

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

PERSONNEL

03.11

- CERTIFIED PERSONNEL -

Hiring

SUPERINTENDENT'S RESPONSIBILITIES

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

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

The Superintendent shall make all appointments, promotions, and transfers of certified personnel for positions authorized by the Board and, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent. Certified employees may be appointed by the Superintendent for any school year at any time after February 1 next preceding the beginning of the school year.

QUALIFICATIONS

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

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

ELIGIBILITY

In determining the eligibility of a particular candidate for appointment to a position, the priority of the Superintendent shall be to employ that person, who by reasons of preparation, experience and ability to work effectively with students, other staff members, and citizens of the school community, will render the highest possible level of service.

Employees who are terminated and/or non-renewed for cause by the District, or who resigned and are not eligible for a position, shall not be considered for any future employment by the District.

CRIMINAL BACKGROUND CHECK AND TESTING

Applicants, employees, and student teachers assigned within the District shall undergo records checks and testing as required by applicable statutes, regulations, and Board policy.¹

The District shall not employ or permit the assignment of, the following individuals:

1. Those who have been convicted of violent offenses or sex crimes as defined by KRS 17.165;

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

2. Those who have been convicted of other crimes which bear a reasonable relationship to the position for which the individual is applying, or to which the individual may transfer within the District at a later time as determined by the Superintendent; or
3. Those who materially misrepresent their criminal history, credentials, or any other fact when applying for a position in the District.

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

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

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

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

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

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

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

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

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

REPORT TO SUPERINTENDENT

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

Hiring**HIRING OF RETIRED PERSONNEL**

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

Persons who have previously retired from the District and who subsequently are rehired shall be credited with a maximum of twelve (12) sick leave days at the outset of their new period of employment.

JOB REGISTER

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

VACANCIES POSTED

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted at IAKSS and on the District web site on a timely basis and shall refer interested persons to IAKSS job register for additional information.

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

APPLICATIONS

Under procedures developed by the Superintendent, each application shall be reviewed and each applicant so notified upon initial application. Applications shall be kept on file for three (3) years. All applications for positions shall be made utilizing written or electronic forms furnished by the Department of Human Resources.

RELATIONSHIPS

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

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

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

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

The Superintendent shall not employ a relative of any employee to work under the direct or indirect supervision of that employee. "Relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, (including subcategories of in-law, half and step relatives).

Exception to the above is substitute personnel.

Hiring**JOB DESCRIPTION**

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

AFFIRMATIVE ACTION PLAN

All employment practices shall be in keeping with the Board approved Affirmative Action Plan.

EMPLOYEES SEEKING A JOB CHANGE

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

REFERENCES:

¹KRS 160.380

²KRS 161.605; 702 KAR 1:150

³P. L. 114-95, (Every Student Succeeds Act of 2015)

20 U.S.C. § 7926; 42 U.S.C. § 9843a(g)

45 C.F.R. § 1302.90

KRS Chapter 13B

KRS 17.160; KRS 17.165

KRS 156.106; KRS 160.345; KRS 160.390

KRS 161.042; KRS 161.611; KRS 161.750

KRS 335B.020; KRS 405.435

16 KAR 9:080; 702 KAR 3:320; 704 KAR 7:130

OAG 18-017; OAG 73-333; OAG 91-10; OAG 91-149; OAG 91-206

OAG 92-1; OAG 92-59; OAG 92-78; OAG 92-131; OAG 97-6

Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 02.4244; 03.132

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

FINANCIAL IMPLICATIONS: TEACHERS OBTAINING TENURE IN DISTRICT

PERSONNEL

03.115

- CERTIFIED PERSONNEL -

Transfer of Tenure

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

All teachers employed who have attained continuing contract status from another Kentucky district shall serve a one (1)-year probation period before being considered for continuing contract status in the school District, **provided they are employed within seven (7) months following termination of employment with the previous district.**

Teachers who terminate their employment with the District after attaining continuing contract status and who are subsequently re-employed, shall also serve a one (1)-year probation period before being considered for continuing contract status, provided they are re-employed within seven (7) months following termination of employment with the District.

REFERENCE:

KRS 161.740 ~~(1)(e)~~

KRS 161.720 to KRS 161.810

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

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

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

PERSONNEL

03.1161

- CERTIFIED PERSONNEL -

Paraprofessionals in Athletics

TRAINING

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

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

EMPLOYMENT

The Superintendent shall give preference to the hiring or assignment of certified personnel over nonteaching personnel for high school coaching positions. When unable to staff fully the high school athletic program with qualified personnel, the Superintendent may employ paraprofessionals in accordance with state law and regulations and by-laws of the Kentucky High School Athletic Association.

REFERENCES:

¹KRS 161.185

²702 KAR 7:065

³KRS 158.162

Kentucky High School Athletic Association (KHSAA)

KRS 156.070; KRS 160.445

KRS 161.044; KRS 161.180

RELATED POLICIES:

03.2141; 09.221; 09.311

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

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

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

FINANCIAL IMPLICATIONS: TIME SPENT REMOVING PAYROLL DEDUCTIONS

PERSONNEL

03.1211

- CERTIFIED PERSONNEL -

Salary Deductions

MANDATORY DEDUCTIONS

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

OPTIONAL DEDUCTIONS

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

1. Medical Insurance;
 2. State approved voluntary/optional benefits;
 3. Board approved Tax Sheltered Annuity program, including the Kentucky Deferred Compensation Program under IRS Code 457;
 4. Other state approved deferred compensation plan;
 5. The Health and Education Federal Credit Union;
 6. United Way of the Bluegrass **and Fayette Education Foundation**;
 7. State-designated Flexible Spending Account (FSA);
 8. Board approved dental, disability and term life group insurance plans specified under the Board approved Cafeteria Plan of Employee Benefits. (See Policy 03.1213.); and
 9. **Board-approved voluntary benefits (i.e., AAA);**
- ~~10. Membership dues for professional teachers' organizations which have at least one hundred (100) eligible members, as verified by a membership list. Such deductions may include a life insurance plan and an income protection plan associated therewith, but excluding teachers' organizations devoted to a particular discipline or disciplines, e.g., organizations for mathematics teachers, English teachers, etc. (For purposes of this policy, a professional teacher organization is one in which all teachers are eligible for membership.)~~

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Salary Deductions**OPTIONAL DEDUCTIONS (CONTINUED)**

- ~~2. Membership dues in professional administrators' or supervisors' organizations which have at least one hundred (100) eligible members, as verified by a membership list. Such deductions may include a life insurance plan and an income protection plan associated therewith, but excluding administrators' or supervisors' organizations devoted to a particular discipline or disciplines, e.g., organizations for school business officials, personnel officers, etc. (For purposes of this policy, a professional administrators' or supervisors' organization is defined as a professional organization in which all administrators and supervisors are eligible for membership.)~~

~~The above limitations as to groups specified in subsections (8) and (9) above are designed to permit the Board to maintain a practicable control over the number of payroll deductions.~~

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

~~No other payroll deductions shall be made unless authorized by the Board.~~

CHANGES IN DEDUCTIONS

Designated payroll deductions shall remain in effect for the scheduled deduction period until a change or cancellation notice is received in the payroll office. Upon receipt of such notice, the payroll officer will put into effect such changes on the next appropriate scheduled payday, unless contrary to state or federal regulations.

REFERENCES:

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

RELATED POLICY:

03.1213

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

PERSONNEL

03.1231

- CERTIFIED PERSONNEL -

Personal Leave

NUMBER OF DAYS

Full-time certified employees shall be granted **three (3)** days of personal leave each school year without loss of pay and without affecting other types of leave granted by law, regulation or Board policy.

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

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

Personal leave may be taken in whole-day or half-day increments.

PART-TIME EMPLOYEES

Part-time employees may receive a pro rata portion of the personal leave day allotment.

APPROVAL

The employee **must obtain prior approval from his/her** immediate supervisor **for** the leave date and should give at least two (2) days notice, but no reasons shall be required for the leave.

LIMITED NUMBER

No more than 5% or two (2) persons (whichever is greater) of a school's or division's certified employees may take personal leave on a given day. If requests exceed the limit, those making earliest application will be given preference.

The immediate supervisor is authorized to limit the use of personal leave during emergencies which result in the unavailability of an adequate number of qualified substitute employees.

PROHIBITION

Personal leave shall not be taken on the opening or closing day of school (first or last day of classes for students and first and last non-flexible records/conference day for teachers). A request to waive this prohibition to use personal leave on the opening or closing day of school may be granted by the Superintendent on a case-by-case basis.

STATEMENT AFFIDAVIT

Employees taking personal leave must file a personal statement affidavit no later than five (5) days after their return to work stating that the leave was personal in nature.

TRANSFER OF UNUSED DAYS

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

REFERENCE:

KRS 161.154

PERSONNEL

03.1231
(CONTINUED)

Personal Leave

RELATED POLICY:
03.1232

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

PERSONNEL

03.1232

- CERTIFIED PERSONNEL -

Sick Leave

NUMBER OF DAYS

Full-time certified employees shall be entitled to ten (10) days of sick leave with pay each school year.

Certified employees who work eleven (11) or twelve (12) months shall be entitled to eleven (11) or twelve (12) days, respectively, with pay each school year.

Employees who are hired after the beginning of their work calendar will be given prorated days based on the month hired.

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

RETIRED PERSONNEL

Except for cases involving disability retirement, persons who have previously retired from the District and who subsequently are rehired shall be credited with a maximum of ten (10) sick leave days at the outset of their new period of employment. Sick leave earned prior to retirement shall not carry over to subsequent employment with the District.

ACCUMULATION

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

DEFINITION

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

FAMILY ILLNESS/MOURNING

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

TRANSFER OF SICK LEAVE

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

SICK LEAVE DONATION PROGRAM

Under procedures developed by the Superintendent, employees who have accrued more than fifteen (15) days of sick leave may request to transfer sick leave days to another employee who is authorized to receive the donation. The number of days donated shall not reduce the employee's sick leave balance to less than fifteen (15) days.

Sick Leave**SICK LEAVE DONATION PROGRAM (CONTINUED) STATEMENT**

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

Any sick leave not used by the recipient shall be returned on a proportionate/pro-rated basis to the donor(s) who donated days to that specific person.

STATEMENT/AFFIDAVIT

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

ABSENCES ON OPENING DAY OF SCHOOL

Accumulated days of sick leave shall be granted to a teacher, if prior to the opening day of the school year, an affidavit or a certificate of a physician is presented to the Board, stating that the employee is unable to assume his duties on the opening day of the school year, but will be able to assume his duties within a period of time that the Board determines to be reasonable.²

REFERENCES:

¹KRS 161.155

²~~KRS 161.155, Sec. 4~~

KRS 161.152; OAG 79-148; OAG 93-39
Family & Medical Leave Act of 1993

RELATED POLICIES:

03.12321 (Sick Leave Bank)

03.12322; 03.1233; 03.1236

03.124; 03.175 (Retirement Compensation)

LEGAL: HB 319 REMOVES THE REQUIREMENT THAT AN AFFIDAVIT BE SUBMITTED FOR SICK (INCLUDING EMERGENCY LEAVE USED FOR THIS PURPOSE) AND PERSONAL LEAVE AND REPLACES AFFIDAVIT WITH STATEMENT.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.1236

- CERTIFIED PERSONNEL -

Emergency Leave

NUMBER OF DAYS

Full-time certified employees shall be entitled to **three (3)** days of emergency leave with pay each school year.

Persons employed on a full year contract but scheduled for less than a full work day shall receive the authorized emergency leave days equivalent to their normal work **week divided by five (5)**.

Persons employed for less than a full year contract shall receive a prorata part of the authorized emergency leave days calculated to the nearest one-half (½) day.

All regular part-time (on a pro-rata basis) employees may be granted up to three (3) days of paid emergency leave each school year.

Emergency leave shall be granted for the following reasons:

ILLNESS/BEREAVEMENT

Illness/death of a relative or personal friend.

DISASTERS

Personal disasters of the magnitude of tornados, fires, floods, etc. This applies only in cases not covered by sick leave.

LEGAL PROCEEDINGS

Appearances as a witness or to produce documents **at legal proceedings** when the employee's presence is required by subpoena. This is not to include appearances in actions in which the employee is a party and the subpoena is obtained by or on behalf of the employee. This also does not include jury duty. (See Policy 03.1237.)

Court documentation shall accompany the emergency leave request.

TRANSPORTATION PROBLEMS

Weather-related transportation problems which prevent travel from another area to home and/or work station, such as airport closings and flight cancellations. This, however, does not include travel between residence and work station.

ILLNESS OF EMPLOYEE

Illness of the employee, if all other available leave has been exhausted.

OTHER

Other emergency reasons as approved by the Superintendent or designee where there exists a pressing necessity that requires immediate attention.

REQUEST FOR LEAVE

Emergency leave must be requested through the Superintendent or designee who will determine if the leave requested meets the Board's criteria.

PERSONNEL

03.1236
(CONTINUED)

Emergency Leave

STATEMENT AFFIDAVIT

Persons taking emergency leave must **complete an emergency leave card** upon their return to work stating the specific reasons for their absence.

ACCUMULATION

Emergency leave days not taken during the school year shall not accumulate.

USE OF SICK LEAVE

Employees may use three (3) days sick leave per school year for emergency leave pursuant to KRS 161.152 and consistent with the above provisions.

ENTITLEMENT TO USE

The entitlement to emergency leave shall not be earned by an employee until after completion of the first day of work during the current year, except when the employee was on duty or on paid leave on the last day of the previous work year and provided the employee returns to work immediately following the use of such leave.

REFERENCES:

KRS 161.152

KRS 161.155

OAG 72-348

OAG 74-770

OAG 76-427

~~OAG 72-348~~

RELATED POLICIES:

03.1232- 03.1237

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

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

FINANCIAL IMPLICATIONS: POTENTIAL COST ASSOCIATED WITH THE SURVEY

PERSONNEL

03.17

- CERTIFIED PERSONNEL -

Termination/Nonrenewal/Separation by Employee

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

CODE OF ETHICS

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

TERMINATION

No contract shall be terminated except upon notification **to the employee** by the Superintendent. Prior to notification of the Board, the Superintendent shall furnish the teacher with a written statement specifying in detail the charge against the teacher.¹

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

ALTERNATIVES TO TERMINATION

As an alternative to termination, the Superintendent, upon notifying the Board and providing written notification to the teacher, may impose sanctions in accordance with KRS 161.790 **and shall notify the Board of the action taken at its next regular meeting.**

NONRENEWAL

Nonrenewal of limited contracts of certified personnel shall be made in compliance with the requirements of KRS 161.750.

SEPARATION BY EMPLOYEE

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

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

REPORTING

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

PERSONNEL

03.17
(CONTINUED)

Termination/Nonrenewal/Separation by Employee

REFERENCES:

¹KRS 161.790

[KRS 160.382](#)

KRS 161.120; KRS 161.750; KRS 161.780

OAG 83-362; OAG 92-135

16 KAR 1:020 (Code of Ethics); 701 KAR 5:090

Consolidated Omnibus Budget Reconciliation Act

RELATED POLICY:

03.172

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

FINANCIAL IMPLICATIONS: POTENTIAL COST ASSOCIATED WITH ADMINISTERING THE EQUIVALENCY PROGRAM

PERSONNEL

03.21

- CLASSIFIED PERSONNEL -

Hiring

SUPERINTENDENT'S RESPONSIBILITIES

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

ELIGIBILITY

In determining the eligibility of a particular candidate for appointment to a classified position, the sole concern of the Superintendent shall be to employ that person who, by reasons of preparation, experience and ability to work effectively, will render the highest possible level of service.

Employees who are terminated and/or non-renewed for cause by the District, or who resigned and are not eligible for a position, shall not be considered for any future employment by the District.

EFFECTIVE DATE

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

CRIMINAL BACKGROUND CHECK AND TESTING

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

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

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

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

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

Hiring

CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)

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

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

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

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

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

REPORT TO SUPERINTENDENT

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

HIRING OF RETIRED PERSONNEL

Except for cases involving disability retirement, persons who have previously retired from the District and who subsequently are rehired shall be considered first-year employees for the purposes of sick leave. (See Policy 03.2232.) Classified retirees are eligible to be hired in a permanent position working four (4) hours or more each day. Classified retirees may work as substitutes up to seventy (70) days per school year. Exemptions may be granted by the Senior Director of Administrative Services.

EDUCATIONAL REQUIREMENTS

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

All paraprofessionals shall satisfy educational requirements specified by federal law.⁴

JOB REGISTER

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

Hiring**VACANCIES POSTED**

Under procedures developed by the Superintendent, a listing of all District job openings shall be available in the **Department of Human Resources/Central Office and on the District web site.**

APPLICATION

All applications for positions shall be made utilizing written or electronic forms furnished by the Department of Human Resources.

Intentional misrepresentation shall be sufficient grounds to refuse to hire or to terminate, if the employee has been hired prior to discovery of falsification.

REVIEW OF APPLICATIONS

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

RELATIONSHIPS

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

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

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

A relative of the Superintendent shall not be employed except as provided by KRS 160.380.¹

The Superintendent shall not employ a relative of any employee to work under the direct or indirect supervision of that employee. "Relative" means father, mother, brother, sister, spouse, son, daughter, aunt, uncle, son-in-law, and daughter-in-law (including subcategories of in-law, half and step relatives).

Exception to the above is substitute personnel.

EMERGENCY HIRING

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

JOB DESCRIPTION

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

AFFIRMATIVE ACTION PLAN

All employment practices shall be in keeping with the Board approved Affirmative Action Plan.

CONTRACT

All regular full-time and part-time employees shall receive a contract.

Hiring**REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT FOR TEMPORARY EMPLOYEES**

Temporary employees shall be notified in writing by April 30 of each year as to whether they have reasonable assurance of continued employment for the following year.

EMPLOYEES SEEKING A JOB CHANGE

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

REFERENCES:

¹KRS 160.380

²702 KAR 5:080

³KRS 161.011; Kentucky Local District Classification Plan; 13 KAR 3:030

⁴P. L. 114-95, (Every Student Succeeds Act of 2015)

20 U.S.C. § 7926; 42 U.S.C. § 9843a(g)

34 C.F.R. § 200.58; 45 C.F.R. § 1302.90

49 C.F.R. § 382.701; 49 C.F.R. § 382.703

KRS Chapter 13B

KRS 17.160; KRS 17.165

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

OAG 18-017; OAG 91-10; OAG 91-149; OAG 91-206; OAG 92-1; OAG 92-59

OAG 92-78; OAG 92-131; OAG 97-6; 702 KAR 3:320

Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221

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

PERSONNEL

03.211

- CLASSIFIED PERSONNEL -

Medical Examination/Health Information

~~Through appropriate personnel documents, such as handbooks and/or job applications, employees shall be notified as to who will pay for medical examinations required for initial employment.~~

BUS DRIVERS

As a condition of employment, each school bus driver, including substitute drivers, shall pass a medical examination, to include a test for emotional stability, on initial employment and every two (2) years~~each year~~ thereafter in accordance with KRS281A.175, 702 KAR 5:030, and 702 KAR 5:080.

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

OTHER NEWLY EMPLOYED CLASSIFIED PERSONNEL

As a condition of initial employment, all classified employees (except bus drivers), including substitute employees, shall pass a medical examination as indicated in 702 KAR 1:160. The examination shall be provided by a designated licensed physician, physician assistant (PA), or Advanced Practice Registered Nurse designated by the Board. If the employee elects to be examined by a private practitioner, the cost of examination shall be borne by the employee.¹

REPORT REQUIREMENTS

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

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

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

TUBERCULOSIS (TB) SCREENING/TESTING

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

Medical Examination/Health Information**REQUIRED EXAMINATION**

When, in the opinion of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the **essential job functions because of physical or mental health problems or** when the employee poses a health risk to students or other employees, the Superintendent may, consistent with the Americans with Disabilities Act and the Family Medical Leave Act, require the employee to provide evidence of physical fitness in the form of an examination and report by a physician and, in the case of mental fitness, in the form of an examination and report by a certified psychologist or psychiatrist of the Superintendent's choosing.

SCHOOL TO REPORT

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

MEDICAL CONFIDENTIALITY

The Board will make every effort to respect and maintain the privacy of employees with reference to information concerning the medical condition of an employee and will only make such information available to individuals whom the Superintendent determines have an essential need for such information.

ALCOHOL/DRUG TESTING

If a supervisor has reason to believe an employee is under the influence of or impaired by alcohol or drugs in the workplace, the supervisor may require the employee to undergo alcohol testing by a portable breathalyzer test administered by a FCPS Law Enforcement Officer and/or blood/urine test administered by a medical facility of the District's choice. Refusal to submit to either such testing may be grounds for disciplinary action, including termination of employment. If test results confirm the employee was under the influence of alcohol or illegal drugs in the workplace, the employee shall be subject to disciplinary action including termination, or may be referred to a treatment program of the District's choice.

PRIVACY FOR PROTECTED HEALTH INFORMATION

The Fayette County School District is a hybrid entity for the purposes of the Health Insurance Portability and Accountability Act ("HIPAA")³ because its activities include covered and non-covered functions under HIPAA. The maintenance of protected health information shall comply with HIPAA and all other applicable legal requirements.

For information concerning the District's procedures for the protection of the privacy of protected health information, please refer to the "HIPAA Privacy Procedures Handbook" maintained by and available from the Privacy Official at IAKSS. The Privacy Official also maintains any and all forms relating to the HIPAA privacy procedures. The procedures and forms are also available from the District's Health Care Components.

PERSONNEL

03.211
(CONTINUED)

Medical Examination/Health Information

REFERENCES:

¹KRS 161.145

²702 KAR 1:160; OAG 65-560; 902 KAR 2:020; KRS 214.181; KRS 214.625

702 KAR 5:030; KRS 281A.175

Further references to pertinent case law, federal statute and Board policy are located in administrative procedures; Public Law 104-191

45 C.F.R. 164.530(a); 20 U.S.C. 1232g; 20 U.S.C. 1232g(a)(4)(B)(iv)

45 C.F.R. 164.501; 45 C.F.R. 160.501

45 C.F.R. 160.203; 45 C.F.R. 164.530(e); 45 C.F.R. 164.530(g); 45 C.F.R. 164.530(h)

Genetic Information Nondiscrimination Act of 2008; Americans with Disabilities Act
Family Medical Leave Act of 1993

RELATED POLICIES:

³03.2234; 03.24

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

PERSONNEL

03.2141

- CLASSIFIED PERSONNEL -

Nonteaching Coaches and Assistant Coaches

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

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

EMPLOYMENT

The Superintendent shall give preference to the hiring or assignment of certified personnel over nonteaching personnel for **high school** coaching positions. When unable to staff fully the athletic program in any sport or sport activity with qualified personnel, the Superintendent may employ paraprofessionals in accordance with state law, regulation and by-laws of the Kentucky High School Athletic Association.

REFERENCES:

¹KRS 161.185

²702 KAR 7:065

³KRS 158.162

Kentucky High School Athletic Association (KHSAA)

KRS 156.070; KRS 160.445

KRS 161.180

RELATED POLICIES:

03.1161; 09.221; 09.311

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

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

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

FINANCIAL IMPLICATIONS: TIME SPENT REMOVING PAYROLL DEDUCTIONS

PERSONNEL

03.2211

- CLASSIFIED PERSONNEL -

Salary Deductions

MANDATORY DEDUCTIONS

Mandatory payroll deductions made by the Board include:

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

OPTIONAL DEDUCTIONS

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

1. Medical Insurance;
2. State approved voluntary/optional benefits;
3. Board approved Tax Sheltered Annuity program, **including the Kentucky Deferred Compensation Program under IRS Code 457;**
4. Other state approved deferred compensation plan;
5. **The Health and Education Federal Credit Union;**
6. United Way **of the Bluegrass and Fayette County Education Foundation;**
7. State-designated Flexible Spending Account (FSA);
8. **Board approved dental, disability and term life group insurance plans specified under the Board approved Cafeteria Plan of Employee Benefits. (See Policy 03.2212.); and**
9. ~~Membership dues for professional employee organizations that have at least one hundred (100) eligible members, as verified by a membership list;~~
10. ~~9. Board-approved voluntary benefits (i.e., AAA).~~

PERSONNEL

03.2211
(CONTINUED)

Salary Deductions

OPTIONAL DEDUCTIONS (CONTINUED)

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

~~No other payroll deductions shall be made unless authorized by the Board.~~

CHANGES IN DEDUCTIONS

Designated payroll deductions shall remain in effect for the scheduled deduction period until a change or cancellation notice is received in the payroll office. Upon receipt of such notice, the payroll officer will put into effect such changes on the next appropriate scheduled paydate, unless contrary to state or federal regulations.

REFERENCES:

KRS 78.610; KRS 161.158; KRS 336.134
702 KAR 1:035; OAG 72-802

RELATED POLICY:

03.2213

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

PERSONNEL

03.2231

- CLASSIFIED PERSONNEL -

Personal Leave

NUMBER OF DAYS

Regular full-time or eligible part-time classified employees shall be granted **three (3)** days of personal leave each school year without loss of pay **and without affecting other types of leave granted by law, regulation or Board** policy.

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

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

PART-TIME EMPLOYEES

Beginning with their second consecutive year of employment with the District, all eligible, regular part-time classified employees may be granted three (3) days of personal leave with pay each school year.

In determining eligibility for personal leave, part-time classified personnel are those who are employed for ten (10) or more hours per week in positions that are established for a full school year in the work calendar for each job classification. Personal leave shall be for the number of hours the employee is normally scheduled to work.

APPROVAL

The employee **must obtain prior approval from his/her** immediate supervisor for the leave date **and should give at least two (2) days notice**, but no reasons shall be required for the leave.

LIMITED NUMBER

No more than 5% or one (1) employee (whichever is greater) of a school's or division's classified employees may take personal leave on a given day. If requests exceed the limit, those making earliest application will be given preference.

The immediate supervisor is authorized to limit the use of personal leave during emergencies which result in the unavailability of an adequate number of qualified substitute employees.

PROHIBITIONS

Personal leave shall not be taken on the opening or closing day of school (first or last day of classes for students and first and last non-flexible records/conference day for teachers). A request to waive this prohibition to use personal leave on the opening or closing day of school may be granted by the Superintendent on a case-by-case basis.

AFFIDAVIT STATEMENT

Employees taking personal leave must file a personal affidavit statement **no later than five (5) days after their** return to work stating that the leave was personal in nature.

PERSONNEL

03.2231
(CONTINUED)

Personal Leave

TRANSFER OF UNUSED DAYS

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

REFERENCES:

[KRS 161.154](#)
OAG 77-115

RELATED POLICY:

03.2232

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

PERSONNEL

03.2232

- CLASSIFIED PERSONNEL -

Sick Leave

NUMBER OF DAYS

Full-time classified employees shall be entitled to ten (10) days of sick leave with pay each school year.

Classified employees who work eleven (11) or twelve (12) months shall be entitled to eleven (11) or twelve (12) days, respectively, with pay each school year.

Employees who are hired after the beginning of their work calendar will be given prorated days based on the month hired.

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

In determining eligibility for sick leave, part-time classified personnel are those who are employed for ten (10) or more hours per week in positions that are established for a full school year in the work calendar for each job classification. Sick leave shall be for the number of hours the employee is confirmed to work per week divided by five (5).

RETIRED PERSONNEL

Except for cases involving disability retirement, persons who have previously retired from the District and who subsequently are rehired in a full-time or eligible part-time position shall earn sick leave as set out above.

ACCUMULATION

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

DEFINITION

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

FAMILY ILLNESS/MOURNING

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

TRANSFER OF SICK LEAVE

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

Sick Leave**SICK LEAVE DONATION PROGRAM**

Under procedures developed by the Superintendent, employees who have accrued more than fifteen (15) days of sick leave may request to transfer sick leave days to another employee who is authorized to receive the donation. The number of days donated shall not reduce the employee's sick leave balance to less than fifteen (15) days.

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

Any sick leave not used by the recipient shall be returned on a proportionate/pro-rated basis to the donor(s) who donated days to that specific person.

STATEMENT/AFFIDAVIT

Upon return to work, a classified employee claiming sick leave must file a personal statement/affidavit or a certificate of a physician stating that the employee was ill or that the employee was absent for the purpose of attending to a member of the immediate family who was ill.

ABSENCES ON OPENING DAY OF SCHOOL

Accumulated days of sick leave shall be granted to an employee if prior to the opening day of the school year, an statement/affidavit or a certificate of a physician is presented to the Board, stating that the employee is unable to assume his/her duties on the opening day of the school year, but will be able to assume his duties within a period of time that the Board determines to be reasonable.

DEATH BENEFIT

Beneficiaries of an employee who dies while in active service shall receive accrued sick leave death benefits on behalf of the deceased employee. Death benefits shall be calculated at the rate of 30% of the daily salary for each accumulated sick leave day, based on the employee's last annual salary.

A lump sum payment from which appropriate deductions have been taken shall be made to the beneficiary of the employee's retirement fund or to a directed beneficiary. If no such beneficiary has been designated, payment shall be made to the first surviving class of the following successive preference beneficiaries:

1. Employee's husband or wife;
2. Employee's children;
3. Employee's parents;
4. Employee's siblings;
5. Employee's executors or administrators.

REFERENCES:

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

PERSONNEL

03.2232
(CONTINUED)

Sick Leave

RELATED POLICIES:

03.22321 (Sick Leave Bank); 03.22322; 03.2233; 03.2236; 03.224;
03.273 (Retirement Compensation)

LEGAL: HB 319 REMOVES THE REQUIREMENT THAT AN AFFIDAVIT BE SUBMITTED FOR SICK (INCLUDING EMERGENCY LEAVE USED FOR THIS PURPOSE) AND PERSONAL LEAVE AND REPLACES AFFIDAVIT WITH STATEMENT.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.2236

- CLASSIFIED PERSONNEL -

Emergency Leave

NUMBER OF DAYS

Regular full-time classified employees shall be entitled to **three (3)** days of emergency leave with pay each school year.

Persons employed for less than a full year contract shall receive a prorata part of the authorized emergency leave days calculated to the nearest one-half (½) day.

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

PART-TIME EMPLOYEES

Beginning with their second consecutive year of employment with the District, all eligible, regular part-time classified employees may be granted up to three (3) days of emergency leave with pay each school year.

In determining eligibility for emergency leave, part-time classified personnel are those who are employed for ten (10) or more hours per week in positions that are established for a full school year in the work calendar for each job classification. Each day of emergency leave shall be for the number of hours the employee is normally scheduled to work per week divided by five (5).

Emergency leave shall be granted for the following reasons:

ILLNESS/BEREAVEMENT

Illness or death of a relative or personal friend.

DISASTERS

Personal disasters of the magnitude of tornados, fires, floods, etc. This applies only in cases not covered by sick leave.

LEGAL PROCEEDINGS

Appearances as a witness or to produce documents **at legal proceedings** when the employee's presence is required by subpoena. This is not to include appearances in actions in which the employee is a party and the subpoena is obtained by or on behalf of the employee. This also does not include jury duty. (See Policy 03.2237.)

Court documentation shall accompany the emergency leave request.

TRANSPORTATION PROBLEMS

Weather-related transportation problems which prevent travel from another area to home and/or work station, such as airport closings and flight cancellations. This, however, shall not include travel between residence and work station.

ILLNESS OF EMPLOYEE

Illness of the employee, if all other available leave has been exhausted.

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Emergency Leave

OTHER

Other emergency reasons as approved by the Superintendent or designee where there exists a pressing necessity that requires immediate attention.

REQUEST FOR LEAVE

Emergency leave must be requested through the Superintendent or designee **on the appropriate form.**

STATEMENT-AFFIDAVIT

Persons taking emergency leave must **complete an emergency leave card** upon their return to work stating the specific reasons for their absence.

ACCUMULATION

Emergency leave days not taken during the school year shall not accumulate.

USE OF SICK LEAVE

Employees may use three (3) sick leave days per school year for emergency leave pursuant to KRS 161.152 and consistent with the above provisions.

ENTITLEMENT TO USE

The entitlement to emergency leave shall not be earned by an employee until after completion of the first day of work during the current year, except when the employee was on duty or on paid leave on the last day of the previous work year and provided the employee returns to work immediately following the use of such leave.

REFERENCES:

KRS 161.152; KRS 161.155
~~OAG 72-348; OAG 74-770;~~ OAG 76-427; ~~OAG 72-348~~

RELATED POLICIES:

03.2232
03.2237

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.

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Employee Religious Expression

AUTHORITY

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

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

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

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

PERSONNEL 03.272

- CLASSIFIED PERSONNEL -

Separation by Employee

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

REFERENCE:

KRS 160.382

RELATED POLICY:

03.27

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

FINANCIAL IMPLICATIONS: POTENTIAL SAVINGS IN SHARING COST OF PROJECTS

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

FINANCIAL IMPLICATIONS: LARGER AMOUNT FOR SMALL PURCHASE PROCEDURES

FISCAL MANAGEMENT

04.32

Model Procurement Code Purchasing

AUTHORITY

Purchasing procedures shall conform to the Model Procurement Code, KRS 45A.345 - KRS 45A.460.¹ All contracts or purchases shall be awarded by competitive sealed bidding or competitive negotiation, both of which may include the use of a reverse auction, except as otherwise provided by law.²

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

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

1. The supplies and/or equipment meet the specifications of contracts awarded by the Division of Purchases, a federal agency (GSA), a cooperative agency, or a District bid;
2. The supplies and/or equipment are available for purchase at a lower price;
3. The purchase does not exceed \$2,500⁴ & ⁹; and
4. The District's finance or purchasing officer has certified compliance with the first and second requirements.

The Fayette County Public School System (FCPS) supports the participation of Minority, Women, and Veterans' Business Enterprises (MBE/WBE/VBE) in the bidding process. District leadership shall annually track and report the inclusion and participation of minority-, women-, and veteran-owned businesses from all procurement contracts, projects and awards relative to the District's annual spend. District leadership shall present data to the Board on the participation of minority, women, and veteran-owned businesses on at least an annual basis.

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

PURCHASING FROM MINORITY, WOMEN AND VETERAN BUSINESS ENTERPRISES

The Board supports the purchase of goods; construction, renovation and repair services; and other services from minority, women, and veteran-owned businesses 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 minority, women, and veteran -owned businesses to become vendors providing goods and services to the District.

Model Procurement Code Purchasing**PURCHASING FROM MINORITY, WOMEN AND VETERAN BUSINESS ENTERPRISES (CONTINUED)**

This policy and related procedures shall establish expectations of good faith efforts by prospective vendors for minority, women, and veteran-owned business participation and include mechanisms to document and measure those efforts. However, nothing about the terms of this policy, nor any related procedure or form, shall be construed to mean the District will not comply with applicable provisions of procurement law, including but not necessarily limited to applicable provisions of KRS Chapter 45A, nor shall it be construed to mean the District will award contracts to bidders, contractors, and subcontractors who are not qualified, willing, and able to perform a given contract or project.

The District shall establish procedures for its use, to assist District staff responsible for bidding and purchase processes in meeting good faith effort requirements.

ADMINISTRATION

District leadership shall incorporate procedures established under this policy as part of their financial and management responsibilities over District procurement processes. District leadership shall be responsible for supporting effective implementation of this policy. District leadership may also encourage, track, and report the inclusion and participation of potentially underrepresented businesses not addressed in 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.

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, Hispanic-American, Asian-American, Native American.

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

SUPPORT FOR VENDOR UTILIZATION

The District shall establish an ongoing outreach effort to MBEs, WBEs, and VBEs including, but not limited to providing information and guidance regarding doing business with the District and 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 MBEs and WBEs in securing and meeting performance expectations for District contracts.

Model Procurement Code Purchasing**M/W/VBE GOALS AND GOOD FAITH EFFORT****For Construction, Renovation, and Repair Services Projects**

The District is committed to inclusive practices and supports equitable opportunities for minority, women, and veteran-owned businesses to participate in construction contracting opportunities. The District shall utilize relevant and objective data acquired from its own studies and/or other governmental entities to determine the availability of M/W/VBEs in its geographic area and shall make efforts to ensure its participation goals reasonably reflect that availability. The District shall establish objective evaluation criteria that encourages prime contractors to work with minority, women, and veteran-owned subcontractors or suppliers they have not previously worked with. Such criteria may include but not necessarily be limited to (1) awarding evaluation points for working with such subcontractors or suppliers; or (2) requiring prime contractors to either identify and use at least one such subcontractor or supplier or submit documented good faith efforts to identify and use at least one such subcontractor or supplier for the project at issue.

PURCHASE OF GOODS AND OTHER SERVICES

District staff shall make good faith efforts to utilize minority, women, and veteran-owned business vendors in accordance with documentation requirements set forth in District purchasing procedures. At a minimum, when feasible, District staff responsible for soliciting three price quotes for non-bid items shall make a good faith effort to include at least one minority, woman, or veteran-owned business vendor per quote, provided that in no case shall the District award contracts to bidders, contractors, and subcontractors who are not qualified, willing, and able to perform a given contract or project.

OTHER EFFORTS

The District, pursuant to established procedures, may use other efforts to increase minority, women, and veteran-owned business participation including but not limited to reserving certain small prime contracts for minority, women, and veteran-owned businesses, using invoice tracking software or systems to help ensure minority, women, and veteran-owned businesses are being used where required, sponsoring lender fairs, and establishing mentoring programs for minority, women, and veteran-owned businesses interested in doing business with the District.

DOCUMENTATION, REPORTING, AND EVALUATION

District leadership shall establish procedures for the collection, maintenance, and tracking of records at the District, 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; and
2. Statistics regarding the utilization of MBEs, WBEs, and VBEs by District Departments and Schools.

District leadership shall:

1. Submit annual written reports to the Board regarding the implementation of this policy; and

Model Procurement Code Purchasing**DOCUMENTATION, REPORTING, AND EVALUATION (CONTINUED)**

- 2. Conduct annual formal evaluations of the effectiveness of the minority, women, and veteran-owned business program.**

PUBLIC-PRIVATE PARTNERSHIPS

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

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FEDERAL AWARDS/CONFLICT OF INTEREST

No employee, officer, or agent of the District may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.⁸

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

ETHICAL STANDARDS

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

PREFERENCE FOR RESIDENT BIDDERS

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

PRICE REDUCTIONS

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

SMALL PURCHASES

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

Model Procurement Code Purchasing**ADVERTISEMENT OF BIDS**

Adequate public notice of invitations for bids shall be provided through posting via the District's web-based procurement portal and on the Internet or publication in the legal section of the local newspaper.⁶

WAIVER STIPULATION

The Board shall reserve the right to waive defects and informalities in proposals, to reject or accept any proposal, and to award by item, combination of items or lot.

RECORDING OF BIDS

All bids meeting Board specifications shall be recorded in Board minutes. In the event the lowest bid is not accepted, the Board shall record in the minutes the reason for the rejection.⁷

BACKGROUND CHECKS

The Superintendent shall require an adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity to submit, at no expense to the District, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation and to provide a clear CA/N check in keeping with KRS 160.380.¹⁰

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/3013RequestfromthePublicforCANCChecksandCentralRegistryChecks.aspx>

REFERENCES:

¹KRS 45A.343

²KRS 45A.345; KRS 160.290; KRS 45A.380

³KRS 160.303; 200 KAR 5:400; KRS 45A.494

⁴KRS 156.076

⁵KRS 45A.385

⁶**KRS 45A.365**

⁷**702 KAR 3:135**

⁸2 C.F.R. 200.318

⁹KRS 45A.360

¹⁰KRS 160.380

KRS 45A.352; KRS 45A.365; KRS 45A.370

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

KRS 45A.460; KRS 45A.620

KRS 65.027; [KRS 65.028](#); KRS 160.151; KRS 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:

05.6; 06.4; 07.13

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

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

SCHOOL FACILITIES

05.4

Safety

BOARD TO ADOPT PLAN

The Board shall adopt a plan for immediate and long-term strategies to address school safety and discipline, which shall be reviewed annually and revised, as needed. This plan shall utilize information gathered from school and District assessments of school safety and student discipline required by law and shall include the Board's code of acceptable behavior and discipline and a description of instructional placement options for threatening or violent students. The committee that develops the plan for Board consideration shall **consist of school staff, students, parents, and key agencies in the community, such as law enforcement, courts, local prosecutors, etc.**

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

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

DISTRICT SCHOOL SAFETY COORDINATOR

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

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

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

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

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

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

SUPERINTENDENT TO REPORT

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

AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)

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

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

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

Safety**SCHOOL EMERGENCY PLANNING**

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

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

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

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

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

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

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

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

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

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

Safety**SCHOOL EMERGENCY PLANNING (CONTINUED)**

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

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

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

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

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

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

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

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Safety**PRECAUTIONS**

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

AED PROGRAM

~~An Automated External Defibrillator (“AED”) is a medical device that may be used for the purpose of saving the life of a person in cardiac arrest. An AED is an external defibrillator capable of cardiac rhythm analysis that will charge and, with or without further operator action, deliver a shock after electronically detecting and assessing ventricular fibrillation or rapid ventricular tachycardia. AEDs are also known as fully or semi-automatic defibrillators.~~

~~In the event the District acquires one or more AEDs, the Superintendent/designee shall establish an AED program. In order to ensure public health and safety, the AED program shall require:~~

- ~~1. Designation of a physician licensed in Kentucky to serve as the program’s physician of record (“Medical Advisor”). The Medical Advisor shall:
 - ~~1. provide medical oversight for the AED program to ensure compliance with requirements for training, maintenance, notification, and communication with the local emergency medical services system;~~
 - ~~1. work with each AED site to establish protocols for AED deployment, and~~
 - ~~1. conduct a review of each use of an AED.~~~~
- ~~1. That expected AED users receive American Heart Association or American Red Cross training in CPR and AED use, or an equivalent nationally recognized course in CPR and AED use;~~
- ~~1. That each AED is maintained and tested according to the manufacturer's operational guidelines;~~
- ~~1. That an agent of the local emergency medical services system and the local emergency communications or vehicle dispatch center is notified of the existence, location, and type of each AED acquired; and~~
- ~~1. That any person who renders emergency care or treatment on a person in cardiac arrest by using an AED activates the local emergency medical services system as soon as possible and reports any clinical use of the AED to the physician providing medical oversight of the AED program.~~

Reporting

Each employee observing a potential safety or security hazard shall report such hazard in writing to his immediate supervisor who shall cause the situation to be remedied or reported to the proper authority for remedy. **Any injury suffered while on the job shall be reported to the Division of Risk Management and Safety.**

Safety**COMMUNICATION SYSTEM**

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

EMERGENCY MANAGEMENT PLAN

The Superintendent's designee shall be responsible for the development of a current Emergency Management Plan to cover any local or regional emergency which occurs when schools are in session and the welfare of students, employees and visitors may be in danger. The designee shall review this plan annually and distribute any changes to appropriate personnel.

REFERENCES:

¹KRS 158.4412

²[KRS 158.1621](#)

KRS 61.870 to KRS 61.884

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

KRS 160.290; KRS 160.445

[KRS 311.665 to KRS 311.669](#); KRS 311.667; KRS 411.148

702 KAR 1:180

RELATED POLICIES:

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

09.22; 09.221; 09.4 (entire section); 10.5

LEGAL: REVISIONS TO 704 KAR 3:305 IMPACT THE INDIVIDUAL LEARNING PLAN, PERFORMANCE-BASED CREDITS, AND THE EARLY GRADUATION PROGRAM.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.113

Graduation Requirements

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

CIVICS EXAM REQUIREMENT

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

INDIVIDUAL LEARNING PLAN (ILP)

~~The development of the~~Students shall complete 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 focuseds on career exploration and related postsecondary education and training needs.

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.

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

Graduation Requirements

For Students Entering Grade Nine (9) on or after the First Day of the 2019-2020 Academic Year

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

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

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

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

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

Graduation Requirements**PERFORMANCE-BASED CREDITS (MOVING TO POLICY 08.1131)**

~~The District shall accept performance-based credits toward graduation in addition to Carnegie units. It is the responsibility of each high school SBDM Council (with IAKSS staff support) to develop performance descriptors and assessments for proposed performance-based courses. (For schools/programs without SBDM Councils the Superintendent or designee shall assume this responsibility.) The Director of High Schools, or designee, shall develop and implement a process for District review of SBDM Council approved performance-based course descriptors, and the Board will only accept performance-based credits for courses approved by both the high school SBDM Council and Director of High Schools.~~

~~The District's standards-based, performance-based credit system shall comply with requirements of Kentucky Administrative Regulation. Procedures for the developing and amending the system shall address the following:~~

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

Performance-based credit may be earned while the student is still "in school," but the instructional setting will look different from a traditional "seat time" environment.~~
- ~~2. Performance descriptors and their linkages to State content standards and academic standards;

At the high school level, performance descriptors and evaluation procedures shall be established to determine if the content and performance standards have been met.~~
- ~~3. Assessments and the extent to which state mandated assessments will be used;~~
- ~~1. An objective grading and reporting process; and~~
- ~~1. Criteria to promote and support school and community learning experiences, such as internships and cooperative learning, in support of a student's ILP. Such experiences shall be supervised by qualified instructors and aligned with State and District content and performance standards.~~

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

OTHER PROVISIONS

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 as determined by achieving a score of "3" or higher on a College Board Advanced Placement examination or a grade of "B" or better in a high school equivalent.²

Graduation Requirements**OTHER PROVISIONS (CONTINUED)**

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

The Board may award a diploma to a student posthumously indicating graduation with the class with which the student was expected to graduate.

Consistent with the District's graduation practices for all students, an alternative high school diploma shall be awarded to students with disabilities in compliance with applicable legal requirements. In addition, former students may submit to the Superintendent a request that the District provide them with an alternative high school diploma to replace the certificate of attainment they received at 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, the Board shall award an authentic high school diploma to an honorably discharged veteran who was enrolled in, but 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

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 3:305~~; 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; 08.14; 08.22; 08.222; 08.4

RELATED PROCEDURE:

09.12 AP.25

LEGAL: REVISIONS TO 704 KAR 3:305 IMPACT PERFORMANCE-BASED CREDITS.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.1131

Alternative Credit Options

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

ONLINE COURSES

High school students (and middle school students per paragraph 1 below) may also earn academic credit to be applied toward graduation requirements by completing online courses offered through agencies approved by the Board. Credit from an online course may be earned only in the following circumstances:

1. The course is not offered at the high school, and the Principal, with agreement from the student's teachers and parents/guardians, determines the student requires a differentiated or accelerated learning environment. This may include middle school students.
2. Although the course is offered at the high school, the student will not be able to take it due to an unavoidable scheduling conflict that would keep the student from meeting graduation requirements.
3. The course will serve as a supplement to extended homebound instruction.
4. Unless otherwise approved by the Principal/designee, students taking such courses must be enrolled in the District and take the courses during the regular school day at the school site. **The District, in cases of students who are expelled or homebound, may grant exceptions.**

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

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

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

The District receives Average Daily Attendance funds from the Kentucky Department of Education for the online portion of the school day. The Kentucky Department of Education waives the physical seat-time requirement as needed for students.

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

Alternative Credit Options**EVENING CREDIT CLASSES**

Evening courses offered for high school credit at Fayette County Public Schools may also be counted toward graduation under this policy. Evening courses attempted for initial credit may be taken with Principal/designee approval. Evening courses may be taken for make-up credit as needed, subject to the approval of the Principal or Principal's designee. The official record of the final grade must be received by the school before a diploma may be issued to the student.

EXCEPTION

Unless an exception is made by the District, any student who transfers to the District after the junior year (11th grade) must earn the last (2 units) required for graduation while in residence as a regular enrollee.

DUAL-CREDIT SCHOLARSHIP PROGRAM

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

PERFORMANCE-BASED CREDITS

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

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

Alternative Credit Options**PERFORMANCE-BASED CREDITS (CONTINUED)**

It is the responsibility of each high school SBDM Council (with ~~IAKSS~~District staff support) to develop performance descriptors and assessments for proposed performance-based courses. (For schools/programs without SBDM Councils the Superintendent or designee shall assume this responsibility.) The Director of High Schools, or designee, shall develop and implement a process for District review of SBDM Council-approved performance-based course descriptors, and the Board will only accept performance-based credits for courses approved by both the high school SBDM Council and Director of High Schools.

Formatted: ksba bold**Formatted:** ksba bold**Formatted:** ksba bold, Font: Not Bold, Not Small caps**REFERENCES:**

KRS 158.622

KRS 164.786

704 KAR 3:303; 704 KAR 3:305; 704 KAR Chapter 8**RELATED POLICIES:**

08.113

08.11311

08.2323

09.1221

09.3

09.435

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

CURRICULUM AND INSTRUCTION

08.11311

Early Graduation Program

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

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

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

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

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

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

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

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

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

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

Early Graduation Program

EARLY GRADUATION PROGRAM (EGP) (CONTINUED)

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

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

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

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

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

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

REFERENCES:

KRS 158.142
704 KAR 3:305

RELATED POLICIES:

08.113; 08.1131

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

CURRICULUM AND INSTRUCTION

08.133

Extended School/Direct Student Services

PLAN FOR DIAGNOSING

The Superintendent/designee shall develop a plan for diagnosing and addressing student academic deficiencies by providing ~~E~~extended ~~S~~school ~~S~~services (ESS) as required by state law.

ESSEXTENDED SCHOOL SERVICES

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

For students eligible to attend ESS, the District shall:

- Identify learning goals and benchmarks for each student that, if achieved, indicate that the student may exit the ~~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 students mandated to attend.

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

The District may provide ~~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 to all eligible students residing in the District regardless of whether they attend District schools.

STUDENTS ATTENDING PRIVATE, PAROCHIAL, OR HOME SCHOOLS

Students residing within the District's boundaries who attend private, parochial, or home schools shall not be eligible for the after-school tutorial program. Upon application, they may be considered for enrollment in the summer school program. Their eligibility and selection shall be based on the same criteria as students enrolled in the District schools.

DIRECT STUDENT SERVICES

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

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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)

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

CURRICULUM AND INSTRUCTION

08.13531

Human Sexuality

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

- a) Abstinence from sexual activity is the desirable goal for all school-age children;
- b) Abstinence from sexual activity is the only certain way to avoid unintended pregnancy, sexually transmitted diseases, and other associated health problems;
- c) The best way to avoid sexually transmitted diseases and other associated health problems is to establish a permanent mutually faithful monogamous relationship;
- d) A school policy to respect parental rights by ensuring that children in grade (5) and below do not receive any instruction through curriculum or programs on human sexuality or sexually transmitted diseases;
- e) A school policy to notify a parent in advance and obtain the parent's written consent
before the parent's child in grade six (6) or above receives any instruction through curriculum or programs on human sexuality or sexually transmitted diseases.

CURRICULUM REQUIREMENTS

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

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

Human SexualityCURRICULUM REQUIREMENTS (CONTINUED)

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

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

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

This shall not prohibit school personnel from:

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

REFERENCES:

KRS 158.1415; KRS 160.345

RELATED POLICIES:

08.1; 08.23; 08.2322

LEGAL: SB 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

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 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 or guardian.

The complaint resolution process shall require that:

- a) Complaints be submitted in writing to the Principal of the school where the student is enrolled;
- b) 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.

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

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

FINANCIAL IMPLICATIONS: COSTS OF TRANSPORTING STUDENTS TO ANOTHER SCHOOL

STUDENTS

09.11

School Attendance Areas

ASSIGNED AREAS

The Board will establish geographic attendance areas for assigning students to schools. All students shall be assigned by geographic attendance areas and will attend the school designated to serve their area of residence. In cases of joint custody, the student will be assigned to the area serving the residence of the parent with whom the child primarily resides. If pursuant to court order the child's time is split exactly in half between parents, the parents may choose which of the two (2) assigned schools the child will attend. The court order establishing custody and time-sharing shall be provided to the school upon enrollment. Any changes to custody or residence of the child shall be reported within five (5) school days of the effective date of the change. Specific areas served by each attendance area will be marked on a map in the central administration office. The Board may revise attendance areas from time to time to attain maximum utilization of school facilities.¹

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

Students not living in a school's attendance area must have written authorization to register at another school. Written authorization shall be limited to the following:

- An approved out-of-area request, (Pupil Personnel Department)
- Acceptance to a magnet school or program, (Special Programs Office;)
- A Continuation Plan placement due to overcrowding of the school for the home address (Pupil Personnel Department)
- A placement due to the student's special needs which cannot be reasonably met at the school for the home address (Special Education Office)
- Preschool placement, (Preschool Office)
- Placement in a self-contained gifted and talented program, (Gifted/Talented Office),
- An English as a Second Language (ESL) placement (Foreign Languages/ESL office), or
- Placement per Director of Pupil Personnel, or School Chief/Director.

Principals and/or staff shall not register students from outside the school's attendance area without written authorization from the Pupil Personnel Department.

The Board of Education assigns new housing areas to school attendance areas on a preliminary basis, subject to change when the area becomes more fully developed.

School Attendance Areas**PROOF OF RESIDENCE**

Upon enrollment and upon request thereafter, parents/guardians shall submit written documentation verifying the primary residence of the child. For school purposes, a child's residence is not necessarily the residence of the child's parent(s), and if the child has assumed a permanent home with some other person standing in loco parentis to the child, then the residence of the child for school purposes is the same as that person.² Any documents supporting the parent/guardian's responsibility for the student should be provided to the school immediately.

ELIGIBLE STUDENTS AND TRANSPORTATION

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

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

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

REQUESTS FOR TRANSFER

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

1. The assigned school is designated by the state as being "persistently dangerous"; or
2. The student becomes a victim of a violent criminal offense, as determined by state law, while attending school.³

ELIGIBILITY FOR STUDENTS WITH DISABILITIES, PRESCHOOL, GIFTED AND TALENTED, OR ESL

Students with Disabilities - School placement for identified students with disabilities shall be the student's school of residence. If an Admissions and Release Committee or 504 Committee determines accommodations, modifications, or staffing changes cannot be made to the school of residence in order for the student to benefit from his/her educational program at the school of residence, the student shall attend the next closest school that can implement the student's program.

Program Eligibility for Preschool - To be eligible for Preschool placement, children must be a resident of Fayette County, be four (4) years old by October 1st, and meet the income guidelines for free lunch, or three (3) or four (4) years old or become five (5) after October 1st and have an identified special need. Children are automatically placed in their school of residence. They must go through the out-of-area process and through the Preschool office to request placement based on child care needs. If a school of residence does not have a Preschool program or if the program is full, students will be placed in one of the closest designated schools.

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School Attendance Areas**ELIGIBILITY FOR STUDENTS WITH DISABILITIES, PRESCHOOL, GIFTED AND TALENTED, OR ESL
(CONTINUED)**

Gifted and Talented Students - School placement for gifted and talented students shall be the student's school of residence except for students who meet eligibility and accept placement to attend the Gifted Accelerated Program in identified schools. A Gifted Accelerated Program within a school is a specialized service program with specific entrance standards outlined in administrative procedure 08.132/Gifted and Talented Students.

English as a Second Language (ESL) Students - Qualified ESL students will receive services in their school of residence or as assigned through the ESL Department.

REDISTRICTING PROPOSALS

Before a redistricting proposal is placed on the Board agenda for a first reading, the public in the affected area will be notified either through the schools or by other public notice.

PARENT/GUARDIAN REQUESTS FOR CHANGE

Out-of-area requests for specific schools shall not be approved if the projected or actual enrollment in the school requested is over capacity with attendance area children and other special units assigned to the school, such as Every Student Succeeds Act school choice, Preschool, and others.

Out-of-area authorization will only be considered for approval under the following conditions:

A. SCHOOL DEMOGRAPHICS

- A change in school of attendance that would reduce overcrowding at the assigned school and not create potential for overcrowding at the requested school.

B. IF FAMILIES MOVE

- A fifth-, eighth-, eleventh-, and twelfth-grade student who moves from one (1) school attendance area to another to continue in the school of his/her former residence until the completion of that grade level, with certification of eligibility verified by their Principals. This also applies to students who live in a magnet school attendance area.
- A family whose student moves from one (1) attendance area to another within Fayette County to permit the student to finish the school year in the school in which s/he is currently enrolled. Transportation shall be the responsibility of the parent/guardian.
- A family whose student anticipates moving from one (1) attendance area to another within Fayette County prior to October 31st of the school year. The student may be permitted to begin the school year in the school serving the location to which the family expects to move under the following conditions:
 - The parent/guardian shall present upon enrollment a signed contract for the purchase or lease of the residence to which the family will move prior to October 31st of the school year.
 - The parent/guardian shall present a signed contract for a residence under construction with an expected date of completion/closing no later than October 31st of the school year.

School Attendance Areas**PARENT/GUARDIAN REQUESTS FOR CHANGE (CONTINUED)****B. IF FAMILIES MOVE (CONTINUED)**

Verification of the new address will be required to be provided to the Principal no later than November 1st of the school year. Failure to provide the documentation may be grounds for revocation of student enrollment; however, extenuating circumstances that may have prevented the move prior to October 31st may be presented to the school director for consideration by the Superintendent.

C. REDISTRICTING

- A student being reassigned through redistricting; the parent/guardian may request early entry provided the student will not be moving to another school level before the redistricting is implemented or may request that the student remain in the current school to complete the final year for that school level.

D. SCHOOL DISTRICT EMPLOYEES

- A student whose parent is a teacher or any other employee who works on at least a half-time basis for Fayette County Public Schools. The student may attend the school or campus where the parent is employed or, the school closest in proximity within the employee's work location feeder pattern. This option may not be used to request placement in a magnet pre-kindergarten program (if any). This option may not be used to request a gifted/talented program or school. Employee's children must meet all applicable magnet school entrance criteria. Employees who reside out of county and whose children attend a school within the District are required to notify the Principal of their child(ren)'s school of their out of county residency upon enrollment of the student or within five (5) days of the move out of county. A failure to provide this notice shall be deemed a violation of policy and shall be grounds for employee disciplinary action. When the parent is no longer employed by Fayette County Public Schools, this approval is revoked.

Requests for change in school of attendance for employees' children would have the priority over all other requests for entering or remaining at a school. Children of employees working in a building or on a campus would have priority over other employees' children.

E. HIGH SCHOOLS

- A student in grades 9-12 who petitions to attend another high school in the District if s/he participates in a designated Board-approved gifted and talented program that is not offered in his/her attendance area school.

SCHOOL DIRECTOR REQUESTS FOR CHANGE - PROVISIONS TO APPLY

In exceptional circumstances, school directors in consultation with the sending and receiving Principals may request a change of schools for a student for other educational reasons. School Directors shall also consult with the Director for Pupil Personnel who shall review such requests. School Director requests shall be consistent with District guidelines for capacity and diversity as outlined in the section on provisions to apply. Educational reasons do not include subject choice, nor do they include Board-approved gifted and talented programs. School directors may request any school at their school level.

School Attendance Areas**SCHOOL DIRECTOR REQUESTS FOR CHANGE - PROVISIONS TO APPLY (CONTINUED)**

The following provisions apply to Parent/Guardian and School Director requests for change in school assignments:

1. Out-of-Area placements shall be re-evaluated annually. Out-of-area placements shall be granted only when placement does not cause overcrowding at the receiving school and does not require additional staff, in keeping with this policy.
2. First priority will be given to OOA placements that are currently enrolled in the receiving school. Second priority will be given to new requests (new students to the building) for change of school assignment for the following school year. These requests shall be submitted to the Pupil Personnel Department.
3. Approval of requests shall be the responsibility of the Pupil Personnel Department in consultation with parents and, as appropriate, principals regarding approvals.
4. If a student withdraws from a Board-approved gifted and talented program, then s/he will be transferred to the assigned attendance area school at the end of the grading period after withdrawal from the program, unless it causes an increase in staffing at the home school.
5. The Principal shall evaluate whether students who have been granted out-of-area assignments are in compliance with specified conditions, including regular daily attendance, acceptable behavior and adequate academic progress. Failure to do so may result in an immediate transfer to the assigned attendance area school, with the School Chief/Director's approval. This section does not apply to students who have exercised the opt-out option from a magnet school.

Transportation for any approved out-of-area request shall be the responsibility of the parent/guardian.

REFERENCES:

¹KRS 159-070

²OAG 77-311

³P. L. 114-95, (Every Student Succeeds Act of 2015); 20 U.S.C. § 6301 et seq.

[KRS 158.072](#); KRS 160.1592

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

OAG 80-394

RELATED POLICY:

08.13452; 09.12

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

STUDENTS

09.122

Attendance Requirements

COMPULSORY ATTENDANCE

All children in the District 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 parental or guardian's written request be withdrawn from the program at any time within the first two (2) school calendar months. At the end of such trial period a child shall be considered irrevocably entered into the primary school program for purposes of KRS 159.010 and KRS 159.020.

STUDENTS OLDER THAN EIGHTEEN

Students who have not graduated and are between the ages of eighteen (18) and twenty (20) when school opens may continue in school until graduation or until they are (twenty-one) 21 years of age, whichever occurs first. Students between the ages of eighteen (18) and twenty (20) that have withdrawn from the District without graduating and then wish to return may be permitted to re-enroll with assignment to a school to be determined by the High School Director.

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; or²
7. **A student who has been expelled or who is under suspension from school.**
8. A student enrolled in a District-operated alternative education program who attains a High School Equivalency Diploma.⁸

STATEMENT REQUIRED

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

Attendance Requirements**EXCEPTIONS TO PRESENCE AT SCHOOL**

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

1. Students shall be counted in attendance when they are receiving home/hospital, institutional,² or court-ordered instruction in another setting.
2. Participation of a pupil in 4-H activities that are regularly scheduled and under the supervision of a county extension agent or the designated 4-H club leader shall be considered school attendance.³
3. Students may participate in cocurricular activities and be counted as being in attendance during the instructional school day, provided the Principal/designee has given prior approval to the scheduling of the activities. Approval shall be granted only when cocurricular activities and trips are instructional in nature, directly related to the instructional program, and scheduled to minimize absences from classroom instruction.⁴
4. Students enrolled and participating in a full-time, online, virtual and remote learning program, or participating in an off-site virtual high school class or block may be counted in attendance in keeping with statute and regulation~~accordance with requirements set out in Kentucky Administration Regulation.~~^{4 & 9}
5. Students having an individual education plan (IEP) that requires less than full-time instructional services shall not be required to be present for a full school day.⁴
6. Students who attend classes for moral instruction at the time specified and for the period fixed shall be credited with the time spent as if they had been in actual attendance in school, and the time shall be calculated as part of the actual school work required by law. Students shall not be penalized for any school work missed during the specified moral instruction time.⁵
7. Students participating as part of a school-sponsored interscholastic athletic team, who compete in a regional or state tournament sanctioned by the Kentucky Board of Education or KHSAA, that occurs on a regularly scheduled student attendance day shall be counted and recorded present at school on the date or dates of the competition, for a maximum of two (2) days per student per school year. Students shall be expected to complete any assignments missed on the date or dates of the competition.⁶
8. The pupil is participating in standards-based, performance-based credit that is awarded in accordance with 704 KAR 3:305, and that falls within one (1) or more of the categories of standards-based course work. A pupil may be counted in attendance for performance-based credit for a class or block for the year or semester in which the pupil initially enrolled in the class or block if the pupil demonstrates proficiency in accordance with local policies.^{4&7}
9. Students attending basic training required by a branch of the United States Armed Forces shall be considered present for all purposes for up to ten (10) days.³
10. Students participating in any of the page programs of the General Assembly.³

STUDENTS

09.122
(CONTINUED)

Attendance Requirements

REFERENCES:

- ¹KRS 159.010; OAG 85-55
- ²KRS 159.030
- ³KRS 159.035
- ⁴702 KAR 7:125
- ⁵KRS 158.240
- ⁶KRS 158.070
- ⁷704 KAR 3:305
- ⁸KRS 158.143
- ⁹KRS 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; 09.123, 09.36

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

STUDENTS

09.141

Student Privacy Rights

PUBLIC COMMENT REQUIRED

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

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

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

REFERENCE:

KRS 158.189

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

DRAFT 2/21/23, REVISED 2/22/23, 4/17/23

STUDENTS

09.224

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Emergency Medical Treatment

FIRST AID TO BE PROVIDED

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

FIRST AID AREA

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

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

AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)

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

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OPIOID ANTAGONIST

District schools may maintain an opioid antagonist for administration to individuals who may experience a life-threatening, opioid overdose. An opioid antagonist for such instances shall be administered following the protocols developed by the Kentucky Department of Public Health. All health staff, as well as two (2) administrative staff (or designees) shall be trained to administer an opioid antagonist.

PERSONNEL

Any school that has a student enrolled with diabetes or seizure disorders shall have on duty at least one (1) school employee who is a licensed medical professional, or has been appropriately trained to administer or assist with the self-administration of glucagon, insulin, FDA approved seizure rescue medication, or medication prescribed to treat seizure disorder symptoms as prescribed by the student's health care practitioner.

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

Emergency Medical Treatment**INFORMATION NEEDED**

A number at which parents can be reached and, if provided, the name of the family physician shall be maintained at each school for all its pupils.¹ The school nurse or a school staff member shall notify parents in the event their child is involved in an accident causing substantial injury. Examples would include, but not be limited to, a possible head injury or an accident requiring medical treatment other than minimal first aid measures.

EMERGENCY CARE PROCEDURES

Schools shall have emergency care procedures comporting with regulation¹ and may utilize the Kentucky Department of Education's Health Services Reference Guide (HSRG) as a resource.

In the event of a medical emergency involving a student, the Principal/designee shall make a reasonable effort to contact the parents or legal guardians. If the Principal is unable to make such contact, he/she shall call for emergency assistance (911).

REFERENCES:

¹702 KAR 1:160

²[KRS 158.162](#)

KRS 156.160; KRS 156.502; KRS 158.836; KRS 158.838

[KRS 217.186](#)

Kentucky Department of Education Health Services Reference Guide (HSRG)

RELATED POLICIES:

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

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

STUDENTS

09.227

Child Abuse

REPORT REQUIRED

Any teacher, school administrator, or other school personnel who knows or has reasonable cause to believe that a child under age eighteen (18) is dependent, abused or neglected¹, or a victim of human trafficking, or is a victim of female genital mutilation, shall immediately make **an oral** report to a local law enforcement agency or the Kentucky State Police, the Cabinet for Health and Family Services or its designated representative, the Commonwealth's **Attorney** or ~~the~~ County Attorney in accordance with KRS 620.030.²

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

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

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

WRITTEN REPORT

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

WRITTEN RECORDS

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

Child Abuse**INTERVIEWS**

If the student is an alleged victim of abuse or neglect, school officials shall follow directions provided by the investigating officer or Cabinet for Health and Family Services representative as to whether to contact a parent³ and shall provide the Cabinet access to a child subject to an investigation or assessment without parental consent.⁴

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AGENCY CUSTODY

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

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

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

REQUIRED TRAINING

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

OTHER

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

STUDENTS

09.227
(CONTINUED)

Child Abuse

REFERENCES:

¹KRS 600.020

²KRS 620.030; KRS 620.040

³OAG 85-134; OAG 92-138

⁴KRS 620.072

KRS 17.160; KRS 17.165; KRS 17.545; KRS 17.580

KRS 156.095; KRS 199.990; KRS 209.020

KRS 508.125

KRS 620.050; KRS 620.146

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

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

RELATED POLICIES:

09.1231; 09.3; 09.31; 09.42811; 09.4361; 10.5

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

STUDENTS

09.311

Safety (Athletics)

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

SUPERVISION

All athletic practices and events shall be under the direct supervision of a qualified **head or assistant coach employed by the District. For athletic trips, either a Level 1 or Level 2 Coach, as designated by the Kentucky High School Athletic Association (KHSAA), shall accompany and supervise students.**²

TRAINING

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

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

Paraprofessionals shall not serve as head coach for football or basketball.

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

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

EMERGENCY ACTION PLAN

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

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

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

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CONCUSSIONS

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

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

MEDICAL EXAMINATION

Each student seeking eligibility to participate in any school athletic activity or sport must pass an annual medical examination performed and signed by a medical practitioner as required by law.³

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

In addition, parents/guardians and students shall be notified of the hazards of each sport and both shall be required to sign a document to this effect.

REFERENCES:

¹KRS 160.445

²KRS 161.185

³KRS 156.070

⁴702 KAR 7:065

⁵KRS 158.162

RELATED POLICIES:

03.1161; 03.2141

09.36

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

STUDENTS

09.313

Eligibility (Athletics)

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

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District standards for playing up from middle school (grades seven and eight [7 & 8]) to high school in sports other than football and soccer may include, but are not limited to, considerations related to safety, physical readiness, use of school space after the school day, transportation, funding, the student's disciplinary status and record, any substance testing restrictions, equitable opportunities for participation, and harmonizing any conflicting school-based decision making (≠SBDM²) requirements. SBDM Council policies apply to the selection of sports activities, and student participation based on academic qualifications and attendance requirements, program evaluation, and supervision.¹

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

PARTICIPATION BY ATTENDANCE AREAS

Unless excepted by administrative procedures, students are to participate in athletics at the school serving the attendance area of their parents' residence.

Any student in grades six through twelve (6-12) who attends a school other than his/her assigned school shall be ineligible for all interscholastic sports for one (1) calendar year following enrollment. If for any reason other than an exception granted pursuant to administrative procedure, the student does not serve the one (1) calendar year of ineligibility upon enrollment, then upon discovery by the coach, assistant coach, or District administrator, the student's improper participation shall immediately be reported to the District Athletic Director. The District athletic director shall report to the Director of Middle Schools for a middle school student and/or to the Director of High Schools for a high school student and facts and circumstances shall be reviewed. The student shall be notified that he/she is ineligible for participation in any interscholastic sport at any school within the District for a period of one (1) calendar year from the date of discovery of the student's ineligibility. In addition, all games in which the ineligible student played shall be subject to forfeiture.

Any student requesting a transfer back to his/her school-of-residence and who has represented the out-of-District school will be ineligible for one (1) calendar year from date of transfer.

WAIVER FOR ATHLETIC ELIGIBILITY

Requests for a waiver of ineligibility for all interscholastic sports for the calendar year following approval should be made to either the Director of High Schools if a high school athletic sport is in question or to the Director of Middle Schools if a middle school athletic sport is in question. Decisions will be made by the Director to whom the request is submitted. Appeals of the School Director's decision may be made to the Superintendent, whose decision will be final.

Eligibility (Athletics)**ELIGIBILITY GUIDELINES**

Students who have previously participated in secondary athletics at one District school and have transferred to another District school shall have athletic eligibility determined according to the following guidelines:

(1) REDISTRICTING

Students in grades seven through twelve (7-12) whose area assignment is changed by the Board due to redistricting shall be eligible for participation in all sports at the new schools without any period of ineligibility. If required, the Board will apply to the Commissioner of the KHSAA for a waiver of the ineligibility period for such pupils who are redistricted.

Such students shall be ineligible to participate at their former schools unless they are seniors who qualify under guideline number three (3) below or who have been granted a waiver in conjunction with a change in area assignment.

(2) CHANGE OF SCHOOLS FOR OTHER REASONS

After enrolling in grades seven through twelve (7-12), students who represent a secondary school and who then change schools within the District for reasons other than redistricting by the Board, shall be ineligible for participation in all sports for the following one (1) calendar year after enrollment. If for any reason other than an exception granted pursuant to administrative procedure, the student does not serve the one (1) calendar year of ineligibility upon enrollment, then upon discovery by the coach, assistant coach, or District administrator, the student's improper participation shall immediately be reported to the District Athletic Director. The District Athletic Director shall report to the Director of Middle Schools for a middle school student or to the Director of High Schools for a high school student and facts and circumstances shall be reviewed. The student shall be notified that he/she is ineligible for participation in any interscholastic sport at any school within the District for a period of one (1) calendar year from the date of discovery of the student's ineligibility. In addition, all games in which the ineligible student played shall be subject to forfeiture.

Students who change schools because of a change in residence of their parents may participate in sports at the new schools, provided the Commissioner of the KHSAA waives the period of ineligibility or if such students are seniors who qualify under guideline number three (3) below.

Students who are to change schools because of a change in the residence of their parents and who are members of an athletic team whose season has started have the option of requesting out-of-district placement at the former school and, if permission is granted, are eligible to complete the remainder of the athletic season in that particular sport at the former school. That student, however, is ineligible for any additional sports at the former school.

Students who change schools because of a change in guardianship, regardless of the reason, shall be ineligible for participation in all sports for the following one (1) calendar year following enrollment, except for a change in schools brought about by the following:

- a. A change in guardianship between parents pursuant to a proper court order granting custody of a student to only one (1) of the parents; or

Eligibility (Athletics)**(2) CHANGE OF SCHOOLS FOR OTHER REASONS (CONTINUED)**

- b. A change in guardianship due to the death of a student's sole guardian.

However, the foregoing exceptions will not apply if there is evidence that the change in guardianship is the result of the recruitment of the student or there is evidence that the change in guardianship is for athletic advantage which is defined as, but not limited to the following:

- a. Seeking a superior athletic team;
- b. Seeking relief due to conflict with the philosophy or action of an administrator, teacher or coach relating to sports;
- c. Seeking a team consistent with a student's athletic abilities; or
- d. Seeking a means to nullify punitive action by the previous school.

If the student is subject to, but does not serve, the one (1) calendar year of ineligibility following the change of schools, then upon discovery of the student's improper participation in sports by the coach, assistant coach, or District administrator, the student's improper participation shall immediately be reported to the District Athletic Director. The District Athletic Director shall report to the Director of Middle Schools for a middle school student or to the Director of High Schools for a high school student and facts and circumstances shall be reviewed. The student shall be notified that he/she is ineligible for participation in any interscholastic sport at any school within the District for a period of one (1) calendar year from the date of discovery of the student's ineligibility. In addition, all games in which the ineligible student played shall be subject to forfeiture.

(3) WAIVER FOR SENIORS

When students in grade twelve (12) would be otherwise required to attend high schools different than the ones where they participated in sports the previous year, due to a change in residence of their parents, they may elect to continue to attend their former school during their senior year. Should they so elect, they or their parents shall furnish the students' transportation to and from school unless regular school bus service can be utilized without causing problems with routing and overcrowding.

CHARTER SCHOOL STUDENTS

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

REFERENCES:

¹KRS 160.345

²KRS 156.070

Kentucky High School Athletic Association (KHSAA) Handbook
702 KAR 7:065; OAG 15-022

STUDENTS

09.313
(CONTINUED)

Eligibility (Athletics)

RELATED POLICIES:

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

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

STUDENTS

09.422

Bullying

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

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

These may include, but are not limited to, name calling, teasing, threatening, social exclusion, and cyberbullying. Bullying may be physical, verbal, emotional or sexual in nature.

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;
- (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 of 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.

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Bullying**ACTIONS NOT TOLERATED**

The use of lewd, profane or vulgar language is prohibited. In addition **to bullying**, students shall not engage in behaviors such as hazing, menacing, taunting, intimidating, verbal or physical abuse of others, or other behavior **that disrupts a student's access to an education or is harmful to his/her well-being.**¹ This policy extends to any/all student language or behavior including, but not limited to, the use of online or electronic methods. Such behavior is disruptive of the educational process and interferes with the ability of other students to take advantage of the educational opportunities offered.

These provisions shall not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions where the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others. Students who violate this policy shall be subject to appropriate disciplinary action.

Harassment/Discrimination allegations shall be governed by policy 09.42811.

REPORTS

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

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

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

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

In certain cases, employees must do the following:

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

STUDENTS

09.422
(CONTINUED)

Bullying

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; 09.438

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

STUDENTS

09.431

Due Process

RIGHT TO DUE PROCESS

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

1. ~~Students~~~~Pupils~~ shall be given oral or written notice of the charge(s) against **them**. **Such notice should specify the charges as precisely as possible**;
2. If ~~students~~~~pupils~~ deny the charge(s), they shall be given an explanation of the evidence **of the charge(s) against them**; **and**
3. ~~Students~~~~Pupils~~ shall be given an opportunity to present **their** own version of the facts **relating to** ~~concerning~~ the charge(s).

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STUDENTS WITH DISABILITIES

In cases which involve students with disabilities, procedures mandated by federal and state law shall be followed.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

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

STUDENTS

09.434

Suspension

WHO MAY SUSPEND

In accordance with KRS 158.150, the Principal, **Associate Principal**, **school level Director**, or Superintendent may suspend a ~~student~~~~pupil~~ up to a maximum of **ten (10) days** per incident.

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

PRIOR DUE PROCESS REQUIRED

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

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

IMMINENT DANGER

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

WRITTEN REPORT REQUIRED

The Principal or Associate Principal shall report any suspension in writing¹ immediately to the Superintendent, the parent/guardian of the pupil being suspended, and **the school level Director**. Suspensions by the Superintendent **or school level Director** shall be reported immediately in writing to the Principal and the parent of the ~~student~~~~pupil~~ being suspended. The written report shall include the reason for suspension, the length of time of the suspension, and the conditions for reinstatement.

Repeated suspensions may result in a recommendation for alternative placement or expulsion.

STUDENTS WITH DISABILITIES

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

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; 707 KAR 1:340

Goss v. Lopez, 419 US 565 (1975)

RELATED POLICIES:

09.425; 09.426; 09.43; 09.431

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

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

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.4341

Alternative Education

DEFINITION

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

PURPOSE

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

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

ALTERNATIVE EDUCATION IN LIEU OF EXPULSION

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

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

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

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

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Alternative Education

As required by Kentucky Administrative Regulation the District shall ensure:

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

ELIGIBILITY CRITERIA

Alternative education placements may be utilized for students at **all grade levels**.

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

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

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

Alternative Education**ELIGIBILITY CRITERIA (CONTINUED)**

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

NOTIFICATION

The Principal or other designated administrator shall notify the parents by letter of their child's assignment to the alternative education program.

The letter shall include length and reason for assignment, expected behavior of the student, and notification that assignment may be extended or shortened depending upon the attitude and cooperation of the student.

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

ATTAINMENT OF A HIGH SCHOOL EQUIVALENCY DIPLOMA

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

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

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

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

ILPA TEAM

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

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

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

Alternative Education**EXCEPTIONS:**

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

EXTRACURRICULAR PARTICIPATION

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

CONTINUING SUPPORT

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

TRANSITION

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

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

COLLABORATION WITH OUTSIDE AGENCIES

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

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

STUDENTS

09.4341
(CONTINUED)

Alternative Education

REFERENCES:

¹KRS 160.380

²704 KAR 19:002

³KRS 158.143

⁴KRS 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; **09.434**; 09.435

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

STUDENTS

09.435

Expulsion

BOARD MAY EXPEL

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

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

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

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

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

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

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

Except for extreme cases, a student~~pupil~~ shall be brought before the Board for expulsion only after reasonable efforts on the part of the school have failed. Such efforts shall include conferences involving the Principal or Associate Principal, teacher(s), parents and student~~pupil~~, as well as the full use of guidance services and other appropriate social agencies.

HEARING AND RECORDS REQUIRED

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

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Expulsion**HEARING AND RECORDS REQUIRED (CONTINUED)**

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

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BOARD DECISION FINAL

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

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STUDENTS WITH DISABILITIES

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

TRANSFER OF RECORDS

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

REFERENCES:¹KRS 158.150²KRS 158.155³20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA); 707 Chapter 1; Section 504 of the Rehabilitation Act of 1973, as amendedKRS 159.010OAG 78-673; Honig v. Doe, 108 S.Ct. 592(1988)**RELATED POLICIES:**05.48; 09.12; 09.423; 09.425; 09.426; 09.43; 09.431; 09.434

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

COMMUNICATIONS/COMMUNITY RELATIONS

10.5

Visitors to the Schools

To ensure that school personnel are aware of the presence of visitors, visits to classrooms shall be scheduled in advance unless authorized by the Principal/designee and all visitors must report immediately to the school front office upon entering the school and identify themselves as well as their purposes for visiting.

Communications between home and school must be an integral part of the educational process if students are to achieve the greatest educational success. Therefore, parents, **guardians, and family members** are **welcomed** and encouraged to visit their child's school, under the following guidelines:

1. Visits must not interrupt the instructional program for students, i.e., teaching, testing, etc.
2. **Visits** should be scheduled in advance with the teacher and/or Principal.
3. **Visits** must be reasonable in length and frequency.
4. Visits should be related to the need(s) of the child.
5. All visitors shall follow school check-in/check-out procedures.

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.

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

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 their child **in the event of injury or illness**.
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 **or student performance**, including athletic practices and competition, in which the student is a participant.
5. To vote when the school has been designated as a polling place.

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

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

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

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

CONDUCT/PROHIBITION ON RECORDING

All visitors to the schools must conduct themselves so as not to interfere with the daily operation of the school program. (Please refer to Policy 10.21.)

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

Visitors to the Schools**CONDUCT/PROHIBITION ON RECORDING (CONTINUED)**

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

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

USE OF TOBACCO, ALTERNATIVE NICOTINE, OR VAPOR PRODUCTS PROHIBITED

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

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

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

School employees shall enforce the policy. Persons in violation of this policy, in addition to fines which may be imposed by law², 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.³

ACCOMMODATION

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

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

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

WEBSITE ACCESSIBILITY

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

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

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

REFERENCES:

¹KRS 438.345

²KRS 438.050

³KRS 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; **09.14**; 09.1231; 09.227; 09.3211; 09.4232; 09.426; 09.42811

10.2; **10.21**; **10.4**

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

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.11

General Powers and Duties of the Board

ESTABLISHMENT OF SCHOOLS

The Board has general control and management of the public schools in its district. The Board may establish schools and provide for courses and other services it deems necessary for the promotion of education and the general health and welfare of pupils, consistent with the administrative regulations of the Kentucky Board of Education.¹

CHARTER SCHOOLS

KRS 160.1590 provides for charter school authorization, application, evaluation of applications and contracts with a charter school Board of Directors. Pursuant to this statute and Kentucky Board of Education regulations, the Board may serve as an authorizer for charter schools in the District.

REQUEST FOR WAIVERS AND EXEMPTIONS

When approved as a District of Innovation by the Kentucky Board of Education, the District is to be granted waivers and exemptions from selected Kentucky Administrative Regulations, Kentucky Revised Statutes, and, for a school of innovation, may be granted waivers of certain Board policies. A school may decide whether it voluntarily chooses to be designated as a school of innovation and, thus, be included in the District's application and plan. However, the Board may require a school identified for comprehensive support and improvement under KRS 160.346 to participate in the District's plan of innovation.¹¹

SCHOOL FUNDS AND PROPERTY

The Board has control and management of all school funds and public school property and may use its funds and property to promote public education.¹

ADMINISTRATION

The Board shall exercise generally all powers prescribed by law in the administration of the public school system, appoint the Superintendent of schools, create and abolish positions, establish job classifications, and fix the compensation of employees.¹

TEACHER CERTIFICATION

When the Board establishes positions, teacher certification shall be required only for those positions for which the Educational Professional Standards Board (EPSB) requires such certification.

MANAGEMENT

The Board may set goals for the District and shall make and adopt, and may amend or repeal policies for its meetings and proceedings for the management of the schools and school property of the district, for the transaction of its business and for the qualifications and duties of employees and the conduct of pupils.

SUBPOENA

The Board may, in any investigation or proceeding before it, concerning a matter that may be a proper subject of inquiry by it, summon witnesses by subpoena, enforce their attendance, and require that they testify under properly administered oath.²

General Powers and Duties of the Board**INSURANCE**

The Board may set aside funds to provide for liability and indemnity insurance against the negligence of the drivers or operators of school buses, other motor vehicles, and mobile equipment owned or operated by the Board.³ The Board may expend funds necessary for liability insurance premiums and for the defense of any civil action brought against an individual Board member in an official or individual capacity, or both, on account of an act made in the scope and course of the performance of legal duties as a Board member.⁴ The Board shall make available liability insurance coverage for the protection of all members of school councils from liability arising in the course of pursuing their duties as members of the councils.⁹

As long as they pay the full cost of premiums required, Board members may choose to participate in any group life insurance¹² or any group medical or dental insurance provided by the District for employees.¹⁰

FREE SUPPLIES

The Board may furnish necessary school supplies free of charge to indigent children in its school district, or to such other children as it deems advisable, under such rules and regulations as it may adopt.

The Superintendent shall recommend and the Board shall approve a process to waive fees for students who qualify for free and reduced priced lunches. All students who qualify shall be informed in writing of the fee waiver provisions. Mandatory waiver of fees for qualifying students shall be accomplished in compliance with applicable statutory and regulatory requirements.⁵

REPORTS

The Board shall, on forms prepared by the Commissioner of Education and approved by the Kentucky Board of Education, prepare and submit to the Kentucky Board of Education reports on all phases of its school service. It may prepare and publish for the information of the public a report on the progress of its schools.⁶

LEVY OF TAX RATES

As part of the budgetary process, the Board shall levy tax rates in compliance with statutory and regulatory requirements.⁷

POWER TO BORROW MONEY

The Board may borrow money on the credit of the Board and issue negotiable notes in anticipation of revenues from school taxes and state revenue for the fiscal year in which the money is borrowed, and may pledge the anticipated revenues for the payment of principal and interest on the loan.⁸

CONTRACTS

Any proposed contracts **for more than \$40,000**~~30,000~~ shall be submitted to the Board for approval and shall be accompanied by figures showing the estimated cost of the project to the District. **Subject to the Model Procurement Code (KRS Chapter 45)**, the Board may require bids for consulting services to be sought. **The Superintendent or designee is authorized to approve contracts not exceeding \$40,000**~~30,000~~, provided there is an appropriate allocation in the Board-adopted budget.

General Powers and Duties of the Board**CONTRACTS (CONTINUED)**

The Board may contract for consulting services to provide specialized advice or assistance to the school system concerning educational, management, or administrative matters.⁴

Consultants who serve the District shall exercise no authority over District employees, but will act only as advisor in accordance with their contract.

APPLICATIONS FOR GRANTS

Schools, employees, and school-related groups who are applying for grants on behalf of the District or District schools shall send a copy of the completed application to the **Superintendent/designee for approval or disapproval**. Except as provided by law, such applications shall not be submitted until **the Superintendent gives his/her** approval.

NATIONAL MOTTO

The Board shall require each elementary and secondary school to display the national motto, "In God We Trust," in a prominent location which means a school entryway, cafeteria, or common area where students are likely to see it. Per KRS 158.195, the display may take the form of, but is not limited to, a plaque or student artwork.

REFERENCES:

¹KRS 160.290

²KRS 160.300

³KRS 160.310

⁴KRS 160.160

⁵KRS 160.330

⁶KRS 160.340

⁷KRS 160.470

⁸KRS 160.540

⁹KRS 160.345

¹⁰KRS 160.280

¹¹KRS 156.108; KRS 160.107; KRS 160.346; 701 KAR 5:140

¹²KRS 18A.205; KRS 18A.210

KRS Chapter 45

KRS 116.200; KRS 156.072; KRS 156.160; KRS 158.195

KRS 160.1590; KRS 160.1592; KRS 160.1593; KRS 160.1594; KRS 160.1595

KRS 160.1599; KRS 161.158; KRS 162.010; KRS 416.560

OAG 91-10; OAG 91-122; OAG 95-10

702 KAR 3:220; 702 KAR 4:160

RELATED POLICIES:

01.41; 01.5; 01.7

03.124; 03.224; **04.31**; 04.92

PERSONNEL

- CERTIFIED PERSONNEL -

Salaries**SINGLE-SALARY BASIS**

All salaries for certified personnel shall be based on a single-salary schedule providing, at minimum, for the number of working days required by law.

A District may provide monetary compensation, in addition to that provided through the single salary schedule, to all classroom teachers employed in a school that is identified by the Kentucky Department of Education as being in targeted or comprehensive support and improvement status.

Although a school may submit a request for an increment for an extended employment position, extra service, or related adjustments, the Board must set increments in pay for positions requiring services beyond those normally expected of other positions if the duties rendered extend beyond the regular school day or require extended days.

Cost-of-living increases adjustments to the Certified Pay Schedules shall also be applied to the administrative additive salary schedule. The Board shall approve any other changes to the administrative additive salary for administrative positions of the District upon the recommendation of the Superintendent.

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EXTENDED EMPLOYMENT

Compensation for employment contracted beyond the number of work days approved by the Board for a position shall be prorated on the base pay for that position.

Extended employment positions shall be established and funded in the District and/or school level budgets, and specified **in a letter from the District to the employee.**

Addition of days to be worked beyond the original contract or additional days of extended employment for a position require prior Board **notification** before the change goes into effect.

~~**Employees receiving an administrative additive, including but not limited to Principals, Associate Principals and IAKSS administrators, shall not hold supplemental duty positions.**~~

EXTRA SERVICES, SUPPLEMENTS AND SUPERVISION

The Board shall annually establish a schedule of compensation for extra services, and supervision. The Board may also establish a schedule of compensation for special duty supplements.

NATIONAL BOARD CERTIFIED TEACHER (NBCT) SUPPLEMENT

As provided under law, teachers who attain certification from the National Board for Professional Teaching Standards on or before July 1, 2020, shall be given an annual salary supplement of two thousand dollars (\$2,000) for the life of the certificate. A teacher who attains certification after July 1, 2020, shall be given an annual salary supplement for the life of the certificate, in accordance with the amount appropriated for this purpose by the General Assembly. If an annual supplement amount appropriated by the General Assembly is less than two thousand dollars (\$2,000), the Board may provide an additional supplement up to the amount required for the total annual supplement to equal two thousand dollars (\$2,000).

Salaries

RANK AND EXPERIENCE

The rank and experience of certified personnel shall be determined at time of hire. The Superintendent will validate all experience of professional personnel employed in the District.

Credits and/or rank changes to be considered in determining the salary of a teacher must be completed prior to September 15 with appropriate documentation submitted to the Department of Human Resources by December 30.

To assist with the budgeting process, candidates for NBCT certification shall notify the Superintendent/designee in writing prior to September 15 that certification is pending in order for the employee to receive any rank-related increase retroactive to the beginning of the school year.

EXCEPTION

The Superintendent's salary may be established without regard to the above-mentioned schedules.

PAYROLL DISTRIBUTION

Checks **and direct deposit vouchers** will be issued according to a schedule approved annually by the Board. The District shall furnish the employee with either a paper or electronic statement. If statements are provided electronically, employees shall be provided access to a computer and printer for review and printing of their statement.

At the close of the school year, employees who have completed all responsibilities and duties may request to be paid their remaining salary prior to the end of the fiscal year.

REQUIRED DOCUMENTS

Employees shall be responsible for providing the Superintendent with all required certificates, other credentials and health examinations prior to beginning work.

NOTICE OF SALARY

Not later than forty-five (45) days before the first student attendance day of the succeeding school year or June 15, whichever occurs earlier, the Superintendent shall notify all certified personnel of the best estimate of the salary for the coming year. **All personnel shall be paid in accordance with Board-adopted salary schedules.**

PAYROLL DEDUCTIONS

The Board shall approve all payroll deductions as specified by KRS 161.158 and Board Policy 03.1211.

REFERENCES:

KRS 157.075; KRS 157.320; KRS 157.350; KRS 157.360
KRS 157.390; KRS 157.395; KRS 157.397; KRS 157.420
KRS 160.290; KRS 160.291
KRS 161.1211; KRS 161.134; KRS 161.168; KRS 161.760
KRS 337.070; KRS 424.120
702 KAR 3:060; 702 KAR 3:070; 702 KAR 3:100; 702 KAR 3:310
16 KAR 1:040; OAG 97-25
29 C.F.R. Section 541.303; 29 C.F.R. section 541.602.29; C.F.R. section 541.710

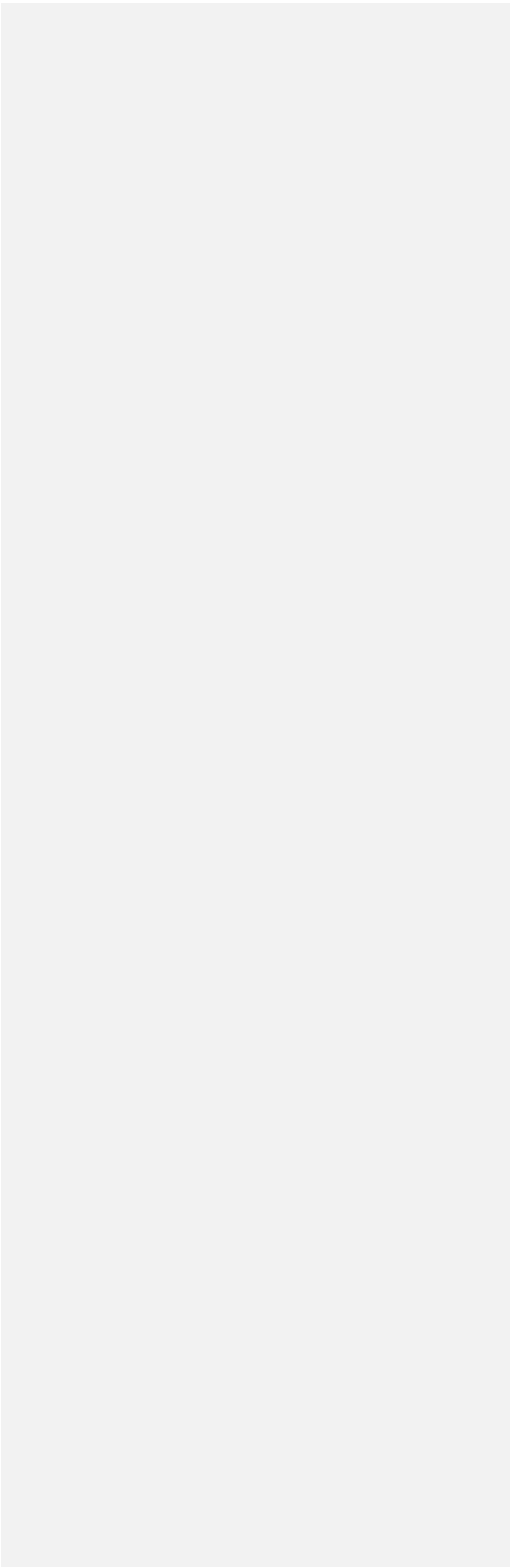
| PERSONNEL

03.121
(CONTINUED)

Salaries

RELATED POLICIES:

03.114; 03.1211; 03.4



PERSONNEL

- CERTIFIED PERSONNEL -

Family and Medical Leave**REASONS**

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

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

NOTICES AND DEADLINES

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

Deadline for Notice to be Provided to the District: Absent extenuating circumstances, employees shall submit a request for FMLA leave within fifteen (15) days of their medical event,

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

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NOTE: Only the District's ~~human resources professional~~, leave administrator, ~~or personnel director~~ may contact an employee's health care provider to clarify or authenticate an FML certification in support of an FML request about which there are questions. The employee's direct supervisor shall not contact the provider.

Family and Medical Leave**NOTICES AND DEADLINES (CONTINUED)**

- b. The District shall designate an employee's leave, paid or unpaid, as FMLA-qualifying and shall provide a designation notice indicating whether the request is approved or if additional information is needed. Leave may be delayed if the employee does not provide proper notice (~~1530~~ days advance notice for a foreseeable leave; otherwise, notice as soon as the need becomes known).

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

ELIGIBILITY

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

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

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

RESTRICTIONS

To the extent that an employee is entitled to any paid leave, such leave shall be taken and it shall run concurrently with family and medical leave. Employees must use all **available emergency leave, carry-over vacation leave, personal leave, and** sick leave before being eligible for unpaid family and medical leave, except that the employee may request to reserve ten (10) days of sick leave. **(This provision shall not apply to Workers' Compensation leave.)** When an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with the twelve (12) workweek entitlement.

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

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

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

Family and Medical Leave**RESTRICTIONS (CONTINUED)**

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

Depending on the date family and medical leave is to begin, instructional employees as designated by federal regulation may be required to continue on leave until the end of the school term to avoid disruption.

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

INTERMITTENT LEAVE/REDUCED HOURS

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

FMLA taken intermittently must accompany a medical note that coincides with the time and/or days taken.

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CONTINUATION OF BENEFITS

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

RETURN TO WORK

As noted by the required notice of eligibility and rights and responsibilities, when family and medical leave is taken due to an employee's own serious health condition, the employee shall provide fitness-for-duty certification before returning to work. This may include certification by the health care provider that the employee is able to perform essential functions specific to the job, as noted by the District in a list attached to the certification form.

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

NOTICE

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

REFERENCES:

Family and Medical Leave Act of 1993, 29 U.S.C. 2601-2654
Title I of the FMLA, as amended by the National Defense Authorization Act
Code of Federal Regulations, Title 29, Part 825
OAG 17-022

RELATED POLICIES:

03.123; 03.1232; 03.1233; 03.1234; 03.1238; 03.124

PERSONNEL

- CLASSIFIED PERSONNEL -

Salaries

HOURLY OR SALARY BASIS

All regular and substitute classified personnel shall be paid on an hourly or salary basis. **All personnel shall be paid in accordance with the Board-approved payment schedule. The approval of the Board shall be required for the establishment of all separate payment schedules.**

Cost-of-living increases adjustments to the Classified Pay Schedules shall also be applied to the administrative additive salary schedule. The Board shall approve any other changes to the administrative additive salary for administrative positions of the District upon the recommendation of the Superintendent.

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WORK DAY/WORK WEEK

The length of the work day shall be established for each position by the Board. The work week for hourly (non-exempt) employees shall not exceed forty (40) hours per week, unless overtime is authorized as provided by this policy.

REQUIRED DOCUMENTS

Employees shall be responsible for providing the Superintendent with all required certificates, other credentials, health examinations, and **record** of experience prior to beginning work.

PAYROLL DISTRIBUTION

Checks **and direct deposit vouchers** will be issued according to a schedule approved annually by the Board. The District shall furnish the employee with either a paper or electronic statement. If statements are provided electronically, employees shall be provided access to a computer and printer for review and printing of their statement.

PAYROLL DEDUCTION

The Board shall approve all payroll deductions as specified by KRS 161.158 and Board policy 03.2211.

OVERTIME

Overtime work shall be approved in advance by the Superintendent or designee. **Hourly** employees required to work in excess of forty (40) hours per week will be paid at the rate of 1½ times the regular rate for all hours beyond 40 as provided by the Fair Labor Standards Act for overtime work.

REFERENCES:

KRS 78.615; KRS 160.291; KRS 161.011
KRS 337.070; KRS 337.285; KRS 424.120
702 KAR 3:320; 803 KAR 1:060; 803 KAR 1:070
Fair Labor Standards Act;
Garcia v. San Antonio Metropolitan Transit Authority, 105 S.Ct. 1005 (1985)

RELATED POLICY:

03.2211

PERSONNEL

- CLASSIFIED PERSONNEL -

Family and Medical Leave

REASONS

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

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

NOTICES AND DEADLINES

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

Deadline for Notice to be Provided to the District: Absent extenuating circumstances, employees shall submit a request for FMLA leave within fifteen (15) days of their medical event.

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

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NOTE: Only the District's ~~human resources professional, leave administrator, or personnel director~~ may contact an employee's health care provider to clarify or authenticate an FML certification in support of an FML request about which there are questions. The employee's direct supervisor shall not contact the provider.

Family and Medical Leave**NOTICES AND DEADLINES (CONTINUED)**

- b. The District shall designate an employee's leave, paid or unpaid, as FMLA-qualifying and shall provide a designation notice indicating whether the request is approved or if additional information is needed. Leave may be delayed if the employee does not provide proper notice (~~1530~~ days advance notice for a foreseeable leave; otherwise, notice as soon as the need becomes known).

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

ELIGIBILITY

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

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

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

RESTRICTIONS

To the extent that an employee is entitled to any paid leave, such leave shall be taken and it shall run concurrently with family and medical leave. Employees must use all available emergency leave, carry-over vacation leave, personal leave, and sick leave before being eligible for unpaid family and medical leave, except that the employee may request to reserve ten (10) days of sick leave. (This provision shall not apply to Workers' Compensation leave.) When an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with the twelve (12) workweek entitlement.

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

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

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

Family and Medical Leave**RESTRICTIONS (CONTINUED)**

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

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

INTERMITTENT LEAVE/REDUCED HOURS

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

CONTINUATION OF BENEFITS

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

RETURN TO WORK

As noted by the required notice of eligibility and rights and responsibilities, when family and medical leave is taken due to an employee's own serious health condition, the employee shall provide fitness-for-duty certification before returning to work. This may include certification by the health care provider that the employee is able to perform essential functions specific to the job, as noted by the District in a list attached to the certification form.

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

NOTICE

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

REFERENCES:

Family and Medical Leave Act of 1993, 29 U.S.C. 2601-2654
Title I of the FMLA, as amended by the National Defense Authorization Act
Code of Federal Regulations, Title 29, Part 825
OAG 17-022

RELATED POLICIES:

03.223; 03.2232; 03.2233; 03.2234; 03.2238; 03.224

LEGAL: HB 241 CHANGES THE LIST OF PROVIDERS THAT MAY ISSUE STATEMENTS FOR HOME HOSPITAL INSTRUCTION.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

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CURRICULUM AND INSTRUCTION

08.1312

Home/Hospital Instruction

PURPOSE

Home/hospital instruction provides educational services to students who cannot attend school for extended periods, due to temporary or recurring conditions, including fractures, surgical recuperation, or other physical, health, or mental conditions. An extended period refers to an absence greater than five (5) consecutive school days.

For purposes of KRS 157.360, a student who receives home/hospital instruction for a minimum of two (2) instructional sessions per week, with a minimum of one (1) hour of instruction per session, by a certified teacher provided by the Board, shall equal the student attending five (5) days in school. An instructional session may be delivered in person, electronically, or through other means established in regulation. A parent/guardian or responsible adult must be present in the home/hospital room during the time the home/hospital teacher is present or is otherwise delivering instruction.

ELIGIBILITY

Determination of a student's eligibility and provision of services for home/hospital instruction shall be made in compliance with applicable statutes and regulations. In accordance with KRS 159.030(2), the Board shall require evidence for students exempted from school attendance more than six (6) months. An exemption shall be reviewed annually.

STATEMENT REQUIRED

Before granting an exemption for homebound instruction, a signed statement ~~as required by law from a licensed physician, psychologist or psychiatrist, or public health official~~ must be submitted verifying the condition of the child that prevents or renders inadvisable attendance at school or application of study for an extended time of five (5) or more consecutive school days. Eligibility for home/hospital instruction shall cease for students placed by the review committee if the student works, plays sports, or participates in extracurricular activities. For students with a 504 plan, eligibility for home/hospital instruction shall not cease if the student works, plays sports, or participates in extracurricular activities if participation is consistent with the student's 504 plan.

EXTENDED PLACEMENT

Students exempted from school attendance more than six (6) months shall provide two (2) signed statements of support from health personnel, as permitted by law and Kentucky Administrative Regulation.

An exemption shall be reviewed annually. At any time based on changes in the student's condition, the home/hospital review committee appointed in keeping with the requirements of Kentucky Administrative Regulations shall review the student's placement in home/hospital instruction.¹

In accordance with medical documentation, the home/hospital review committee shall develop a plan and timeline for returning the student to regular classroom instruction, or documentation verifying why a return to the regular school setting is not feasible. More frequent evaluations may be made if deemed necessary.

Home/Hospital Instruction**EXTENDED PLACEMENT (CONTINUED)**

A high school student placed on home/hospital instruction may carry all appropriate credits during the first semester of placement.¹ Classes that require laboratory facilities shall not be taught during home/hospital instruction.¹ Except for students with an Individual Education Plan (IEP) or a 504 plan, the number of credits to be carried during all subsequent semesters of placement shall be determined on a case-by-case basis by the review committee, based on the following criteria:

1. The student's ability to work independently during extended periods without direct assistance.
2. The student's capacity to complete assignments within a reasonable time frame.
3. The likelihood that the student will be able to complete course criteria required for graduation, as required by the Kentucky Academic Standards.
4. When considering the student's condition, should s/he take a full or reduced course load?¹
If a reduced course load is appropriate, the committee shall determine the number of courses to be taken.

Exemptions of students based on these provisions shall be reviewed annually, and the required evidence shall be updated accordingly.

STUDENTS WITH DISABILITIES

Based on documentation of student need, including medical or mental health evaluation information, a student with disabilities may be placed in the home/hospital instructional program if his/her individual education plan (IEP) specifies such placement is the least restrictive environment for providing services. The ARC Chair shall provide written notice of eligibility and documentation to the District Director of Pupil Personnel for purposes of program enrollment.

The Admissions and Release Committee (ARC) or 504 Team shall determine on a case-by-case basis the type and extent of home/hospital services for a student, including the number of credits a student at the secondary level will be permitted to earn while on home/hospital instruction.

REFERENCES:

KRS 157.360; KRS 158.033; KRS 159.030
702 KAR 7:150
704 KAR 3:303
707 KAR 1:320; 707 KAR 1:350
20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)
Section 504 of the Rehabilitation Act of 1973
34 C.F.R. 104.35

RELATED POLICIES:

09.122; 09.123

STUDENTS

Admissions and Attendance**RESIDENCE DEFINED**

Pupils who reside with parents or legal guardians who are residents of the school district or as otherwise provided by state or federal law, shall be considered residents and entitled to the privileges of the District's schools.

All other pupils shall be classified as nonresidents for school purposes.¹

HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

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

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

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

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

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

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

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

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

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

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

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

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

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

CHILDREN IN FOSTER CARE

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

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

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

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

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

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

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

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

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

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

IMMIGRANTS

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

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

NONRESIDENTS

~~The Board does not, under ordinary circumstances, accept tuition or nonresident students.~~

Nonresident pupils may be enrolled in the District's schools in accordance with Board policies 09.1222, 09.124, **only under extenuating circumstances and upon approval** of the Superintendent. Once a nonresident student is enrolled for the academic year, the student may not be dismissed during that academic year without applicable due process.³

Admissions and Attendance**NONRESIDENTS (CONTINUED)**

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

NONRESIDENT FOREIGN AND EXCHANGE STUDENTS

The Fayette County Public Schools shall regulate the admission and participation of nonresident foreign and exchange students in any education program of the District.

All nonresident foreign and exchange students shall register with and be approved by the Director of Pupil Personnel.

NON-IMMIGRANT FOREIGN STUDENTS

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

1. These students shall not be permitted to attend any publicly funded adult education program.
2. These students may be permitted to attend in grades nine through twelve (9-12), but not at earlier grade levels.
3. **Students must apply to the Director of Pupil Personnel by August 1 in order to be considered for admission for the upcoming school year.**
4. As required by law, these students shall pay a tuition fee in advance equal to the full, unsubsidized per capita cost to the District for providing education to the student for the period of attendance.
5. The period of attendance shall not exceed twelve (12) months.

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

EXPELLED/CONVICTED STUDENTS

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

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

Assault shall mean any physical assault, including sexual assault.

The sworn statement or affirmation shall be on a form provided by the appropriate state agency and shall be sent to the receiving school within five (5) working days of official notification that a student has requested enrollment in the new school.⁶

Admissions and Attendance**EXPELLED/CONVICTED STUDENTS (CONTINUED)**

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

REFERENCES:

- ¹KRS 159.010; OAG 78-64
- ²42 U.S.C. 11431 et seq. (McKinney-Vento Act)
- ³KRS 158.120; OAG 80-47; OAG 79-327; OAG 75-602; *G.C. v. Owensboro Public Schools*, 711 F.3d 623 (6th Cir., 2013)
- ⁴KRS 158.155; KRS 157.330; KRS 158.150
KRS 157.320; KRS 157.350; KRS 157.360; KRS 158.100; KRS 199.802
702 KAR 7:125; 704 KAR 7:090; OAG 91-171
P. L. 104-208
P. L. 114-95 (Every Student Succeeds Act of 2015), 20 U.S.C. § 6301 et seq.
8 U.S.C. Sections 1101 and 1184; 8 C.F.R. Section 214
Plyler v. Doe, 457 U.S. 202 (1982)
Equal Educational Opportunities Act of 1974 (EEOA)

RELATED POLICIES:

06.32; 08.1114; 09.11; 09.121; 09.1222; 09.1223; 09.123; ~~09.124~~
09.126 (re requirements/exceptions for students from military families)
09.14; 09.211

Entrance Age

PRESCHOOL

In accordance with appropriate state and federal legal requirements, any child who has been identified as disabled, and who is three (3) or four (4) years of age, by August 1 of the current year, shall be eligible for a free and appropriate preschool education and related services.

Children at risk of educational failure who are four (4) by August 1 may enter preschool. All other four (4) year old children shall be served to the extent placements are available.¹

PRIMARY SCHOOL

A child who is five (5) or who may become five (5) years of age by August 1 may enter primary school and may advance through the primary program without regard to age in accordance with KRS 158.031. A child who is six (6) years of age, or who may become six (6) years of age by August 1, shall attend public school or qualify for an exemption as provided by KRS 159.030.²

The District shall establish guidelines to determine a student's level of academic and social skills when that student is being considered for advancement through the primary program.³ A student who is at least five (5) years of age, but less than six (6) years of age, may be enrolled in the second level of the primary program in keeping with the process set out in Kentucky Administrative Regulation.^{3 & 4}

PETITION PROCESS

Parents/guardians may petition the **Board via application** to allow their child to enter school earlier than permitted under statutory age requirements. **Parents may fill out an application during the fall application period. On receipt of a petition/application,** the District shall conduct an evaluation process to help determine a student's readiness to engage in and benefit from early entry to school. The process shall be established in accordance with the following:

1. The District shall establish guidelines to determine a student's readiness for entry, including the date by which petitions must be submitted to the Central Office.
2. Developmentally appropriate measures, which may include state-approved screening instruments, shall be used to determine a student's level of developmental, academic and social readiness. **Testing is administered by teachers and or specialists and each home school makes the initial decision for the early entry placements.**
3. Based on staff recommendations, the Superintendent shall recommend to the Board whether to grant the request.
4. Considerations may include availability of space and funding.

~~Any tuition amounts charged to students permitted early entry under this Policy shall be the same as that charged to other tuition paying students who meet statutory age requirements.²~~

PROOF OF AGE

Upon enrollment for the first time in any elementary or secondary school, a student or student's parent shall provide:

- A certified copy of the student's birth certificate, or
- Other reliable proof of the student's identity and age with an affidavit explaining the inability to produce a copy of the birth certificate.⁵

STUDENTS

09.121
(CONTINUED)

Entrance Age

REFERENCES:

¹KRS 157.3175

²~~KRS 158.030~~

³702 KAR 7:125

⁴KRS 158.031

⁵KRS 158.032; KRS 158.035; KRS 214.034

KRS 158.030; KRS 158.990; KRS 159.010; KRS 159.030

702 KAR 1:160; 704 KAR 5:070

OAG 82-408; OAG 85-55

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

McKinney-Vento Act, 42 U.S.C. 11431 et seq.

RELATED POLICIES:

08.22

~~09.124~~

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

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STUDENTS

09.1222

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Nonresident Students

The District shall allow nonresident students to enroll in the District pursuant to existing Admissions and Attendance Policy 09.12, ~~Tuition Policy 09.124~~, and related procedures.

Upon allowing nonresident pupil enrollment, the policy shall allow nonresident children to be eligible to enroll in any public school located within the District. The policy shall not discriminate between nonresident pupils, but may recognize enrollment capacity, as determined by the District. The nonresident pupil policy and any subsequent changes adopted by the Board shall be filed with the Kentucky Department of Education no later than thirty (30) days following their adoption.¹

REFERENCES:

¹KRS 158.120

KRS 157.350

RELATED POLICIES:

09.12; ~~09.124~~; 09.313; 09.42811

Tuition**FEE TO BE CHARGED**

The Board may charge a fee, according to a schedule adopted by the Board, for each student attending its schools whose parent is not a bona fide resident of the district.¹

CIRCUMSTANCES OF ACCEPTANCE

The Board approves the acceptance of tuition students who may be admitted only under the following circumstances:

- ~~3. Private tuition students who are admitted for the following reasons:~~
- ~~4. Graduating seniors who completed eleventh grade and then whose family moved from the District.~~
- ~~5. Families with school-aged children who are moving to the District after the school year starts, but before the end of October; or who have been residents of the District and are moving to another district after winter break. In such cases the student(s) may finish the school year.~~
- ~~6. One or both parents/guardians are employed by the District and the Superintendent deems there are extenuating circumstances.~~

~~All private tuition is payable in advance. Tuition may be pro-rated based on the number of days during which a student is a nonresident.~~

~~Placement of tuition students shall follow Out-of-Area (OOA) placement policy and procedures.~~

- ~~7. Tuition students will be enrolled only when the projected enrollment for a given school and/or a particular grade is below the allowable maximum. Therefore, responses to some requests may be delayed until after the beginning of the school year.~~
- ~~8. Except on approval of the Board, tuition students shall not be enrolled when they are no longer in good standing with the school from which they wish to transfer.~~

REFERENCES:

- ~~¹KRS 158.120
237 S.W. 2D 65 (1951)
KRS 158.135; 702 KAR 7:125
OAG 80-47, OAG 91-75~~

RELATED POLICIES:

- ~~09.12; 09.1222
09.126 (re requirements/exceptions for students from military families)~~

STUDENTS

Students of Military Families

The following are key provisions that apply to students from military families that are based on the compact agreed upon by states belonging to the Interstate Commission on Educational Opportunity for Military Children:

ENROLLMENT

A child of a military family may pre-enroll or participate in pre-admission in the District if the parent or guardian of the child:

- a) Is transferred to or is pending transfer to a military installation or to a reserve component within the state while on active military duty pursuant to an official military order.
- b) Is returning to the state after within one (1) year of being separated from the military with an honorable discharge, discharge under honorable conditions, or a general discharge under honorable conditions.

The District shall accept an application for enrollment and course registration by electronic means for the child, including enrollment in a specific school or program within the District.

The parent or guardian of a child of a military family shall provide proof of residence to the District within ten (10) days after the arrival date provided on official documentation. The parent or guardian may use, as proof of residence, the address of:

1. A temporary on-post billeting facility;
2. A purchased or leased home or apartment;
3. Any federal government housing or off-post military housing, including off-post military housing that may be provided through a public-private venture; or
4. A home under contract to be built.

Until actual attendance or enrollment in the District, the child of a military family shall not:

1. Count for the purposes of average daily attendance; or
2. Be included in the state assessment and system.

To accommodate for temporary housing, if a child utilizes this section to enroll in the District, but the residence identified above has not yet become available, then the District shall allow the child to enroll and begin attending the District regardless of the child's temporary residence and subsequently be included in the District's calculation of average daily attendance under KRS 157.320, for a period of up to one (1) year from the parent's or guardian's reporting for duty date or separation date before being considered a resident of another District.¹

Students from a household of an active duty service member who are moving into the District shall be enrolled and appropriately placed as quickly as possible based on information provided in the student's unofficial records pending validation by the official record that the District shall request from the sending school.

Students of Military Families**ENROLLMENT (CONTINUED)**

Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent. A transitioning child of a military family who is placed in the care of a non-custodial parent or other person standing in loco parentis and living in a jurisdiction other than that of the custodial parent may continue to attend the school in which s/he was enrolled while residing with the custodial parent.

~~TUITION~~

~~Tuition shall not be charged for a transitioning child of a military family who is placed in the care of a non-custodial parent or other person standing in loco parentis and living in the jurisdiction other than that of the custodial parent.~~

IMMUNIZATION REQUIREMENTS

Students from military families shall have thirty (30) days from the date of enrollment to obtain required immunizations or additional time as may be determined by the Interstate Commission Compact rules.

PLACEMENT

Kindergarten and first grade students from a household of an active duty service member moving into the District from an accredited school in another state shall be allowed to continue placement at their current grade level, regardless of age.

Decisions about placement of students from military families in educational programs shall be based on current educational assessments conducted at the sending school or participation/placement in like programs in the sending state. Such programs include, but are not limited to the following programs:

1. Gifted and talented; and
2. English as a second language (ESL).

This shall not preclude the District/school from performing subsequent evaluations to ensure appropriate placement of a student.

SPECIAL EDUCATION SERVICES

The District shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program (IEP).

The District shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing Section 504 (Title II) Plan*, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

* In Kentucky, a student Title II Plan is the same as a Section 504 Plan.

Students of Military Families**DEPLOYMENT-RELATED ABSENCES**

Students whose parent or legal guardian is an active member of the uniformed services, as defined by this compact, and has been called to active duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the Superintendent to visit with their parent or legal guardian relative to such leave or deployment.

EXTRACURRICULAR PARTICIPATION

The District shall facilitate the opportunity for transitioning children of military families to participate in extracurricular activities to the extent they are otherwise qualified, regardless of application deadlines.

GRADUATION REQUIREMENTS

The District shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another school district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the District shall provide alternative means of acquiring required coursework so that graduation may occur on time. Otherwise, the District shall ensure receipt of a diploma from the sending school district if the student completed graduation requirements of that district.

Exit exam scores from sending schools shall be accepted in accordance with the Interstate Commission Compact.

CHILDREN OF CIVILIAN MILITARY EMPLOYEES

Children of civilian military employees shall be afforded the same rights as children of military families under KRS 156.730 if the parents are required to move to perform their job responsibilities resulting in the students having to change schools.

REFERENCES:

¹KRS 159.075
KRS 156.730; KRS 156.735; KRS 157.320; KRS 158.020
20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)
Section 504 of the Rehabilitation Act; District 504 procedures
Americans with Disabilities Act

RELATED POLICIES:

02.4241; 08.113; 08.131; 08.132; 08.13452; 08.222
09.12; 09.121; 09.123; ~~09.124~~; 09.211; 09.3; 09.313

Student Health and Safety

PRIORITY

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

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

HEALTH SERVICES TO BE PROVIDED

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

Employees to whom health service responsibilities have been delegated must be approved in writing by the delegating physician or nurse. The approval form shall state the employee consents to perform the health service when the employee does not have the administration of health services in his/her contract or job description as a job responsibility, possesses sufficient training and skills, and has demonstrated competency to safely and effectively perform the health service. The approval form shall be maintained as required by law. Delegation of health service responsibilities shall be valid only for the current school year.¹

If the delegation involves administration of medication, the District will maintain proof that the employee has completed the required training provided by the Kentucky Department of Education (KDE) or as allowed under KRS 158.838.

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

SAFETY PROCEDURES

All pupils shall receive annual instruction in school bus safety.

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

STUDENT IDENTIFICATION BADGES

Any student identification badge issued to a student in grades six (6) through twelve (12) by a school in the District shall contain the contact information for:

- a) A national domestic violence hotline;
- b) A national sexual assault hotline; and
- c) A national suicide prevention hotline.⁴

Student Health and Safety**ANIMALS IN THE CLASSROOM**

When there is a specific and appropriate educational purpose, the Principal may authorize the housing of animals or insects in classrooms. However, the health and safety of students and staff shall be a priority consideration when considering such requests. When a request is granted, teachers shall adhere to guidelines set out in administrative procedures. **No other animals will be permitted in any District building except as required under the Americans with Disabilities Act or as approved by the District Crisis Response Team**

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SUICIDE PREVENTION

All employees with job duties requiring direct contact with students in grades six (6) through twelve (12) shall annually complete a minimum one (1) hour of high-quality suicide prevention training, including the recognition of signs and symptoms of possible mental illness. Such training shall be in-person, by live streaming, or via video recording and may be included in the four (4) days of professional development required by statute. The District shall provide suicide prevention materials for review by any employee subject to training hired during a year in which the in-person, live streaming, or video recording training is not required.³

By September 15 of each year, each public school shall provide suicide prevention awareness information to students in grades six (6) through twelve (12), as provided by the Cabinet for Health and Family Services or a commercially developed suicide prevention training program.²

SEIZURE DISORDER MATERIALS

All principals, guidance counselors, and teachers shall complete at least one (1) hour of self-study review of seizure disorder materials no later than July 1, 2019. At least one (1) hour of self-study review of seizure disorder materials shall also be required for all principals, guidance counselors, and teachers hired after July 1, 2019.³

REFERENCES:

¹KRS 156.501; KRS 156.502; 702 KAR 1:160

²KRS 156.095

³KRS 158.070

⁴KRS 158.038

KRS 156.160; KRS 158.836; KRS 158.838
702 KAR 5:030

Americans with Disabilities Act

RELATED POLICY:

09.2241