

Jefferson County Board of Education Board Policies

1st Reading, June 27, 2023

Board Policy Committee June 12, 2023

KDE Guidance Regarding FERPA for 18-Year-Old Non-Dependent Students

09.14 Student Records

2023 KSBA Annual Board Policy and Administrative Procedure Update

House Bill 538 AN ACT relating to discipline of students.

09.425 Assault and Threats of Violence
09.426 Disrupting the Educational Process
09.431 Due Process
09.434 Suspension
09.434 Suspension
09.4341 Alternative Education Programs
05.48 Weapons
09.421 Care of School and Personal Property
09.1221 Shortened School Day and/or Week
09.42811 Harassment/Discrimination

House Bill 547 AN ACT relating to First Amendment rights in public schools.

03.13241 Employee Religious Expression (Certified)
03.23241 Employee Religious Expression (Classified)

Senate Bill 5 AN ACT relating to education and declaring an emergency.

08.23 “Harmful to Minors” Complaint Resolution Process
08.2322 Review of Instructional Materials

Senate Bill 9 AN ACT relating to hazing

09.422 Bullying and Hazing

Senate Bill 80 AN ACT relating to public safety.

10.5 Visitors to the Schools

Senate Bill 169 AN ACT relating to public-private partnerships.

House Bill 522 AN ACT relating to procurement.

04.32 Model Procurement Code Purchasing

702 KAR 7:125 Pupil Attendance

09.122 Attendance Requirements

704 KAR 3:305 Minimum Requirements for High School Graduation

08.113 Graduation Requirements

08.1131 Alternative Credit Options

08.11311 Early Graduation Program

704 KAR 3:395 Extended School Services

08.133 Extended School/Direct Student Services

Senate Bill 1 (2022 RS) AN ACT relating to education and declaring an emergency.

08.232 Instructional Resources

Additional Consideration of Policy Previously Discussed

06.34 Conduct on the Bus

KDE Guidance Regarding FERPA for 18-Year-Old Non-Dependent Students

Student Records

Except as otherwise provided by law, student education records are those records recorded in any medium that are directly related to a student and maintained by the District or by a party acting for the District.

TYPES OF STUDENT RECORDS

Student records include, but are not limited to:

1. Personal and family data;
2. Evaluation and test data;
3. Medical and psychological reports;
4. Records of school achievement, progress reports and portfolios;
5. Records of conferences with students and/or parents (including Individual Education Programs for exceptional children);
6. Copies of correspondence concerning a student;
7. Photographs/video records of a student;
8. Discipline records;
9. Other information or data that may be useful in working with a student and/or required by state or federal law.

Student records shall be retained as required by law.

PROCEDURE TO BE ESTABLISHED

The Superintendent/designee shall develop procedures for the development, maintenance, use, storage, dissemination, and destruction of student records and to promote effective notification of parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) and to ensure District compliance with applicable state and federal student record requirements.

DISCLOSURE OF RECORDS

Student records shall be made available for inspection and review to the parent(s) of a student or to an eligible student on request. Legal separation or divorce alone does not terminate a parent's record access rights. Eligible students are those 18 years of age or older or those duly enrolled in a post-secondary school program. In general, FERPA rights pass to the eligible student upon either of those events. Parents may be provided access to the educational records of an eligible student 18 years old or older if the student is dependent under federal tax laws.¹ An eligible student who is not a dependent has right to prohibit the disclosure of personally identifiable information in education records to their parent/guardian if the student has submitted a signed affidavit stating that they are not a dependent as defined under Section 152 of the Internal Revenue Code and requesting to prohibit disclosure to their parents.

Student records shall be developed, maintained, stored, used, released, disseminated, and destroyed in compliance with applicable state and federal laws and regulations.

State and federal laws and regulations assuring parent/student rights to review and access student records, and to provide for the privacy and confidentiality of student records shall be followed.

Considering the totality of the circumstances, the District may disclose information from education records to appropriate parties, including parents of eligible students, whose knowledge of the

Student Records**DISCLOSURE OF RECORDS (CONTINUED)**

information is necessary to protect the health or safety of a student or another individual, if there is an actual, impending, or imminent articulable and significant threat to the health or safety of a student or other individual. In such instances, the basis for a decision that a health or safety emergency existed shall be recorded in the student's education records.

Authorized District personnel also may disclose personally identifiable information to the following:

- Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer;
- School officials (such as teachers, instructional aides, administrators, including health or medical staff and law enforcement unit personnel) and other service providers (such as contractors, consultants, and volunteers used by the District to perform institutional services and functions) having a legitimate educational interest in the information.

District and school officials/staff may only access student record information in which they have a legitimate educational interest.

DISCLOSURE TO REPRESENTATIVES FOR FEDERAL OR STATE PROGRAM PURPOSES

Personally identifiable student information may be released to those other than employees who are designated by the Superintendent in connection with audit, evaluation, enforcement, or compliance activities regarding Federal or State programs. Such designation must be executed in writing with the authorized representative and specify information as required by 34 C.F.R. Part 99.35.

DUTY TO REPORT

If it is determined that the District cannot comply with any part of FERPA or its implementing regulations due to a conflict with state or local law, the District must notify the Family Policy Compliance Office (FPCO) within forty-five (45) days of the determination and provide the text and citation of the conflicting law.

DIRECTORY INFORMATION

The Superintendent/designee is authorized to release student directory information to organizations or individuals upon written request. A student's name, school mailing address, guardian email address, grade level, honors and awards, photograph including use of student photographs in school District publications, school District social media, on the school District's website and to news media, video or film of students when filmed by the District for educational purposes or for promotional use or filmed by news media, and major field of study shall constitute directory information. Photos and video that would generally be considered harmful or an invasion of privacy if disclosed are not directory information. A student's date of birth shall constitute directory information only for purposes of the U.S. Department of Education Free Application for Federal Student Aid (FAFSA) Completion Project. The Superintendent/designee shall develop a form to permit parents and eligible students to opt-out of the release of directory information.

Information about the living situation of a student designated as homeless is not to be treated as directory information and is not to be disclosed unless prior written consent is given or unless the information meets one of FERPA's exceptions to required consent. The living situation is not considered directory information.

Student Records

DIRECTORY INFORMATION (CONTINUED)

The District allows for disclosure of directory information only to specific parties for specific purposes. Such limitations are specified in the student directory information notification.

Parents/guardian/eligible students must either permit release of all directory information or opt out of release of all directory information.

Unless the parent/guardian or student who has reached age 18 requests in writing that the District not release such information, the student's name, address, and telephone number shall be released to Armed Forces recruiters and institutions of higher education upon their request.

SURVEYS OF PROTECTED INFORMATION

The District shall provide direct notice to parents/guardian to obtain prior written consent for their minor child to participate in any protected information survey, analysis, or evaluation, if the survey is funded in whole or in part by a program of the U.S. Department of Education.

Parents/eligible students also shall be notified of and given opportunity to opt their child out of participation in the following activities:

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Parents/eligible students may inspect, upon written request and prior to administration or use, materials or instruments used for the collection, disclosure, or use of protected information.

These requirements do not apply to evaluations administered to students in accordance with the Individuals with Disabilities Education Act (IDEA).

STUDENTS WITH DISABILITIES

The District's special education policy and procedures manual shall include information concerning records of students with disabilities.

RECORDS RELEASE TO JUVENILE JUSTICE SYSTEM

Once a complaint is filed with a court-designated worker alleging that a child has committed a status offense or public offense, schools shall provide all records specifically requested in writing, and pertaining to that child to any agency listed as part of Kentucky's juvenile justice system in [KRS 17.125](#) if the purpose of the release is to provide the juvenile justice system with the ability to effectively serve, prior to adjudication, the needs of the student whose records are sought. The authorities to which the data are released shall certify that any educational records obtained pursuant to this section shall only be released to persons authorized by statute and shall not be released to any other person without the written consent of the parent of the child. The request, certification, and a record of the release shall be maintained in the student's file.

Student Records**RECORDS OF MISSING CHILDREN**

Upon notification by the Commissioner of Education of a child's disappearance, the District shall flag the record of such child in a manner that whenever a copy of or information regarding the child's record is requested, the District shall be alerted to the fact that the record is that of a missing child. Instead of forwarding the records of a child who has been reported missing to the agency, institution, or individual making the request, the District shall notify the Justice Cabinet.

COURT ORDER/SUBPOENA

Prior to complying with a lawfully issued court order or subpoena requiring disclosure of personally identifiable student information, school authorities shall make a documented effort to notify the parent or eligible student. However, in compliance with FERPA, when a lawfully issued court order or subpoena requires disclosure be made without notification of the student or parent, the District shall comply with that requirement. If the District receives such an order, the matter may be referred to the General Counsel for advice.

REFERENCES:

¹[KRS 158.153](#); [KRS 610.320](#); [KRS 610.340](#); [KRS 610.345](#)
[KRS 7.110](#); [KRS 15A.067](#); [KRS 17.125](#); [KRS 158.032](#); [KRS 159.160](#); [KRS 159.250](#)
[KRS 160.990](#); [KRS 161.200](#); [KRS 161.210](#)
[KRS 365.732](#); [KRS 365.734](#)
[702 KAR 001:140](#); [702 KAR 003:220](#)
20 U.S.C. 1232g, 34 C.F.R. 99.1 - 99.67
20 U.S.C. 1232h (Protection of Pupil Rights Amendment); 34 C.F.R. 98
[OAG 80-33](#); [OAG 85-130](#); [OAG 85-140](#); [OAG 86-2](#); [OAG 93-35](#)
Kentucky Family Educational Rights and Privacy Act ([KRS 160.700](#); [KRS 160.705](#)
[KRS 160.710](#); [KRS 160.715](#); [KRS 160.720](#); [KRS 160.725](#); [KRS 160.730](#))
20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)
Kentucky Education Technology System (KETS)
P. L. 114-95, (Every Student Succeeds Act of 2015)
42 U.S.C. 11431 et seq. (McKinney-Vento Act)

RELATED POLICIES:

09.111; 09.12311; 09.43

Adopted/Amended: 6/8/2021
Order #: 2021-95

House Bill 538
AN ACT relating to discipline
of students.

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

FINANCIAL IMPLICATIONS: COST OF EDUCATING EXPELLED STUDENTS AND CONDUCTING HEARINGS

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

STUDENTS

09.425

Assault and Threats of Violence

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

STUDENTS

Any student who threatens, physically assaults, batters or abuses another student on school property, off school property, or at a school-sponsored event (and the incident is likely to substantially disrupt the education process), shall be subject to appropriate disciplinary action, including suspension or placement in an alternative program in lieu of expulsion.¹ Procedures for dealing with aggressive and assaultive behavior and the resulting consequences shall be set out in the Student Support and Behavior Intervention Handbook.

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

The Principal shall provide written notice to all students, parents, and guardians of students within ten (10) days of the first instructional day of each school year of the provision of KRS 508.078 and potential penalties under KRS 532.060 and KRS 534.030.²

EDUCATIONAL ~~SCHOOL~~ PERSONNEL

Any student who threatens, physically assaults, batters or physically or verbally abuses a teacher or other school educational personnel on or off school property (and the incident is likely to substantially disrupt the educational process) shall be subject to appropriate disciplinary action¹ up to and including placement in an alternative program setting in lieu of expulsion from school and/or legal action.

THREATS THAT POSE A DANGER TO STUDENTS, FACULTY, OR STAFF

Any student who is determined by the District through clear and convincing evidence to have made threats that pose a danger to the well-being of students, faculty, or staff shall be placed in an alternative program or setting in lieu of expulsion for a period of at least twelve (12) months.

REMOVAL OF STUDENTS

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

1. Disrupts the classroom environment and education process or the student challenges the authority of a supervising adult.

JCPS Staff note: Disrupting the classroom environment should not necessarily be considered threatening or violent behavior, even if it can be cause for the removal of a student.

Assault and Threats of Violence**REMOVAL OF STUDENTS (CONTINUED)**

2. Verbal or written statements or gestures by a student ~~students~~ indicating intent to harm himself/herself/themselves, others or property.
3. Physical attack by a student ~~students~~ so as to intentionally inflict harm to himself/herself/themselves, others or property.

Per KRS 158.150, the ~~The~~ Principal may establish a process, in accordance with Board Policy 09.426 Disrupting the Educational Process and subject to review and approval by the Zone Assistant Superintendent (school) procedures for a student's removal from and reentry to the classroom when the student's behavior disrupts the classroom environment and education process, or the student challenges the authority of a supervising adult. In addition to removal, the student shall be subject to further discipline for the behavior consistent with the District Student Support and Behavior Intervention Handbook/school's code of conduct.

Removal of a student ~~students~~ from a bus shall be made in compliance with 702 KAR 5:080. Each school shall develop procedures for the immediate removal of a threatening or violent student from the classroom and submit them to the Superintendent/designee for approval.

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

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

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

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

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

- Another classroom in that school; or
- An alternative program or setting, which may be provided virtually.

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

Assault and Threats of Violence**REPORT TO LAW ENFORCEMENT AGENCY**

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

DOMESTIC/DATING VIOLENCE REPORTING AND EDUCATION

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

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

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

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

NOTIFICATIONS

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

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

Assault and Threats of Violence

REFERENCES:

¹KRS 158.150
²KRS158.1559
KRS 158.154; KRS 160.290
KRS 161.155; KRS 161.190; KRS 161.195
KRS 209A:020; KRS 209.160
KRS 209A.100; KRS 209A.110; KRS 209A.130
KRS 211.160; KRS 403.720; KRS 456.010
KRS 508.025; KRS 508.075; KRS 508.078; KRS 525.080
KRS 532.060; KRS 534.030; KRS 620.030

RELATED POLICIES:

702 KAR 5:080
03.123; 03.13253; 03.223; 03.23253; 05.4; [05.48](#)
06.34; 09.14; 09.2211; 09.422; [09.426](#); [09.4281](#); 09.429; [09.4341](#)

LEGAL: HB 538 AMENDS KRS 158.150 TO DEFINE “CHRONICALLY DISRUPTIVE” TO THE EDUCATIONAL PROCESS AND OPTIONS FOR REMOVAL OF STUDENTS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

TEXT HIGHLIGHTED IN BLUE REFLECTS RECOMMENDATIONS FROM THE BOARD POLICY COMMITTEE.

STUDENTS

09.426

Disrupting the Educational Process

Behavior that materially or substantially disrupts the educational process, whether on or off school property or at school-sponsored events and activities, shall not be tolerated and shall subject the offending student~~pupil~~ to appropriate progressive interventions and consequences, including disciplinary action as set forth in the Student Support and Behavior Intervention Handbook. For purposes of this section, behavior which disrupts the educational process shall include, but not be limited to:

1. Conduct that disrupts the classroom environment and education process or the student challenges the authority of a supervising adult;
- ~~1.2.~~2. Conduct which threatens the health, safety, or welfare of others;
- ~~2.3.~~3. Conduct which may damage public or private property, including the property of students or staff;
- ~~3.4.~~4. Illegal activity;
- ~~4.5.~~5. Conduct that materially or substantially interferes with another student’s access to educational opportunities or programs, including the ability to attend, participate in and benefit from instructional and extracurricular activities; or
- ~~5.6.~~6. Conduct that materially or substantially disrupts the delivery of instructional services or interferes with the orderly administration of the school and school-related activities or District operations.

REMOVAL

Per KRS 158.150, a student who is removed from the same classroom three (3) times within a thirty (30) day period shall be considered “chronically disruptive” and may be suspended from school in accordance with Board Policy 09.434 Suspension and no other basis for suspension shall be deemed necessary. Prior suspending a student for being chronically disruptive, the principal shall attempt to ascertain the underlying cause of the student misbehavior and determine whether an alternative intervention or consequence could successfully address the issue. This may include, but is not limited to, the evidence-based best practices to support student behavior and the progressive consequences set forth in the Student Support and Behavior Intervention Handbook.

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

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

Disrupting the Educational Process**REMOVAL (CONTINUED)**

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

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

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

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, Board Policy 09.422 which addresses bullying or hazing allegations and Board Policy 09.42811, which addresses harassment/discrimination allegations.

REFERENCES:

KRS 158.150; KRS 158.165; KRS 160.290

RELATED POLICIES:

09.13; 09.422; 09.425; 09.4281; 09.42811; 09.431; 09.438

LEGAL: HB 538 AMENDS KRS 158.150 REGARDING STUDENT DISCIPLINE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

STUDENTS

09.431

Due Process

RIGHT TO DUE PROCESS

Due process shall be followed for all students, as required by federal and state laws and regulations and Board policy and administrative procedures.

Whenever a student is alleged to have committed a violation of the Student Support and Behavior Intervention Handbook, and prior to a consequence being imposed, the student shall have the right to the due process, in accordance with procedures set forth in the handbook, including the following.¹

1. A student shall be given oral or written notice of the charge(s) and evidence of the charge(s) against the student~~him or her~~;
2. A student shall be given an opportunity to present his her/their or her own version of the facts relating to~~concerning~~ the charge(s); and
3. A student shall be provided with an opportunity to appeal the decision.

STUDENTS WITH DISABILITIES

In cases that involve students with disabilities, procedures mandated by federal and state laws and regulations shall be followed.²

REFERENCES:

¹KRS 158.150

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

RELATED POLICIES:

09.426

09.43

09.433

09.434

09.4341

09.435

LEGAL: HB 538 AMENDS KRS 158.150 TO DEFINE “CHRONICALLY DISRUPTIVE” TO THE EDUCATIONAL PROCESS AND ADDS STATUTORY GUIDELINES FOR SUSPENSION OF A STUDENT.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED
TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

STUDENTS

09.434

Suspension

WHO MAY SUSPEND

In accordance with KRS 158.150, the principal, assistant principal, or associate principal may suspend a student~~pupil~~ for a violation ~~violations~~ using the procedures set forth in the Student Support and Behavior Intervention Handbook.

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

PRIOR DUE PROCESS REQUIRED

A student~~pupil~~ shall not be suspended until due process procedures have been provided as established in the Student Support and Behavior Intervention Handbook in conformity with KRS 158.150 and Board Policy 09.431¹, unless immediate suspension is essential to protect persons or property or to avoid disruption of the educational process.

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

A suspension of one (1) to ten (10) school days requires due process, in which a student is given oral or written notice of the charge against the student~~him or her~~; is given the opportunity to present his/her/their ~~or her~~ own version of the facts concerning the charges; and is given the opportunity to appeal the decision. If a student is believed to be a danger to himself/herself/themselves ~~or herself~~ or to others, the student may be suspended first and be provided a due process consultation at a later time.

A long-term suspension of eleven (11) to twenty (20) school days requires a formal hearing unless such a hearing is waived by:

1. A student’s parent/guardian;
2. A student who is eighteen (18) years of age or older; or
3. A student who is under the age of eighteen and is an emancipated youth legally free from the care, custody, and control of a parent/guardian.

Procedures for a formal hearing are in the Student Behavior Support and Intervention Handbook.

WRITTEN NOTIFICATION AND DOCUMENTATION REQUIRED

Within one (1) day of a suspension, the suspending administrator shall send written notification¹ to the parent/guardian the decision to suspend the student. The written report shall include the reason for suspension, the length of time of the suspension, and the conditions for reinstatement. Every suspension shall be documented by the suspending administrator in accordance with procedures established by the District.

Suspension**RESTRICTIONS**

A student on suspension cannot enter the school or go on any District school grounds unless arrangements to do so are made with an administrator. During a suspension, a student cannot attend any day or night school-sponsored or District-sponsored function or ride a District bus. Any violation of these conditions will result in further disciplinary action.

Procedures for a parent/guardian/student to appeal a suspension or a related alternative assignment shall be set forth in the Student Behavior Support and Intervention Handbook.

STUDENTS WITH DISABILITIES

In ~~cases which involve~~ a case which involves a student with a disability~~students with disabilities~~, the procedures mandated by federal and state law for students with disabilities shall be followed.² Exceptional Child Education students, students identified under Section 504 of the Rehabilitation Act of 1973, and students who are being assessed for suspected disabilities have additional rights guaranteed under federal and state law. The Student Support and Behavior Intervention Handbook shall include specific procedures to ensure those rights are protected.

REFERENCES:

¹KRS 158.150

²20 U.S.C. Sections § 1400 et seq; 707 Chapter 1; *Honig v. Doe*, 108 S.Ct. 592(1988)

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

OAG 78-392; OAG 78-673

Goss v. Lopez, 419 US 565 (1975)

707 KAR 1:340

RELATED POLICIES:

[09.425](#); [09.426](#); 09.43; 09.431

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

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

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

STUDENTS

09.4341

Alternative Education Programs

DEFINITION

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

There are two types of Alternative Education Programs governed by 704 KAR 19:002:

1. An alternative education program that is a District-operated facility with no definable attendance boundaries that is designed to remediate academic performance, improve behavior, or provide an enhanced learning experience.
2. A program funded by the Kentucky Education Collaborative for State Agency Children (KECSAC) serving state agency children.

PURPOSE

The purpose of the Board's Alternative Education Programs are to provide:

- Learning activities that support innovative pathways and are aligned to college and career outcomes for all students.
- A curriculum that is aligned with the Kentucky Academic Standards and the learning goals in each student's Individual Learning Plan (ILP).
- Successful student transition to the school to which the student would otherwise be assigned under the District Student Assignment Plan, when desired, appropriate, and possible, or to post-secondary status.
- A meaningful alternative to suspension and/or expulsion of a student, where applicable.

ALTERNATIVE EDUCATION IN LIEU OF EXPULSION

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

Alternative Education Programs**ALTERNATIVE EDUCATION IN LIEU OF EXPULSION (CONTINUED)**

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

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

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

As required by Kentucky Administrative Regulation 704 KAR 19:002 the District shall ensure:

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

ELIGIBILITY CRITERIA

~~An alternative~~ ~~Alternative~~ education assignment assignments may be utilized for a student at any students at all grade levels.

The Superintendent/designee shall create procedures regarding entry eligibility, criteria, and transition/exit (see Alternative School Profiles).

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

An ILP shall exist for a student in grade six (6) and above as required by regulation prior to assignment in a District Alternative Education Program.

INVOLUNTARY ASSIGNMENT

"Involuntary assignment" means the placement of a student in an alternative education program by local district school personnel:

1. a. To ensure the safety of the individual student, the student body, or staff;
- b. To meet the educational needs of the student;

Alternative Education Programs**INVOLUNTARY ASSIGNMENT (CONTINUED)**

- c. To transition the student to a placement as a state agency child pursuant to KRS 158.135 and 505 KAR 1:080; or
 - d. For disciplinary purposes; and
2. Not made at the request of the parent or emancipated student.²

Criteria for involuntary assignment by District personnel in an Alternative Education Program shall include one (1) or more of the following:

- The need for a different educational environment for the student that will reflect an instructional delivery style best provided in an alternative setting.
- Documentation that the student has contributed to substantial and on-going disruption of the educational process.
- Documentation that there are specific academic and/or behavioral performance areas that require intensive assistance best provided in an alternative setting.
- Confirmation that the student has significant and on-going truancy issues that are impeding academic growth.
- Documentation that the student needs intensive support with social and personal issues that are impeding academic performance and/or behavioral expectations.
- The student has been assigned for Student Support and Behavior Intervention Handbook or Board policy violations for which assignment to an alternative program is authorized under the code or policy.
- The student is assigned to an alternative school or program for other reasons as provided in the Student Support and Behavior Intervention Handbook, Board policy, or other program standards adopted by the Board.
- Other reasons related to safety concerns and educational needs of the student referenced in 704 KAR 19:002.

A student shall not be involuntarily assigned to an Alternative Education Program solely for being at risk of academic failure and/or dropping out of school, but that may be taken into account, with documentation, when determining an involuntary assignment, if the student meets one (1) or more of the criteria.

VOLUNTARY ASSIGNMENT

"Voluntary assignment" means the assignment of a student in an alternative education program at the request of the parent or emancipated student and with the agreement of school personnel to better meet the educational needs of the student.²

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

Criteria for voluntary assignment by District personnel in the Alternative Education Program may include one (1) or more of the following:

Alternative Education Programs

VOLUNTARY ASSIGNMENT (CONTINUED)

- The desire of a parent/guardian or emancipated student to access an enhanced learning experience through specialized curriculum and programming available through an alternative education program.
- The need for a different educational environment that provides an instructional delivery model and academic and non-academic supports best suited to meet the needs of the student.
- Documentation that there are specific academic areas that require intensive assistance best provided in alternative setting.
- Confirmation that the student has significant and on-going truancy issues that are impeding academic growth.
- The student has been identified as being at risk of academic failure and/or dropping out of school.
- The student has previously dropped out of school, but has requested to return to school via enrollment in an alternative education setting.

ADMINISTRATIVE PROCEDURES

There shall be an administrative procedure for each alternative education program that shall include the:

1. Purpose of the program, including the ways the program supports the District's college and career readiness goals for students;
2. Eligibility criteria, as appropriate;
3. Process for entering students into the program;
4. Process for transitioning students out of the program;
5. Composition of the team to develop the ILPA, which shall include an invitation to the parents to participate and, as appropriate, an invitation to the student to participate; and
6. Procedures for collaboration with outside agencies involved with involuntary placements, including courts or other social service agencies to address student transitions between programs.²

NOTIFICATION

The designated administrator shall provide written notification to the parent/guardian parents regarding his/her their child's assignment to an Alternative Education Program. The notification for an involuntary assignment shall include length and reason for assignment, expected behavior of the student, as well as criteria for exiting the program.

In cases of involuntary assignment, the parent/guardian parents or guardians shall be provided a copy of appeal procedures when they are notified of his/her their child's assignment.

The duration of the involuntary alternative assignment shall be as provided in applicable Board policy, Student Support and Behavior Intervention Handbook, or other alternative program

Alternative Education Programs

NOTIFICATION (CONTINUED)

standards adopted by the District, or as decided by the team and approved by the Superintendent/designee.

ATTAINMENT OF A HIGH SCHOOL EQUIVALENCY DIPLOMA

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

ILPA TEAM

A designated team shall develop an Individual Learning Plan Addendum (ILPA) for ~~students- a student with a~~ long-term ~~placements~~ in grades kindergarten through twelve (K-12) assigned to an alternative school or program. The team may consist of the administrator/designee of the student's current school/program, the administrator/designee of the Alternative Education Program, counselors, teachers and other staff as appropriate.

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

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

EXCEPTIONS:

- Such decisions for ~~a student with a disability individual students with disabilities~~ under the IDEA shall be made by the Admissions and Release Committee (ARC).
- Such decisions for students identified under Section 504 shall be made through the team process as required under federal law and corresponding District policies and procedures.

EXTRACURRICULAR PARTICIPATION

~~A student Students~~ assigned to ~~an~~ Alternative Education ~~Program Programs~~ shall be eligible to access extracurricular activities including, but not limited to sports activities, as allowed under applicable Board policy, Student Support and Behavior Intervention Handbook, SBDM policy, KHSAA rules or other alternative program standards adopted by the District.

CONTINUING SUPPORT

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

TRANSITION

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

Alternative Education Programs**CONTINUING SUPPORT (CONTINUED)**

1. The lead Alternative Education Program administrator/designee shall invite the student (age 18 or older) or the parent/legal guardian to meet to discuss the proposed transition. If the parent/legal guardian or adult student do not attend, written notification shall be provided to explain the proposed re-entry.

For an IDEA or Section 504 studentstudents, the ARC or Section 504 team shall determine placement of students-as required by law.

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

COLLABORATION WITH OUTSIDE AGENCIES

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

~~2021-2022 SUPPLEMENTARY SCHOOL YEAR ASSURANCES~~

~~For the 2021-22 school year, in accordance with the guidance provided by the Kentucky Department of Education in conformity with the provisions of Senate Bill 128 (2021 Regular Session:~~

- ~~1. Individual Learning Plan Addendums (ILPAs) will be reviewed and appropriately adjusted to meet the needs of alternative education program students participating in the supplemental school year program;~~

~~2021-2022 SUPPLEMENTARY SCHOOL YEAR ASSURANCES (CONTINUED)~~

- ~~2. School-Based Decision Making (SBDM) councils will be given appropriate notice to allow adequate time to review and revise policies that may be impacted by the implementation of supplemental school year program; and~~
- ~~1. This policy has been reviewed and appropriately adjusted to meet the needs of students participating in the supplemental school year program.~~

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

Alternative Education Programs

REFERENCES:

¹KRS 160.380

²704 KAR 19:002

³KRS 158.143

⁴[KRS 158.150](#)

[KRS Chapter 159](#)

707 KAR 1:320

Student Discipline Guidelines, Kentucky Department of Education

OAG 77-419

RELATED POLICIES:

08.131; 08.141

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

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.
THIS POLICY IS NOT PART OF THE KSBA UPDATE. THIS IS A CONFORMING AMENDMENT BASED ON
HB 538 REFLECT THE JCPS POLICY TO USE ALTERNATIVE PLACEMENT IN LIEU OF EXPULSION

SCHOOL FACILITIES

05.48

Weapons

This policy applies to all individuals on District property including students, staff members, and visitors to the school. Violations of this policy shall be reported to a law enforcement agency.

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 event is prohibited.³

Violation of this policy by ~~an employee~~ employees is grounds for disciplinary action up to and including termination.

Violation of this policy by ~~a student~~ students shall require that the Principal immediately make a report to the Superintendent/designee, who shall determine the appropriate disciplinary action in accordance with Board policies and the Student Support and Behavior Intervention Handbook, including, but not limited to placement in an alternative program or setting in lieu of expulsion recommend to the Board whether charges for expulsion for a minimum of one (1) calendar year from the District schools should be filed under Policy 09.435 or if the student should be assigned to an alternative school or otherwise disciplined pursuant to the Student Support and Behavior Intervention Handbook. 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 event that involves student possession of a firearm in violation of the law or assault involving the use of a weapon.

LOOK-ALIKE WEAPONS

Any toy or model weapon that looks enough like an authentic weapon to be reasonably mistaken for one will be considered a look-alike weapon. Any student who represents a look-alike weapon to a staff member or another student as a real weapon and/or who uses it to intimidate, threaten, or harass someone will be treated as if he or she used a real weapon.

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, including peace officers and police as provided in [KRS 527.070](#) and [KRS 527.020](#), are authorized to bring weapons onto school property in the performance of their duties.

STATE AND 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 to school or onto the school campus/property under jurisdiction of the District shall be placement in an alternative program or setting in lieu of

Weapons

STATE AND FEDERAL REQUIREMENTS REGARDING STUDENTS (CONTINUED)

expulsion for ~~at least a minimum of~~ twelve (12) months under Board Policy 09.4341 and KRS 158.150-09.435. ~~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.~~¹

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.

STATE POSTING REQUIREMENTS

The Superintendent/designee 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.¹

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

STATE REPORTING REQUIREMENTS

~~An employee Employees~~ of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if the employee knows or has 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.

~~An employee Employees~~ who receives 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.

Weapons**ENFORCEMENT**

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

REFERENCES:

¹[KRS 527.070](#); [KRS 158.150](#); 20 U.S.C. §7141; (Gun-Free Schools Act); 18 U.S.C. §921(a)
[KRS 158.154](#); [KRS 158.155](#), [KRS 160.290](#), [KRS 160.340](#), [KRS 161.790](#)
[KRS 237.106](#); [KRS 237.110](#), [KRS 237.138](#) to [KRS 237.142](#)
[KRS 500.080](#); [KRS 508.075](#), [KRS 508.078](#); KRS 527:020
Individuals with Disabilities Education Improvement Act (IDEA)
Section 504 of the Rehabilitation Act of 1973, as amended

RELATED POLICIES:

09.4341
~~09.435~~
09.436
09.4361

Adopted/Amended: 8/6/2019
Order #: 2019-840

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.
THIS POLICY IS NOT PART OF THE KSBA UPDATE. THIS IS A CONFORMING AMENDMENT BASED ON
HB 538 REFLECT THE JCPS POLICY TO USE ALTERNATIVE PLACEMENT IN LIEU OF EXPULSION

STUDENTS

09.421

Care of School and Personal Property

STUDENTS RESPONSIBLE

A student shall be held responsible for damage to school property due to the student's actions.

SCHOOL PROPERTY

Any student, student organization, or group of students who destroys, defaces, damages or removes school property shall be subject to disciplinary action and liability for the cost of restoring the property.

In addition, if a principal has a reasonable belief that a violation has taken place on school property or at a school-sponsored function that involves damage to school property, the principal shall immediately report to law enforcement officials. For the purposes of determining when to make a report to law enforcement officials, damage to school property shall refer to instances involving:

1. Intentional harm, and
2. Damage beyond minor loss or breakage, excluding normal wear and tear.

PERSONAL PROPERTY OF SCHOOL PERSONNEL

Any student, student organization, or group of students who steals or willfully or wantonly destroys, defaces, or damages the personal property of school personnel on school property, off school property, or at school-sponsored activities shall be subject to disciplinary action in accordance with the Student Support and Behavior Intervention handbook, including, but not limited to, suspension or placement in an alternative program or setting in lieu of or expulsion from school.²

STUDENTS' PROPERTY

Any student, student organization, or group of students who destroys, defaces, damages or steals the personal property of students shall be subject to disciplinary action in accordance with the Student Support and Behavior Intervention Handbook.

PARENTS LIABLE

A parent/guardian ~~Parents/guardians~~ shall be liable for property damage caused by his/her their minor ~~child~~children.¹

REFERENCES:

- ¹[KRS 157.140](#) (Textbooks)
¹[KRS 405.025](#) (Willful Damage)
²[KRS 158.150](#)
[KRS 158.154](#); [KRS 160.290](#)
[704 KAR 003:455](#)

RELATED POLICY:

09.438

Adopted/Amended: 8/31/2021

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.
THIS POLICY IS NOT PART OF THE KSBA UPDATE. THIS IS A CONFORMING AMENDMENT BASED ON
HB 538 REFLECT THE JCPS POLICY TO USE ALTERNATIVE PLACEMENT IN LIEU OF EXPULSION

STUDENTS

09.1221

Shortened School Day and/or Week

A student with a disability ~~Students with disabilities~~ must attend school for the same number of hours and minutes as a non-disabled ~~students~~students. However, the Board shall consider a shortened school day for a student with a disability ~~students with disabilities~~ under specific conditions.

The Board shall consider a shortened school day and/or week only for a student ~~students~~ with an Individualized Education Program (IEP) or Section 504 Plan that supports a shortened day.

A recommendation to shorten the normal school day and/or week for a student shall be made through the Admissions and Release Committee (ARC) or Section 504 Plan Team (504 Team). Once the ARC or 504 Team determines that a shortened school day and/or week is in the best interest of the student with a disability ~~disabilities~~, the ARC or 504 Team must determine the delivery of services in the student's IEP or Section 504 Plan.

The decision to shorten the school day and/or week and the IEP or Section 504 Plan should be based on a student's unique, disability-related needs.

An ARC or 504 Team should exercise caution when placing a student on a shortened day and/or week as it may limit a student's ability to make adequate progress, to access the general education curriculum, to meet graduation requirements, and to receive a free and appropriate public education (FAPE). An ARC or 504 Team may not reduce a student's instructional time as a form of punishment or in lieu of a suspension or placement in an alternative program or setting in lieu of an expulsion. The ARC or 504 Team shall develop an IEP or Section 504 Plan that addresses the student's behavioral needs.

The ARC or 504 Team must submit appropriate documentation for the Board's consideration. This documentation includes:

1. A medical statement signed by a physician;
2. A documented determination by the student's ARC or 504 Team that a shortened school day is needed; and
3. An IEP or Section 504 Plan that prescribes the length of the shortened day, the continuum of services and placement, and a plan for the student's return to a full day of school.

The Board and District shall maintain the student's confidentiality throughout this process.

Once approval is granted by the Board, the District shall submit notice to the Kentucky Department of Education's Office of Special Education and Early Learning (KDE/OSEEL) as required.

Shortening a student's day and/or week raises issues regarding the provision of a FAPE under the Individuals with Disabilities Education Act (IDEA), as well as potential discrimination under Section 504 of the Rehabilitation Act. The District's Exceptional Child Education staff shall

Shortened School Day and/or Week

monitor the District's use and implementation of this policy to ensure its compliance with federal and state requirements.

REFERENCES:

[KRS 158.3175](#)

[KRS 158.060](#)

[KRS 158.150](#)

[KRS 159.030](#)

[KRS 339.210](#)

[KRS 339.220](#)

[KRS 339.230](#)

[KRS 339.360](#)

[016 KAR 004:020](#)

[702 KAR 007:125](#)

[704 KAR 003:410](#)

[707 KAR 001:350](#)

[707 KAR 001:320](#)Section 504 of Rehabilitation Act of 1973, Americans with Disabilities Act
20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)

RELATED POLICIES:

08.131

08.31

09.13

Adopted/Amended: 8/31/2021
Order #: 2021-147

STUDENTS

09.42811

Harassment/Discrimination

DEFINITION

Harassment/Discrimination is unlawful behavior based on a student's race, color, national origin, age, religion, marital or parental status, political affiliations or beliefs, sex (including sexual orientation or gender identity), gender expression, veteran status, or disability. It is intimidation that is sufficiently severe, pervasive, or objectively offensive so as to adversely affect a student's education or create a hostile or abusive educational environment. It may involve threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, including racial slurs or hate speech, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual.

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, relating to Bullying/Hazing.

PROHIBITION

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to a visitor ~~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.

DISCIPLINARY ACTION

A student ~~Students~~ who engages ~~engage~~ in harassment/discrimination of an employee or another student shall be subject to disciplinary action including, but not limited to suspension or placement in an alternative program or setting in lieu of expulsion.

GUIDELINES

A student ~~Students~~ who believes he/she/they believe they or any other student, employee, or visitor is being or has been subjected to 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. Students may also file a report of harassment/discrimination using the District Compliance Hotline, online at <https://jcps.callsplus.net/>, or by telephone at 1-800-393-6780. Otherwise, a report ~~reports~~ of harassment/discrimination may be made directly to the Superintendent/designee. Additionally, if sexual discrimination or harassment is being alleged, a report ~~reports~~ may be made directly to the District Title IX Coordinator. A complaint ~~Complaints~~ of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.

Harassment/Discrimination**GUIDELINES (CONTINUED)**

An employee ~~Employees~~ who believes ~~believe~~ prohibited behavior is occurring or has occurred shall notify the victim's Principal, who shall immediately forward the information to the Superintendent/designee.

The Superintendent shall develop grievance/complaint procedures:

1. For Title IX Sexual Harassment, as defined in Board Policy 09.428111, separate procedures in conformity with requirements of Board Policy 09.428111 and federal Title IX regulations;
2. For all other prohibited types of harassment/discrimination, providing for:
 - a. Investigation of allegations of harassment/discrimination to include the submission of a written report of all findings of an investigation, regardless of the manner in which the complaint is communicated to a District administrator;
 - b. Establishment of measures to provide confidentiality in the complaint process;
 - c. A process to identify and employ methods to correct and prevent recurrence of the harassment/discrimination;
 - d. A process where the provisions of this policy are disseminated in writing annually to all staff and students;
 - e. Age-appropriate training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination; and
 - f. 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. Title IX Sexual Harassment, as defined in Board Policy 09.428111;
2. 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;
3. Instances involving sexual violence;
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 a student with a disability ~~students with disabilities~~ in antisocial, dangerous or criminal activity where the student~~students~~, because of disability, is ~~are~~ unable to comprehend fully or consent to the activity;
6. Destroying or damaging an individual's property based on any of the protected categories; and

Harassment/Discrimination**PROHIBITED CONDUCT (CONTINUED)**

7. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors.

Sexual harassment shall include, but not be limited to:

1. Title IX Sexual Harassment, as defined in Board Policy 09.428111; and
2. An unwelcome sexual advance, request for a sexual favors ~~Unwelcome sexual advances, requests for sexual favors~~ and other verbal or physical sexual conduct, and Submission to such conduct is made either explicitly or implicitly a term or condition of a student's academic advancement or participation in school programs or activities; or
 - a. Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student; or
 - b. Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating, hostile, or offensive learning environment.

When sexual harassment is alleged, the District's Title IX Coordinator, as designated in the Student Support and Behavior Intervention Handbook, shall be notified.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because the employee or student she/he submits a grievance which he/she/they she/he believes to be true, assists or participates in an investigation, proceeding, or hearing regarding a charge of harassment/discrimination or opposes language or conduct that violates this policy.

NOTIFICATIONS

Within twenty-four (24) hours of receiving a serious allegation of harassment/discrimination, District personnel shall attempt to notify the parent/guardian parents of both a student victim ~~victims~~ and a student who has 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.)

In applicable cases, an employee employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.¹

CONFIDENTIALITY

A District employee employees involved in the investigation of a complaint complaints shall respect, as much as possible, the privacy and anonymity of both a victim and a person victims and persons accused of a violation violations.

APPEAL

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

Harassment/Discrimination**APPEAL (CONTINUED)**

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~~ ~~employees~~ to initiate an investigation of alleged harassment/discrimination, to follow approved procedures, or to take corrective action shall be cause for disciplinary action.

~~A deliberately~~ ~~Deliberately~~ false or malicious ~~complaint~~ ~~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, ~~an administrator~~ ~~administrators~~ shall review other policies that may govern the allegations, including but not limited to, 09.422 and ~~or~~ 09.426.

REFERENCES:

¹[KRS 158.156](#)

[KRS.158.150](#)

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)

Franklin vs. Gwinnett County. Public Schools, 503 U.S. 60 (1992)

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., 524 U.S. 274 (1998)

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999)

Bostock v. Clayton County, Georgia 140 S.Ct. 1731 (2020)

RELATED POLICIES:

03.162; 03.262

09.13; 09.2211; 09.227; 09.422; 09.426; 09.428111; 09.438

Adopted/Amended: 7/13/2021

Order #: 2021-114

House Bill 547

**AN ACT relating to First Amendment
rights in public schools.**

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

PERSONNEL

03.13241

- CERTIFIED PERSONNEL -

Employee Religious Expression

“ON DUTY”

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

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

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

EMPLOYEE MAY

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

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

Employee Religious Expression

AUTHORITY

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

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

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

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

REFERENCES:

KRS 158.193

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

RELATED POLICIES:

03.1325; 03.2325; 09.32; 09.34; 09.426

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

PERSONNEL

03.23241

- CLASSIFIED PERSONNEL -

Employee Religious Expression

“ON DUTY”

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

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

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

EMPLOYEE MAY

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

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

Employee Religious Expression

AUTHORITY

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

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

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

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

REFERENCES:

KRS 158.193

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

RELATED POLICIES:

03.1325; 03.2325; 09.32; 09.34; 09.426

Senate Bill 5

**AN ACT relating to education and
declaring an emergency.**

LEGAL: SB 5 CREATES A NEW SECTION OF KRS 158 TO REQUIRE THE BOARD TO ADOPT A COMPLAINT RESOLUTION POLICY FOR PARENTS OR GUARDIANS ALLEGING THAT MATERIAL, A PROGRAM, OR AN EVENT THAT IS HARMFUL TO MINORS HAS BEEN PROVIDED OR IS CURRENTLY AVAILABLE TO THEIR STUDENT ENROLLED IN THE DISTRICT.

FINANCIAL IMPLICATIONS: TIME SPENT INVESTIGATING, RESPONDING TO APPEALS, COST OF NEWSPAPER ADVERTISEMENT REGARDING FINAL OUTCOME

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

CURRICULUM AND INSTRUCTION

08.23

“Harmful to Minors” Complaint Resolution Process

“HARMFUL TO MINORS”

Per KRS 158.192 “harmful to minors” means materials, programs, or events that:

- a) Contain the exposure, in an obscene manner, of the unclothed or apparently unclothed human male or female genitals, pubic area, or buttocks or the female breast, or visual depictions of sexual acts or simulations of sexual acts, or explicit written descriptions of sexual acts;
- b) Taken as a whole, appeal to the prurient interest in sex; or
- c) Is patently offensive to prevailing standards regarding what is suitable for minors.

COMPLAINT RESOLUTION PROCESS

This complaint resolution policy shall be used to address complaints submitted by a parent/guardian ~~parents or guardians~~ alleging that material, a program, or an event that is harmful to minors has been provided or is currently available to a student enrolled in the District who is the child of the ~~parent/guardian~~ parent or guardian.

The complaint resolution process shall require that:

- a) ~~A complaint~~ ~~Complaints~~ be submitted in writing to the Principal of the school where the student is enrolled;
- b) ~~A complaint~~ ~~Complaints~~ provide the name of the complainant, a reasonably detailed description of the material, program, or event that is alleged to be harmful to minors, and how the material, program, or event is believed to be harmful to minors.

The appeal process is outlined in 08.23 AP.21 Complaint Resolution Process.

~~A complaint~~ ~~Complaints~~ regarding other issues shall be submitted pursuant to other appropriate policies including but not limited to: Grievances; Harassment/Discrimination; Title IX Sexual Harassment; Review of Instructional Materials; and Citizen Suggestions and Complaints.

REFERENCES:

KRS 158.192

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

RELATED POLICIES:

03.16; 03.162; 03.1621; 03.26; 03.262; 03.2621

08.2322; 09.4281; 09.42811; 09.428111; 10.2

CURRICULUM AND INSTRUCTION

08.2322

Review of Instructional Materials

The Superintendent shall establish informal and formal reconsideration procedures to reevaluate materials, books, media, speakers, and electronically accessed resources questioned or criticized by a parent, employee, or District resident.

Reconsideration procedures shall include consideration of the written concerns regarding instructional materials stated on an approved form that includes the reason for objection and a statement of the desired outcome regarding the material under consideration. Forms shall be available at the school. Employees receiving a written request for reconsideration of instructional materials shall notify the Principal of the complaint, who shall then notify the Superintendent/designee.

A complaint from a parent/guardian alleging that a material, program, or event is “harmful to minors” as defined in KRS 158.192 shall be addressed through the process set forth in Board Policy 08.23 “Harmful to Minors Complaint Resolution Process.”

REFERENCES:

[KRS 158.183](#)

[KRS 160.345](#)

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

RELATED POLICIES:

02.42411; 08.1

Adopted/Amended: 7/19/2022

Order #: 2022-128

Senate Bill 9

AN ACT relating to hazing.

LEGAL: SB 9 CREATES A NEW SECTION OF KRS 508 WHICH MAKES HAZING A CRIMINAL OFFENSE AND INCLUDES DEFINITIONS OF HAZING AND AN ORGANIZATION.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

STUDENTS

09.422

Bullying and Hazing

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

ACTIONS NOT TOLERATED

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

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

~~A student who violates~~ Students who violate this policy shall be subject to appropriate disciplinary action.

BULLYING DEFINED

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

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

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

HAZING DEFINED

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

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

Bullying and Hazing**HAZING DEFINED (CONTINUED)**

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

(e) Endure brutality of a sexual nature; or

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

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

REPORTS

As provided in the Student Support and Behavior Intervention Handbook, a student who believes that he/she/they are a victim ~~students that believe they are victims~~ of bullying or hazing shall be provided with a process to enable ~~the student them~~ to report ~~the incident such incidents~~ to District personnel for appropriate action.

An employee is ~~Employees~~ are expected to take reasonable and prudent action, in accordance with Board policy, to intervene in a situation that threatens, harasses, or endangers the safety of a student, other staff member, or visitor ~~situations that threaten, harass, or endanger the safety of students, other staff members, or visitors~~ to a school or the District, and shall report the situation ~~those situations~~ to the Principal or their immediate supervisor. Such instances ~~shall~~ include, but are not limited to, bullying or hazing of a student ~~students~~ and the ~~harassment/discrimination of a staff member, student, or visitor~~ ~~staff, students or visitors~~ by any person.

A student who believes he/she/they ~~Students who believe they~~ have been a victim of bullying or who has ~~have~~ observed another student ~~other students~~ being bullied shall, as soon as reasonably practicable, report it.

The Student Support and Behavior Intervention Handbook shall specify to whom a report reports of an ~~alleged~~ instance ~~instances~~ of bullying or hazing shall be made. In an instance ~~instances~~ of peer-to-peer bullying, hazing, or harassment, an employee ~~employees~~ must make a report to the alleged victim's Principal/designee. The Principal/designee shall investigate and address the alleged incident ~~incidents~~ of misbehavior and respond in accordance with the Student Support and Behavior Intervention Handbook.

In certain cases, an employee ~~employees~~ must do the following:

1. Report bullying and hazing to appropriate law enforcement authorities as required by policy 09.2211 which sets forth mandatory requirements under state law for an employee ~~employees~~ to report criminal activity; and
2. Investigate and complete documentation as required by policy 09.42811 covering federally protected areas.

Bullying and Hazing**OTHER CLAIMS**

When a complaint is received that does not appear to be covered by this policy, an administrator ~~administrators~~ shall review other policies that may govern the allegations, including but not limited to, 09.426 and 09.42811. Harassment/discrimination allegations shall be governed by Policy 09.42811 and 09.428111.

REFERENCES:

¹KRS 158.150

²KRS 158.148

KRS 158.156

KRS 160.290

KRS 508.180

KRS 525.080

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

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

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

RELATED POLICIES:

03.162; 03.262; 09.13; 09.421; 09.425; 09.426; 09.4281; 09.42811; 09.428111; 09.438
09.2211 (re reports required by law)

Senate Bill 80
AN ACT relating to public safety.

COMMUNITY RELATIONS

10.5

Visitors to the Schools

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

REGISTRANTS

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

A registrant is defined as:

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

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

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

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

1. To pick up or drop off their child each day;
2. To pick up the child who is injured or ill;

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

3. To confer with school staff concerning academic, disciplinary or placement issues involving the student, including matters required by federal or state law;
4. To attend a school activity, including athletic practices and competition, in which the student is a participant: or
5. To vote when the school has been designated as a polling place.

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

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

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

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

CONDUCT/PROHIBITION ON RECORDING

~~A visitor to a school shall conduct him/her/themselves. All visitors to the schools must conduct themselves~~ so as not to interfere with the daily operation of the school program.

Due to privacy concerns, and except for emergency situations, ~~a~~ recording ~~device~~ devices, including ~~a~~ personally owned recording ~~device~~ devices, ~~shall not are not to~~ be used to create ~~a~~ video or audio recordings or to take pictures except with prior permission from the Principal/designee and the affected individual(s). Such devices include, but are not limited to, personal cell phones and tablets.

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

ACCOMMODATION

~~A visitor with a disability. Visitors with disabilities~~ shall be accommodated as required by law. ~~An individual Individuals~~ requesting accommodation shall contact the District ADA/504 Coordinator

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

for assistance and guidance. Accommodations may include, but are not limited to, the following considerations:

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

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

BREAST-FEEDING PERMITTED

In conformity with the requirements of KRS 211.755, a parent may breast-feed his/her their baby or express breast milk in any school or District location where the parent is otherwise authorized to be. Breast-feeding a child or expressing breast milk as part of breast-feeding shall not be considered an act of public indecency and shall not be considered indecent exposure, sexual conduct, lewd touching, or obscenity. No person shall interfere with a parent breast-feeding his/her their child in any school or District location where the parent is otherwise authorized to be.¹

USE OF TOBACCO, ALTERNATIVE NICOTINE, OR VAPOR PRODUCTS PROHIBITED

The use of any tobacco product, alternative nicotine product, or vapor product, as defined in KRS 438.305, is prohibited for all persons and at all times on or in all property, including any vehicle, that is owned, operated, leased, or contracted for use by the Board and while attending or participating in any school-related student trip or student activity and in the presence of a student or students.²

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

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

School employees shall enforce the policy. A visitor ~~Visitors~~ in violation of this policy, in addition to fines which may be imposed by law³, are subject to verbal warnings to refrain from use of the subject product. Refusal to refrain from such use or repeated instances of prohibited use after prior warnings may subject the individual to a ban from school property as permitted by law and corresponding civil and criminal penalties.⁴

WEBSITE ACCESSIBILITY

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

Under administrative procedure 10.5 AP.24, a student, parent guardian, or member ~~students, parents/guardians, and members~~ of the public may present a complaint regarding a violation of the Americans with Disabilities Act (ADA), Section 504 related to the accessibility of any official

Visitors to the Schools**WEBSITE ACCESSIBILITY (CONTINUED)**

District web presence which is developed by, maintained by, or offered through the District or third party vendors and open sources.

REFERENCES:

¹KRS 211.755
²KRS 438.345
³KRS 438.050
⁴KRS 511.070; KRS 511.080; OAG 90-11
KRS 17.545; KRS 17.500; KRS 17.510
KRS 160.380; KRS 211.394, KRS 211.395; KRS 438.305
KRS 600.020; KRS 620.146
OAG 91-137
P. L. 114-95, (Every Student Succeeds Act of 2015)
29 U.S.C. 794, Rehabilitation Act of 1973, (Section 504)
42 U.S.C. 2000, Civil Rights Act of 1964, Titles VI and VII
42 U.S.C. 12101 et seq., Americans with Disabilities Act

RELATED POLICIES:

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

Senate Bill 169

**AN ACT relating to public-private
partnerships.**

House Bill 522

AN ACT relating to procurement.

LEGAL: SB 169 AMENDS KRS 65.028 BY PERMITTING SCHOOL DISTRICTS TO ENGAGE IN PUBLIC-PRIVATE PARTNERSHIPS WITH BOARD APPROVAL.

FINANCIAL IMPLICATIONS: POTENTIAL SAVINGS IN SHARING COST OF PROJECTS

LEGAL: HB 522 AMENDS KRS 45A.385 INCREASING THE AGGREGATE CONTRACT AMOUNT MAXIMUM FOR SMALL PURCHASE TO \$40,000.

FINANCIAL IMPLICATIONS: LARGER AMOUNT FOR SMALL PURCHASE PROCEDURES

FISCAL MANAGEMENT

04.32

Model Procurement Code Purchasing

AUTHORITY

The Kentucky Model Procurement Code contains specific provisions in KRS 45A.345 to 45A.460 that may be adopted by local public agencies, including local boards of education. The Board has adopted the local public agency provisions of the Code. [KRS 45A.343](#) provides that no other statutes governing purchasing shall apply to the local public agency upon adoption of these provisions. The Board has adopted procurement regulations, not inconsistent with the local public agency provisions, as permitted by [KRS 45A.360](#). The Superintendent shall develop procedures for the implementation of the local public agency provisions of the Code and the Board's procurement regulations.

GENERAL PURCHASING REQUIREMENTS

All contracts and purchases shall comply with the local public agency provisions of the Code and the Board's procurement regulations. All contracts and purchases shall be made through competitive sealed bidding¹ or competitive negotiation, both of which may include the use of a reverse auction, unless the purchase or contract satisfies the requirements for noncompetitive negotiation or small purchases.

SMALL PURCHASES

District small purchase procedures may be used for any contract in which the aggregate amount does not exceed \$~~40,000.00~~[30,000.00](#).⁴

SUPERINTENDENT TO APPROVE CONTRACTS

The Board shall authorize the Superintendent to approve contracts, in accordance with small purchase procedures adopted by the Board, for any contract for which a determination is made that the aggregate amount of the contract does not exceed twenty thousand dollars (\$20,000) and require the Superintendent to provide a quarterly report to the Board on any purchases made under this provision.⁵

IDENTIFYING FORMER BUSINESS NAMES

All contractors submitting bids on any District construction project over twenty thousand dollars (\$20,000) shall submit a list identifying all former business names under which the contractor had operated in the past five (5) years.

TRAINING AND APPRENTICESHIP PROGRAMS

The Board supports the development and use of training and apprenticeship programs by bidders and their subcontractors to improve the skills of their employees and the quality of workmanship on District construction projects.

The District shall develop and implement purchasing procedures, in accordance with the Kentucky Model Procurement Code (KRS 45A.345 to 45A.460); KRS Chapters 136, 139, 141, 337, 338, 341, and 342; related administrative regulations; and other pertinent state and federal laws, that actively promote increasing training and apprenticeship programs. The Superintendent will develop procedures that, to the extent permitted by law, recognize a contractor's participation in

Model Procurement Code Purchasing**TRAINING AND APPRENTICESHIP PROGRAMS (CONTINUED)**

an apprenticeship or training program applicable to the craft to be performed on a project to be one of the criteria considered.

PURCHASING FROM MINORITY, WOMEN, AND VETERAN-OWNED ENTERPRISES

The Board supports the purchase of goods; construction, renovation and repair services; and other services from minority, women, and veteran business enterprises (M/W/VBE) by the District.

The District shall develop and implement purchasing procedures, in accordance with the Kentucky Model Procurement Code (KRS 45A.345 to 45A.460); KRS Chapters 136, 139, 141, 337, 338, 341, and 342; related administrative regulations; and other pertinent state and federal laws, that actively promote increasing opportunities for M/W/VBE to become vendors providing goods and services to the District.

This policy and related procedures shall establish expectations of good faith efforts by prospective vendors for M/W/VBE participation and include mechanisms to document and measure those efforts.

LEADERSHIP

District leadership shall take an active role to ensure effective implementation of this policy. The Superintendent, Chief Operations Officer, Chief Financial Officer, and Chief Equity Officer shall:

1. Review the results of the performance of the District's implementation of this policy with internal management personnel on a periodic basis;
2. Articulate in written and verbal communication, internally and externally, the District's interest in achieving the goal of increasing opportunities for M/W/VBE participation with District procurement;
3. Issue periodic reports to the Board and to other internal and external stakeholders; and
4. Engage in other leadership activities contributing to increasing the utilization and meeting of M/W/VBE goals of this policy.

ADMINISTRATION

The Purchasing Department and Facility Planning Department shall incorporate procedures established under this policy as part of their financial and management responsibilities over District procurement processes. The Chief Equity Officer/designee shall be responsible for supporting effective implementation of this policy.

DEFINITIONS

As used in this policy:

Construction, renovation, and repair services means the erection, construction, alteration, or repair of District facilities.

Goods means supplies, materials, and equipment.

Other services means services procured by District that are not construction, renovation, and repair services.

Model Procurement Code Purchasing**DEFINITIONS (CONTINUED)**

Minority Business Enterprise (MBE) means a business that is certified as being at least fifty-one percent (51%) controlled by one (1) or more racial/ethnic minority persons of either sex. A racial/ethnic minority person shall be described as follows: Black or African American, Asian, American Indian and Alaska Native, Native Hawaiian and Other Pacific Islander, Hispanic or Latino.

Woman Business Enterprise (WBE) means a business that is certified as being at least fifty-one percent (51%) controlled by one or more non-minority women.

Veteran Business Enterprise (VBE) means a small business that is certified as being at least fifty-one percent (51%) controlled by one (1) or more veterans, and that has one or more veterans managing day-to-day operations and also making long-term decisions.

M/WBE means a minority and women business enterprise.

M/W/VBE means a minority, women and veteran-business enterprise.

CERTIFICATION OF M/W/VBE

M/W/VBE are certified and classified by a variety of entities. The District shall accept M/W/VBE certification from any bona fide certifying entity, including, but not limited to Louisville Metro Government, the Kentucky Finance and Administration Cabinet, Tri-State Minority Supplier Development Council, and the National Women's Business Enterprise Council. Additionally, District staff may classify businesses that are not certified by the above entities if a business demonstrates that it meets the certifying entities' definition of an M/W/VBE.

SUPPORT FOR M/W/VBE VENDOR UTILIZATION

The District shall maintain a master database of MBE, WBE, and VBE vendors, and establish procedures for its use, to assist District staff responsible for bidding and purchase process in meeting good faith effort requirements.

The District shall establish an ongoing outreach effort to M/W/VBE vendors, including, but not limited to providing information and guidance regarding doing business with the District, assisting vendors with the District's e-procurement system. The District shall establish and maintain partnerships with existing management and technical assistance providers to assist M/W/VBE in securing and meeting performance expectation for District contracts.

M/W/VBE GOALS AND GOOD FAITH EFFORT

For Construction, Renovation, and Repair Services Projects, the District's goals are as follows:

1. Fifteen percent (15%) MBE participation;
2. Ten percent (10%) WBE participation; and
3. VBE participation at a rate established by the Chief Equity Officer and the Chief Financial Officer based on research of best practices of peer school districts and other governmental entities.

Model Procurement Code Purchasing**M/W/VBE GOALS AND GOOD FAITH EFFORT (CONTINUED)**

Bidders who utilize subcontractors shall make good faith efforts to meet the District's M/W/VBE goals for subcontractors used for each project on which they bid. Bidders who do not meet the goals shall submit documentation of their good faith efforts in soliciting pricing, as set forth in the District's procedures for bidders. Award of contract shall be conditional upon the bidder's satisfaction of these requirements.

PURCHASE OF GOODS AND OTHER SERVICES

District staff shall make good faith efforts to utilize M/W/VBE vendors in accordance with standards and documentation requirements set forth in District purchasing procedures. At a minimum, District staff responsible for soliciting three price quotes for non-bid items shall make a good faith effort to include at least one M/W/VBE vendor per bid, identified utilizing the master database maintained by the Chief Equity Officer/designee and other means.

DETERMINATION OF ANNUAL GOALS

Each year, the Chief Equity officer/designee shall establish a goal-setting work group to set aspirational goals for M/W/VBE utilization the next fiscal year in the following categories:

1. Construction;
2. Architecture and Engineering;
3. Professional Services;
4. Goods; and
5. Other Services.

DOCUMENTATION, REPORTING, AND EVALUATION

The Chief Equity Officer/designee shall establish procedures for the collection, maintenance, and tracking of records at the District, division, department and school level relating to implementation of this policy to include, but not be limited to:

1. Documentation of compliance with the good faith effort requirements including periodic site visits; and
2. Statistics regarding the utilization of M/W/VBE by District Divisions, Departments, and Schools.

The Chief Equity Officer shall:

1. Submit quarterly written reports to the Board regarding the implementation of this policy; and
2. Conduct periodic formal evaluations of the effectiveness of the M/W/VBE program.

ETHICAL STANDARDS

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

Model Procurement Code Purchasing**REPORTING AND CONSEQUENCES OF STATUTORY VIOLATIONS BY CONTRACTORS**

In accordance with KRS 45A.343, the District shall establish procedures to require a contractor and all subcontractors performing work under a contract to:

1. Reveal any final determination of a violation within the previous five (5) year period pursuant to KRS Chapters 136, 139, 141, 337, 338, 341, and 342, relating to corporate, sales, use, and income taxes; wages and hours, OSHA violations; unemployment compensation; and workers' compensation; and
2. Be in continuous compliance with the provisions of KRS Chapters 136, 139, 141, 337, 338, 341, and 342 for the duration of the contract.

A contractor's failure to reveal a final determination of a violation or to comply with these statutes for the duration of the contract shall be grounds for:

1. Cancellation of the contract; and
2. Disqualification of the contractor from eligibility for future contracts for a period of two (2) years.

BIDDER'S STATEMENT ON STAFFING CAPABILITIES

The District shall establish procedures requiring a signed assurance from a bidder that labor under its direction as a self-performing contractor, or skilled labor provided by any subcontractor, will be paid as employees with appropriate withholdings and benefits.

PROCEDURES SETTING FORTH ADDITIONAL REQUIREMENTS FOR BIDDERS

The Chief Financial Officer shall establish procedures for the following:

1. A written plan for employee drug testing that covers all employees of the bidder who will perform work on a District project;
2. Receipt of the name and management experience of each bidder's project managers and superintendents that the bidder intends to assign to work on a District project;
3. Proof of any professional or trade license required by state law for any trade or specialty area required for a project being bid;
4. Disclosure of any suspension or revocation of a professional or trade license of the bidding company or person employed by the bidding company;
5. Evidence that the bidder has a bond issued by a surety authorized to do business in Kentucky, as required by administrative regulations promulgated by the Kentucky Board of Education;
6. Post-bid submissions from a bidder within seventy-two (72) hours after bids are due disclosing the name, address, and type of work of each first-tier subcontractor, including individuals serving independent contractors; and
7. Receipt of a written assurance from a bidder that payroll documents indicating proper tax withholding for it and all subcontractors under the bidder shall be available for inspection upon request by Superintendent/designee.

Model Procurement Code Purchasing**PUBLIC-PRIVATE PARTNERSHIPS**

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

FEDERAL AWARDS/CONFLICT OF INTEREST

No employee, officer, or agent of the District may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.³

The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. In determining whether an activity constitutes an impermissible acceptance of a gratuity or item of monetary value, “gratuity” means a payment, loan, subscription, advance, deposit of money, services, or anything of more than twenty-five dollars (\$25.00) in value, present or promised, unless consideration of substantially equal or greater value is received. Violation of these standards may result in disciplinary action including, but not limited to, suspension, dismissal, or removal.

RECIPROCAL PREFERENCE FOR RESIDENT BIDDERS

A public purpose is served by providing a preference to Kentucky residents in contracts by the Board. To the extent permitted by law, the Chief Finance Officer shall adopt procedures for all contracts funded or controlled by the Board to implement a preference for a Kentucky resident bidder against a non-resident bidder that is equal to the preference given or required by the state of the non-resident bidder. Geographical preferences relating to school nutrition service purchases may be utilized only as permitted by applicable federal law.²

USE OF NON-RESIDENT SUBCONTRACTORS

A bidder that is awarded a contract for a construction, renovation, or repair services project that utilizes subcontractors shall make an effort to subcontract with resident businesses of the Commonwealth. Bidders that utilize subcontractors based outside of Kentucky shall submit documentation of their efforts to solicit pricing from subcontractors based in the Commonwealth.

EXEMPTIONS

Federal regulatory requirements do not provide a bidding exception for purchase of perishables using school nutrition service funds. Such purchase must follow applicable federal regulations.³

Model Procurement Code Purchasing**BACKGROUND CHECKS**

The Superintendent may require an adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity to submit, at no expense to the District, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation and to provide a clear CA/N check, defined in KRS 160.380 as “a letter from the Cabinet for Health & Family Services indicating that there are no substantiated findings of child abuse or neglect relating to a specific individual.”⁶

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

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

OPEN RECORDS

All information submitted by a bidder or a subcontractor pursuant to a bid specification are public records subject to review pursuant to the Open Records Act as set forth in KRS 61.870 to KRS 61.884.

REFERENCES:

¹Includes the State Bid List

²KRS 160.303; 200 KAR 5:400; KRS 45A.494

³2 C.F.R. 200.318

⁴KRS 45A.385;

⁵KRS 160.370

⁶KRS 160.380

KRS 156.076; KRS 160.290

KRS 45A.070; KRS 45A.343; KRS 45A.345; KRS 45A.352; KRS 45A.360; KRS 45A.370

KRS 45A.380; KRS 45A.420; KRS 45A.445; KRS 45A.455

KRS 45A.460; KRS 45A.620

KRS 65.027; KRS 65.028 KRS 160.151; KRS 162.070; KRS 164A.575; KRS 176.080

200 KAR 5:355

OAG 79-501; OAG 82-170; OAG 82-407

Kentucky Educational Technology Systems (KETS)

RELATED POLICIES:

05.1; 06.4; 07.13

702 KAR 7:125
Pupil Attendance

LEGAL: REVISIONS TO 702 KAR 7:125 ADD ANOTHER EXCEPTION TO THE REQUIREMENT FOR STUDENTS TO BE PHYSICALLY PRESENT IN SCHOOL TO BE COUNTED IN ATTENDANCE.
FINANCIAL IMPLICATIONS: STUDENTS COUNTED AS PRESENT UNDER SEEK
TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

STUDENTS

09.122

Attendance Requirements

COMPULSORY ATTENDANCE

Except as provided in KRS 159.030, each parent, guardian, or other person residing in the District and having custody or charge of any child subject to the compulsory attendance law shall send the child to a regular public day school for the full term that the public school of the District in which the child resides is in session, or to the public school that the Board makes provision for the child to attend. Every child actually residing in this District is subject to the laws relating to compulsory attendance and neither he/she/~~they~~ nor the person in charge of him/her/~~them~~ shall be excused from the operation of those laws or penalties under them on the grounds that the child's residence is seasonable or that ~~the his/her~~ parent/guardian is a resident of another state. Once enrolled in school, a student shall be expected to be in daily attendance. All children in the District who have entered kindergarten or who are between the ages of six (6), as of August 1, and eighteen (18), except those specifically exempted by statute, shall enroll and be in regular attendance in the schools to which they are assigned.¹

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

EXEMPTIONS FROM COMPULSORY ATTENDANCE

The Board shall exempt the following from compulsory attendance:

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

Attendance Requirements

STATEMENT REQUIRED

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

EXCEPTIONS TO PRESENCE AT SCHOOL

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

1. ~~A student~~ ~~Students~~ shall be counted in attendance when ~~the student is~~ ~~they are~~ receiving home/hospital, institutional,² or court-ordered instruction in another setting.
2. Participation of a ~~student~~ ~~pupil~~ in 4-H activities that are regularly scheduled and under the supervision of a county extension agent or the designated 4-H club leader shall be considered school attendance.³
3. ~~A student~~ ~~Students~~ may participate in ~~a~~ cocurricular ~~activity~~ ~~activities~~ and be counted as being in attendance during the instructional school day, provided the Principal has given prior approval to the scheduling of the ~~activity~~ ~~activities~~. Approval shall be granted only when cocurricular ~~activity of trip is~~ ~~activities and trips are~~ instructional in nature, directly related to the instructional program, and scheduled to minimize absences from classroom instruction.⁴
4. ~~Students~~ ~~A student~~ enrolled and participating in a full-time, online, virtual and remote learning program, or participating in an off-site virtual high school class or block may be counted in attendance in keeping with statute and regulation ~~accordance with requirements set out in Kentucky Administration Regulation.~~^{4 & 9}
5. ~~A student~~ ~~Students~~ enrolled in a District middle or high school may be counted in attendance in accordance with requirements set out in Kentucky Administrative Regulation.⁴
6. ~~A student~~ ~~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 in accordance with Board policy 09.1221.⁴
7. ~~A student who attends~~ ~~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 ~~the student~~ ~~they~~ had been in actual attendance in school, and the time shall be calculated as part of the actual school work required by law. ~~A student~~ ~~Students~~ shall not be penalized for any school work missed during the specified moral instruction time.⁵
8. ~~A student~~ ~~Students~~ participating as part of a school-sponsored interscholastic athletic team, who compete in a regional or state tournament sanctioned by the Kentucky Board of Education or KHSAA, that occurs on a regularly scheduled student attendance day shall be counted and recorded present at school on the date or dates of the competition, for a

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

9. maximum of two (2) days per student per school year. A student ~~Students~~ shall be expected to complete any assignments missed on the date or dates of the competition.⁶
10. A student ~~The pupil~~ is participating in standards-based, performance-based credit that is awarded in accordance with 704 KAR 3:305, and that falls within one (1) or more of the categories of standards-based course work. A student ~~pupil~~ may be counted in attendance for performance-based credit for a class or block for the year or semester in which the student ~~pupil~~ initially enrolled in the class or block if the student ~~pupil~~ demonstrates proficiency in accordance with Board ~~local~~ policies.^{4 & 7}
11. A student ~~Students~~ attending basic training required by a branch of the United States Armed Forces shall be considered present for all purposes for up to ten (10) days.³
12. A student ~~Students~~ participating in any of the page programs of the General Assembly.³

REFERENCES:¹KRS 159.010; OAG 85-55²KRS 159.030³KRS 159.035⁴702 KAR 7:125⁵KRS 158.240⁶KRS 158.070⁷704 KAR 3:305⁸KRS 158.143⁹KRS 158.150

KRS 158.030; KRS 159.020; KRS 159.180; KRS 159.990

704 KAR 3:535; 704 KAR 5:060

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

RELATED POLICIES:

08.131; 08.1312; 09.111; 09.121; 09.1221; 09.123; 09.36

704 KAR 3:305

Minimum Requirements for

High School Graduation

BASED CREDITS, AND THE EARLY GRADUATION PROGRAM.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

CURRICULUM AND INSTRUCTION

08.113

Graduation Requirements

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

Credit shall include content standards as provided in Kentucky Academic Standards established in 704 KAR 3:303 and 704 KAR Chapter 8.

The required credits and demonstrated competencies for high school graduation shall be set forth in the Board-approved High School Student Progression, Promotion, and Graduation Handbook, and shall include the minimum requirements established by the Kentucky Board of Education in 704 KAR 3:305.

CIVICS EXAM REQUIREMENT

A student ~~Students~~ wishing to receive a regular diploma must pass a civics test made up of one hundred (100) questions selected from the civics test administered to persons seeking to become naturalized citizens and prepared or approved by the Board. A minimum score of sixty percent (60%) is required to pass the test and a student ~~students~~ may take the test as many times as needed to pass. A student that has ~~Students that have~~ passed a similar test within the previous five (5) years shall be exempt from this civics test. This shall be subject to the requirements and accommodations of a student's individualized education program (IEP) or a Section 504 Plan.⁵⁴

INDIVIDUAL LEARNING PLAN (ILP)

The development of the ~~Students shall complete annually an~~ Individual Learning Plan (ILP) for each student shall be established within the first ninety (90) days of the sixth (6th) grade year and shall be ~~that~~ focused ~~ds~~ on career exploration and related postsecondary education and training needs.⁶⁵

ADDITIONAL REQUIREMENTS OF THE BOARD

In addition to the content requirements established by the Kentucky Academic Standards, and the credits required by the minimum requirements for high school graduation in 704 KAR 3:305, the Board may impose other requirements for graduation from high school. However, the Board shall not adopt any graduation requirements that include achieving a minimum score on a statewide assessment.

Performance-Based Credits (Moving to Policy 08.1131)

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

Graduation Requirements

PERFORMANCE-BASED CREDITS (CONTINUED)

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

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

3. ~~Performance descriptors and their linkages to Kentucky content standards and academic standards;~~

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

4. ~~Assessments and the extent to which state-mandated assessments will be used;~~

5. ~~An objective grading and reporting process; and~~

6. ~~Criteria to promote and support school and community learning experiences, such as internships, apprenticeships and cooperative learning, in support of a student’s ILP. Such experiences shall be supervised by qualified instructors and aligned with State and District content and performance standards.~~

~~The High School Student Progression, Promotion, and Graduation Handbook shall include complete details concerning specific graduation requirements.~~

~~In keeping with statutory requirements, the District shall accept for credit toward graduation and completion of high school course requirements an advanced placement or a high school equivalent course taken by a student in grades 5, 6, 7, or 8 if that student attains performance levels expected of high school students in the District by achieving a score of “3” or higher on a College Board Advanced Placement examination or a grade of “B” or better in a high school equivalent.²~~

GRADUATION EXERCISES

A student ~~Students~~ shall complete all requirements for graduation before taking part in graduation exercises. Summer graduation exercises may be provided for students completing requirements in summer school. A student is ~~Students are~~ not required to participate in graduation exercises. Schools shall comply with state regulations regarding participation of a student ~~students~~ with disabilities in graduation exercises.

OTHER PROVISIONS

The High School Student Progression, Promotion, and Graduation Handbook shall include complete details concerning specific graduation requirements.

In keeping with statutory requirements, the District shall accept for credit toward graduation and completion of high school course requirements an advanced placement or a high school equivalent course taken by a student in grades 5, 6, 7, or 8 if that student attains performance levels expected of high school students in the District by achieving a score of “3” or higher on a College Board Advanced Placement examination or a grade of “B” or better in a high school equivalent.²

Graduation Requirements

OTHER PROVISIONS (CONTINUED)

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

The Board, Superintendent, Principal, or teacher may award special recognition to ~~a student~~~~students~~.

Consistent with the District's graduation practices for all students, an alternative high school diploma shall be awarded to ~~a student with a disability students with disabilities~~ in compliance with applicable legal requirements. In addition, ~~a former student~~ ~~students~~ may submit to the Superintendent a request that the District provide ~~the student them~~ with an alternative high school diploma to replace the certificate of attainment they received at the time of graduation from the District.³

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

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

EARLY GRADUATION CERTIFICATE (MOVING TO NEW POLICY 08.11311)

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

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

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

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

DIPLOMAS FOR VETERANS

In keeping with statute and regulation, upon request, the Board shall award an authentic high school diploma to an honorably discharged veteran who did not complete high school prior to being inducted into the United States Armed Forces during World War II, the Korean conflict, or the Vietnam War.¹

Graduation Requirements**REFERENCES:**

¹KRS 40.010; KRS 158.140; 704 KAR 7:140

²KRS 158.622

³KRS 156.160; 20 U.S.C. § 1414

⁴~~KRS 158.142; 704 KAR 3:305~~

⁵⁴KRS 158.141

⁶⁵704 KAR 3:305

KRS 156.027; KRS 158.135

KRS 158.1411; ~~KRS 158.1413; KRS 158.142~~; KRS 158.143; KRS 158.183; KRS 158.281

KRS 158.302; KRS 158.645; KRS 158.6451; KRS 158.860

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

704 KAR 3:303; 704 KAR 3:306; ~~704 KAR 3:535~~; 704 KAR 7:090; 704 KAR Chapter 8

OAG 78-348; OAG 82-386

Kentucky Academic Standards

RELATED POLICIES:

08.1131; ~~08.11311~~; 08.14; 08.22; 08.222; 08.4

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

RELATED PROCEDURE:

09.12 AP.25

LEGAL: REVISIONS TO 704 KAR 3:305 IMPACT PERFORMANCE-BASED CREDITS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

THIS POLICY IS NOT PART OF THE KSBA UPDATE. IT INCLUDES A CONFORMING AMENDMENT BASED ON HB 538 TO REFLECT THE JCPS PRACTICE OF USING ALTERNATIVE PLACEMENT IN LIEU OF EXPULSION

CURRICULUM AND INSTRUCTION

08.1131

Alternative Credit Options

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

ONLINE COURSES

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

1. The student is enrolled in a Board-approved online alternative education program as defined in KRS 160.380 and in accordance with 704 KAR 19.002.
2. The course is not offered at the high school;
3. Although the course is offered at the high school, the student will not be able to take it due to an unavoidable scheduling conflict that would keep the student from meeting graduation requirements;
4. The course will serve as a supplement to extend homebound instruction;
5. The student has been removed from the regular school setting and placed into an alternative school setting, but educational services are to be continued; or
6. The Principal, with agreement from the student's teachers and parent/guardian ~~parents/guardians~~, determines the student requires a differentiated or accelerated learning environment.
7. Unless otherwise approved by the Principal/designee, a student ~~students~~ taking such a course ~~courses~~ must be enrolled in the District and must take the course ~~courses~~ during the regular school day at the school site.

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

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

Provided online courses are part of the student's regular school day coursework and within budgetary parameters, the tuition fee and other costs for an online course shall be borne by the

Alternative Credit Options

ONLINE COURSES (CONTINUED)

District for ~~a student~~ ~~students~~ enrolled full-time, from funds that have been allocated to the school. The Superintendent shall determine, within the budget adopted by the Board, whether additional funding shall be granted, based on supporting data provided by the Principal.

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

WORK EXPERIENCE OPPORTUNITIES

The Board may provide work experience opportunities for ~~a student~~ ~~students~~ in ~~a school or the schools and~~ in the community as an expansion and enrichment of the instructional program.

The Superintendent/designee shall review and recommend for Board approval all work experience opportunities.

DUAL-CREDIT SCHOLARSHIP PROGRAM

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

PERFORMANCE-BASED CREDITS

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

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

Alternative Credit Options

REFERENCES:

KRS 158.622

KRS 164.786

[704 KAR 3:303; 704 KAR 3:305; 704 KAR Chapter 8](#)

RELATED POLICIES:

08.113; [08.11311](#); 08.2323; 09.1221; 09.3; 09.435

CURRICULUM AND INSTRUCTION

08.11311

Early Graduation Program

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

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

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

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

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

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

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

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

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

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

Early Graduation Program

EARLY GRADUATION PROGRAM (EGP) (CONTINUED)

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

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

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

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

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

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

REFERENCES:

KRS 158.142
704 KAR 3:305

RELATED POLICIES:

08.113; 08.1131

704 KAR 3:395
Extended School Services

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

FINANCIAL IMPLICATIONS: COST OF PROVIDING ESS

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

CURRICULUM AND INSTRUCTION

08.133

Extended School/Direct Student Services

The instructional programs shall be extended as needed to provide an appropriate education to all students, within the confines of state regulations.

PLAN FOR DIAGNOSING

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

ESSEXTENDED SCHOOL SERVICES

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

For a student ~~students~~ eligible to attend ESS, the District shall:

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

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

The Board may provide a summer school program on a tuition basis to meet the needs and interests of students who wish to enroll.

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

DIRECT STUDENT SERVICES

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

Extended School/Direct Student Services

REFERENCES:

KRS 158.070

704 KAR 3:395

20 U.S.C. § 6303b

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

Senate Bill 1 (2022 RS)

**AN ACT relating to education and
declaring an emergency.**

LEGAL: SB 1 (2022) AMENDED KRS 160.345 TO REQUIRE THE SUPERINTENDENT TO DETERMINE WHICH CURRICULUM, TEXTBOOKS, INSTRUCTIONAL MATERIALS, AND STUDENT SUPPORT SERVICES SHALL BE PROVIDED IN THE SCHOOL AFTER CONSULTING WITH THE BOARD, THE PRINCIPAL, AND THE SCHOOL COUNCIL AND AFTER A REASONABLE REVIEW AND RESPONSE PERIOD FOR STAKEHOLDERS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

. KSBA SUGGESTS DELETION OF EXISTING TEXT RELATING TO TEXTBOOK SELECTION. SEE JCPS STAFFNOTE DISCUSSING ADDING BACK SOME REVISED TEXT (ESSENTIALLY CONFORMING AMENDMENTS TO STATE LAW WERE NOT FULLY ADOPTED IN SB 1)

CURRICULUM AND INSTRUCTION

0808.232

Instructional Resources

The annual school budget adopted by the Board shall provide human and material resources required to support and implement a curriculum designed to meet the needs and interests of students enrolled in the District.

SURVEY

~~A school~~ ~~Schools~~ not having ~~an~~ SBDM ~~council~~ ~~school councils~~ shall survey teachers to determine their needs for instructional resources. The results of the survey shall be used to establish priorities for purchase.

ALLOCATION METHOD

Within budgetary limits, ~~a school or school council~~ ~~schools or school councils~~ shall establish an equitable method of allocating funds to purchase instructional resources.

FINANCIAL REPORT

A financial report on allocations to and expenditures for instructional resources shall be prepared annually and shall be a public record.

Each school may carry forward to the next fiscal year any part of the instructional resource allocation distributed to the school that has not been spent or committed in the current fiscal year.

INSTRUCTIONAL RESOURCE FUND

~~A school~~ ~~Schools~~ with any grade from P-8 may purchase instructional resources using State funds in accordance with 704 KAR 3:455.

Each school allocated instructional resource funds shall complete an annual plan to identify purchases following guidelines of the Kentucky Board of Education.

The annual plan shall be approved by the Board and by the School Council in SBDM schools.

All plans shall be approved by the ~~local~~ Board as to sufficiency of funding to support the requested purchases.

Any purchase exceeding the funds allocated shall be paid from other Council funds in SBDM schools.

FEES

If the Board authorizes charging rental fees for students in grades nine through twelve (9-12), the Board shall establish those fees annually.

Instructional Resources

FEES (CONTINUED)

Instructional resources shall be made available to all students. No student shall be denied full participation in any educational program due to an inability to pay for, or rent, all necessary instructional resources.¹

Fee waivers shall be provided as required by applicable statutes and regulations.²

RESPONSIBILITY

~~A student or parent/guardian~~ ~~Students or parents~~ shall compensate the District for instructional resources that are lost, damaged, or destroyed while in the student's possession.

TEXTBOOK SELECTION

~~No textbook or program shall be used in the District as a basal title unless it has been recommended and listed on the state multiple list by the State Textbook Commission or unless the school has followed the process set out below.~~

~~A school council, or if none exists, the Principal, may notify, through the Superintendent, the State Textbook Commission that it plans to adopt a basal textbook or program that is not on the recommended list, by submitting evidence that the title it has chosen meets the selection criteria of the State Textbook Commission, the subject specific criteria of the textbook reviewers, and complies with the required publishers specifications.~~

TEXTBOOK SELECTION

In accordance with KRS 156.445, no textbook or program shall be used in the District as a basal title unless it has been recommended and listed on the state multiple list by the State Textbook Commission. In the event that the state multiple list is not provided by the State Textbook Commission, the District shall submit notification to the Kentucky Department of Education of any basal textbooks or programs to be used with students at the time and in the manner established by the Kentucky Department of Education.

Staff Note: This language is being suggested in lieu of the KSBA recommended language. See staff analysis on the next page explaining why.

SECTARIAN TEXTS

No book or other publication of a sectarian, infidel, or immoral character or one that reflects on any religious denomination shall be used or distributed in any school.³⁴

This does not prevent a teacher, consistent with his/her/their ~~or her~~ assigned duties, from using or distributing books or other publications that reflect any religious denomination to teach the secular study of religion as permitted by the Constitutions of the United States of America or the Commonwealth of Kentucky.

REFERENCES:

¹KRS 158.108

²KRS 160.330; 702 KAR 3:220

³KRS 156.445

⁴KRS 158.190

KRS 156.162

Instructional Resources

REFERENCES (CONTINUED):

KRS 156.433
KRS 156.439
KRS 157.110; KRS 158.188
702 KAR 3:246
704 KAR 3:455

RELATED POLICIES:

02.4242
04.32
09.15

Additional Consideration of Policy Previously Discussed

Conduct on Bus

Recognizing that transportation is a student privilege, a student ~~riders~~ shall adhere to all applicable regulations in order to retain that privilege.

The Superintendent/designee shall be responsible for the discipline of a student ~~the students~~ who rides a the school bus ~~buses~~ to and from school and school-related events.

REPORTING OF VIOLATIONS

A bus driver ~~Bus drivers~~ shall promptly report any violation of District policy or school rules to the Principal. A student discipline incident report shall be initiated by the driver and given to the Principal/~~or~~ designee for appropriate disciplinary action.

DISCHARGE OF PUPILS FROM BUS

A driver is ~~Drivers are~~ in charge of his/her/their buses, and the driver's ~~their~~ first responsibility shall be to the safe transportation of their passengers. In the event that one or more pupils are behaving in a threatening or violent manner or in such a way as to endanger the safety of other pupils on the bus, the driver shall stop the bus and contact the compound coordinator to send someone to pick up the student or, if the behavior warrants, the driver shall call law enforcement. The driver is authorized to order a threatening or violent student from the bus and shall instruct the student to stand outside by the bus door. The driver shall not leave the area until assistance arrives. Ejecting a pupil from the bus may be done only in the most extreme circumstances. At the first reasonable opportunity, the driver shall notify the compound coordinator, who shall notify Principal of the school where the pupil attends who shall notify the student's parent/guardian ~~or legal guardian~~.¹

VIDEO RECORDING EQUIPMENT

Video cameras may be installed in the District's school buses to record student behavior during transportation to and from school and school-related events. Evidence of student misbehavior recorded on video may be used to discipline a student ~~students~~.

WITHHOLDING OF RIDING PRIVILEGES

The Principal is authorized to withhold bus-riding privileges up to a maximum of five (5) ~~ten (10)~~ school days per incident per school year for threatening or violent behavior. Additional days of bus service may be withheld in accordance with the procedures set forth in Administrative Procedure 06.34 AP.1 Conduct on Bus ~~only with prior permission from the Executive Administrator School Culture and Climate~~. The Principal shall notify the parent/guardian ~~parents~~ in a cases where bus-riding privileges have been withheld.

RESTITUTION OF DAMAGES

The parent/guardian ~~parents or guardians~~ may be held responsible for restitution of any damages, beyond normal usage, inflicted by their child.

STUDENTS WITH SPECIAL NEEDS

A student ~~Students~~ with special needs who exhibits inappropriate conduct on a bus shall be managed in accordance with his/her/their Individual Education Plan (IEP) and/or 504 Plan; the Individuals with Disabilities Education Act (IDEA); state and federal special education

Conduct on Bus**STUDENTS WITH SPECIAL NEEDS (CONTINUED)**

regulations; and Board policies and District administrative procedures relating to Exceptional Child Education ~~and the legal obligations and standards adopted by the Board.~~²

REFERENCES:

¹ [KRS 158.150](#); [702 KAR 005:080](#)

²20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA); Section 504 of Rehabilitation Act of 1973

[KRS 158.110](#); [KRS 160.705](#); [702 KAR 005:100](#)

RELATED POLICIES:

09.226, 09.425, 09.434

Adopted/Amended: 6/8/2021

Order #: 2021-95