

RECOMMENDED: THE PROPOSED ADDITION CLARIFIES THAT STUDENTS AND EMPLOYEES MAY BE SUBJECT TO APPROPRIATE DISCIPLINARY ACTION WHEN THEY FAIL TO COMPLY WITH BOARD POLICIES. THIS PROVISION APPLIES TO ALL POLICIES IN THE MANUAL, THUS MAKING IT UNNECESSARY TO ADD A NOTICE TO EVERY POLICY.  
THIS CHANGE IS NOT REQUIRED BY LAW.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.5

### **School Board Policies**

#### **TOPICS**

The Board shall file in the Board's office its policies including, but not limited to, the following matters:

1. Transportation of pupils;
2. Discipline and conduct of pupils;
3. Limitations or restrictions on use of school facilities;
4. Conduct of meetings of the Board; including policies on the calling of executive sessions;
5. Personnel policies that apply to certified employees including duties, fringe benefits, salary schedules, non-classroom duties, professional development, teacher-student ratio, hiring, assignment, transfer, dismissal, suspension, reinstatement, promotion and demotion;
6. Employment and evaluation of the Superintendent of schools;
7. Identification and statement of District goals and objectives and establishment of criteria to determine District progress;
8. Evaluation of certified employees;
9. Selection of textbooks and instructional materials;
10. Expenditure and accounting for school funds, including all special funds; and
11. Policies dealing with school-based decision making.<sup>1</sup>

#### **INTENTION**

It is intended that these policies shall cover matters within the authority and discretion of the Board and not matters otherwise required by law or regulation.<sup>1</sup>

#### **UPDATING**

Such policies shall be kept up-to-date by filing annual amendments thereto by August 15 and shall be public records.<sup>1</sup>

#### **DISSEMINATION OF POLICY**

The Superintendent shall develop and implement a system whereby each employee or students shall have access to Board policies

All Board policies shall be posted on the District website or at [ksba.org](http://ksba.org) making them accessible to all District personnel and to the public at large.

**School Board Policies**

**MAINTENANCE OF POLICY MANUALS**

The official policy manual shall be housed in the Central Office, and kept current through a system developed and implemented by the Superintendent.

**POLICIES ARE BINDING**

All policies of the Board are binding on employees of the District, schools, students, and on the Board itself.<sup>2</sup> [Employees and students who fail to comply with Board policies may be subject to disciplinary action.](#)

Exception: In the areas specified by KRS 160.345, councils may adopt school policies that differ from Board policy.

**REFERENCES:**

<sup>1</sup>KRS 160.340

<sup>2</sup>KRS 160.290

KRS 160.345

**RELATED POLICIES:**

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01.6

01.61

LEGAL: THE 2010 GENERAL ASSEMBLY AMENDED KRS 156.557 TO CLARIFY WHAT SUPERINTENDENT EVALUATION ACTIVITIES MAY TAKE PLACE IN CLOSED SESSION. IF THE EVALUATION IS MADE IN WRITING, IT MUST BE MADE AVAILABLE TO THE PUBLIC ON REQUEST. KDE MUST NOW APPROVE THE BOARD'S POLICY AND PROCEDURE FOR EVALUATING THE SUPERINTENDENT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.14

## **Evaluation**

### **DEVELOPMENT AND APPROVAL**

The Board and Superintendent shall develop procedures and forms for the evaluation of the Superintendent in compliance with applicable statutes and regulations. This policy and related procedures must be approved by the Kentucky Department of Education.

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### **FREQUENCY OF EVALUATION**

The Superintendent shall be evaluated annually in writing by the Board, and the summative evaluation shall be made available to the public on request. The evaluation criteria and evaluation process to be used shall be explained to and discussed with the Superintendent no later than the end of the first month of reporting for employment for each fiscal year.

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### **PROCESS**

Any preliminary discussions relating to the evaluation of the Superintendent by the Board or between the Board and the Superintendent prior to the summative evaluation shall be conducted in closed session.

The summative evaluation of the Superintendent shall be discussed and adopted in an open meeting of the Board and reflected in the minutes.

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### **REFERENCES:**

KRS 156.557  
704 KAR 3:345

### **RELATED POLICY:**

03.18

LEGAL: 702 KAR 3:246 IS IN THE PROCESS OF BEING REVISED TO REQUIRE THE DISTRICT TO PROVIDE COUNCILS TWO (2) ALLOCATION NOTICES: A TENTATIVE ALLOCATION NOTICE BY MARCH 1 AND A FINAL ALLOCATION NOTICE BY MAY 1.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.4242

### **School Budget and Purchasing**

#### **BOARD ALLOCATIONS**

The Board shall appropriate to each school an amount of funds equal to or greater than that specified in 702 KAR 3:246 to purchase instructional materials, supplies, and equipment. School councils shall be provided notice of allocations for the next budget year in accordance with the timelines required by regulation.

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

The Board shall allocate Section 7 funds according to the options provided in 702 KAR 3:246. Notice of the Section 7 allocation shall be provided in accordance with that regulation.

#### **SCHOOL RESPONSIBILITY**

The school shall, in expending appropriated funds, comply with all state and Board budgeting, purchasing and reporting laws, regulations, policies, procedures, and *Accounting Procedures for Kentucky School Activity Funds* published by the Kentucky Department of Education. Board purchasing procedures shall be followed in the expenditure of these funds. Expenditure of these funds shall be accomplished only by completing a Central Office purchase order.

The appropriation for instructional materials, supplies, and equipment is the total financial resource available to that school from the Board in those categories of purchase for the fiscal year. The school shall not expend or commit to expend any Board funds in excess of funds appropriated. Should this occur, the employee(s) responsible shall be subject to appropriate disciplinary action, and the Superintendent may require the school/council to present, for Board approval, a plan to reimburse the District for the amount spent in excess of the allocation.

The formula for school council budgets will include sixty-five percent (65%) of the District's per-pupil allocation for professional development for each student in average daily attendance in the school.

#### **BOARD APPROPRIATION**

The council shall determine, within available resources, the instructional resources, travel, equipment, and student support services to be provided in the school.

#### **PURCHASING**

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

#### **SUPERINTENDENT'S RESPONSIBILITY**

The Superintendent and/or the Superintendent's designee shall prepare and send reports of allocations and appropriations to the school in a timely manner.

**School Budget and Purchasing****EXPENDITURE OF FUNDS**

In schools where SBDM has been implemented, the school council shall determine the expenditure of funds appropriated for purchasing instructional materials, supplies, and equipment. In schools not operating under SBDM, the Principal of the school shall determine the expenditure of these funds in consultation with the instructional committee of the school.

**CASH FLOW**

Release of funds to school councils shall be in accordance with the Board's receipt of major sources of revenue.

**REFERENCES:**

KRS 160.345  
702 KAR 3:246; 704 KAR 3:510  
OAG 91-10; OAG 91-206; OAG 92-59  
SBDM School Budget

**RELATED POLICY:**

04.1

LEGAL: 702 KAR 3:246 IS IN THE PROCESS OF BEING REVISED TO REQUIRE THE DISTRICT TO PROVIDE COUNCILS TWO (2) ALLOCATION NOTICES: A TENTATIVE ALLOCATION NOTICE BY MARCH 1 AND A FINAL ALLOCATION NOTICE BY MAY 1.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

ADMINISTRATION

02.4331

### School Staffing

#### BOARD ALLOCATION NOTICES

In accordance with 702 KAR 3:246, the Board shall provide each council with both a tentative and a final allocation for school staffing for the next fiscal year. The notifications shall include the Board-approved guidelines used in determining the allocations and the formulas utilized in calculating numbers of positions. Allocations, at a minimum, shall budget funds sufficient for the council to meet the following staffing needs of the school:

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A. Certified Staff:

1. Statutory class size caps based on projected student enrollment to the nearest one-tenth position minus all state enrollment deductions; and
2. Pupil contact hours as required by law; and
3. All other certified staff positions generated by District guidelines approved annually by the Board, excluding fringe benefits, categorical programs, exceptional children services, itinerant, extra duty and extended employment positions and positions allocated that are not required by statutory cap size requirements.

B. Classified Staff:

1. All school-based positions approved annually by the Board in non-categorical programs.

C. All Positions

1. To provide salaries including adjustments for any salary changes made by the Board; and
2. To budget for vacant positions at 95% of the average District salary for the job classification

Any revisions made to the District's policy/guidelines (whichever contains specific formula information) for the next school year shall be forwarded to the appropriate KDE department by May 1 of each year.

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#### COUNCIL AUTHORITY

After receiving notification of the final financial allocation for the school from the Board, the council shall determine, within the funds allocated, the number of persons to be employed at the school in each school level job classification. The council shall not have the authority to recommend transfers or dismissals. The council shall not alter the staffing of District programs based at the school.

For existing school level vacancies, the council may choose to reassign funds from one Board approved school level job to another.

**School Staffing****COUNCIL TO REPORT**

By the date specified by the Superintendent/designee, the council shall report to the Board the number of persons to be employed at the school in each job classification.

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**ADJUSTMENTS**

Adjustments to the final staffing allocation may be made due to increases in salary schedules, salary adjustments or changes in enrollment. However, any such adjustments shall be made by September 15 and the council notified if the adjustment represents a change.

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**IMPACT ON DISTRICT BUDGET**

The funding allocation to a school in future District budgets shall not be altered by council action.

In assigning funding of vacant positions to alternate Board approved job classifications, a council may choose to spend more than the amount allocated by the Board and provide the difference from discretionary council funds. However, the Board shall not be obligated to increase allocations in future District budgets to cover this increased expenditure.

**REFERENCES:**

KRS 157.360; KRS 160.345  
702 KAR 3:246  
OAG 96-38

**RELATED POLICIES:**

02.4242; 02.4244  
03.11; 03.21  
04.1

LEGAL: THE CHANGE TO THE PROBATIONARY EMPLOYMENT SECTION CLARIFIES THAT AUTOMATIC TERMINATION OF PROBATIONARY EMPLOYMENT APPLIES ONLY IN THE CASE OF FELONY SEX OR VIOLENT OFFENDER CRIMES.  
RECOMMENDED: LAW DOES NOT REQUIRE THAT ALL SUBSTITUTE TEACHERS BE GIVEN CONTRACTS.  
THIS CHANGE IS NOT REQUIRED BY LAW.  
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 notify the Chief State School Officer thirty (30) days before the position is to be filled.

When a vacancy needs to be filled in less than thirty (30) days to prevent disruption of necessary instructional or support services of the school District, the Superintendent may seek a waiver of the thirty (30)-day advance notice requirement from the Chief State School Officer. If the waiver is approved, the appointment shall not be made until the person selected by the Superintendent has been approved by the Chief State School Officer.

##### **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 KTRS shall be in compliance with applicable legal requirements.<sup>2</sup>

All teachers of core academic subjects shall be "highly qualified," as defined by state and federal regulation.<sup>3</sup>

In filling positions, the District shall consider only those applicants who have not been terminated or nonrenewed for cause or removed from a position for cause as an employee of the District.

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

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

## **Hiring**

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

As permitted by KRS 160.380, 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. 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.

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Each application or renewal form provided applicants 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 AS A CONDITION OF EMPLOYMENT".<sup>1</sup>

### **JOB REGISTER**

The Superintendent or the Superintendent's designee shall maintain in the Central Office through PATS 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 through PATS in the Central Office for public viewing and shall refer interested persons to the Central Office 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.

### **REVIEW OF APPLICATIONS**

Under procedures developed by the Superintendent, each application shall be reviewed and each applicant so notified upon initial application. Applications shall be retained for three (3) years and shall remain active for one (1) year.

### **RELATIONSHIPS**

The Superintendent shall not employ a relative of a member of the Board unless the relative was initially employed by the District prior to the tenure of the Board member and the member was seated on the Board prior to July 13, 1990.

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

### **CONTRACT**

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

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### **JOB DESCRIPTION**

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

**Hiring**

**INTENT**

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

**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. 107-110 (No Child Left Behind Act of 2001)

34 CFR 200.58-200.59

KRS 17.160, KRS 17.165; KRS 160.345; KRS 160.390

KRS 335B.020; KRS 405.435

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; 785 KAR 1:110

Records Retention/Public School District Schedule

**RELATED POLICIES:**

01.11; 02.4244; 03.132

LEGAL: NCLB REQUIRES THAT PARENTS BE NOTIFIED ANNUALLY OF THEIR RIGHT TO REQUEST INFORMATION ABOUT PROFESSIONAL QUALIFICATIONS OF THEIR CHILD'S TEACHERS.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## PERSONNEL

03.112

### - CERTIFIED PERSONNEL -

#### Certification and Records

##### CERTIFICATION

The Board shall set certification requirements for teachers of all grades/courses, including elective courses, in compliance with applicable legal requirements.

All persons appointed to positions requiring Kentucky certification shall present to the Superintendent an official copy of the required certificate prior to assuming the duties of the position.

It shall be the responsibility of the employee to see that the required certification is on file in the Superintendent's Office and is kept current at all times.

##### NOTICE TO PARENTS OF TEACHER'S QUALIFICATIONS/CERTIFICATION

Districts shall notify parents annually that they may request the District to provide information regarding the professional qualifications of their child's classroom teachers. In complying with such requests, the District shall provide the information designated by federal law.

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Schools receiving Title I funds shall notify parents when their child has been assigned to, or has been taught for four (4) or more consecutive weeks by, a teacher who is not "highly qualified," as defined by state and federal regulation.

##### CERTIFICATION FOR TEACHING ELECTIVE COURSES

The Principal/designee shall forward to the Superintendent the course description for proposed new or revised elective courses, with the "Application for Elective Certification Determination" form. The Superintendent shall present this information, along with a recommendation for certification requirements, to the Board for its approval.

In determining certification requirements for elective courses, the Board shall observe the following standards:

1. A teacher's preparation program should align with the basic structure of the elective course.
2. Teachers of interdisciplinary electives should be certified in at least one (1) of the disciplines included in the course.

##### REFERENCES:

KRS 161.020; KRS 160.350; KRS 161.048  
KRS 161.730; KRS 161.740; KRS 161.750  
KRS 161.760; KRS 161.780; KRS 161.790  
KRS 161.800; KRS 161.810  
16 KAR 1:030  
P. L. 107-110 (No Child Left Behind Act of 2001)  
34 CFR 200.61

PERSONNEL

03.112  
(CONTINUED)

**Certification and Records**

**RELATED POLICIES:**

02.4241

03.11

03.5

LEGAL: TITLE II OF THE GENETIC INFORMATION NONDISCRIMINATION ACT BECAME EFFECTIVE NOVEMBER 21, 2009. TITLE II OF THAT ACT PROHIBITS EMPLOYMENT DISCRIMINATION BASED ON GENETIC INFORMATION.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.113

- CERTIFIED PERSONNEL -

### **Equal Employment Opportunity**

#### **NONDISCRIMINATION**

The Superintendent shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, color, religion, sex, genetic information, national or ethnic origin, political affiliation, marital status, age or disabling condition.<sup>1</sup>

#### **INDIVIDUALS WITH DISABILITIES**

No qualified person with a disability, as defined by law, shall, on the basis of the disability, be subject to discrimination in employment.<sup>2</sup>

District employment practices shall be in accordance with procedures addressing requirements of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

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

#### **REASONABLE ACCOMMODATION**

Employees who have a long-term or permanent disability may request the District supervisor to provide reasonable accommodations necessary for them to perform the essential duties of the position. If assistive technology is deemed necessary for an employee, every effort will be made to obtain that technology in a timely fashion.

Reasonable accommodation shall be provided as required by law.

#### **ADVISING EMPLOYEES**

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

#### **REFERENCES:**

<sup>1</sup>KRS 161.164

<sup>2</sup>29 U.S.C.A. 794

KRS 207.135

34 C.F.R. 104.3 - 104.14

42 U.S.C. 200e, Civil Rights Act of 1964, Title VII; KRS Chapter 344

Americans with Disabilities Act of 1990

Kentucky Education Technology System (KETS)

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

Genetic Information Nondiscrimination Act of 2008

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PERSONNEL

03.113  
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**Equal Employment Opportunity**

**RELATED POLICIES:**

03.133, 05.11

PERSONNEL

03.12322

- CERTIFIED PERSONNEL -

### **Family and Medical Leave**

#### **REASONS**

In compliance with the Family and Medical Leave Act of 1993 and under procedures developed by the Superintendent, leave shall be granted to eligible employees for the following reasons:

1. For the birth and care of an employee's newborn child , or for placement of a child with the employee for adoption or foster care;
2. To care for the employee's spouse, child, or parent who has a serious health condition, as defined by federal law;
3. For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the employee's job;
4. To address a qualifying exigency (need) defined by federal regulation arising out of the active duty or call to active duty of a covered family member (spouse, son, daughter, parent or next of kin) who serves in a reserve component or as an active or retired member of the regular Armed Forces or Reserve in support of a contingency operation; and
5. To care for a covered family member (spouse, son, daughter, parent or next of kin) who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces that has rendered or may render the family member medically unfit to perform duties of his/her office, grade, rank or rating.

#### **NOTICES AND DEADLINES**

- a. Employees who may be eligible for or who request leave for any of the above reasons shall be provided an FMLA notice of eligibility and rights and responsibilities. Requests for family and medical leave should be made in writing but verbal requests may be made to the immediate supervisor or other designated administrator who shall then document the request. The District may require that a request for leave be supported by a certification for health care or military-related situations as permitted by federal law, but such requirements must be set out in the required notice.

*Deadline for Notice to be Provided:* Absent extenuating circumstances, within five (5) business days of District receipt of a request or the District being made aware of a potentially qualifying reason.

- b. The District shall designate an employee's leave, paid or unpaid, as FMLA-qualifying and shall provide a designation notice indicating whether the request is approved or if additional information is needed. Leave may be delayed if the employee does not provide proper notice (30 days advance notice for a foreseeable leave; otherwise, notice as soon as the need becomes known).

*Deadline for Notice to be Provided:* Absent extenuating circumstances, within five (5) business days of learning that an FMLA reason supports the leave.

**Family and Medical Leave****ELIGIBILITY**

Employees are eligible for up to twelve (12) workweeks of family and medical leave each school year, if they have been employed by the District for twelve (12) months, have worked at least 1,250 hours during the twelve (12) months preceding the start of the leave, and otherwise qualify for family and medical leave. When family and medical leave is taken to care for a service member's recovery from a serious illness or injury sustained in the line of duty, an eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve-month period. This provision also applies to covered service members/veterans that have been on active duty within the past five (5) years.

Full-time teachers are presumed to have worked at least 1,250 hours during a school year. In determining whether returning veterans meet the minimum 1,250 hour standard, hours actually worked for the District during the twelve-month period are to be combined with hours they would have worked for the District had they not been called for military service.

In situations involving both the Americans with Disabilities Act (ADA) and FMLA, the District shall apply the law affording the employee the greater benefit.

**RESTRICTIONS**

When an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with the twelve (12) workweek entitlement.

Paid leave used by the employee as required under this policy shall count, as applicable, against the twelve (12) or twenty-six (26) FMLA workweek entitlement.

Entitlement to family and medical leave for the birth and care of a newborn child or placement of a child shall expire twelve (12) months after the date of such birth or placement.

When both husband and wife are employed by the District, the combined amount of family and medical leave for reasons other than personal illness or illness of a child shall be limited to twelve (12) workweeks. In cases of personal illness or illness of a child, each spouse is entitled to twelve (12) workweeks of family and medical leave.

EXCEPTION: The limit on the combined amount of family and medical leave shall be twenty-six (26) workweeks when both an eligible husband and wife are employed by the District and are eligible for leave that involves a covered Armed Forces service member.

Unused family and medical leave shall not accumulate from year to year.

**INTERMITTENT LEAVE/REDUCED HOURS**

Family and medical leave may be taken intermittently (when medically necessary) or on a reduced-hours basis.

**CONTINUATION OF BENEFITS**

While on family and medical leave, employees shall be entitled to all employment benefits accrued prior to the date on which the leave commenced. Health insurance for an employee on family and medical leave shall continue to be provided by the state on the same basis had the employee not taken leave. Other employment benefits and seniority shall not accrue during unpaid family and medical leave.

**Family and Medical Leave**

**RETURN TO WORK**

Upon return to work, the employee shall be entitled to his/her same position or an equivalent position with equivalent pay with corresponding benefits and other terms and conditions of employment.

**NOTICE**

The District shall notify employees of family and medical leave provisions by posting appropriate notices in conspicuous places in the Central Office and each worksite and distributing notices as required by law.

**REFERENCES:**

Family and Medical Leave Act of 1993, 29 U.S.C. 2601-2654  
Title I of the FMLA, as amended by the National Defense Authorization Act  
Code of Federal Regulations, Title 29, Part 825

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**RELATED POLICIES:**

03.123, 03.1232, 03.1233, 03.1234, 03.1238, 03.124

RECOMMENDED: THESE PROPOSED CHANGES CLARIFY THE INTENT OF KRS 161.770 TO ALLOW LEAVE OF ABSENCE FOR THE REMAINDER OF THE SCHOOL YEAR IN WHICH THE CHILD IS BORN OR ADOPTED AND TO CLARIFY FMLA PROVISIONS REGARDING BIRTH, ADOPTION OR FOSTER PLACEMENT OF CHILDREN.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.1233

- CERTIFIED PERSONNEL -

### **Maternity Leave**

#### **PAID SICK LEAVE**

Childbirth and recovery therefrom, which prevent the employee from performing assigned duties, shall entitle the employee to sick leave benefits as provided in Board Policy 03.1232.

An illness of the newborn shall entitle the employee to sick leave benefits as provided in Board Policy 03.1232.

An employee may use up to thirty (30) days of sick leave within the first six (6) weeks immediately following the birth or adoption of a child or children. Additional sick leave days may be used when the need is verified by a physician's statement.

#### **UNPAID MATERNITY LEAVE (KRS 161.770)**

On written request, the parent of a newborn or the employee who adopts a child or children shall be granted unpaid leave of absence not to exceed the remainder of the school year in which the birth or placement occurred. Thereafter, tenured employees may request that leave be extended in increments of no more than one (1) year. Absence for maternity leave for one (1) full school year will not be granted for nontenured certified employees.

Employees on maternity leave shall notify the Superintendent in writing of their intent to return to the school system on or before the date prescribed in Policy 03.123. Employees who fail to notify the Superintendent of their return by the date prescribed in Policy 03.123 cannot be guaranteed employment for the following school year.

#### **RETURN FROM LEAVE**

Tenured employees taking a maternity leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position or the same school cannot be guaranteed.

Nontenured certified employees will only be granted maternity leave of less than one (1) full school year. These employees will return to the position for which they were employed.

#### **FMLA**

In compliance with the Family and Medical Leave Act of 1993, eligible employees are entitled up to twelve (12) workweeks for unpaid leave to care for the employee's child after birth or placement of a child with the employee for adoption or foster care. Leave to care for an employee's healthy newborn baby or minor child who is adopted or accepted for foster care must be taken within twelve (12) months of the birth or placement of the child.

**Deleted:** An employee may use up to thirty (30) days of paid sick leave within the first six (6) weeks immediately following the birth or adoption of a child or children. Additional paid sick leave days may be taken when the need is verified by a physician's statement.

PERSONNEL

03.1233  
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**Parental Leave**

**REFERENCES:**

KRS 161.155; KRS 161.770  
OAG 80-151; OAG 84-43 OAG 86-66  
Family and Medical Leave Act of 1993

**RELATED POLICIES:**

03.123; 03.1232; 03.12322

LEGAL: THE FEDERAL ASBESTOS HAZARD EMERGENCY RESPONSE ACT (AHERA) REQUIRES SCHOOL DISTRICTS TO INSPECT BOARD OWNED BUILDINGS FOR ASBESTOS-CONTAINING BUILDING MATERIALS; DEVELOP, MAINTAIN, AND UPDATE AN ASBESTOS MANAGEMENT PLAN; AND ANNUALLY NOTIFY CERTAIN PARTIES OF THE PLAN. A LINK TO A MODEL NOTICE IS AVAILABLE AT [HTTP://WWW.EPA.GOV/REGION2/AHERA/NOTIFORM.HTM](http://www.epa.gov/region2/ahera/notiform.htm).  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.14

- CERTIFIED PERSONNEL -

### **Health and Safety**

#### **SAFETY**

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

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

**Deleted:** including, but not limited to, those addressing hazard communication, bloodborne pathogens, lockout/tagout issues, and personal protective equipment (PPE)

#### **HAZARD COMMUNICATION PLAN**

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

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

#### **BLOODBORNE PATHOGEN CONTROL**

The Superintendent/designee shall develop an Exposure Control Plan to eliminate or minimize district occupational exposure to bloodborne pathogens. A copy of the Exposure Control Plan can be found in the District's administrative regulation manual. The Superintendent or designee shall review and update the Exposure Control Plan at least once each year and when needed to reflect new or modified tasks and procedures that affect occupational exposure or new or revised employee positions with occupational exposure. The review and update shall also address:

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

**Health and Safety****CLEANUP PROCEDURES**

The Superintendent shall develop procedures to ensure adequate and proper cleanup details and measures to aid in the prevention of infection and communicability of contagious diseases.

**LOCKOUT/TAGOUT**

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

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

**PERSONAL PROTECTIVE EQUIPMENT (PPE)**

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

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

**Health and Safety****ASBESTOS MANAGEMENT**

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

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**COMPENSATION**

Employees may be compensated for work-related injuries under Workers' Compensation insurance provided by the Board.

**REFERENCES:**

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

Kentucky Department for Public Health

Centers for Disease Control and Prevention

Kentucky Labor Cabinet, 803 KAR 2:308, 803 KAR 2:404, 803 KAR 2:500

OSHA 29 CFR 1910

132 PPE Hazard Assessment

1200 Hazard Communication

District Exposure Control Plan

**RELATED POLICY:**

03.124

LEGAL: TITLE II OF THE GENETIC INFORMATION NONDISCRIMINATION ACT BECAME EFFECTIVE NOVEMBER 21, 2009. THAT ACT RESTRICTS DISTRICT ACQUISITION OF GENETIC INFORMATION FROM APPLICANTS AND EMPLOYEES AND STRICTLY LIMITS DISCLOSURE OF THAT INFORMATION ONCE OBTAINED.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT (03/11/10)

PERSONNEL

03.15

- CERTIFIED PERSONNEL -

### Personnel Records

Only one (1) official personnel file, including information maintained in electronic format, shall be maintained for each employee. This file shall be maintained in Human Resources and shall be under the custody of the Superintendent. This file may be inspected by the employee in the presence of a Human Resources employee.<sup>1</sup> The employee shall have the right to make photocopies of any material in the file at the employee's expense and in the presence of a Human Resources employee.

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The Principal/supervisor may maintain a personnel folder for each person under his/her supervision. These folders may contain:

1. Items used as reference and not forwarded to the master personnel file in the Central Office,
2. The employee's evaluation and other school-related correspondence to or from the employee, and
3. Other informational items that may or may not be maintained in the Central Office master personnel file.

### **PUBLIC INSPECTION**

Those portions of personnel records containing material of a personal nature, the disclosure of which would constitute an invasion of privacy, are not open for public inspection.<sup>2</sup>

### **NATURE**

No material concerning a person's conduct, service, character, or personality shall be placed in the file unless approved by the Superintendent and the employee has been furnished a copy of same.

### **MEDICAL INFORMATION**

Medical information shall be maintained separately from an employee's personnel file.

District acquisition and disclosure of applicant and employee genetic information shall comply with applicable legal requirements.<sup>4</sup>

**Personnel Records**

**REFERENCES:**

<sup>1</sup>KRS 61.884

<sup>2</sup>KRS 61.876

<sup>3</sup>KRS 61.878<sup>4</sup>Genetic Information Nondiscrimination Act of 2008

KRS 161.151; KRS 61.870, KRS 61.872, KRS 61.874

704 KAR 3:345

OAG 77-394, OAG 85-109, OAG 86-15, OAG 89-90, OAG 91-161, OAG 91-176

Kentucky Education Technology System (KETS)

Records Retention/Public School District Schedule

Americans with Disabilities Act of 1990 (P.L. 101-336), 42 U.S.C. 12112

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**RELATED POLICIES:**

03.111, 03.18, 10.11

LEGAL: ON NOVEMBER 21, 2009, THE GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008 (GINA) TOOK EFFECT. GINA PROHIBITS DISCRIMINATION BY EMPLOYERS BASED ON GENETIC INFORMATION ABOUT AN INDIVIDUAL. IN ADDITION, THE DISTRICT MUST INVESTIGATE ALL REPORTS OF HARASSMENT/DISCRIMINATION, WHETHER THEY ARE MADE IN WRITING OR VERBALLY.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT (03/12/10)

03.162

PERSONNEL

- CERTIFIED PERSONNEL -

### Harassment/Discrimination

#### DEFINITION

Harassment/Discrimination of employees is unlawful behavior based on the race, color, national origin, age, religion, sex, genetic information or disability of an employee involving intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred or prejudice.

#### PROHIBITIONS

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

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

b.

**Deleted: Nondiscrimination and Antiharassment**

#### **Deleted: PURPOSE¶**

The Hardin County School System is committed to the principles of equal education opportunity for its students and employees and the Board of Education of Hardin County directs that all educational programs and/or opportunities be provided for all students and employees regardless of race, color, national origin, age, religion, sex, or disability.¶

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<#>No student or employee shall be subjected to discrimination in the Hardin County School System while on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)¶<#>Harassment shall be defined as follows:¶

<#>Harassment is intimidation by threats of physical violence or actual physical conduct on the basis of any of the areas mentioned above.¶

Harassment is the creation, by whatever means, of a climate of hostility or intimidation on the basis of any of the areas mentioned above.

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**Deleted:** Harassment may be the use of any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy. Prohibited language or conduct is that, when addressed directly to a student or employee, amounts to "fighting words or conduct." That is, the language or conduct is such as to be commonly understood to convey hatred or prejudice against an individual.

**HARASSMENT/DISCRIMINATION, DISCIPLINARY ACTION**

Persons engaging in discrimination or harassment of a student or employee in the Hardin County School System on the basis of any of the areas mentioned above shall be subject to disciplinary action including, but not limited to, termination of employment.

**Deleted:** ~~Nondiscrimination and Antiharassment~~

**GUIDELINES**

Employees who believe they have been a victim of an act of harassment/discrimination or who have observed incidents involving students or other employees that they believe to be an act of harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. If an employee is not assigned to a particular school, a report of harassment/discrimination may be made to the employee's immediate supervisor or to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report. Without a report being made to the Principal, Superintendent or Title IX/Equity Coordinator, the District shall not be deemed to have received a complaint of harassment/discrimination.

**Deleted:** under the Student Code of Conduct, if committed by a student, and as permitted under statutory law or policy of the Board of Education of Hardin County if committed by an employee of, or visitor to, the school system.

**Deleted:** Failure by a Principal and/or the Superintendent to report, notify, and/or initiate an investigation of alleged discrimination or harassment as required by this policy or to take corrective action shall be the subject of disciplinary action.

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The Superintendent shall provide for the following:

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

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

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

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HARASSMENT/DISCRIMINATION GUIDELINES (CONTINUED)

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

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

**Deleted: Nondiscrimination and Antiharassment¶**

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PROHIBITED CONDUCT

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

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

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DESTROYING OR DAMAGING AN INDIVIDUAL'S PROPERTY BASED ON ANY OF THE PROTECTED CATEGORIES.

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**REPORTING REQUIREMENTS¶**  
 Any student or employee who believes s/he has been subjected to discrimination or harassment is encouraged to report such discrimination or harassment. ¶  
 Students may report to a person of the same sex. The Principal, Assistant Principal, or Counselor at the school level is designated to receive reports of discrimination or harassment. These staff members shall provide a form for the student to complete and then shall immediately notify the Superintendent and/or Title IX/Equity Coordinator, as appropriate. ¶  
 Any person, whether a student or employee of the Hardin County School System, who is aware of discrimination or harassment of a student or employee shall report such discrimination or harassment. ¶  
 Employees may report to a person of the same sex. The Principal/supervisor, Associate Superintendent, or Superintendent is designated to receive reports of discrimination or harassment. The administrators shall provide a form for the employees to complete and then shall immediately notify the Superintendent and/or Title IX/Equity Coordinator, as appropriate. ¶

**HARASSMENT/DISCRIMINATION, CONFIDENTIALITY**

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

**Deleted: Nondiscrimination and Antiharassment**

**APPEAL**

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

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

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

**Deleted: GRIEVANCE GUIDELINES**  
Any student, parent of a student, or any employee may express by a written grievance alleged discrimination or harassment.  
District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.  
The following order of consideration should be followed:  
<#>From student or parents or employee to Principal,  
<#>From Principal to Superintendent,  
<#>From Superintendent to Board.  
The Superintendent shall provide for the prompt investigation of and the expeditious correction of grievances alleging discrimination or harassment of a student or employee on the basis of any of the areas mentioned above.

**NONRETALIATION**

No one shall retaliate against any person because s/he has filed a written grievance, assisted or participated in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

**Deleted:** discrimination or harassment based on any of the areas mentioned above,

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

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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, 03.113, 03.1325 and/or 09.422.

PERSONNEL

03.162  
(CONTINUED)

**HARASSMENT/DISCRIMINATION REFERENCES:**

42 USC 2000e, Civil Rights Act of 1964, Title VII; KRS Chapter 344  
29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations  
Implementing Title VII  
20 U.S.C. 1681, Education Amendments of 1972, Title IX  
34 C.F. R. 106.1-106.71, U.S. Department of Education Office for Civil Rights Regulations  
Implementing Title IX  
Genetic Information Nondiscrimination Act of 2008  
KRS 161.164

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Antiharassment~~

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**RELATED POLICIES:**

03.113, 03.1325, 03.16, 09.422, 09.42811

LEGAL: THE 2010 GENERAL ASSEMBLY AMENDED KRS 161.155 TO CLARIFY THAT RETIRING EMPLOYEES ARE ELIGIBLE FOR PAYMENT FOR UNUSED SICK LEAVE DAYS ONLY AT TIME OF INITIAL RETIREMENT.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED.

DRAFT (03/11/10)

PERSONNEL

03.175

-CERTIFIED PERSONNEL-

### **Retirement**

#### **DEFINITION**

Retirement means retirement as determined by Kentucky Teachers' Retirement System guidelines. A written notice of retirement shall also constitute a notice of resignation from employment.

#### **NOTICE**

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

#### **ELIGIBILITY**

All certified teachers meeting the eligibility requirements of the Kentucky Teachers' Retirement System are required to join the Kentucky Teachers' Retirement System.

#### **RESPONSIBILITY**

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

#### **UNUSED SICK DAYS**

The Board shall compensate certified employees only upon initial retirement, or their estate, for each unused sick day at the rate of 30% of the daily salary. This calculation is based on the employee's last annual salary.<sup>1</sup> Employees must meet minimum retirement provisions of the retirement system of which they are a member in order to be reimbursed. The District shall provide compensation for unused sick leave days when the employee provides proof s/he qualifies as an annuitant who will receive a retirement or disability allowance from the Kentucky Teachers' Retirement System. Upon death of an employee in active contributing status who was eligible to retire by reason of service, the District shall compensate the estate of the employee.

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#### **UNUSED ANNUAL LEAVE DAYS**

The Board shall compensate certified employees at the time of retirement for up to forty (40) unused annual leave days. This calculation will be based on the employee's daily rate.

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#### **ESCROW ACCOUNT**

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

Retirement

**REFERENCES:**

<sup>1</sup>KRS 161.155  
KRS 157.420; KRS 161.220  
KRS 161.540; KRS 161.545; KRS 161.555  
KRS 161.560; KRS 161.600  
OAG 81-1, OAG 83-191, OAG 97-28; 29 U.S.C. 631

**RELATED POLICIES:**

03.122, 03.1232

LEGAL: THE CHANGE TO THE PROBATIONARY EMPLOYMENT SECTION CLARIFIES THAT AUTOMATIC TERMINATION OF PROBATIONARY EMPLOYMENT APPLIES ONLY IN THE CASE OF FELONY SEX OR VIOLENT OFFENDER CRIMES.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT (03/11/10)

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.

In filling positions, the District shall consider only those applicants who have not been terminated or nonrenewed for cause or removed from a position for cause as an employee of the District.

#### **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 GED certificate. 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</sup> & <sup>2</sup>

Each application or renewal form provided applicants for a classified position shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A STATE HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT. UNDER CERTAIN CIRCUMSTANCES, A NATIONAL CRIMINAL HISTORY BACKGROUND CHECK MAY BE REQUIRED AS A CONDITION OF EMPLOYMENT."<sup>1</sup>

As permitted by KRS 160.380, 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. 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.

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## **Hiring**

### **JOB REGISTER**

The Superintendent or the Superintendent's designee shall maintain in the Central Office through PATS, 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.

### **JOB VACANCY POSTING**

When a vacancy occurs in an approved position, the Principal or supervisor will notify [Human Resources](#) to open the position for posting through PATS. Letters of resignation should be forwarded to [Human Resources](#) before a position is opened for posting.

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### **VACANCIES POSTED**

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted through PATS in the Central Office and in each school building on a timely basis and shall refer interested persons to the Central Office job register for additional information. 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 shall be retained for three (3) years and shall remain active for one (1) year.

### **EMPLOYMENT DECISIONS**

Employees shall not comment on employment decisions except to name the successful candidate. The Principal shall also notify all candidates who were interviewed but not selected for a position.

### **RECOMMENDATION TO HIRE**

The Principal shall recommend the applicant through PATS to [Human Resources](#). No employee shall report to work until the hiring process is completed in [Human Resources](#).

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### **RELATIONSHIPS**

The Superintendent shall not employ a relative of a member of the Board unless the relative was initially employed by the District prior to the tenure of the Board member and the member was seated on the Board prior to July 13, 1990.

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

### **CONTRACT**

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

**Hiring****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 OF EMPLOYMENT**

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

**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. 107-110 (No Child Left Behind Act of 2001)

34 CFR 200.58-200.59

KRS 17.160, KRS 17.165; KRS 156.070

KRS 160.345; KRS 160.390; KRS 335B.020; KRS 405.435

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; 785 KAR 1:110

Records Retention/Public School District Schedule

**RELATED POLICIES:**

01.11, 02.4244, 03.232, 03.5, 06.221

LEGAL: TITLE II OF THE GENETIC INFORMATION NONDISCRIMINATION ACT BECAME EFFECTIVE NOVEMBER 21, 2009. TITLE II OF THAT ACT PROHIBITS EMPLOYMENT DISCRIMINATION BASED ON GENETIC INFORMATION.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.212

- CLASSIFIED PERSONNEL -

### **Equal Employment Opportunity**

#### **NONDISCRIMINATION**

The Superintendent shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, color, religion, sex, genetic information, national or ethnic origin, political affiliation, marital status, age, or disabling condition<sup>1</sup>.

#### **INDIVIDUALS WITH DISABILITIES**

No qualified person with a disability, as defined by law, shall, on the basis of the disability, be subject to discrimination in employment.<sup>2</sup>

District employment practices shall be in accordance with the Board-approved procedures addressing requirements of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

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

#### **REASONABLE ACCOMMODATION**

Employees who have a long-term or permanent disability may request the District supervisor to provide reasonable accommodations necessary for them to perform the essential duties of the position. If assistive technology is deemed necessary for an employee, every effort will be made to obtain that technology in a timely fashion.

Reasonable accommodation shall be provided as required by law.

#### **ADVISING EMPLOYEES**

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

#### **REFERENCES:**

<sup>1</sup>KRS 161.164

<sup>2</sup>29 U.S.C.A. 794

KRS 207.135

34 C.F.R. 104.3 - 104.14

42 U.S.C. 200e, Civil Rights Act of 1964, Title VII; KRS Chapter 344

Americans with Disabilities Act of 1990 (ADA)

Kentucky Education Technology System (KETS)

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

Genetic Information Nondiscrimination Act of 2008

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PERSONNEL

03.212  
(CONTINUED)

**Equal Employment Opportunity**

**RELATED POLICIES:**

03.233, 05.11

PERSONNEL

03.22322

- CLASSIFIED PERSONNEL -

### **Family and Medical Leave**

#### **REASONS**

In compliance with the Family and Medical Leave Act of 1993 and under procedures developed by the Superintendent, leave shall be granted to eligible employees for the following reasons:

1. For the birth and care of an employee's newborn child, or for placement of a child with the employee for adoption or foster care;
2. To care for the employee's spouse, child or parent who has a serious health condition, as defined by federal law;
3. For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the employee's job;
4. To address a qualifying exigency (need) defined by federal regulation arising out of the active duty or call to active duty of a covered family member (spouse, son, daughter, parent or next of kin) who serves in a reserve component or as an active or retired member of the Regular Armed Forces or Reserve in support of a contingency operation; and
5. To care for a covered family member (spouse, son, daughter, parent or next of kin) who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces that has rendered or may render the family member medically unfit to perform duties of his/her office, grade, rank or rating.

#### **NOTICES AND DEADLINES**

- a. Employees who may be eligible for or who request leave for any of the above reasons shall be provided an FMLA notice of eligibility and rights and responsibilities. Requests for family and medical leave entitlement should be made in writing but verbal requests may be made to the immediate supervisor or other designated administrator who shall then document the request. The District may require that a request for leave be supported by a certification for health care or military-related situations as permitted by federal law, but such requirements must be set out in the required notice.

*Deadline for Notice to be Provided:* Absent extenuating circumstances, within five (5) business days of District receipt of a request or the District being made aware of a potentially qualifying reason.

- b. The District shall designate an employee's leave, paid or unpaid, as FMLA-qualifying and shall provide a designation notice indicating whether the request is approved or if additional information is needed. Leave may be delayed if the employee does not provide proper notice (30 days advance notice for a foreseeable leave; otherwise, notice as soon as the need becomes known).

*Deadline for Notice to be Provided:* Absent extenuating circumstances, within five (5) business days of learning that an FMLA reason supports the leave.

### **Family and Medical Leave**

#### **ELIGIBILITY**

Employees are eligible for up to twelve (12) workweeks of family and medical leave each school year, if they have been employed by the District for twelve (12) months, have worked at least 1,250 hours during the twelve (12) months preceding the start of the leave, and otherwise qualify for family and medical leave. When family and medical leave is taken to care for a service member's recovery from a serious illness or injury sustained in the line of duty, an eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve-month period. This provision also applies to covered service members/veterans that have been on active duty within the past five (5) years.

In determining whether returning veterans meet the minimum 1,250 hour standard, hours actually worked for the District during the twelve-month period are to be combined with hours they would have worked for the District had they not been called for military service.

In situations involving both the Americans with Disabilities Act (ADA) and FMLA, the District shall apply the law affording the employee the greater benefit.

#### **RESTRICTIONS**

When an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with the twelve (12) workweek entitlement.

Paid leave used by the employee as required under this policy shall count, as applicable, against the twelve (12) or twenty-six (26) FMLA workweek entitlement.

Entitlement to family and medical leave for the birth and care of a newborn child or placement of a child shall expire twelve (12) months after the date of such birth or placement.

When both husband and wife are employed by the District, the combined amount of family and medical leave for reasons other than personal illness or illness of a child shall be limited to twelve (12) workweeks. In cases of personal illness or illness of a child, each spouse is entitled to twelve (12) workweeks of family and medical leave.

**EXCEPTION:** The limit on the combined amount of family and medical leave shall be twenty-six (26) workweeks when both an eligible husband and wife are employed by the District and are eligible for leave that involves a covered Armed Forces service member.

Unused family and medical leave shall not accumulate from year to year.

#### **INTERMITTENT LEAVE/REDUCED HOURS**

Family and medical leave may be taken intermittently (when medically necessary) or on a reduced-hours basis.

#### **CONTINUATION OF BENEFITS**

While on family and medical leave, employees shall be entitled to all employment benefits accrued prior to the date on which the leave commenced. Health insurance for an employee on family and medical leave shall continue to be provided by the state on the same basis had the employee not taken leave. Other employment benefits and seniority shall not accrue during unpaid family and medical leave.

**Family and Medical Leave**

**RETURN TO WORK**

Upon return to work, the employee shall be entitled to his/her same position (or an equivalent position with equivalent pay) with corresponding benefits and other terms and conditions of employment.

**NOTICE**

The District shall notify employees of family and medical leave provisions by posting appropriate notices in conspicuous places in the Central Office and each worksite and distributing notices as required by law.

**REFERENCES:**

Family and Medical Leave Act of 1993, 29 U.S.C. 2601-2654  
Title I of the FMLA, as amended by the National Defense Authorization Act  
Code of Federal Regulations, Title 29, Part 825

Deleted: (P. L. 103-3)

**RELATED POLICIES:**

03.223; 03.2232; 03.2233; 03.2234; 03.2238; 03.224

RECOMMENDED: ALTHOUGH KRS 161.770 DOES NOT APPLY TO CLASSIFIED PERSONNEL, THESE PROPOSED CHANGES MIRROR THOSE RECOMMENDED FOR THE CERTIFIED VERSION OF THIS POLICY TO CLARIFY THE INTENT TO ALLOW LEAVE OF ABSENCE FOR THE REMAINDER OF THE SCHOOL YEAR IN WHICH A CHILD IS BORN OR ADOPTED AND TO CLARIFY FMLA PROVISIONS REGARDING BIRTH, ADOPTION OR FOSTER PLACEMENT OF CHILDREN.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.2233

- CLASSIFIED PERSONNEL -

### **Maternity Leave**

#### **PAID SICK LEAVE**

Childbirth and recovery therefrom, which prevent the employee from performing assigned duties, shall entitle the employee to sick leave benefits as provided in Board Policy 03.2232.

An illness of the newborn shall entitle the employee to sick leave benefits as provided in Board Policy 03.2232.

An employee may use up to thirty (30) days of sick leave within the first six (6) weeks immediately following the birth or adoption of a child or children. Additional sick leave days may be used when the need is verified by a physician's statement.

#### **UNPAID MATERNITY LEAVE**

On written request, the parent of a newborn or the employee who adopts a child or children shall be granted unpaid leave of absence not to exceed the remainder of the school year in which the birth or placement occurs.

Employees on maternity leave shall notify the Superintendent in writing of their intent to return to the school system on or before the date prescribed in Policy 03.223.

Employees taking a maternity leave of less than one (1) full school year will be entitled to return to the position for which they were employed.

#### **FMLA**

In compliance with the Family and Medical Leave Act of 1993, eligible employees are entitled to up to twelve (12) workweeks of unpaid leave to care for the employee's child after birth or placement of a child with the employee for adoption or foster care. Leave to care for an employee's healthy newborn baby or minor child who is adopted or accepted for foster care must be taken within twelve (12) months of the birth or placement of the child.

**Deleted:** An employee may use up to thirty (30) days of paid sick leave within the first six (6) weeks immediately following the birth or adoption of a child or children. Additional paid sick leave days may be taken when the need is verified by a physician's statement.

#### **REFERENCE:**

Family & Medical Leave Act of 1993

#### **RELATED POLICIES:**

03.223

03.2232

03.22322

LEGAL: THE FEDERAL ASBESTOS HAZARD EMERGENCY RESPONSE ACT (AHERA) REQUIRES SCHOOL DISTRICTS TO INSPECT BOARD OWNED BUILDINGS FOR ASBESTOS-CONTAINING BUILDING MATERIALS; DEVELOP, MAINTAIN, AND UPDATE AN ASBESTOS MANAGEMENT PLAN; AND ANNUALLY NOTIFY CERTAIN PARTIES OF THE PLAN. A LINK TO A MODEL NOTICE IS AVAILABLE AT [HTTP://WWW.EPA.GOV/REGION2/AHERA/NOTIFORM.HTM](http://www.epa.gov/region2/ahera/notiform.htm).  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## PERSONNEL

03.24

### - CLASSIFIED PERSONNEL -

### Health and Safety

#### SAFETY

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

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

#### HAZARD COMMUNICATION

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

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

#### BLOODBORNE PATHOGEN CONTROL

The Superintendent and/or designee shall develop an Exposure Control Plan to eliminate or minimize District occupational exposure to bloodborne pathogens. A copy of the Exposure Control Plan can be found in the District's administrative regulation manual. The Superintendent or designee shall review and update the Exposure control Plan at least once each year and when needed to reflect new or modified tasks and procedures that affect occupational exposure or new or revised employee positions with occupational exposure. The review and update shall also address:

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

**Deleted:** including, but not limited to, those addressing hazard communication, bloodborne pathogens, lockout/tagout issues, and personal protective equipment (PPE)

**Health and Safety****CLEANUP PROCEDURES**

The Superintendent shall develop procedures to ensure adequate and proper cleanup details and measures to aid in the prevention of infection and communicability of contagious diseases.

**LOCKOUT/TAGOUT**

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

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

**PERSONAL PROTECTIVE EQUIPMENT (PPE)**

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

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

**Health and Safety****ASBESTOS MANAGEMENT**

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

**COMPENSATION**

Employees may be compensated for work-related injuries under Workers' Compensation insurance provided by the Board.

**REFERENCES:**

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

Kentucky Department for Public Health

Centers for Disease Control and Prevention

Kentucky Labor Cabinet, 803 KAR 2:308, 803 KAR 2:404, 803 KAR 2:500

OSHA 29 CFR 1910

132 PPE Hazard Assessment

147 Lockout/Tagout

1200 Hazard Communication

1030 Bloodborne Pathogens

**RELATED POLICY:**

03.14

LEGAL: TITLE II OF THE GENETIC INFORMATION NONDISCRIMINATION ACT BECAME EFFECTIVE NOVEMBER 21, 2009. THAT ACT RESTRICTS DISTRICT ACQUISITION OF GENETIC INFORMATION FROM APPLICANTS AND EMPLOYEES AND STRICTLY LIMITS DISCLOSURE OF THAT INFORMATION ONCE OBTAINED.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT (03/11/10)

PERSONNEL

03.25

- CLASSIFIED PERSONNEL -

### **Personnel Records**

Only one (1) official personnel file, including information maintained in electronic format, shall be maintained for each employee. This file shall be maintained in Human Resources and shall be under the custody of the Superintendent or the Superintendent's designee. This file may be inspected by the employee in the presence of a Human Resources employee.<sup>1</sup> The Superintendent shall develop procedures to ensure the security of the files.<sup>2</sup> The employee shall have the right to make photocopies of any material in the file at the employee's expense and in the presence of a Human Resources employee.

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The Principal/supervisor may maintain a personnel folder for each person under his/her supervision. These folders may contain:

1. Items used as reference and not forwarded to the master personnel file in the Central Office,
2. The employee's evaluation and other school-related correspondence to or from the employee, and
3. Other informational items that may or may not be maintained in the Central Office master personnel file.

#### **PUBLIC INSPECTION**

Those portions of personnel records containing material of a personal nature, the disclosure of which would constitute an invasion of privacy, are not open for public inspection.<sup>3</sup>

#### **NATURE**

No material concerning a person's conduct, service, character, or personality shall be placed in the file unless approved by the Superintendent and the employee has been furnished a copy of same.

#### **MEDICAL INFORMATION**

Medical information shall be maintained separately from an employee's personnel file.

District acquisition and disclosure of applicant and employee genetic information shall comply with applicable legal requirements.<sup>4</sup>

**Personnel Records**

**REFERENCES:**

<sup>1</sup>KRS 61.884

<sup>2</sup>KRS 61.876

<sup>3</sup>KRS 61.878

<sup>4</sup>Genetic Information Nondiscrimination Act of 2008

KRS 61.870, KRS 61.872, KRS 61.874; KRS 161.151, 704 KAR 3:345

OAG 77-394, OAG 85-109, OAG 86-15, OAG 89-90

OAG 91-161, OAG 91-176

Kentucky Education Technology System (KETS)

Records Retention/Public School District Schedule

Americans with Disabilities Act of 1990 (P.L. 101-336), 42 U.S.C. 12112

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**RELATED POLICIES:**

03.211, 10.11

LEGAL: ON NOVEMBER 21, 2009, THE GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008 (GINA) TOOK EFFECT. GINA PROHIBITS DISCRIMINATION BY EMPLOYERS BASED ON GENETIC INFORMATION ABOUT AN INDIVIDUAL. IN ADDITION, THE DISTRICT MUST INVESTIGATE ALL REPORTS OF HARASSMENT/DISCRIMINATION, WHETHER THEY ARE MADE IN WRITING OR VERBALLY.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT (03/12/10)

PERSONNEL

03.262

**- CLASSIFIED PERSONNEL -**

**HARASSMENT/DISCRIMINATION DEFINITION**

Harassment/Discrimination of employees is unlawful behavior based on the race, color, national origin, age, religion, sex, genetic information or disability of an employee involving intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred or prejudice.

**Deleted: Nondiscrimination and Anti-harassment¶**

**PROHIBITIONS**

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

**Deleted: PURPOSE¶**

The Hardin County School System is committed to the principles of equal education opportunity for its students and employees and the Board of Education of Hardin County directs that all educational programs and/or opportunities be provided for all students and employees regardless of race, color, national origin, age, religion, sex, or disability.¶

DISTRICT STAFF SHALL PROVIDE FOR A PROMPT AND EQUITABLE RESOLUTION OF COMPLAINTS CONCERNING HARASSMENT/DISCRIMINATION.

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<#>No student or employee shall be subjected to discrimination in the Hardin County School System while on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)¶  
<#>Harassment shall be defined as follows:¶  
<#>Harassment is intimidation by threats of physical violence or actual physical conduct on the basis of any of the areas mentioned above.¶  
<#>Harassment is the creation, by whatever means, of a climate of hostility or intimidation on the basis of any of the areas mentioned above. ¶  
<#>Harassment may be the use of any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy, objects, or symbols which have the effect of insulting or stigmatizing a student or employee. Prohibited language or conduct is that, when addressed directly to a student or employee, amounts to "fighting words or conduct." That is, the language or conduct is such as to be commonly understood to convey hatred or prejudice against an individual.

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**HARASSMENT/DISCRIMINATION DISCIPLINARY ACTION**

Persons engaging in discrimination or harassment of a student or employee in the Hardin County School System on the basis of any of the areas mentioned above shall be subject to disciplinary action, including, but not limited to, termination of employment.

**Deleted:** Nondiscrimination and Antiharassment¶

**GUIDELINES**

Employees who believe they have been a victim of an act of harassment/discrimination or who have observed incidents involving students or other employees that they believe to be an act of harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. If an employee is not assigned to a particular school, a report of harassment/discrimination may be made to the employee's immediate supervisor or to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report. Without a report being made to the Principal, Superintendent or Title IX/Equity Coordinator, the District shall not be deemed to have received a complaint of harassment/discrimination.

**Deleted:** under the Student Code of Conduct, if committed by a student, and as permitted under statutory law or policy of the Board of Education of Hardin County if committed by an employee of, or visitor to, the school system

**Deleted:** Failure by a Principal and/or the Superintendent to report, notify, and/or initiate an investigation of alleged discrimination or harassment as required by this policy or to take corrective action shall be the subject of disciplinary action.¶

The Superintendent shall provide for the following:

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

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

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

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**HARASSMENT/DISCRIMINATION GUIDELINES (CONTINUED)**

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

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

**PROHIBITED CONDUCT**

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

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

**Deleted: Nondiscrimination and Antiharassment¶**

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**Deleted: REPORTING REQUIREMENTS¶**  
Any student or employee who believes s/he has been subjected to discrimination or harassment is encouraged to report such discrimination or harassment.¶  
Students may report to a person of the same sex. The Principal, Assistant Principal, or Counselor at the school level is designated to receive reports of discrimination or harassment. These staff members shall provide a form for students to complete and then shall immediately notify the Superintendent and/or Title IX/Equity Coordinator, as appropriate.¶  
Any person, whether a student or employee of the Hardin County School System, who is aware of discrimination or harassment of a student or employee shall report such discrimination or harassment.¶  
Employees may report to a person of the same sex. The Principal/supervisor, Associate Superintendent, or Superintendent is designated to receive reports of discrimination or harassment. These administrators shall provide a form for employees to complete and then shall immediately notify the Superintendent and/or Title IX/Equity Coordinator, as appropriate.¶

**HARASSMENT/DISCRIMINATION, CONFIDENTIALITY****Deleted: Nondiscrimination and Antiharassment¶**

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

**APPEAL**

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

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

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

**Deleted: GRIEVANCE GUIDELINES¶**  
Any student, parent of a student, or any employee may express by a written grievance alleged discrimination or harassment.¶  
District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.¶  
The following order of consideration should be followed.¶  
<#>From student or parents or employee to Principal.¶  
<#>From Principal to Superintendent.¶  
<#>From Superintendent to Board.¶  
The Superintendent shall provide for the prompt investigation of and the expeditious correction of grievances alleging discrimination or harassment of a student or employee on the basis of any of the areas mentioned above.¶

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No one shall retaliate against any person because s/he has filed a written grievance, assisted or participated in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual, or because s/he has opposed language or conduct that violates this policy.

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

**HARASSMENT/DISCRIMINATION OTHER CLAIMS**

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

**REFERENCES:**

42 USC 2000e, Civil Rights Act of 1964, Title VII; KRS Chapter 344  
29 C.F.R. 1604, 11, Equal Employment Opportunity Commission (EEOC) Regulations  
Implementing Title VII  
20 U.S.C. 1681, Education Amendments of 1972, Title IX  
34 C.F. R. 106.1-106.71, U.S. Department of Education Office for Civil Rights Regulations  
Implementing Title IX  
Genetic Information Nondiscrimination Act of 2008  
KRS 161.164

**RELATED POLICIES:**

03.212, 03.2325, 03.26, 09.422, 09.42811

LEGAL: THE 2010 GENERAL ASSEMBLY AMENDED KRS 161.155 TO CLARIFY THAT RETIRING EMPLOYEES ARE ELIGIBLE FOR PAYMENT FOR UNUSED SICK LEAVE DAYS ONLY AT TIME OF INITIAL RETIREMENT.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED.

DRAFT (03/11/10)

PERSONNEL

03.273

- CLASSIFIED PERSONNEL -

### **Retirement**

#### **NOTICE**

Persons retiring should give the Superintendent notice as far in advance as possible but not less than two (2) weeks prior to retirement. A written notice of retirement shall also constitute a notice of resignation from employment.

#### **ELIGIBILITY**

Full-time employees working at least eighty (80) hours per month are eligible to join the County Employees' Retirement System (CERS) if they meet all requirements of the CERS.

#### **RETIREMENT SYSTEM**

All full-time classified personnel are required to be members of the County Employees' Retirement System.

#### **UNUSED SICK DAYS**

At the time of **initial** retirement and under provisions of KRS 161.155 (10), the Board shall compensate classified employees, or their estate, for each unused sick day at the rate of 30% of the daily salary. This calculation is based on the employee's last annual salary. Upon death of an employee in active contributing status who was eligible to retire by reason of service, the District shall compensate the estate of the employee. Employees must meet minimum retirement provisions of the retirement system of which they are a member in order to be reimbursed.

#### **UNUSED ANNUAL LEAVE DAYS**

The Board shall compensate classified employees at the time of retirement for no more than forty (40) unused annual leave days. This calculation will be based on the employee's daily rate.

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#### **ESCROW ACCOUNT**

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

#### **REFERENCES:**

29 U.S.C. 631  
KRS 61.545; KRS 78.616  
KRS 161.155  
OAG 83-191; OAG 97-28

#### **RELATED POLICIES:**

03.2; 03.222; 03.2232

DRAFT (02/08/10)

FISCAL MANAGEMENT

04.2

## Depositories

### SELECTION

The depository(ies) for all school funds, including internal accounts of individual schools, shall be determined by the Board. The depository(ies) shall be designated for a period of two (2) years. The depository(s) so selected shall be accessible, capable of handling short-term investments, capable of providing those services necessary for the efficient operation of the schools, and subject to the requirements of KRS 160.570.

### BIDDING

Regular investments shall be handled by allowing all local banks the opportunity to furnish the Treasurer a bid on funds to be invested. Bids shall be requested on the day funds are to be invested by calling the banks and indicating the amount to be invested and the maturity date.

Banks wishing to participate in the bidding process shall file (in advance) with the Board, safekeeping receipts covering the amount of their bids. These securities must be United States Government bonds and/or Kentucky School Building Revenue bonds.

### COLLATERAL

In accordance with KRS 41.240 and Kentucky Board of Education administrative regulations, each depository selected shall, before entering upon its duties, provide collateral to be approved by the Board and by the Commissioner of Education.

### REFERENCES:

KRS 41.240  
KRS 160.570  
702 KAR 3:090

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#### **Deleted: BOND OF DEPOSITORY¶**

At least thirty (30) days prior to the depository entering upon its duties and by July 1 of each fiscal year thereafter, on the advice of the Superintendent, the Board shall determine the penal sum of the bond of depository in compliance with requirements of Kentucky Administrative Regulation.¶  
The District shall obtain approval for the bond of depository from the Commissioner of Education prior to the depository entering upon its duties.¶

LEGAL: THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) HAS ISSUED STATEMENT NO. 54 - FUND BALANCE REPORTING AND GOVERNMENTAL FUND TYPE DEFINITIONS, TO ADDRESS HOW GOVERNMENTAL FUND BALANCES ARE TO BE REPORTED IN FINANCIAL STATEMENTS, EFFECTIVE JUNE 15, 2010. ON ADVICE OF THE SUPERINTENDENT/DESIGNEE AND THE DISTRICT'S CPA AND OTHER ACCOUNTING ADVISORS, THE BOARD WILL NEED TO SET THE ORDER IN WHICH "RESTRICTED, COMMITTED, ASSIGNED, AND UNASSIGNED" GOVERNMENTAL FUNDS ARE TO BE SPENT.

NOTE: GASB 54 AFFECTS ONLY THE REPORTING OF GOVERNMENTAL FUNDS IN GENERAL PURPOSE EXTERNAL FINANCIAL REPORTS IN CONFORMITY WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP). SCHOOL DISTRICTS MAY CONTINUE TO USE ANY FUNDS THEY CHOOSE OR ARE REQUIRED TO USE FOR THEIR INTERNAL ACCOUNTING OR FOR SPECIAL PURPOSE REPORTING.

FINANCIAL IMPLICATIONS: POSSIBLE INCREASE IN THE COST FOR AUDITOR ASSISTANCE

FISCAL MANAGEMENT

04.311

### **District Accounts**

#### **SYSTEM OF ACCOUNTING**

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

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

#### **REFERENCES:**

KRS 157.060

KRS 160.340

KRS 160.560

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

702 KAR 3:130

Governmental Accounting Standards Board (GASB)

LEGAL: BASED ON CHANGES TO THE MODEL PROCUREMENT CODE (KRS CHAPTER 45A) BY THE 2010 GENERAL ASSEMBLY, COMPETITIVE SEALED BIDDING AND COMPETITIVE NEGOTIATION NOW MAY INCLUDE USE OF A REVERSE AUCTION. IN ADDITION, BOARDS USING MODEL PROCUREMENT MAY NOW BE REQUIRED TO GIVE PREFERENCE TO RESIDENT BIDDERS OVER NON-RESIDENT BIDDERS FOR ALL CONTRACTS FUNDED OR CONTROLLED IN WHOLE OR IN PART BY THE DISTRICT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

FISCAL MANAGEMENT

04.32

### **Bidding**

#### **AUTHORITY**

Bidding 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 & 3</sup>

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

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; 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>

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#### **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.<sup>3</sup>

#### **PRICE REDUCTIONS**

Price reductions may be accepted on supplies and/or equipment being offered by the vendor when a price agreement has been made. All supplies and/or equipment must meet all terms and conditions specified in the price agreement. 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 original price agreement.

#### **SMALL PURCHASES**

District small purchase procedures may be used for any contract in which the aggregate amount does not exceed \$20,000.00.<sup>5</sup>

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**Bidding****BACKGROUND CHECK FOR CONTRACTORS**

The Superintendent shall require that a contractor 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 in keeping with KRS 160.380. This provision shall become part of the contractual obligation of the contractor and shall be reflected in the bid specifications, or, if the contract is not subject to bid requirements, in the negotiations with the contractor.

“Contractor” shall refer to any adult who is permitted access to school grounds pursuant to a current or prospective contractual agreement with the school, school board, school district, or school-affiliated entity, at times when students are present. The term “contractor” includes an employee of a contractor.<sup>6</sup>

Deleted: <sup>4</sup>**REFERENCES:**<sup>1</sup>KRS 45A.343<sup>2</sup>A New Section of KRS 45.A<sup>3</sup>A New Section of KRS Chapter 160<sup>4</sup>KRS 156.076<sup>5</sup>KRS 45A.385<sup>6</sup>KRS 160.380Deleted: <sup>2</sup>Deleted: <sup>3</sup>Deleted: <sup>4</sup>

KRS 45A.345; KRS 45A.360; KRS 45A.365; KRS 45A.370; KRS 45A.380

KRS 45A.420; KRS 45A.445; KRS 45A.455; KRS 45A.460; KRS 45A.620

OAG 79-501, OAG 82-170, OAG 82-407

Kentucky Educational Technology Systems (KETS)

**RELATED POLICIES:**

05.6, 06.4, 07.13

**Energy Management**

It is the intent of the Board that the District use energy resources in a safe and efficient manner with an on-going focus on identifying and implementing cost saving measures and developing staff and student commitment to identified energy management practices.

To promote this effort, the Superintendent/designee shall direct the development of an energy management plan (EMP) for Board approval and oversee the implementation and maintenance of that plan.

The Principal will be accountable for energy management on his/her campus with energy audits being conducted and conservation program outlines being updated. Judicious use of the various energy systems of each campus will be the joint responsibility of the principal and head custodian to ensure that an efficient energy posture is maintained on a daily basis.

A status report on implementation of the plan in Board-owned and Board-operated facilities shall be provided to the Board following the end of each fiscal year. Effective with the 2011-2012 school year, the Superintendent/designee shall report the EMP results for each fiscal year, including annual District energy usage, costs and anticipated savings to KPPC - the Kentucky Pollution Prevention Center - by October 1st annually through the Kentucky Energy Efficiency Program for Schools (KEEPS).

**REFERENCE:**

KRS 160.325

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LEGAL: BASED ON CHANGES TO THE FEDERAL GUN-FREE SCHOOLS ACT (GFSA), AS REAUTHORIZED AS PART OF NCLB, THESE CHANGES WILL CLARIFY HOW TO COMPLY WITH REQUIREMENTS CONCERNING DISCIPLINE OF STUDENTS FOR POSSESSING FIREARMS ON SCHOOL PROPERTY. (COMPLIANCE WITH THE REQUIREMENTS OF THE GFSA IS A CONDITION FOR RECEIPT OF FEDERAL FUNDS.) OTHER FORMATTING CHANGES HAVE BEEN MADE TO DIFFERENTIATE BETWEEN GFSA AND KRS 158.150 APPLICABILITY.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED.

## SCHOOL FACILITIES

05.48

### Weapons

This policy applies to students, staff members, and visitors to the school.

#### **WEAPONS PROHIBITED**

Except where expressly and specifically permitted by Kentucky Revised Statute, the carrying, bringing, using, or possessing any weapon or dangerous instrument in any school building, on school grounds, in any school vehicle or at any school-sponsored activity is prohibited.<sup>3</sup>

Violation of this policy by staff members shall constitute reason for disciplinary action, including possible termination.

Violation of this policy by students shall require that the Principal immediately make a report to the Superintendent, who shall determine if charges for expulsion from the District schools should be filed under Policy 09.435. In addition, 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 student possession of a firearm in violation of the law or assault involving the use of a weapon.

Violations by visitors shall be reported to a law enforcement agency.

#### Exceptions:

- An exception may be made for students participating in an authorized curricular or extracurricular activity or team involving the use of firearms and to those persons listed in KRS 527.070.
- Law enforcement officials are authorized to bring weapons onto school property in performance of their duties.

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#### **FEDERAL REQUIREMENTS REGARDING STUDENTS**

The penalty for students possessing a firearm at school or bringing a firearm or other deadly weapon, destructive device, or booby trap device<sup>1</sup> to school or onto the school campus/property under jurisdiction of the District shall be expulsion for a minimum of twelve (12) months under Policy 09.435. However, the Board may modify such expulsions on a case-by-case basis. Any case-by-case modification of the one (1)-year expulsion requirement, including those made for students with disabilities to meet the requirements of IDEA and Section 504, shall be in writing and may be based upon a recommendation of the Superintendent/designee.

Any student who possesses a firearm at school or brings to school a firearm or other deadly weapon, destructive device, or booby trap device shall be referred to the criminal justice or juvenile delinquency system.<sup>2</sup>

Although students are subject to disciplinary action for violating any restriction in this policy, the twelve (12) month expulsion penalty mandated by the Federal Gun-Free Schools Act does not apply to a firearm lawfully stored in a locked vehicle on school property.

**Weapons****STATE POSTING REQUIREMENTS**

The Superintendent shall post the following notice in prominent locations in the schools, including, but not limited to, sports arenas, gymnasiums, stadiums, and cafeterias. The notice shall be at least six (6) inches high and fourteen (14) inches wide and shall state:

UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL PROPERTY IN KENTUCKY IS A FELONY PUNISHABLE BY A MAXIMUM OF FIVE (5) YEARS IN PRISON AND A TEN THOUSAND DOLLAR (\$10,000) FINE.<sup>2</sup>

The above criminal penalty shall not apply to those persons listed in KRS 527.070 (3).

**STATE REPORTING REQUIREMENTS**

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the carrying, possession, or use of a deadly weapon on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.

For state reporting purposes, a deadly weapon shall be defined as:

1. a weapon of mass destruction;
2. any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged;
3. any knife other than an ordinary pocket knife or hunting knife;
4. billy, nightstick or club;
5. blackjack or slapjack;
6. nunchaku karate sticks;
7. shuriken or death star; or
8. artificial knuckles made from metal, plastic, or other similar hard material.

Employees who receive information from a student or other person regarding conduct required to be reported shall report the conduct in the same manner as stated above.

**ENFORCEMENT**

In the enforcement of this policy, principals may authorize, if they have reasonable suspicion, searches in compliance with applicable Board policies.

**Weapons**

**REFERENCES:**

<sup>1</sup>KRS 527.020; [20 U.S.C. §7141](#); (Gun-Free Schools Act); 18 U.S.C. §921(a)

<sup>2</sup>KRS 527.070, KRS 500.080

<sup>3</sup>KRS 237.106

KRS 158.150, KRS 158.154

KRS 158.155, KRS 160.290, KRS 160.340, KRS 161.790

KRS 237.110, KRS 508.075, KRS 508.078

[Individuals with Disabilities Education Improvement Act \(IDEA\)](#)  
[Section 504 of the Rehabilitation Act of 1973, as amended](#)

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reauthorization of the Elementary  
and Secondary Education Act

**RELATED POLICIES:**

09.435; 09.436; 09.4361

LEGAL: FEDERAL REGULATION 7 CFR §210.23 REQUIRES DISTRICTS TO IMPLEMENT SEPARATE COMPLAINT/GRIEVANCE PROCESSES TO RESPOND TO ALLEGED INSTANCES OF DISCRIMINATION IN THE DELIVERY OF BENEFITS OR SERVICES IN THE DISTRICT'S SCHOOL NUTRITION PROGRAM. OTHER CHANGES REFLECT REVISIONS TO 702 KAR 6:020.  
THE KSBA SPECIAL EDUCATION SERVICE RECOMMENDS REVISING THE SPECIAL DIETARY SECTION BECAUSE OF POTENTIAL CONFLICTS WITH SECTION 504 AND FAPE REQUIREMENTS.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT (04/05/10) (04/20/10)

KDE

## SUPPORT SERVICES

07.1

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### School Nutrition Services

The Board shall provide a District-wide school child nutrition program in compliance with applicable statutes and regulations. It is the intent of the Board that the child nutrition department be a self-supporting program.

#### **BREAKFAST AND LUNCH**

All schools will serve a complete breakfast, hot or cold as defined by federal regulations. The noon meal shall be a complete lunch, hot or cold, as defined by federal regulations; and servings shall be of such size as to provide at least one-third (1/3) to one-half (1/2) of the daily nutritional requirements.

#### **SPECIAL DIETARY NEEDS** Same language moved from 09.213

If a student's medical condition requires that individualized food alternatives be provided to a child such as a milk substitute because of milk allergy or individual food scheduling such as a snack for a diabetic, it is the parent's responsibility to provide to the Principal/designee a request signed by a recognized medical authority supporting the need for the individual change. Upon receipt of this request, the Principal/designee shall confer with District administrators to summarize the child's needs and assist in developing a plan of action for the student.

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#### **CHILD NUTRITION DIRECTOR**

The District (or child nutrition area to which the District belongs) shall appoint/select a Child Nutrition Director to oversee and manage the child nutrition department.

#### **ANNUAL REPORT/PUBLIC FORUM**

Immediately following the release of the nutrition report, the Board shall discuss the findings and seek public comment during a publicly advertised Board meeting.

By January 31 of each year, the Board shall hold an advertised public forum to present a plan to improve school nutrition in the District.

The District shall compile a summary of findings and recommendations and submit the summary to the Kentucky Board of Education.

## DISCRIMINATION COMPLAINTS

In compliance with state and federal requirements, the Superintendent/designee shall develop a process to address complaints of alleged discrimination in the delivery of benefits or services in the District's school nutrition program, whether received in written or verbal form. District personnel shall assist parents/guardians and students wishing to file a complaint.

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## SUPPORT SERVICES

07.1  
(CONTINUED)

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### School Nutrition Services

#### PREPAYMENT OPTION

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Children who participate in the breakfast and /or lunch program can make a prepayment on their account at any time. Money can be deposited into an individuals account at their home school or through the on-line MealPayPlus system.

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#### MEAL CHARGES

Any person who participates in the breakfast and/or lunch program may charge meals up to six (6) days. After that time, all charges must be paid before additional charges can be made.

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Faculty and staff may charge meals up to three (3) times. After that time, all charges must be paid before additional charges can be made. If charges are not paid in within thirty (30) school days from the time the last charge is made, charge privileges will be revoked.

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#### REFERENCES:

KRS 156.100

KRS 156.160

KRS 158.852; KRS 158.856

KRS 160.290

702 KAR 6:010; 702 KAR 6:020

702 KAR 6:040; 702 KAR 6:045; 702 KAR 6:050

702 KAR 6:060; 702 KAR 6:075; 702 KAR 6:090

LEGAL: NCLB REQUIRES THAT PARENTS OF STUDENTS PARTICIPATING OR IDENTIFIED FOR PARTICIPATION IN ESL PROGRAMS BE NOTIFIED WITHIN 30 DAYS OF A CHILD'S LACK OF PROGRESS IN THE PROGRAM.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## CURRICULUM AND INSTRUCTION

08.13452

### English as a Second Language

1. The Superintendent/designee shall direct the development of a District plan for educating all Limited English Proficient (LEP) students within the District. It also assures that a copy of the District LEP plan will be provided to all schools receiving Title III funds and that the plan and its contents will be made available to LEP families and the public in compliance with open records laws. The plan shall be based on approaches and methodologies consistent with scientifically based research on teaching LEP students. The plan shall describe how language instruction programs will ensure that LEP students develop English proficiency. The plan shall be developed in consultation with teachers, school administrators, parents, researchers, and if appropriate, with education-related community groups and nonprofit organizations, and institutions of higher education.
2. The Superintendent/designee will consult with non-public schools within its area of service in the development of the District LEP plan, and that it will administer and provide on an equitable basis educational services to LEP students in non-public schools through a public agency or a contractual entity independent of the non-public schools or religious organizations.
3. All LEP students will be provided equal educational opportunities regardless of citizenship or nationality status, as provided under Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunity Act of 1974, Sec. 204 (f), and as affirmed in the Supreme Court ruling in Plyer v. Doe, 1982, and any other civil rights guaranteed by federal law.
4. Title III funds will be utilized to improve the education of LEP children by assisting the children to speak, read, write and comprehend the English language and to meet challenging state content and performance standards. The Title III funds shall be expended in ways that will build district and school capacity to continue to offer high-quality language instruction educational programs for LEP students.
5. All teachers in the LEP program shall be fluent in English and any other languages used for instruction, including written and oral communication skills.
6. The LEP program strategies and funding allocations shall be aligned and integrated with the District Improvement Plan (DIP) and School Improvement Plans (SIP).
7. Specific measurable achievement objectives for LEP students shall be developed and will include, at a minimum;
  - a. Annual increases in the number or percentage of students making progress in learning English (as measured by an approved English language proficiency assessment for Kentucky);
  - b. Annual increases in the number or percentage of students attaining English language proficiency (as measured by an approved English language proficiency assessment for Kentucky);
  - c. Making adequate yearly progress for the District's LEP students (as measured by academic assessments included in the state mandated Accountability System, in the areas of mathematics, reading or language arts and science).

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**English as a Second Language**

8. An annual assessment of the English language proficiency (in reading, writing, listening, and speaking) of all identified LEP students in the District shall be administered using a test approved by the Kentucky Board of Education.
9. Cognitive and non-cognitive student data shall be disaggregated from all components of state mandated Accountability System and biennial measurable goals will be set for closing the gap between LEP and non-LEP students as set forth in KRS 158.649. Deleted: CATS Kentucky Assessment
10. A Program Services Plan will be developed for each LEP student in the District. The Program Services Plan will, at a minimum, include all essential elements required by Title III or No Child Left Behind (NCLB) and Kentucky's Regulations on inclusion of special populations in state assessment and accountability (703 KAR 5:070 revised August 2002).
11. All LEP students enrolled in the District on the first day of the state mandated Accountability System testing window and who have been in the same district/school the previous full academic year, or in any English-speaking school for the previous two (2) full academic years, will participate in all components of the state-required assessment and accountability programs. Deleted: CATS
12. Parents/legal guardians of all LEP students in the District will be notified within thirty (30) days after the beginning of the school year of; (a) the child's identification as LEP, (b) the child's program instructional services, and (3) parental rights to opt-out of services or to seek alternative services as outlined in Sec. 3302 (a) (b) (c) of Title III. For a child who has not been identified for participation in a language instruction education program prior to the beginning of the school year, the eligible entity assures that it will carry out subsections (a) through (c) within two (2) weeks of the child being placed in such a program. Parents will be encouraged to participate in programs for LEP students.  
For students already participating in, or identified for participation in, a program for limited English proficiency, parents shall be notified no later than thirty (30) days after it is determined that those students are not making progress in the program
13. Primary or home languages spoken by students will be determined on an annual basis through such strategies as the student enrollment form, a home language survey or interviews with parents/legal guardians. This information will be used for identification of LEP students.
14. All demographic and programmatic information, including the requirements of Sec. 3123 of Title III, pertinent to the implementation of the Title III program and the provision of services to LEP students will be submitted to the Kentucky Department of Education.
15. All Title III funds will supplement, but in no case, supplant, federal, state and local public funds for programs for LEP students.
16. At the end of the fiscal year, a Title III program evaluation will be submitted to the Kentucky Department of Education and will include a description of programs and activities and of the progress made by LEP students towards attaining English language proficiency and meeting state academic achievement standards as set forth in SEC. 3121 of Title III.

**English as a Second Language**

**REFERENCES:**

P. L. 107-110 (No Child Left Behind Act of 2001), Title III, 3302 (20 U.S.C. §7012)  
Title VI of the Civil Rights Act of 1964; Equal Educational Opportunities Act of 1974  
Title VII of Improving America's Schools Act of 1994  
703 KAR 5:070; 704 KAR 3:305; *Kentucky's Core Academic Standards*  
*Lau v. Nichols*, 414 U.S. 563, 94 S.Ct. 786, 39 L.Ed.2d 1 (1974)

**Deleted:** *Program of Studies for  
Kentucky Schools*

**RELATED POLICIES:**

02.4241; 09.13  
09.126 (re requirements/exceptions for students from military families)

RECOMMENDED: THE EDUCATION PROFESSIONAL STANDARDS BOARD RECOMMENDS THAT BOARD POLICY ADDRESS TEACHER/STAFF USE OF SITES LIKE FACEBOOK, MYSPACE OR TWITTER. IN ADDITION, THE BOARD SHOULD ADDRESS OTHER SOCIAL NETWORKING ISSUES SPECIFIC TO LOCAL NEEDS AND PREFERENCES.  
THIS CHANGE IS NOT REQUIRED BY LAW.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT (12/15/09) LANG. FROM 5.5. AND 5.2

CURRICULUM AND INSTRUCTION

08.2323

**Access to Electronic Media**  
**(Acceptable Use Policy)**

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The Board supports reasonable access to various information formats for students, employees and the community and believes it is incumbent upon users to utilize this privilege in an appropriate and responsible manner.

**SAFETY PROCEDURES AND GUIDELINES**

The Superintendent shall develop and implement appropriate procedures to provide guidance for access to global electronic media. Guidelines shall address teacher supervision of student computer use, ethical use of electronic media, including but not limited to, the Internet, e-mail, and other District technological resources, and issues of privacy versus administrative review of electronic files and communications. In addition, guidelines shall prohibit utilization of networks for prohibited or illegal activities, the intentional spreading of embedded messages, or the use of other programs with the potential of damaging or destroying programs or data.

Students shall be provided instruction about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms and cyberbullying awareness and response.

Internet safety measures shall be implemented that effectively address the following:

- Controlling access by minors to inappropriate matter on the Internet and World Wide Web;
- Safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
- Preventing unauthorized access, including "hacking" and other unlawful activities by minors online;
- Unauthorized disclosure, use and dissemination of personal information regarding minors; and
- Restricting minor's access to materials harmful to them.

The District shall provide reasonable public notice of, and at least one (1) public hearing or meeting to address and communicate, its Internet safety measures.

Specific expectations for appropriate Internet use shall be reflected in the District's code of acceptable behavior and discipline including appropriate orientation for staff and students.

**Access to Electronic Media****(Acceptable Use Policy)****Deleted: For Schools without SBDM Councils****PERMISSION/AGREEMENT FORM**

A written parental permission/agreement form shall be required prior to the student being granted independent access to the Internet and/or e-mail involving District technological resources.

The required permission/agreement form, which shall specify acceptable uses, rules of online behavior, access privileges, and penalties for policy/procedural violations must be signed by the parent or legal custodian of minor students (those under 18 years of age) and also by the student. This document shall be kept on file as a legal, binding document. In order to modify or rescind the agreement, the student's parent/custodian (or the student who is at least 18 years old) must provide the school and Superintendent with a written request.

**EMPLOYEE USE**

Employees shall not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. (Authorization is not required each time the electronic media is accessed in performance of one's duties.) Each employee is responsible for the security of his/her own password.

Employees are encouraged to use electronic mail and other District technology resources to promote student learning and communication with the home and education-related entities. If those resources are used, they shall be used for purposes directly related to work-related activities.

Technology-based materials, activities and communication tools shall be appropriate for and within the range of the knowledge, understanding, age and maturity of students with whom they are used.

District employees and activity sponsors may set up blogs and other social networking accounts using District resources and following District guidelines to promote communications with students, parents, and the community concerning school-related activities and for the purpose of supplementing classroom instruction.

Networking, communication, Live@edu and other options offering instructional benefits may be used for the purpose of supplementing classroom instruction and to promote communications with students and parents concerning school-related activities.

In order for District employees and activity sponsors to utilize a social networking site for instructional, administrative or other work-related communication purposes, they shall comply with the following:

1. They shall request prior permission from the Superintendent/designee.
2. If permission is granted, staff members will set up the site following any District guidelines developed by the Superintendent's designee.
3. Guidelines may specify whether access to the site must be given to school/District technology staff.

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**Access to Electronic Media****(Acceptable Use Policy)****Deleted: For Schools without SBDM Councils****EMPLOYEE USE (CONTINUED)**

4. If written parental consent is not otherwise granted through AUP forms provided by the District, staff shall notify parents of the site and obtain written permission for students to become "friends" prior to the students being granted access. This permission shall be kept on file at the school as determined by the Principal.
5. Once the site has been created, the sponsoring staff member is responsible for the following:
  - a. Monitoring and managing the site to promote safe and acceptable use; and
  - b. Observing confidentiality restrictions concerning release of student information under state and federal law.

Staff members are discouraged from creating personal social networking sites to which they invite students to be friends. Employees taking such action do so at their own risk.

All employees shall be subject to disciplinary action if their conduct relating to use of technology or online resources violates this policy or other applicable policy, statutory or regulatory provisions governing employee conduct. The Professional Code of Ethics for Kentucky School Certified Personnel requires certified staff to protect the health, safety, and emotional well-being of students and confidentiality of student information. Conduct in violation of this Code, including, but not limited to, such conduct relating to the use of technology or online resources, must be reported to Education Professional Standards Board (EPSB) as required by law and may form the basis for disciplinary action up to and including termination.

**COMMUNITY USE**

On recommendation of the Superintendent/designee, the Board shall determine when and which computer equipment, software, and information access systems will be available to the community.

Upon request to the Principal/designee, community members may have access to the Internet and other electronic information sources and programs available through the District's technology system, provided they attend any required training and abide by the rules of usage established by the Superintendent/designee.

**DISREGARD OF RULES**

Individuals who refuse to sign required acceptable use documents or who violate District rules governing the use of District technology may be subject to loss or restriction of the privilege of using the equipment, software, information access systems, or other computing and telecommunications technologies.

Employees and students shall be subject to disciplinary action, up to and including termination (employees) and expulsion (students) for violating this policy and acceptable use rules and regulations established by the school or District.

**MAINTENANCE**

A maintenance program shall be developed by the Technology Director. The maintenance program shall include provisions which will minimize "down-time" on network file servers.

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**Access to Electronic Media****(Acceptable Use Policy)****Deleted: For Schools without SBDM Councils****RESPONSIBILITY FOR DAMAGES**

Individuals shall reimburse the Board for repair or replacement of District property lost, stolen, damaged, or vandalized while under their care. Students or staff members who deface a District web site or otherwise make unauthorized changes to a web site shall be subject to disciplinary action, up to and including expulsion and termination, as appropriate.

**RESPONDING TO CONCERNS**

School officials shall apply the same criterion of educational suitability used to review other educational resources when questions arise concerning access to specific databases or other electronic media.

**NETWORK SYSTEM SECURITY**

A written computer Network Security Plan shall be on file in the Superintendent's Office and the schools' offices. This plan will be referred to in all matters pertaining to Hardin County Schools' network security.

**Formatted: policytext, Space After: 0 pt****Formatted: Font: Bold****AUDIT OF USE**

Users with network access shall not utilize District resources to establish electronic mail accounts through third-party providers or any other nonstandard electronic mail system.

The Superintendent/designee shall establish a process to determine whether the District's education technology is being used for purposes prohibited by law or for accessing sexually explicit materials. The process shall include, but not be limited to:

1. Utilizing technology that meets requirements of Kentucky Administrative Regulations and that blocks or filters Internet access for both minors and adults to certain visual depictions that are obscene, child pornography, or, with respect to computers with Internet access by minors, harmful to minors;
2. Maintaining and securing a usage log; and
3. Monitoring online activities of minors.

**REFERENCES:**

KRS 156.675; 47.U.S.C. § 254; 701 KAR 5:120

16 KAR 1:020 (Code of Ethics)

Public Law 110-385, Broadband Data Improvement Act/Protecting Children in the 21st Century Act.

Kentucky Education Technology System (KETS)

**Formatted: ksba normal****Formatted: Default Paragraph Font****RELATED POLICIES:**

03.1325/03.2325; 03.17/03.27

08.1353, 08.2322

09.14, 09.421, 09.422, 09.425, 09.426

## STUDENTS

09.12

### Admissions and Attendance

#### **DEFINITION OF LEGAL RESIDENCE**

The legal residence of a pupil is determined by the address of the legal residence of the parent or guardian who has custody of the student as evidenced by legal documents or as otherwise provided by state or federal law (and not by the address at which the pupil is living.)

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

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

The District shall provide educational and related services to homeless children and youth in a manner that does not segregate or stigmatize the 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. Continue attending their school of origin for the duration of homelessness;
3. Attend regular public school with non-homeless students; and
4. Continue to receive all services for which they are eligible (i.e., special education, gifted and talented, limited English proficient).

The District shall designate an appropriate staff person to serve as liaison to homeless children and youth. The District liaison must provide public notice of the educational rights of homeless children in places where they receive services.<sup>2</sup>

#### **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.

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#### **NONRESIDENTS**

Nonresident pupils may be admitted to the District's schools in accordance with Board policy and upon approval of the Superintendent.<sup>3</sup>

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#### **FORT KNOX COMMUNITY SCHOOLS**

Students whose guardian/s are active duty military or U.S. Government employees and reside on post must attend Ft. Knox Community Schools. If the parents of a student(s) residing in the Hardin County School District subsequently move on post prior to the beginning of the second semester (for trimester schedules, a student that moves to post during the first half of the school year would enroll on post), the student(s) will be withdrawn from the Hardin County Schools, except for qualifying seniors. Students whose parents move on post after the beginning of the second semester may be permitted to attend Hardin County Schools for the remainder of that school year with the Principal's approval.

#### **TRANSFER OF ADA**

Nonresident pupils may be admitted to the District schools upon transfer of the pupil's average daily attendance as defined under public school fund <sup>4</sup> & <sup>5</sup>.

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All costs for any special services offered to the child shall be paid by the resident district. The resident district shall be permitted to count the student for IDEA-B funding purposes.

**Admissions and Attendance****SURVEY**

Each year a survey shall be conducted to determine the number of students whose parents are civilians employed on Federal property or in active military service. The purpose of such survey shall be to determine how much Federal Impact Aid the District is eligible to receive.

Teachers shall assist in the distribution and collection of forms for such survey.

**FOREIGN EXCHANGE STUDENTS**

The Hardin County Schools will accept high school students participating in international exchange programs recognized by the United States Department of Education or the Kentucky State Department of Education.

**NON-IMMIGRANT FOREIGN STUDENTS**

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

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

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

**EXPELLED/CONVICTED STUDENTS**

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

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

Assault shall mean any physical assault, including sexual assault.

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>2</sup>

Any student currently serving an expulsion from any other public or private school system may not enroll in the Hardin County School System until the expulsion period has expired.

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**Admissions and Attendance**

**EXPELLED/CONVICTED STUDENTS (CONTINUED)**

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; OAG 91-171
- <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
- <sup>4</sup>KRS 157.320
- <sup>5</sup>702 KAR 7:125
- <sup>6</sup>KRS 158.155, KRS 158.150
- 704 KAR 7:090
- Public Law 104-208, 22 CFR §514.13(b)
- P.L. 107-110 (No Child Left Behind Act of 2001)
- 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 \(EEOA\)](#)

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**RELATED POLICIES:**

- <sup>3</sup>03.127; 03.226; <sup>3</sup>09.124; <sup>3</sup>09.125
- 09.123; 09.211
- 09.126 (re requirements/exceptions for students from military families)

LEGAL: THE 2010 GENERAL ASSEMBLY AMENDED KRS 158.070 TO REQUIRE THAT STUDENTS WHO ARE NOT AT SCHOOL DUE TO PARTICIPATION IN A SCHOOL-SPONSORED INTERSCHOLASTIC REGIONAL OR STATE SPORTS TOURNAMENT MAY, BY BOARD POLICY, BE COUNTED PRESENT UP TO TWO (2) SCHOOL DAYS PER YEAR.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.122

### **Attendance Requirements**

#### **COMPULSORY ATTENDANCE**

All children in the District who have entered kindergarten or who are between the ages of six (6), as of October 1, and sixteen (16), except those specifically exempted by statute, shall enroll and be in regular attendance in the schools to which they are assigned.<sup>1</sup>

Before an unmarried student between the ages of sixteen (16) and eighteen (18) may withdraw from school and terminate education prior to graduation, s/he shall confer with the Principal or designee; and s/he shall secure a written permission, signed and dated in the presence of the Principal or the Principal's designee, from her/his parents.<sup>1</sup> (See Board Policy 09.111.)

#### **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, or
6. A pupil who is enrolled and in regular attendance in a state-supported program for exceptional children.<sup>2</sup>

#### **PHYSICIAN'S 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.
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>

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

3. Students may participate in co-curricular 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 co-curricular 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 participating in an off-site virtual high school class or block may be counted in attendance in accordance with requirements set out in Kentucky Administration Regulation.<sup>4</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. In accordance with KRS 158.240, 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 school 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>

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**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

KRS 159.180; KRS 159.990

OAG 79-68; OAG 79-539

OAG 87-40; OAG 97-26

**RELATED POLICIES:**

08.131; 08.1312

09.111; 09.123; 09.36

LEGAL: 704 KAR 4:020 HAS BEEN REVISED TO REQUIRE TRAINING OF UNLICENSED SCHOOL PERSONNEL THAT HAVE BEEN DELEGATED MEDICATION ADMINISTRATION RESPONSIBILITIES USING TRAINING PROVIDED BY THE KENTUCKY DEPARTMENT OF EDUCATION. ALSO, THE 2010 GENERAL ASSEMBLY AMENDED KRS 156.095 TO REQUIRE DISSEMINATION OF SUICIDE PREVENTION INFORMATION TO STUDENTS IN MIDDLE SCHOOL GRADES AND ABOVE.  
FINANCIAL IMPLICATIONS: COST OF PRINTING INFORMATION

## STUDENTS

09.22

### Student Health and Safety

#### **PRIORITY**

Student health welfare and safety shall receive priority consideration by the Board.

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Rules and regulations on health and safety promulgated by the Kentucky Board of Education under Kentucky statute and by local and state boards of health relating to student safety and sanitary conditions shall be implemented in each school.

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#### HEALTH SERVICES TO BE PROVIDED

In keeping with applicable legal requirements, only licensed medical professionals or school employees who have been appropriately trained and authorized to do so shall provide health services to students.

Employees to whom health service responsibilities have been delegated must be approved in writing by the delegating physician or nurse. The approval form shall state the employee consents to perform the health service when the employee does not have the administration of health services in his/her contract or job description as a job responsibility, possesses sufficient training and skills, and has demonstrated competency to safely and effectively perform the health service. The approval form shall be maintained as required by law. Delegation of health service responsibilities shall be valid only for the current school year.

If the delegation involves administration of medication, the District will maintain proof that the employee has completed the required training provided by the Kentucky Department of Education (KDE).

Employees to whom health service responsibilities have been delegated shall notify their immediate supervisor by April 15 of each year if they are not willing to perform the service(s) during the next school year.

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#### SAFETY PROCEDURES

All pupils shall receive annual instruction in school bus safety.

The Superintendent shall develop procedures designed to promote the safety of all students. Said procedures shall specify specific responsibilities for line positions having responsibility for student supervision.

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The Board shall comply with all rules and regulations of the local and state boards of health relating to student safety and sanitary conditions.¶

**Student Health and Safety****SUICIDE PREVENTION**

By September 1 of each school year, administrators shall provide suicide prevention awareness information to students in middle school grades and above, as provided by the Cabinet for Health and Family Services or a commercially developed suicide prevention training program.<sup>2</sup>

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**REFERENCES:**

<sup>1</sup>KRS 156.501; KRS 156.502; 704 KAR 4:020

<sup>2</sup>KRS 156.095

KRS 156.160

702 KAR 5:030

**RELATED POLICY:**

09.2241

RECOMMENDED: THESE CHANGES ARE SUGGESTED TO ALIGN WITH THE KDE MEDICATION ADMINISTRATION TRAINING MANUAL.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.2241

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### Student Medication

#### ACCESS

Except for emergency medications (including, but not limited to Diastat, Glucagon, and EpiPens) and medications approved for students to carry for self-medication purposes, all medications, both prescription and nonprescription, must be stored in a secure cabinet or container accessible only to personnel designated to administer medications.

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All medications given must be documented on a medication log.

#### PRESCRIPTION MEDICATION

School personnel who have completed training required by law, may administer medication to students after obtaining signed authorization from the parent. The medication must be sent to school in its original container with the prescription label attached. The prescription must contain information as required by administrative procedures.

Deleted: the student's name; date; medication; dosage; strength, and directions for use, which includes frequency, duration, and mode of administration; prescriber's name; and pharmacy name and address.

#### NONPRESCRIPTION MEDICATION

Students may take nonprescription medications which are brought from home once a completed authorization form from the parent/guardian is on file.

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On an individual basis, students may be permitted to carry medication that has been prescribed or ordered by a physician to stay on or with the pupil due to a pressing medical need.

#### SELF-ADMINISTRATION

Provided the parent/guardian and physician files a completed authorization form each year as required by law, a student under treatment for asthma shall be permitted to self-administer medication.<sup>1</sup>

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

#### REFERENCES:

- <sup>1</sup>KRS 158.834
- KRS 158.836
- OAG 73-768
- OAG 77-530
- OAG 83-115

#### RELATED POLICY:

09.224

LEGAL: KRS 161.185(3) REQUIRES ADDITIONAL SAFETY-RELATED TRAINING FOR NONFACULTY COACHES AND NONFACULTY ASSISTANTS.  
FINANCIAL IMPLICATIONS: NO SIGNIFICANT COSTS ANTICIPATED.

STUDENTS

09.311

### **Safety (Athletics)**

The Superintendent shall develop procedures to insure that the safety of the student shall be the first consideration in all athletic practices and events.

#### **SUPERVISION**

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

#### **TRAINING**

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All persons employed by the District as a coach for any high school athletic activity or sport shall meet statutory training requirements. In addition, at least one (1) person who has completed the required course shall be present at every high school athletic practice and competition.<sup>1</sup> At every athletic contest between two (2) Hardin County schools, the Principal of each school or the Principal's designee shall be present. When specifically assigned, the coach/sponsor may serve as the Principal's designee.

Prior to assuming their duties, nonfaculty coaches/coaching assistants shall successfully complete training provided by the District, which shall include, but not limited to, the following:

1. Information on the physical and emotional development of students of the age with whom the nonfaculty coach and nonfaculty assistant will be working;
2. The District's and school's discipline policies;
3. Procedures for dealing with discipline problems; and
4. Safety and first aid training.

Follow-up training shall be provided annually.<sup>3</sup>

#### **VOLUNTEERS**

Volunteers working in the athletic programs must be supervised by a Level 1 or Level 2 coach as defined in the Kentucky High School Athletic Association regulations. Activities that volunteers may perform should be limited to those that will ensure the safety of all students. Coaches and Principals will be responsible for supervising volunteer duties to ensure student safety.

#### **MEDICAL EXAMINATION**

Each student seeking eligibility to participate in any high 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>

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#### **REFERENCES:**

<sup>1</sup>KRS 160.445

<sup>2</sup>KRS 156.070

<sup>3</sup>KRS 161.185

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RECOMMENDED: THESE CHANGES ARE SUGGESTED TO ADDRESS CONCERNS ABOUT STUDENT MISUSE OF CELL PHONES AND OTHER TELECOMMUNICATION DEVICES TO ENGAGE IN "SEXTING." ADMINISTRATORS SHOULD CONSULT WITH THE SUPERINTENDENT AND BOARD ATTORNEY AS TO HOW TO PROCEED IF THEY CONFISCATE A DEVICE CONTAINING SEXTING MESSAGES OR IMAGES.  
THIS CHANGE IS NOT REQUIRED BY LAW.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## STUDENTS

09.4261

### Telecommunications Devices

#### POSSESSION AND USE

While on school property or while attending school-sponsored or school-related activities, whether on or off school property, students shall be permitted to possess and use personal telecommunications devices as defined by law<sup>1</sup> and other related electronic devices, provided they observe the following conditions:

1. Devices shall not be used in a manner that disrupts the educational process, including, but not limited to, use that:
  - a. Poses a threat to academic integrity, such as cheating,
  - b. Violates confidentiality or privacy rights of another individual,
  - c. Is profane, indecent, or obscene,
  - d. Constitutes or promotes illegal activity or activity in violation of school rules, or
  - e. Constitutes or promotes sending, sharing, or possessing sexually explicit messages, photographs, or images using any electronic device.

These restrictions shall not be interpreted to prohibit material protected under the state or federal constitutions where such material does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.

Unless an emergency situation exists that involves imminent physical danger or an administrator authorizes the student to do otherwise, devices shall be turned off and operated only before the student enters the school building and after the last dismissal bell of the day. When students violate prohibitions of this policy, they shall be subject to disciplinary action, including the possibility of losing the privilege of bringing the device onto school property. In addition, the device, subject to the discretion of the Principal, shall be confiscated by a school employee and turned over to an administrator, and shall be returned to the student on the first offense, but on subsequent offenses, only to a parent/guardian. A violation also may result in a report being made to law enforcement.

2. Students are solely responsible for keeping up with devices they bring to school. The District shall not be responsible for loss, theft, or destruction of devices brought onto school property.
3. Students shall comply with any additional rules developed by the local SBDM Council concerning appropriate use of other electronic devices.

When a student enters the school building, all phones are to be turned off until the end of the school day bell as determined by the "ending times" approved by the Board. Violation of this policy may result in the phone being confiscated and turned over to an administrator. Failure to turn over the phone shall be defined as "defiance of authority" and shall be considered a behavioral violation as listed in the District Code of Conduct.

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**Telecommunications Devices****POSSESSION AND USE (CONTINUED)**

Actions taken for failure to abide by the Telecommunications Policy are as follows:

1. First Offense: student shall be warned, phone confiscated and noted in the discipline section of 1C, and the student may obtain the phone at the end of the day.
2. Second Offense: student shall receive a second warning, phone confiscated, and the parent may obtain the phone after the parent has signed off on acceptable use.
3. Third Offense: student shall be placed in detention, AM or Saturday School, phone confiscated, and the parent may obtain the phone at the end of nine (9) weeks or trimester period.
4. Fourth Offense: student shall be placed in Saturday School, phone confiscated, the parent may obtain the phone at the end of the semester or trimester, and student shall be denied privileges of having a phone on campus.
5. Fifth Offense: student shall be suspended for one (1) day, phone confiscated and the parent may obtain the phone at the end of the school year.
6. Continued violations may result in due process or pre-expulsion procedures for non-compliance of a District Policy.

**HARASSMENT (KRS 525.070)**

Use of an electronic device to send harassing messages is considered cyber-bullying and is a violation of Kentucky State Law.

**NOTICE OF POLICY**

Notice of this policy and penalties for violating it shall be published annually in the District's Code of Acceptable Behavior and Discipline.

**REFERENCE:**

<sup>1</sup>KRS 158.165

**RELATED POLICIES:**

08.2323; 09.426; 09.436  
09.438; 09.439; 09.440

LEGAL: THE DISTRICT MUST INVESTIGATE ALL REPORTS OF HARASSMENT/DISCRIMINATION, WHETHER THEY ARE MADE IN WRITING OR VERBALLY.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT (03/12/10)

STUDENTS

09.42811

Harassment/Discrimination

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DEFINITION

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

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

PROHIBITIONS

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

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

**Deleted: PURPOSE¶**  
The Hardin County School System is committed to the principles of equal education opportunity for its students, and the Board of Education of Hardin County directs that all educational programs and/or opportunities be provided for all students regardless of race, color, national origin, age, religion, sex, or disability.¶

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**Deleted:** <#>No student shall be subjected to discrimination in regard to the receipt of an education in the Hardin County School System on the basis of any of the areas mentioned above.¶  
<#>No student shall be harassed on the basis of any of the areas mentioned above.¶  
<#>Harassment is intimidation by threats of physical violence or actual physical conduct on the basis of any of the areas mentioned above.¶  
<#>Harassment is the creation, by whatever means, of a climate of hostility or intimidation on the basis of any of the areas mentioned above.¶  
<#>Harassment may be the use of language, derogatory nicknames, slurs, demeaning stories or jokes or pictures relating to any of the protected categories listed in the definition of harassment/discrimination contained in this policy. Prohibited language or conduct is that, when addressed directly to a student, amounts to "fighting words or conduct." That is, the language or conduct is such as to be commonly understood to convey hatred or prejudice against an individual.¶  
<#>Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.¶

**HARASSMENT/DISCRIMINATION/DISCIPLINARY ACTION**

Students who engage in harassment/discrimination of an employee or another student on the basis of any of the areas mentioned above shall be subject to disciplinary action, including but not limited to suspension and expulsion.

**GUIDELINES**

Students who believe they have been a victim of an act of harassment/discrimination or who have observed incidents involving other students that they believe to be an act of harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report. Without a report being made to the Principal, Superintendent or Title IX/Equity Coordinator, the District shall not be deemed to have received a complaint of harassment/ discrimination.

Employees who observe prohibited behaviors or with whom students share a complaint shall notify the Principal or their immediate supervisor, who shall immediately forward the information to the Superintendent.

The Superintendent shall provide for the following:

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

**Deleted: Nondiscrimination and Antiharassment¶**

**Deleted:** These prohibitions shall be in force at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students.¶

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Antiharassment¶**

#### HARASSMENT/DISCRIMINATION GUIDELINES (CONTINUED)

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

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

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

#### NOTIFICATION

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

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

#### PROHIBITED CONDUCT

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

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

#### **Deleted: REPORTING REQUIREMENT¶**

Any student who believes he or she has been subjected to discrimination or harassment is encouraged to report such discrimination or harassment to the Principal of the school involved or directly to the Superintendent. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Without a report being made to the Principal, Superintendent or Title IX/Equity Coordinator, the District shall not be deemed to have received a complaint of harassment/discrimination.¶

STUDENTS

HARASSMENT/DISCRIMINATION (CONTINUED)

09.42811  
(CONTINUED)

~~Deleted: Nondiscrimination and Antiharassment~~

~~Deleted: REPORTING REQUIREMENTS~~

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~~Deleted: Any person, whether a student or employee of the Hardin County School System, who is aware of discrimination or harassment of a student may report such discrimination or harassment to the Principal of the school involved or directly to the Superintendent. ¶ Principals who receive a report shall provide a form for the student to complete and then immediately notify the Superintendent and/or Title IX/Equity Coordinator, as appropriate. ¶~~

~~GRIEVANCE PROCEDURE~~

~~District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination. ¶ Any student or parent of a student may express by a written grievance alleged discrimination or harassment. ¶~~

~~Students who believe they have been a victim of an act of harassment/discrimination or who have observed incidents involving other students that they believe to be an act of harassment/discrimination shall, as soon as reasonably practicable, report it. ¶ The following order of consideration should be used. ¶~~

~~From student or parents or employee to Principal. ¶ From Principal to Superintendent and/or Title IX/Equity Coordinator. ¶ From Superintendent to Board. ¶~~

~~The Superintendent shall develop procedures providing for the prompt investigation of and the expeditious correction of grievances alleging discrimination or harassment of a student on the basis of race, color, national origin, age, religion, marital status, sex, or disability. ¶~~

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

~~NOTIFICATION~~

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

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

~~DISCIPLINARY ACTION~~

~~Persons engaging in discrimination or harassment of a student in the Hardin County School System on the basis of any of the areas mentioned above shall be subject to disciplinary action under the Code of Acceptable Behavior and Discipline if committed by a student, and as permitted under statutory law or policy of the Board of Education of Hardin County if committed by an employee of the school system. ¶~~

~~Failure by a Principal and/or the Superintendent to report, notify, a~~

**HARASSMENT/DISCRIMINATION CONFIDENTIALITY**

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

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**APPEAL**

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

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

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

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**NONRETALIATION**

No one shall retaliate against any student or any other person because s/he has filed a written grievance, assisted or participated in an investigation, proceeding, or hearing regarding discrimination or harassment of an individual or because s/he has opposed language or conduct that violates this policy.

Deleted: due to race, color, national origin, age, religion, marital status, sex, or disability

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

**FALSE COMPLAINTS**

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

**OTHER CLAIMS**

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

**REFERENCES:**

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

| STUDENTS

09.42811  
(CONTINUED)

| HARASSMENT/DISCRIMINATION RELATED POLICIES:

03.162, 03.262, 09.13, 09.227, 09.422, 09.426, 09.438

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Anti-harassment

LEGAL: THESE CHANGES ARE RECOMMENDED BY KSBA LEGAL STAFF TO CLARIFY THAT EMPLOYEES MAY NOT DIVULGE STUDENT JUVENILE COURT INFORMATION, REGARDLESS OF THE SOURCE AND THAT SUCH INFORMATION MUST BE KEPT SEPARATE FROM FERPA RECORDS.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.43

### **Student Disciplinary Processes**

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

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

#### **TREATMENT OF PUPILS**

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

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

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

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#### **SERIOUS PROBLEMS**

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

#### **COUNCIL RESPONSIBILITY**

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

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

#### **CHILDREN AND YOUTH WITH DISABILITIES**

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

#### **REFERENCES:**

<sup>1</sup>KRS 158.153

KRS 158.150, KRS 160.290, KRS 160.340, KRS 160.345, KRS 161.180, KRS 610.345

P. L. 105-17, P.L. 101-476, 707 KAR 1:051, 707 KAR 1:060