<sup>1</sup> and may utilize the Kentucky Department of Education's Health Services Reference Guide (HSRG) as a resource.

When an emergency arises and the student's parent/guardian or designee cannot be reached in a timely manner, the school will take action necessary to maintain the student's health, such as calling emergency medical personnel or taking the student to a health care facility. In such instances, school personnel shall notify health professionals of any medications that they are aware the student is taking.

STUDENTS

09.224  
(CONTINUED)

### **Emergency Medical Treatment**

#### **EPINEPHRINE**

District schools shall maintain epinephrine for administration to students who may have a life-threatening allergic reaction but have no written individual health plan in place. Epinephrine for such instances shall be administered following the protocols developed by the Kentucky Department of Public Health.

Per KRS 158.836(3), epinephrine is encouraged to be stored in a minimum of two (2) locations in the school, including but not limited to the school office and the school cafeteria. The epinephrine auto injectors shall be kept in a secure, accessible, but unlocked location. Staff should be made aware of the storage location in each school.

#### **REFERENCES:**

<sup>1</sup>702 KAR 1:160

<sup>2</sup>[KRS 158.162](#)

KRS 156.160; KRS 156.502

KRS 158.836; KRS 158.838

Kentucky Department of Education Health Services Reference Guide (HSRG)

#### **RELATED POLICIES:**

[05.4](#); 09.21; 09.22; 09.2241

LEGAL: SB 229 AMENDS KRS 620.030 REMOVING DUPLICATE REPORTING TO AUTHORITIES AND ADDS FACILITATING COOPERATION BETWEEN AGENCIES.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.227

### Child Abuse

#### REPORT REQUIRED

Any teacher, school administrator, or other school personnel who knows or has reasonable cause to believe that a child under age eighteen (18) is dependent, abused or neglected<sup>1</sup>, or a victim of human trafficking, or is a victim of female genital mutilation, shall immediately make an oral report to a local law enforcement agency or the Kentucky State Police, the Cabinet for Health and Family Services or its designated representative, the Commonwealth's Attorney or the County Attorney in accordance with KRS 620.030.<sup>2</sup>

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After making ~~that oral~~ report, the employee shall then immediately notify the Principal of the suspected abuse. ~~who then shall also promptly make a report to the proper authorities for investigation.~~ If the Principal is suspected of child abuse, the employee shall notify the Superintendent/designee ~~who shall also promptly report to the proper authorities for investigation.~~

Upon notification, the Principal or the Superintendent/designee shall facilitate the cooperation of the school with the investigation of the report. Any person who knowingly causes intimidation, retaliation, or obstruction in the investigation of the report shall be guilty of a Class A misdemeanor.

Only agencies designated by law are authorized to conduct an investigation of a report of alleged child abuse. Therefore, the District shall not first investigate a claim before an employee makes a report to the proper authorities. However, in certain situations, reports involving claims made under state and federal laws, such as Title IX, shall require the District, after making the required report, to conduct an independent investigation of the allegations in order to determine appropriate personnel action.

#### WRITTEN REPORT

The person reporting shall, if requested, in addition to the report required above, file with the local law enforcement agency or the Kentucky State Police or the Commonwealth's or County's Attorney or the Cabinet for Health and Family Services or its designated representative within forty-eight (48) hours of the original report a written report containing specific information regarding the child, the child's parents or guardians, and the person allegedly responsible for the abuse or neglect.

#### WRITTEN RECORDS

Copies of reports kept by the District that are submitted to authorities in compliance with the child abuse law are educational records and subject to inspection by the parents of the alleged victim of child abuse. Whether the records are considered "internal records", and not maintained with the students' "permanent records", is immaterial if such records are directly related to students and are maintained by the school or school District.

**Child Abuse****INTERVIEWS**

If the student is an alleged victim of abuse or neglect, school officials shall follow directions provided by the investigating officer or Cabinet for Health and Family Services representative as to whether to contact a parent<sup>3</sup> and shall provide the Cabinet access to a child subject to an investigation or assessment without parental consent.<sup>4</sup>

**AGENCY CUSTODY**

If, as a result of dependency, neglect, or abuse, a child has been placed in the custody of the Cabinet, the Principal, or any Assistant Principal, of the school in which the child is enrolled, and the District's Director of Pupil Personnel shall be notified of the names of persons authorized to contact the child at school, in accordance with school visitation or communication policy, or remove the child from school grounds.

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

- a) By written notice via email or fax on the day that a court order is entered and again on any day that a change is made with regard to persons authorized to contact or remove the child from school. Verbal notification shall occur on the next school day immediately following the day a court order is entered or a change is made if the court order or change occurs after the end of the current school day; and
- b) By email, fax, or hand delivery of a copy of the court order within ten (10) calendar days following the Cabinet's receipt of the court order of a change of custody or change in contact or removal authority.

**REQUIRED TRAINING**

All current school administrators, certified personnel, office staff, instructional assistants, coaches, and extracurricular sponsors shall complete Board selected training on child abuse and neglect prevention, recognition, and reporting by January 31, 2017, and every two (2) years thereafter. School administrators, certified personnel, office staff, instructional assistants, coaches, and extracurricular sponsors hired after January 31, 2017, shall complete the training within ninety (90) days of being hired, and every two (2) years thereafter.

**OTHER**

Each school shall prominently display the statewide child abuse hotline number administered by the Cabinet for Health and Family Services and the National Human Trafficking Reporting Hotline number administered by the United States Department for Health and Human Services.

STUDENTS

09.227  
(CONTINUED)

**Child Abuse**

**REFERENCES:**

<sup>1</sup>KRS 600.020

<sup>2</sup>KRS 620.030; KRS 620.040

<sup>3</sup>OAG 85-134; OAG 92-138

<sup>4</sup>KRS 620.072

KRS 17.160; KRS 17.165; KRS 17.545; KRS 17.580

KRS 156.095; KRS 199.990; KRS 209.020

KRS 508.125

KRS 620.050; KRS 620.146

OAG 77-407; OAG 77-506; OAG 80-50; OAG 85-134

34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights  
Regulations Implementing Title IX

**RELATED POLICIES:**

09.1231; 09.3; 09.31; 09.42811; 09.4361; 10.5

LEGAL: HB 331 AMENDS KRS 158.162 TO REQUIRE THE DISTRICT TO MAINTAIN A PORTABLE AUTOMATED EXTERNAL DEFIBRILLATOR (AED) IN EVERY MIDDLE AND HIGH SCHOOL BUILDING, AND AS FUNDS BECOME AVAILABLE, AT SCHOOL-SANCTIONED MIDDLE AND HIGH SCHOOL ATHLETIC PRACTICES AND COMPETITIONS, AND TO ADOPT PROCEDURES FOR THE USE OF AEDS DURING EMERGENCIES. IT ALSO REQUIRES ALL INTERSCHOLASTIC ATHLETIC COACHES BE TRAINED ON THE USE OF PORTABLE AEDS AND MAINTAIN A CPR CERTIFICATION RECOGNIZED BY A NATIONAL ACCREDITING BODY ON HEART HEALTH.  
FINANCIAL IMPLICATIONS: COSTS OF PURCHASING, MAINTAINING AEDS, COPYING AND DISTRIBUTING PLANS, AND PERSONNEL TRAINING COSTS

STUDENTS

09.311

### **Safety (Athletics)**

District policy and procedures shall be developed to conform with statutory and regulatory requirements designed to protect the safety of the students in all athletic practices and events.

#### **SUPERVISION**

All athletic practices and events shall be under the direct supervision of a qualified employee of the Board.

#### **TRAINING**

All persons employed by the District as a coach for any interscholastic athletic activity or sport shall meet statutory training requirements. Training shall include how to recognize the symptoms of a concussion and how to seek proper medical treatment for a person suspected of having a concussion.

In addition, at least one (1) person who has completed the required course shall be present at every interscholastic athletic practice and competition.<sup>1</sup>

Any middle or high school coach (head or assistant, paid or unpaid) shall successfully complete training as required by the District, the Kentucky Board of Education, the Kentucky High School Athletic Association, and state law and regulation. This shall include safety and first aid training and providing the school documentation of successful completion of a cardiopulmonary resuscitation (CPR)C.P.R. course that includes the use of an automatedautomatic external defibrillator (AED) and first aid training, conducted by an instructor or program approved by a college or university, the American Red Cross, American Heart Association, or other bona fide accrediting agency. Initial certification shall use in-person instruction with certification updated as required by the approving agency.<sup>4</sup> All interscholastic athletic coaches shall maintain a CPR certification recognized by a national accrediting body on heart health.<sup>5</sup>

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Nonfaculty coaches and nonfaculty assistants shall complete District training that includes information on the physical and emotional development of students of the age with which they will be working, the District's and school's discipline policies, procedures for dealing with discipline problems, and safety and first aid training. Follow-up training shall be provided annually.<sup>3</sup>

#### **EMERGENCY ACTION PLAN**

In keeping with rules established by Kentucky Board of Education (KBE) or the Kentucky High School Athletic Association (KHSAA), each school participating in interscholastic athletics shall develop and implement a venue-specific, written emergency action plan and submit annual written verification of the plan to the designated agency. The school plan shall be reviewed, distributed, posted, and rehearsed annually as provided in statute.<sup>1</sup>

**Safety (Athletics)****CARDIAC EMERGENCY RESPONSE PLAN**

A written cardiac emergency response plan that clearly identifies the location of each AED shall be rehearsed by simulation prior to the beginning of each athletic season by all: licensed athletic trainers, school nurses, and athletic directors; and interscholastic coaches and volunteer coaches of each athletic team active during that athletic season.

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**CONCUSSIONS**

When an interscholastic coach, school athletic personnel, or contest official suspect that a student athlete has sustained a concussion during an athletic practice or competition, the student shall be removed from play and evaluated by a physician or licensed health care provider, as specified in statute, who shall determine if a concussion has occurred. Upon the completion of the required evaluation, the coach may return the student to play if it is determined that no concussion has occurred. If no physician or licensed health care provider is present to perform the required evaluation, the coach shall not return the student to play or participation in subsequent practices or athletic competitions until written clearance is provided.

A student athlete deemed to be concussed shall not be permitted to participate in any athletic practice or competition occurring on the day of the injury or, unless a physician provides written clearance, participate in any practice or athletic competition held on a subsequent day.

**MEDICAL EXAMINATION**

Each student seeking eligibility to participate in any school athletic activity or sport must pass an annual medical examination performed and signed by a medical practitioner as required by law.<sup>2</sup>

The required physical examination and parental authorization shall include acknowledgement of receipt of information on the nature and risk of concussion and head injury, including the continuance of playing after concussion or head injury.<sup>1</sup>

**REFERENCES:**<sup>1</sup>KRS 160.445<sup>2</sup>KRS 156.070<sup>3</sup>KRS 161.185<sup>4</sup>702 KAR 7:065<sup>5</sup>KRS 158.162

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**RELATED POLICIES:**

03.1161

03.2141

LEGAL: SB 145 AMENDS KRS 156.070 REMOVING THE STATUTORY ELIGIBILITY RESTRICTION FOR NONRESIDENT STUDENT PARTICIPATION IN INTERSCHOLASTIC ATHLETICS.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.313

### **Eligibility (Athletics)**

Determination of athletic eligibility shall be made in compliance with applicable administrative regulations and Kentucky High School Athletic Association (KHSAA) requirements.<sup>2</sup> Students may be required to meet additional requirements as established by the appropriate school authority. ~~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>~~

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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") 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.

#### **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:**

- <sup>1</sup>KRS 160.345
- <sup>2</sup>KRS 156.070
- KRS 160.1592
- 702 KAR 7:065; 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

LEGAL: SB 9 CREATES A NEW SECTION OF KRS 508 WHICH MAKES HAZING A CRIMINAL OFFENSE AND INCLUDES DEFINITIONS OF HAZING AND AN ORGANIZATION.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.422

### **Bullying/Hazing**

In order to effectively participate in the democratic process as adults, students must learn to respect the rights of others and to interact with them in a civil manner. Therefore, students are required to speak and behave in a civil manner toward students, staff and visitors to the schools.

#### **ACTIONS NOT TOLERATED**

The use of lewd, profane or vulgar language is prohibited. In addition, students shall not engage in behaviors such as hazing, bullying, menacing, taunting, intimidating, verbal or physical abuse of others, or other threatening behavior.<sup>1</sup> This policy extends to any/all student language or behavior including, but not limited to, the use of electronic or online methods. Such behavior is disruptive of the educational process and interferes with the ability of other students to take advantage of the educational opportunities offered.

These provisions shall not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions where the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.

Students who violate this policy shall be subject to appropriate disciplinary action.

#### **BULLYING DEFINED**

Per KRS 158.148. ~~B~~ "bullying" is defined as means any unwanted verbal, physical, or social behavior among students that involves a real or perceived power imbalance and is repeated or has the potential to be repeated:

1. That occurs on school premises, on school-sponsored transportation, or at a school-sponsored event; or
2. That disrupts the education process.

This definition shall not be interpreted to prohibit civil exchange of opinions or debate or cultural practices protected under the state or federal Constitution where the opinion expressed does not otherwise materially or substantially disrupt the education process.<sup>2</sup>

#### **HAZING DEFINED**

Per KRS 508.150. "hazing" is defined as an action which endangers the mental or physical health of a minor or student for the purpose of recruitment, initiation into, affiliation with, or enhancing or maintaining membership or status within any organization\*, including but not limited to actions which cause, coerce, or force a minor or a student to:

- (a) Violate federal or state criminal law;
- (b) Consume any food, liquid, alcoholic liquid, drug, tobacco product, or other controlled substance which subjects the minor or student to a risk of mental harm or physical injury;
- (c) Endure brutality of a physical nature, including whipping, beating or paddling, branding, or exposure to the elements;

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**Bullying/Hazing**

**HAZING DEFINED (CONTINUED)**

(d) Endure brutality of a mental nature, including personal servitude, sleep deprivation, or circumstances which would cause a reasonable person to suffer substantial mental distress;

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(e) Endure brutality of a sexual nature; or

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(f) Endure any other activity that creates a reasonable likelihood of mental harm or physical injury to the minor or student.

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\*Per KRS 508.180, "organization" is defined as a number of persons who are associated with a school or postsecondary education institution and each other, including a student organization, fraternity, sorority, association, corporation, order, society, corps, club, or similar group and includes any student organization registered pursuant to policies of the school or postsecondary education institution at any time during the previous five (5) years.

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**REPORTS**

As provided in the District Code of Acceptable Behavior and Discipline, students that believe they are victims of bullying/hazing shall be provided with a process to enable them to report such incidents to District personnel for appropriate action.

Employees are expected to take reasonable and prudent action in situations involving student welfare and safety, including following District policy requirements for intervening and reporting to the Principal or to their immediate supervisor those situations that threaten, harass, or endanger the safety of students, other staff members, or visitors to the school or District. Such instances shall include, but are not limited to, bullying or hazing of students and harassment/discrimination of staff, students or visitors by any party.

Students who believe they have been a victim of bullying or who have observed other students being bullied shall, as soon as reasonably practicable, report it.

The District Code shall specify to whom reports of alleged instances of bullying or hazing shall be made. In serious instances of peer-to-peer bullying/hazing/harassment, employees must report to the alleged victim's Principal, as directed by Board policy 09.42811. The Principal/designee shall investigate and address alleged incidents of such misbehavior.

In certain cases, employees must do the following:

1. Report bullying and hazing to appropriate law enforcement authorities as required by policy 09.2211; and
2. Investigate and complete documentation as required by policy 09.42811 covering federally protected areas.

**OTHER CLAIMS**

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.426 and/or 09.42811. Harassment/discrimination allegations shall be governed by Policy 09.42811.

STUDENTS

09.422  
(CONTINUED)

**Bullying/Hazing**

**REFERENCES:**

<sup>1</sup>KRS 158.150

<sup>2</sup>KRS 158.148

KRS 158.156

KRS 160.290

[KRS 508.180](#)

KRS 525.080

Bethel School District No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549 (1986)

Mahanoy Area School District v. B. L., 594 US \_ (2021)

Tinker v. Des Moines Independent School District, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)

**RELATED POLICIES:**

03.162; 03.262; 09.13; 09.421; 09.425; 09.426; 09.4281; 09.42811; 09.438  
09.2211 (re. reports required by law)

LEGAL: HB 538 AMENDS KRS 158.150 TO INCLUDE BEHAVIORS THAT OCCUR OFF SCHOOL PROPERTY IF THE INCIDENT IS LIKELY TO SUBSTANTIALLY DISRUPT THE EDUCATIONAL PROCESS AND OPTIONS FOR REMOVAL OF STUDENTS.

FINANCIAL IMPLICATIONS: COST OF EDUCATING EXPELLED STUDENTS AND CONDUCTING HEARINGS

STUDENTS

09.425

### Assault and Threats of Violence

For purposes of this Policy, a “threat” shall refer to a communication made by any means, including, but not limited to, electronic and/or online methods.

#### STUDENTS/PUPILS

Any ~~student/pupil~~ who threatens, physically assaults, batters or abuses another ~~student/pupil~~ shall be subject to appropriate disciplinary action, including suspension or expulsion.<sup>1</sup>

Students may also be subject to prosecution or juvenile justice interventions for assault, threats, or other abusive conduct.

The Principal shall provide written notice to all students, parents, and guardians of students within ten (10) days of the first instructional day of each school year of the provision of KRS 508.078 and potential penalties under KRS 532.060 and KRS 534.030.<sup>2</sup>

#### EDUCATIONAL/SCHOOL PERSONNEL

Any ~~student/pupil~~ who threatens, physically assaults, batters or physically or verbally abuses a ~~teacher or other school~~ educational personnel on or off school property (and the incident is likely to substantially disrupt the educational process) shall be subject to appropriate disciplinary action<sup>1</sup> up to and including expulsion from school and/or legal action.

#### REMOVAL OF STUDENTS

School administrators, teachers, or other school personnel may immediately remove or cause to be removed threatening or violent students from a classroom setting or from the District's transportation system pending any further disciplinary action that may occur. Threatening or violent behavior shall include, but not be limited to:

1. Disrupts the classroom environment and education process or the student challenges the authority of a supervising adult.
- ~~1.2.~~ Verbal or written statements or gestures by students indicating intent to harm themselves, others or property.
- ~~2.3.~~ Physical attack by students so as to intentionally inflict harm to themselves, others or property.

The Principal may establish (school) procedures for a student's removal from and reentry to the classroom when the student's behavior disrupts the classroom environment and education process or the student challenges the authority of a supervising adult. In addition to removal, the student shall be subject to further discipline for the behavior consistent with the school's code of conduct.

Removal of students from a bus shall be made in compliance with 702 KAR 5:080.

Each school shall designate the site(s) to which employees may remove students from a classroom setting and the employee(s) who will supervise the student at the site.

**Assault and Threats of Violence**

**REMOVAL OF STUDENTS (CONTINUED)**

When teachers or other personnel remove a student, they shall complete and submit a form to document the removal and the causes as soon as practicable. The Principal shall review the removal as soon as possible to determine if further disciplinary action is warranted or if the student is to be returned to the classroom.

Per KRS 158.150, a student who is removed from the same classroom three (3) times within a thirty (30) day period shall be considered "chronically disruptive" and may be suspended from school and no other basis for suspension shall be deemed necessary.

At any time during the school year, for a student who has been removed from the classroom the Principal may require a review of the classroom issues with the teacher and the parent, guardian, or other person having legal custody or control of the student and determine a course of action for the teacher and student regarding the student's continued placement in the classroom.

At any time during the school year, the Principal may permanently remove a student from a classroom for the remainder of the school year if the Principal determines the student's continued placement in the classroom will chronically disrupt the education process for other students.

When a student is removed from a classroom temporarily or permanently, the Principal shall determine the placement of the student in lieu of that classroom, which may include but is not limited to:

- Another classroom in that school; or
- An alternative program or setting, which may be provided virtually, as approved by the Superintendent.

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Any permanent action by the Principal shall be subject to an appeal process in accordance with Policy 09.4281/Grievances.

**REPORT TO LAW ENFORCEMENT AGENCY**

When they have reasonable belief that a violation has taken place, principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves assault resulting in serious physical injury, a sexual offense, kidnapping or each instance of assault involving the use of a weapon.

**DOMESTIC/DATING VIOLENCE REPORTING AND EDUCATION**

Upon the request of a victim, school personnel shall report an act of domestic violence and abuse or dating violence and abuse to a law enforcement officer. School personnel shall discuss the report with the victim prior to contacting a law enforcement officer.

School personnel shall report to a law enforcement officer when s/he has a belief that the death of a victim with whom s/he has had a professional interaction is related to domestic violence and abuse or dating violence and abuse.

These reporting requirements covering domestic violence and abuse or dating violence and abuse do not relieve school personnel of the duty to report any known or suspected abuse, neglect, or dependency of a child pursuant to KRS 620.030. This separate reporting requirement covers abuse, neglect or dependency of a child committed or caused by a parent, guardian, other person exercising control or supervision, or a person in a position of authority or special trust.

**Assault and Threats of Violence****DOMESTIC/DATING VIOLENCE REPORTING AND EDUCATION (CONTINUED)**

If individual school personnel has reasonable cause to believe that a victim with whom s/he has had a professional interaction has experienced domestic violence and abuse or dating violence and abuse, s/he shall provide educational materials to the victim relating to such form(s) of abuse and including information on access to regional domestic violence programs or rape crisis centers and how to access protective orders. These materials shall be made available to school personnel in print form or on the web by the primary domestic violence, shelter, and advocacy service provider designated by the Cabinet for Health and Family Services to serve the school District's area.

**NOTIFICATIONS**

As soon as the Superintendent/designee confirms that a serious threat has been confirmed, designated personnel shall attempt to notify staff members and/or students who have been threatened and parents of students who are the subject of a threat. Such notification shall observe and comply with confidentiality requirements of applicable law including, but not limited to, state and federal Family Educational Rights and Privacy Act (FERPA) laws.

Any District employee assigned to work directly with, or who comes in contact with, a student with a documented history of physical abuse of a school employee or of carrying a concealed weapon on school property or at a school function, shall be notified in writing of the student's history by the Principal or designee prior to the assignment or contact.

**REFERENCES:**

<sup>1</sup>KRS 158.150  
<sup>2</sup>KRS158.1559  
KRS 158.154; KRS 160.290  
KRS 161.155; KRS 161.190; KRS 161.195  
KRS 209A:020; KRS 209.160  
KRS 209A.100; KRS 209A.110; KRS 209A.130  
KRS 211.160; KRS 403.720; KRS 456.010  
KRS 508.025; KRS 508.075; KRS 508.078; KRS 525.080  
KRS 532.060; KRS 534.030; KRS 620.030  
702 KAR 5:080

**RELATED POLICIES:**

03.123; 03.13253; 03.223; 03.23253; 05.4: [05.48](#)  
06.34; 09.14; 09.2211; 09.422; [09.426](#); [09.4281](#); 09.429; [09.4341](#)

LEGAL: HB 538 AMENDS KRS 158.150 TO DEFINE "CHRONICALLY DISRUPTIVE" TO THE EDUCATIONAL PROCESS AND OPTIONS FOR REMOVAL OF STUDENTS.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.426

### Disrupting the Educational Process

Behavior that materially or substantially disrupts the educational process, whether on or off school property or at school-sponsored events and activities, shall not be tolerated and shall subject the offending student/pupil to appropriate disciplinary action. For purposes of this section, behavior which disrupts the educational process shall include, but not be limited to:

1. Conduct that disrupts the classroom environment and education process or the student challenges the authority of a supervising adult;
- 1-2. Conduct which threatens the health, safety, or welfare of others;
- 2-3. Conduct which may damage public or private property, including the property of students or staff;
- 3-4. Illegal activity;
- 4-5. Conduct that materially or substantially interferes with another student's access to educational opportunities or programs, including the ability to attend, participate in and benefit from instructional and extracurricular activities; or
- 5-6. Conduct that materially or substantially disrupts the delivery of instructional services or interferes with the orderly administration of the school and school-related activities or District operations.

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### REMOVAL

Per KRS 158.150, a student who is removed from the same classroom three (3) times within a thirty (30) day period shall be considered "chronically disruptive" and may be suspended from school and no other basis for suspension shall be deemed necessary.

At any time during the school year, for a student who has been removed from the classroom the Principal may require a review of the classroom issues with the teacher and the parent, guardian, or other person having legal custody or control of the student and determine a course of action for the teacher and student regarding the student's continued placement in the classroom.

At any time during the school year, the Principal may permanently remove a student from a classroom for the remainder of the school year if the Principal determines the student's continued placement in the classroom will chronically disrupt the education process for other students.

When a student is removed from a classroom temporarily or permanently, the Principal shall determine the placement of the student in lieu of that classroom, which may include but is not limited to:

- Another classroom in that school; or
- An alternative program or setting, which may be provided virtually, as approved by the Superintendent.

Any permanent action by the Principal shall be subject to an appeal process in accordance with Policy 09.4281/Grievances.

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STUDENTS

09.426  
(CONTINUED)

**Disrupting the Educational Process**

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**OTHER CLAIMS**

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 09.42811, which address harassment/discrimination allegations.

**REFERENCES:**

KRS 158.150; KRS 158.165; KRS 160.290

**RELATED POLICIES:**

09.13; 09.422; 09.425; 09.42811; 09.42811; 09.431; 09.438

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LEGAL: HB 538 AMENDS KRS 158.150 REGARDING STUDENT DISCIPLINE.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.431

### Due Process

#### **RIGHT TO DUE PROCESS**

Before being punished at the school level with suspension for violation of school regulations, a ~~student~~~~pupil~~ shall have the right of the following due process procedures.<sup>1</sup>

1. The ~~student~~~~pupil~~ shall be given oral or written notice of the charge(s) against him ~~or her~~;
2. If the ~~student~~~~pupil~~ denies the charge(s), ~~the student~~ shall be given an explanation of the evidence ~~of the charge(s)~~ against him ~~or her~~; ~~and~~
3. The ~~student~~~~pupil~~ shall be given an opportunity to present his ~~or her~~ own version of the facts ~~relating to~~~~concerning~~ the charge(s).

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#### **STUDENTS WITH DISABILITIES**

In cases which involve students with disabilities, procedures mandated by federal and state law shall be followed.<sup>2</sup>

#### **REFERENCES:**

<sup>1</sup>KRS 158.150

<sup>2</sup>P. L. 105-17; 707 Chapter 1; Honig v. Doe, 108 S.Ct. 592 (1988)

#### **RELATED POLICIES:**

09.426

09.43

09.433

09.434

09.4341

09.435

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LEGAL: HB 538 AMENDS KRS 158.150 TO DEFINE "CHRONICALLY DISRUPTIVE" TO THE EDUCATIONAL PROCESS AND ADDS STATUTORY GUIDELINES FOR SUSPENSION OF A STUDENT.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.434

### Suspension

#### **WHO MAY SUSPEND**

In accordance with KRS 158.150, the Principal or assistant Principal may suspend a student/pupil up to a maximum of ten (10) days per incident.

Suspension of primary school students shall be considered only in exceptional cases where there are safety issues for the child or others, as determined by the Superintendent/designee.

#### **PRIOR DUE PROCESS REQUIRED**

A student/pupil shall not be suspended until due process procedures have been provided as described in KRS 158.150 (09.431)<sup>1</sup>, unless immediate suspension is essential to protect persons or property or to avoid disruption of the educational process.

A student who is removed from the same classroom three (3) times within a thirty (30) day period shall be considered "chronically disruptive" and may be suspended from school and no other basis for suspension shall be deemed necessary.

#### **IMMINENT DANGER**

In such cases, due process shall follow the suspension as soon as practicable, but no later than three (3) school days after the suspension.

#### **WRITTEN REPORT REQUIRED**

The Principal or assistant Principal shall report any suspension in writing<sup>1</sup> immediately to the Superintendent and to the parent of the student/pupil being suspended. The written report shall include the reason for suspension, the length of time of the suspension, and the conditions for reinstatement.

#### **STUDENTS WITH DISABILITIES**

In cases which involve students with disabilities, the procedures mandated by federal and state law for students with disabilities shall be followed.<sup>2</sup>

#### **REFERENCES:**

<sup>1</sup>KRS 158.150

<sup>2</sup>20 U.S.C. Sections § 1400 et seq ; 707 Chapter 1; Honig v. Doe, 108 S.Ct. 592(1988)

OAG 77-419; OAG 77-427; OAG 77-547

OAG 78-392; OAG 78-673; 707 KAR 1:340

Goss v. Lopez, 419 US 565 (1975)

#### **RELATED POLICIES:**

09.425; 09.426; 09.43; 09.431

LEGAL: REVISIONS TO KRS 158.150 ALLOW STUDENTS TO BE PLACED IN AN ALTERNATIVE PROGRAM OR SETTING (INCLUDING VIRTUAL PROGRAMS OR SETTINGS) AND SPECIFIC PROCESSES FOR PLACEMENT IN LIEU OF EXPULSION OF STUDENTS.

FINANCIAL IMPLICATIONS: SEEK FUNDING FOR THE DISTRICT FOR STUDENTS IN THE VIRTUAL ALTERNATIVE PROGRAM OR SETTING, COST OF EDUCATING EXPELLED STUDENTS, AND CONDUCTING HEARINGS

LEGAL: REVISIONS TO 704 KAR 19:002 A STUDENT ENROLLED IN AN ALTERNATIVE EDUCATION PROGRAM MAY BE ELIGIBLE TO PARTICIPATE IN ONE (1) OR MORE TYPES OF PROGRAMS TO ADDRESS STUDENT LEARNING NEEDS THAT MAY INCLUDE AN ALTERNATIVE DIGITAL LEARNING ENVIRONMENT, CREDIT RECOVERY, OR AN INNOVATIVE PATH TO GRADUATION.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.4341

### Alternative Education

#### DEFINITION

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

#### PURPOSE

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

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

#### ALTERNATIVE EDUCATION IN LIEU OF EXPULSION

In lieu of expelling a student, or upon the expiration of a student's expulsion, the Superintendent may place a student into an alternative program or setting if the Superintendent determines placement of the student in his or her regular school setting is likely to substantially disrupt the educational process or constitutes a threat to the safety of other students or school staff.

The alternative program or setting may be provided virtually. Students placed in an alternative program or setting shall be subject to compulsory attendance requirements under KRS Chapter 159 and applicable Board policy.

Action to expel, extend the expulsion, or place in an alternative program or setting a student shall not be taken until the parent, guardian, or other person having legal custody or control of the student has had an opportunity for a hearing before the Board. Following the initial alternative placement of a student, the Board shall review the alternative program or setting placement at least once per year and determine if the placement should be continued.<sup>4</sup>

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

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### Alternative Education

As required by Kentucky Administrative Regulation the District shall ensure:

- That each~~The District's~~ Alternative Education Program ~~shall-is not limited in scope or design and is aligned to the academic program of the District~~~~include training to build capacity of staff and administrators to deliver high-quality services and programming.~~
- A student enrolled in an Alternative Education Program may be eligible to participate in one (1) or more types of programs to address student learning needs that may include an alternative digital learning environment, credit recovery, or an innovative path to graduation.
- The Board shall review this policy and accompanying procedure(s) annually.<sup>2</sup>

#### ELIGIBILITY CRITERIA

Alternative education placements may be utilized for students at middle and high school grade levels.

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

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

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

**Alternative Education****ELIGIBILITY CRITERIA (CONTINUED)**

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

**NOTIFICATION**

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

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

**ATTAINMENT OF A HIGH SCHOOL EQUIVALENCY DIPLOMA**

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

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

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

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

**ILPA TEAM**

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

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

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

### Alternative Education

#### EXCEPTIONS:

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

#### EXTRACURRICULAR PARTICIPATION

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

#### CONTINUING SUPPORT

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

#### TRANSITION

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

1. The lead Alternative Education Program administrator/designee shall invite the student (age 18 or older) or the parent/legal guardian to meet to discuss the proposed transition. If the parent/legal guardian or adult student do not attend, written notification shall be provided to explain the proposed re-entry.  
For IDEA or Section 504 students, the IEP or Section 504 team shall determine placement of students as required by law.
2. Strategies shall be documented to promote successful transition to include specific staff responsibilities and how follow-up monitoring will occur.
3. Should the transition not be successful for the student, reassignment to the Alternative Education Program may be considered, and the ILPA Team may be reconvened accordingly.

#### COLLABORATION WITH OUTSIDE AGENCIES

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

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

STUDENTS

09.4341  
(CONTINUED)

**Alternative Education**

**REFERENCES:**

<sup>1</sup>KRS 160.380

<sup>2</sup>704 KAR 19:002

<sup>3</sup>KRS 158.143

<sup>4</sup>[KRS 158.150](#)

[KRS Chapter 159](#)

707 KAR 1:320

*Student Discipline Guidelines*, Kentucky Department of Education

OAG 77-419

**RELATED POLICIES:**

08.131~~;~~ 08.141

09.123~~;~~ 09.14~~;~~ 09.426~~;~~ [09.431](#); [09.435](#)

LEGAL: HB 538 AMENDS KRS 158.150 TO REQUIRE EXPULSION FOR AT LEAST TWELVE (12) MONTHS IF A STUDENT MAKES THREATS THAT POSE A DANGER TO OTHER STUDENTS OR STAFF (WITH OPTIONAL MODIFICATION ON CASE-BY-CASE BASIS) AND REQUIRES LOCAL POLICY REGARDING A STUDENT WHO ASSAULTS OTHER STUDENTS OR STAFF OFF CAMPUS AND THE INCIDENT IS LIKELY TO SUBSTANTIALLY DISRUPT THE EDUCATIONAL PROCESS.  
FINANCIAL IMPLICATIONS: COST OF EDUCATING EXPELLED STUDENTS AND CONDUCTING HEARINGS

STUDENTS

09.435

## Expulsion

### BOARD MAY EXPEL

The Board may expel or extend the expulsion of any student~~pupil~~ from the regular school setting for misconduct as defined by law. Provision of educational services will be required unless the Board determines, on the record and supported by clear and convincing evidence, that the expelled student posed a threat to the safety of other students or school staff and could not be placed in a state-funded agency program.<sup>1</sup>

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The Board shall require the expulsion from school for a period of at least twelve (12) months for a student who is determined by the Board:

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1. Through clear and convincing evidence to have made threats that pose a danger to the well-being of students, faculty, or staff of the District;
2. To have brought a weapon to a school under its jurisdiction per Board Policy 05.48.

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The Board may expel a student for longer than twelve (12) months,

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Behavior that may be determined to pose a threat shall include, but not be limited to, the physical assault, battery, or abuse of others on or off school property (and the incident is likely to substantially disrupt the educational process); the threat of physical force; being under the influence of drugs or alcohol; the use, possession, sale, or transfer of drug or alcohol; the carrying, possessing, or transfer of weapons or dangerous instruments; and any other behavior that may endanger the safety of others.

The Superintendent shall present to the Board for its approval options for providing or ensuring that educational services are provided to expelled students.

In lieu of expelling a student, or upon the expiration of a student's expulsion, the Superintendent may place a student into an alternative program or setting if the Superintendent determines placement of the student in his or her regular school setting is likely to substantially disrupt the educational process or constitutes a threat to the safety of other students or school staff.

### HEARING AND RECORDS REQUIRED

Action to expel, extend the expulsion, or place in an alternative program or setting a student~~pupil~~ shall not be taken until the parent, guardian, or other person having legal custody or control of the student~~pupil~~ has had an opportunity for a hearing before the Board.<sup>1</sup> The special education and disciplinary records of IDEA eligible students shall be sent to the Board for review before the decision is made to expel.<sup>3</sup>

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**Expulsion**

**HEARING AND RECORDS REQUIRED (CONTINUED)**

Within thirty (30) days prior to the end of a student's expulsion, the Board shall review the details of the expulsion and current factors and circumstances, including if ending the expulsion will substantially disrupt the education process or constitute a threat to the safety of students or school staff, to determine if the expulsion shall be extended for a period not to exceed twelve (12) months. The expulsion review process shall be used prior to the end of each expulsion period until the Board ends the expulsion or the student is no longer subject to compulsory attendance under KRS 159.010.

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**BOARD DECISION FINAL**

The Board may establish an appeals committee and delegate authority to hear appeals to the committee. Otherwise, the Board's decision shall be final.<sup>1</sup>

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**STUDENTS WITH DISABILITIES**

In cases which involve students with disabilities, procedures mandated by federal and state law for students with disabilities shall be followed. (Students with disabilities who are eligible for services under federal law may be expelled for behavior unrelated to their disabilities, as long as legally required procedural safeguards are followed. Educational services must continue for IDEA eligible students who are expelled.)<sup>1&3</sup>

**TRANSFER OF RECORDS**

Records transferred to another school must reflect the charges and final action of an expulsion hearing if the student was expelled for homicide, assault, or an offense in violation of state law or school regulations governing weapons, alcohol or drugs. Records of a student facing an expulsion hearing on charges described above shall not be transferred until the expulsion hearing process is completed.<sup>2</sup>

**REFERENCES:**

<sup>1</sup>KRS 158.150

<sup>2</sup>KRS 158.155

<sup>3</sup>20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA); 707 Chapter 1; Section 504 of the Rehabilitation Act of 1973, as amended

KRS 159.010

Honig v. Doe, 108 S.Ct. 592(1988); OAG 78-673

**RELATED POLICIES:**

05.48; 09.12; 09.423; 09.425; 09.426; 09.43; 09.431; 09.434

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LEGAL: SB 80 AMENDS KRS 17.545 TO DEFINE AND INCLUDE LOITERING AND MOBILE BUSINESSES AS PART OF RESTRICTIONS FOR REGISTRANTS ON AND WITHIN 1,000 FEET OF SCHOOL GROUNDS. FINANCIAL IMPLICATIONS: NONE ANTICIPATED

COMMUNITY RELATIONS

10.5

### Visitors to the Schools

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

#### **REGISTRANTS**

No registrant, as defined in KRS 17.500, nor any person residing outside of Kentucky who would be required to register under KRS 17.510 if the person resided in Kentucky, shall be on loiter within one thousand (1,000) feet of, or work in or operate any mobile business within one thousand (1,000) feet of the clearly defined grounds of a District school, except with the advance written permission of the Principal or the Board that has been given after full disclosure of the person's status under KRS 17.510 as a registrant or sex offender from another state and all registrant information as required in KRS 17.500.

A registrant is defined as:

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

Per KRS 17.545, "loiter" is defined as remaining in or about the clearly defined grounds of a District school, while not having any reason or relationship involving custody of or responsibility for a minor or any other specific legitimate reason for being there.

Per KRS 17.545, "mobile business" is defined as any business that operates from a motor vehicle or wheeled cart that can be operated, pushed, or pulled on a sidewalk, street, or highway where food, goods, or services are prepared, processed, or sold or dispensed to the public.

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

1. To pick up or drop off their child each day.
2. To pick up the child who is injured or ill.
3. To confer with school staff concerning academic, disciplinary or placement issues involving the student, including matters required by federal or state law.

**Visitors to the Schools****REGISTRANTS (CONTINUED)**

4. To attend a school activity, including athletic practices and competition, in which the student is a participant.
5. To vote when the school has been designated as a polling place.

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

- Requiring the registrant to provide additional information needed;
- Specifying check-in and check-out requirements;
- Requiring the registrant to be directly supervised by an individual designated by the Principal while on school grounds;
- Restricting the registrant to a designated location on school grounds;
- Limiting the time the registrant will be permitted to be on school grounds; and
- Denying the request to come onto school grounds.

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

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

**CONDUCT/PROHIBITION ON RECORDING**

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

Due to privacy concerns, and except for emergency situations, personally owned recording devices are not to be used to create video or audio recordings or to take pictures except with prior permission from the Principal/designee and the affected individual(s).

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

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

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

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

**Visitors to the Schools****USE OF TOBACCO, ALTERNATIVE NICOTINE, OR VAPOR PRODUCTS PROHIBITED (CONTINUED)**

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

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

School employees shall enforce the policy. Persons in violation of this policy, in addition to fines which may be imposed by law<sup>2</sup>, are subject to verbal warnings to refrain from use of the subject product. Refusal to refrain from such use or repeated instances of prohibited use after prior warnings may subject the individual to a ban from school property as permitted by law and corresponding civil and criminal penalties.<sup>3</sup>

**ACCOMMODATION**

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

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

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

**WEBSITE ACCESSIBILITY**

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

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

**Visitors to the Schools**

**REFERENCES:**

<sup>1</sup>KRS 438.345  
<sup>2</sup>KRS 438.050  
<sup>3</sup>KRS 511.070; KRS 511.080; OAG 90-11  
KRS 17.545; KRS 17.500; KRS 17.510  
KRS 160.380; KRS 211.394, KRS 211.395; KRS 438.305  
KRS 600.020; KRS 620.146  
OAG 91-137  
P. L. 114-95, (Every Student Succeeds Act of 2015)  
29 U.S.C. 794, Rehabilitation Act of 1973, (Section 504)  
42 U.S.C. 2000, Civil Rights Act of 1964, Titles VI and VII  
42 U.S.C. 12101 et seq., Americans with Disabilities Act

**RELATED POLICIES:**

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

RECOMMENDED: ATHLETIC ELIGIBILITY FOR ALL STUDENTS IS ADDRESSED IN POLICY 09.313.  
RELATED LANGUAGE IN THIS POLICY SHOULD BE RESCINDED.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

0909.12

### **Admissions and Attendance**

#### **RESIDENCE DEFINED**

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

All other pupils shall be classified as nonresidents for school purposes.<sup>1</sup>

#### **HOMELESS CHILDREN AND UNACCOMPANIED YOUTH**

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

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

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

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

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

- "Outreach" to other entities and agencies so that homeless students are identified;
- Providing public notice of the educational rights of homeless children in locations frequented by parents/guardians and unaccompanied youths. This notice is to be in a manner and form that is understandable;<sup>2</sup>
- Seeing that school personnel who provide McKinney-Vento Services receive professional development and other support; and

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

- Ensuring that unaccompanied youths are enrolled in school and receive support to accrue credits and access to higher education.

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

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

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

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

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

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

**CHILDREN IN FOSTER CARE**

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

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

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

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

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

**Admissions and Attendance****BEST INTEREST OF THE CHILD**

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

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

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

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

**IMMIGRANTS**

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

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

**NONRESIDENTS**

Nonresident pupils may be enrolled in the District's schools in accordance with Board policies 09.1222, 09.124, and upon approval of the Superintendent.

**Admissions and Attendance****ENROLLMENT**

Nonresident pupils may be admitted to the District upon approval of the Superintendent or Superintendent's designee. Upon approval, the nonresident student(s) will be eligible to enroll in public schools located within the District that has capacity and shall be assigned to a school by the school District after consideration of the family's preferences and distance from school.

Nonresident students who have been expelled or suspended from another school district or whose suspension or expulsion is pending shall not be permitted to enroll in the District's schools unless there are extenuating circumstances as determined by the Superintendent.

When the addition of a nonresident student would require the hiring of additional teachers and/or support staff in the classroom or unit where the student would be enrolled, the applicant will be provided the opportunity to enroll in another District school if available. Determination of this capacity requirement will be based upon applicable class size regulations, building capacity, as determined by the Kentucky Department of Education, and other state age and class size restrictions.

Enrollment of nonresident students shall not create a situation that exceeds capacity of a school.

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

The District shall not discriminate on the basis of race, color, national origin, age, religion, marital status, sex, sexual orientation, or disability in enrollment set forth in Office of Civil Rights law, Title VI, VII, IX, ADA, and Section 504.

**TRANSPORTATION**

The District will not provide transportation outside of the District's boundaries for nonresident students.

**PROCESS OF ENROLLMENT**

An annual enrollment process shall be determined by the Superintendent or the Superintendent's designee.

**~~ATHLETIC PARTICIPATION~~**

~~Movement of nonresident student athletes from one district to another and athletic participation shall be addressed by KHSAA regulations.~~

**STATUS OF NONRESIDENT STUDENTS**

Nonresident students are accepted in the District for one school year term. Students are automatically renewed each year thereafter as long as the student remains in good standing. During the school year, the student is expected to abide by all school rules, the student code of conduct, and is subject to the disciplinary procedures as set forth therein.

**Admissions and Attendance****STATUS OF NONRESIDENT STUDENTS (CONTINUED)**

During each school year, the Board may remove or dismiss a nonresident student for misconduct pursuant to KRS 158.150 following applicable due process procedures.

At the end of the school year, the Superintendent or Superintendent's designee may remove or dismiss a nonresident student upon notice to the student's parent/guardian. Factors that may lead to removal or dismissal shall include, but are not limited to:

- **Poor attendance (10 or more days unexcused absences or tardies).**
- **Behavior issues.**
- **Poor academic effort (failure to demonstrate desire to learn and/or failure to follow academic direction).**
- **Chronic disruption of the school environment by the student.**

**Once a nonresident student is enrolled for the academic year, the student may not be dismissed during the academic year without applicable due process.<sup>3</sup>**

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

**ADDITIONAL REQUIREMENTS**

Pending receipt of the student's records from the previous school, the Board reserves the right to withhold placement of a nonresident student.

**NON-IMMIGRANT FOREIGN STUDENTS**

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

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

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

**Admissions and Attendance****EXPELLED/CONVICTED STUDENTS**

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

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

Assault shall mean any physical assault, including sexual assault.

The sworn statement or affirmation shall be on a form provided by the appropriate state agency and shall be sent to the receiving school within five (5) working days of official notification that a student has requested enrollment in the new school.<sup>4</sup>

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

**REFERENCES:**

<sup>1</sup>KRS 159.010; OAG 78-64

<sup>2</sup>42 U.S.C. 11431 et seq. (McKinney-Vento Act)

<sup>3</sup>KRS 158.120; OAG 80-47; OAG 79-327; OAG 75-602; G.C. v. Owensboro Public Schools, 711 F.3d 623 (6th Cir., 2013)

<sup>4</sup>KRS 158.155; KRS 157.330; KRS 158.150

KRS 157.320; KRS 157.350; KRS 157.360; KRS 158.100; KRS 199.802

702 KAR 7:125; 704 KAR 7:090; OAG 91-171

P. L. 104-208

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

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

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

Equal Educational Opportunities Act of 1974 (EEOA)

**RELATED POLICIES:**

06.32; 08.1114; 09.11; 09.121; 09.1222; 09.1223; 09.123; 09.124

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

09.14; 09.211