

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

### **Salary Deductions**

#### **MANDATORY DEDUCTIONS**

Mandatory payroll deductions made by the Board include:

1. State and federal income taxes;
2. Occupational tax, when applicable;
3. Applicable Kentucky Retirement System;
  - **TRS** (Teachers Retirement System): Primarily serves instructors and administrators
  - **KERS** (Kentucky Employees Retirement System): Primarily serves support staff
4. Any deductions required as a result of judicial process, e.g., salary attachments, etc.;
5. Medicare (FICA) when applicable.

#### **OPTIONAL DEDUCTIONS**

The following optional payroll deductions are authorized for those employees who choose to participate:

##### Credit Union

State employees can participate with credit unions through payroll deduction. Additional information may be obtained from the Personnel/Payroll Officer.

##### Deduction Percentages

To have an additional amount/percentage of federal and/or state tax deducted from paychecks, a new W-4 and/or K-4 should be completed and forwarded to the Personnel/Payroll Officer.

##### Deferred Compensation

The Kentucky Deferred Compensation Authority provides supplemental retirement coverage as an option for employees. Employees pay no federal or state taxes on the portion of their income contributed to the plan until withdrawal. To enroll, employees may contact the Kentucky Public Employees Deferred Compensation Authority.

Insurance – Health - See policy 03.124.

Insurance – Life - See policy 03.124.

Insurance – Optional

PERSONNEL

03.1211  
(CONTINUED)

### **Salary Deductions**

#### **OPTIONAL DEDUCTIONS (CONTINUED)**

There are several optional insurance plans that can be payroll deducted, (such as life, dental, etc.), provided they are on the State's approved deduction list. Employees should contact the Personnel/Payroll Officer for specific information.

KEAP (Kentucky Employee Assistance Program) - See policy 03.1291.

#### Savings Bonds

The purchase of Savings Bonds can be payroll deducted. Contact the Personnel/Payroll Officer for additional information.

#### Miscellaneous Payroll Deductions

There are several miscellaneous deductions including deferred compensation, membership fees, and insurance programs that can be payroll deducted. These must be on the State's approved deduction list. Employees should contact the Personnel/Payroll Officer for specific information.

~~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.~~

#### **REFERENCES:**

KRS 18A.250  
KRS 336.134  
101 KAR 2:160

#### **RELATED POLICIES:**

03.124  
03.1291

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

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

#### **DISCIPLINARY ACTIONS**

All inquiries about and actions concerning disciplinary actions shall be directed through the Division of Resource Management.

Except as otherwise provided in this policy and related regulations, the tenure of an employee in the certified and equivalent personnel system shall be on-going during good behavior and the satisfactory performance of his duties. The appointing authority may discipline employees for lack of good behavior or the unsatisfactory performance of duties. Lack of required behavior or the unsatisfactory performance of duties include, but are not limited to, the following:

1. Insubordination, including but not limited to violations of lawful rules and regulations established for the operation of schools and central office in the Department of Education and refusal to recognize or obey the school Principal or any other supervisory personnel within the department in the performance of assigned duties;
2. Immoral character or unbecoming conduct;
3. Inefficiency, incompetence, or neglect of duty when a written statement identifying the problems or difficulties has been furnished the individuals involved, including but not limited to instances involving:
  - a. Chronic absenteeism or excessive tardiness;
  - b. Inability to control students or exert appropriate supervision of subordinates;
  - c. Inappropriate discipline of students or treatment of subordinates and peers;
  - d. Poor teaching or supervisory habits; and
  - e. Lack of completion of records and required reports.

#### **TERMINATION**

In the event an employee is laid off as deemed necessary by reasons of lack of funds, lack of work, abolishment of position, or other changes in duties or organization, the employee affected by a layoff shall receive written notice. This notice shall contain the effective date of separation, reasons for the layoff, and appeal rights information.

#### **CODE OF ETHICS**

As implemented by the Education Professional Standards Board, the Professional Code of Ethics for Kentucky School Certified Personnel requires Kentucky's educators to reaffirm their commitment to the highest ethical standards. In recognizing the magnitude of professional responsibility to learners and to society, the Code of Ethics reflects and promotes the aspirations of the teaching profession. Employees who violate provisions of the Code of Ethics may be subject to disciplinary action, up to and including termination.

**Termination/Nonrenewal/Separation by Employee**

**REPORTING**

The Principal shall comply with the reporting requirements of KRS 161.120 that applies to certified personnel.

**SEPARATION BY EMPLOYEE**

Notice of separation by retirement, resignation or transfer must be submitted to the supervisor in written form and forwarded to the Personnel/Payroll Officer.

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 Office of Career and Technical Education (OCTE) 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 OCTE, if the employee is taking a similar position in another district, and the reason(s) provided for leaving OCTE. This information shall be reported to the Kentucky Department of Education (KDE) by OCTE in a system developed by KDE without providing personally identifiable information.

**REFERENCES:**

- 16 KAR 1:020 (Code of Ethics)
- KRS 18A.1131; KRS 18A.1132; KRS 18A.095; KRS 18A.146
- KRS 156.800; KRS 156.808; KRS 156.818; KRS 156.820; KRS 156.824
- KRS 156.830; KRS 156.832; KRS 156.834; KRS 156.836
- KRS 160.382; KRS 161.120; KRS 161.780
- 101 KAR 1:345; 780 KAR 3:100; 780 KAR 3:110
- 780 KAR 3:120; 780 KAR 6:080; 780 KAR 6:090

**RELATED POLICIES:**

- 03.1311
- 03.1313
- 03.172
- 03.173
- 03.175

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**Optional**  
Please review with legal counsel

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

DRAFT 7/11/23

SCHOOL FACILITIES

05.4

### Safety

#### AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)

Pursuant to KRS 158.162, the local Board of Education shall maintain AEDs in designated locations throughout the Area Technology Center. An AED shall be used in emergency situations warranting its use in accordance with KRS 311.665 to KRS 311.669.

The local Board of Education 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.

#### **SCHOOL EMERGENCY PLANNING**

The Principal shall adopt an emergency plan for the school that shall include:

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

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

Following the end of each school year, a **school nurse within the District**, 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.

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

**Safety**

**SCHOOL EMERGENCY PLANNING (CONTINUED)**

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.

5. Maintain a portable AED provided by the District in a public, readily accessible, well-marked location in every Area Technology Center building; 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 be trained on the use of a portable AED in accordance with KRS 311.667; 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 Principal shall send verification to the Associate Commissioner that the school is in compliance with school emergency planning requirements.

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

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**Safety****SAFETY SIGNS**

The following is a suggested list of safety signs that may be posted in the shop/classrooms to emphasize the importance of good safety practices:

1. Asbestos
2. Auto Lift Safety
3. Compressed Air
4. DANGER – Hands and Fingers
5. DANGER – High Voltage
6. Do Not Start
7. Electric Welding Safety
8. Electricity Shop Safety Rules
9. Emergency Eyewash
10. Emergency Eyewash Instructions
11. EXIT
12. Fire Extinguisher
13. Hazardous Materials in Use
14. Hearing Protection Required
15. Machine Lockout
16. Metal Shop Safety Rules
17. NOT AN EXIT
18. Out of Order
19. Oxyacetylene Safety
20. Protective Eyewear Required
21. Universal Precautions
22. Unlawful possession of a weapon
23. Visitors Report to Main Office Before Entering Shops/classrooms
24. Warning -This Machine Will Coast
25. Wear face shield (battery charger)
26. Wear face shield (charging station)
27. Wood Shop Safety Rule

**SAFETY PUBLICATIONS**

The Principal shall have resource information available in the school to ensure that the school is complying with all federal and state requirements. The Kentucky Department of Labor, Office of Occupational Safety and Health, Division of Education and Training, has available a variety of *publications and forms* relating to safety, wage and hour laws, child labor laws, wage discrimination, general industry standards, and construction standards at no cost. Instructional and informational publications are also available.

Training information and publications can be found on this website - <http://www.labor.ky.gov/>

**COLOR CODING**

Color coding shall be used as part of the school's safety and emergency procedures.

**PRECAUTIONS**

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

**REPORTING HAZARDS**

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

**Safety****WORKPLACE/SCHOOL VIOLENCE**

The Kentucky Department of Education is committed to providing a safe and secure environment for its employees, students, and customers. Acts of violence such as physical assault, threatening behavior or verbal abuse in Cabinet operated facilities, on area technology center premises, on school buses, or at school sponsored or sanctioned events shall not be tolerated.

In the event that an individual's (employee, student, or customer) actions are perceived to endanger someone's safety and well-being; supervisory personnel, building security, and/or appropriate law enforcement agencies shall be notified immediately. The KDE Safety - Desk Guide – Emergency Telephone Numbers or *local district form* must be completed and maintained at the secretary/receptionist's desk and/or other locations deemed appropriate.

Other acts of violence that are of a less threatening nature should be promptly reported to supervisory personnel. Use of the KDE *Safety - Violent Incident Report Form* is recommended.

A *Safety - Violent Incident Report Form* shall be completed and forwarded to the Office of Career and Technical Education, Safety Officer, when a situation warrants.

Employees or students that engage in acts of violence shall be subject to disciplinary action up to and including dismissal/expulsion. In the event that an individual's (employee or customer) actions are perceived to endanger the safety and well-being of any employee or customer, appropriate law enforcement agencies including building security, police departments, county sheriffs, and state police and supervisory personnel should be notified immediately.

**AUTOMATIC EXTERNAL DEFIBRILLATOR (AED)**

~~Area Technology Centers are not required to maintain an Automatic External Defibrillator (AED). However, if one is maintained in a school, the Principal shall ensure proper training of staff as directed by KRS 331.667.~~

~~An AED shall be:~~

- ~~• Accessible for trained users; and~~
- ~~• Be stored in a secure location, not accessible to untrained persons.~~

**REFERENCES:**

<sup>1</sup>[KRS 158.1621](#)

[KRS 158.162](#); [KRS 158.164](#); [KRS 158.4410](#)

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

[702 KAR 1:180](#); [780 KAR 3:065](#); [780 KAR 6:005](#)

[Domestic Violence and Sexual Assault in the Public Workplace](#)

**RELATED POLICIES:**

03.14; 05.2; 05.41; 05.411; 05.42; 05.47; 09.221; 09.4 (entire section)



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  
THIS NEEDS TO BE REVIEWED BY LEGAL COUNSEL FOR APPLICABILITY TO OCTC.  
DRAFT 7/11/23

CURRICULUM AND INSTRUCTION

08.13531

### Human Sexuality

Per KRS 158.1415, in Area Technology Centers which provide a curriculum for human sexuality or sexually transmitted diseases, instruction shall include but not be limited to the following content:

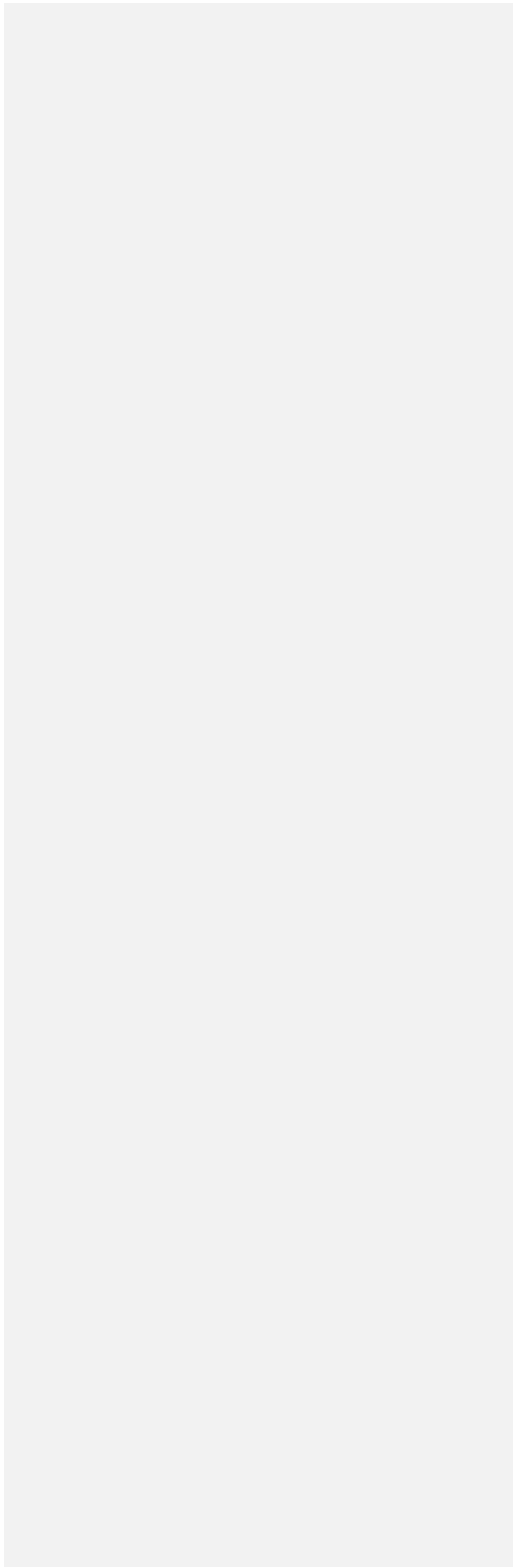
- a) Abstinence from sexual activity is the desirable goal for all school-age children;
- b) Abstinence from sexual activity is the only certain way to avoid unintended pregnancy, sexually transmitted diseases, and other associated health problems;
- c) The best way to avoid sexually transmitted diseases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

### CURRICULUM REQUIREMENTS

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

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

|



## Human Sexuality

### CURRICULUM REQUIREMENTS (CONTINUED)

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

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

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

This shall not prohibit school personnel from:

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

### REFERENCES:

KRS 158.1415; KRS 160.345

### RELATED POLICIES:

08.1; 08.23; 08.2322

LEGAL: SB 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 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  
DRAFT 7/11/23

STUDENTS

09.141

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### 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 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 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.

#### 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 7/11/23](#)

STUDENTS

09.224

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### **Emergency Medical Treatment**

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.

#### **FIRST AID**

The following information shall be provided during initial employment orientation and at the beginning of each school year.

- Emergency and non-emergency first aid shall be administered by a person or persons trained and certified to render first aid.
- In no case shall ointments, salves, disinfectants or oral medicine be rendered except on advice of a physician.
- In no case shall any person or persons render first aid to a degree above that for which they are trained and certified.
- First aid kits shall be placed in each lab/shop area and equipped with gauze, bandages, large and small Band-Aids, bottle of peroxide, disinfectant wipes, latex gloves and other sterile materials required to stop bleeding and cover wounded areas.
- Fire blankets shall be placed in those areas where the potential exists for fire and explosion. Large shops shall have two (2) fire blankets.

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

[The local Board of Education shall maintain a portable AED in a public, readily accessible, well-marked location in every District owned Area Technology Center building. A minimum of three \(3\) employees in the school shall be trained on the use of a portable AED.<sup>2</sup>](#)

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#### **SICKNESS/ACCIDENTS**

The following steps shall be implemented:

1. First aid shall be administered as required (ambulance called if necessary). The first aid provider shall be trained and certified in first aid. Injured persons shall not be transported in private auto or state vehicle by center personnel.
2. The center Principal or designee shall be notified.

STUDENTS

09.224  
(CONTINUED)

### Emergency Medical Treatment

#### SICKNESS/ACCIDENTS (CONTINUED)

3. Personnel shall secure the area for inspection by the Frankfort safety unit. The Principal or designee shall notify the Safety Director in the Frankfort Office. This procedure shall be used when accidents are severe enough in nature to cause or could cause loss of life or limb. All other accidents are to be reported and detailed on the *designated accident reporting form* as soon as possible after first aid is provided and the victim and/or area is secured.
4. Personnel shall secure the name of any witnesses available, and if possible make photos of the accident scene.

#### EMERGENCY CARE PROCEDURES

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

#### REFERENCES:

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

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

KRS 156.160; KRS 156.502; KRS 158.836; KRS 158.838

#### RELATED POLICIES:

03.14; [05.4](#); 09.22; 09.2241

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

STUDENTS

09.227

### Child Abuse

#### REPORT REQUIRED

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

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

Upon notification, the Principal or the Associate Commissioner of Career and Technical Education/designee shall facilitate the cooperation of the school with the investigation of the

report. Any person who knowingly causes intimidation, retaliation, or obstruction in the investigation of the report shall be guilty of a Class A misdemeanor.

Only agencies designated by law are authorized to conduct an investigation of a report of alleged child abuse. Therefore, the school 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 school, 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 school 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.

#### **INTERVIEWS**

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



**Child Abuse****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 KBE 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.

**REFERENCES:**

<sup>1</sup>KRS 600.020

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

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

<sup>4</sup>KRS 620.072

KRS 17.160; KRS 17.165; KRS 17.545; KRS 17.580

KRS 156.095; KRS 199.990; KRS 209.020; KRS 508.125

KRS 620.050; KRS 620.146

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

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

**RELATED POLICIES:**

09.1231; 09.3; 09.31; 09.42811; 09.4361; 10.5

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

STUDENTS

09.422

### **Bullying/Hazing**

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

#### **ACTIONS NOT TOLERATED**

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

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

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

#### **BULLYING DEFINED**

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

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

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

#### **HAZING DEFINED**

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

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

**Bullying/Hazing****Hazing Defined (Continued)**

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

(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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**REPORTS**

Students that believe they are victims of bullying/hazing shall be directed to report such incidents to school personnel for appropriate action.

Employees are expected to take reasonable and prudent action in situations involving student welfare and safety, including intervening and reporting to the Principal those situations that threaten, harass, or endanger the safety of students, other staff members, or visitors to the school or school. 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 to the Principal or designee.

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

In certain cases, employees must do the following:

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

**OTHER CLAIMS**

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

STUDENTS

09.422  
(CONTINUED)

**Bullying/Hazing**

**REFERENCES:**

<sup>1</sup>KRS 158.150

<sup>2</sup>KRS 158.148

KRS 158.156;

[KRS 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; 09.13; 09.421; 09.425; 09.426; 09.42811

09.2211 (re reports required by law)

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

STUDENTS

09.425

### **Assault and Threats of Violence**

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

#### **STUDENTS/PUPILS**

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

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

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

#### **EDUCATIONAL/SCHOOL PERSONNEL**

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

#### **REMOVAL OF STUDENTS**

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

1. Disrupts the classroom environment and education process or the student challenges the authority of a supervising adult.
- ~~1-2.~~ Verbal or written statements or gestures by students indicating intent to harm themselves, others or property.
- ~~2-3.~~ Physical attack by students so as to intentionally inflict harm to themselves, others or property.

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

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

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

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

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

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

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

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

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

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

**REPORT TO LAW ENFORCEMENT AGENCY**

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

**DOMESTIC/DATING VIOLENCE REPORTING AND EDUCATION**

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

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

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

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

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

**NOTIFICATIONS**

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

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

**REFERENCES:**

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

**RELATED POLICIES:**

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

### **Disrupting the Educational Process**

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

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

#### **REMOVAL**

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

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

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

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

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

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

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STUDENTS

09.426  
(CONTINUED)

**Disrupting the Educational Process**

**OTHER CLAIMS**

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

**REFERENCE:**

KRS 158.150

**RELATED POLICIES:**

09.13; 09.422; [09.425](#); [09.4281](#); 09.42811; [09.431](#); [09.438](#)

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

STUDENTS

09.431

### **Due Process**

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

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

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

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#### **STUDENTS WITH DISABILITIES**

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

#### **REFERENCES:**

<sup>1</sup>KRS 158.150

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

#### **RELATED POLICIES:**

[09.426](#)

09.43

09.433

09.434

[09.4341](#)

[09.435](#)

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

STUDENTS

09.434

## **Suspension**

### **WHO MAY SUSPEND**

In accordance with KRS 158.150, the area technology center Principal or his/her designee shall have the authority to immediately suspend secondary students from the Area Technology Center (ATC), without action by the sending school, to protect persons or property, or to avoid disruption of the ongoing academic programs. Students who are covered under IDEA or Section 504 may not be suspended from school for more than ten (10) days total during the school year. If more suspension is required, an ARC meeting must be held to determine appropriate placement and if the behavior is a result of the disability.

The Kentucky TECH school administrator shall submit in writing to the principal of the sending high school the reason(s) for disciplinary action and recommend any further action. The Principal of the sending high school shall respond to the Principal of the area technology center as to the action to be taken.

Secondary students who are suspended from a participating local high school or expelled from a participating local school district shall be suspended or expelled for the Kentucky TECH School in which the student is enrolled.

### **PRIOR DUE PROCESS REQUIRED**

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

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

### **IMMINENT DANGER**

The due process procedures outlined in KRS 158.150 shall follow the suspension as soon as practicable, but no later than three (3) school days after the suspension.

### **WRITTEN REPORT REQUIRED**

The Principal/designee shall report any suspension in writing<sup>1</sup> immediately to the principal of the sending school and to the parent of the [student/pupil](#) being suspended. The written report shall include the reason for suspension, the length of time of the suspension, and the conditions for reinstatement.

### **ALTERNATIVE SCHOOL STUDENTS**

According to Title 780 of the Kentucky Administrative Regulations, any student who is suspended or expelled from a participating local high school is also suspended from the Kentucky Tech School in which he/she is enrolled. If a student is expelled from the school system and placed in an alternative school setting, he/she will only be allowed back in a Kentucky Tech School with special permission from the Associate Commissioner's Office.

STUDENTS

09.434  
(CONTINUED)

### **Suspension**

#### **ALTERNATIVE SCHOOL STUDENTS (CONTINUED)**

The Kentucky Tech System is like any other school system in the state and has the right to deny admission to a student who has been expelled from another school to ensure a safe environment that is conducive to learning for all students.

#### **STUDENTS WITH DISABILITIES**

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

#### **REFERENCES:**

<sup>1</sup>KRS 158.150

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

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

OAG 78-392; OAG 78-673

707 KAR 1:340, 780 KAR 2:060

Goss v. Lopez, 419 US 565 (1975)

#### **RELATED POLICIES:**

08.131; [09.425](#); [09.426](#); 09.43; 09.431

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

COMMUNITY RELATIONS

10.5

### **Visitors to the Schools**

A visitor is any person who is not a current employee of the Office of Career and Technical Education or a student at the area technology center. For the safety of students, all visitors, including but not limited to, parents, delivery persons, and volunteers, shall follow the procedures listed below:

1. All visitors shall first sign in at the school office and receive permission from the Principal or designee before entering labs/classrooms. Visits to classrooms shall be scheduled in advance unless authorized by the Principal/designee.
2. Visitors shall be issued a Visitor's Pass when permitted to enter labs/classrooms.
3. A visitor refusing to sign-in or to wear a visitor's tag shall not be allowed to enter the school. The Principal shall be notified immediately of a visitor failing to sign in. If appropriate under the circumstances, school security or law enforcement shall be contacted.
4. Employees shall notify the Principal or designee immediately if someone is observed in the school that is not recognized as an Office of Career and Technical Education employee or does not have an approved Visitor's Pass. If appropriate under the circumstances, school security or law enforcement shall be contacted.
5. Visitors shall be required to exit the building through the office and sign out.
6. Students shall not be allowed to bring a visitor to the area technology center without prior approval of the area technology center Principal.

### **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 an area technology center, except with the advance written permission of the Principal 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.

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

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

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

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

1. To pick up or drop off their child each day.
2. To pick up the child who is injured or ill.
3. To confer with school staff concerning academic, disciplinary or placement issues involving the student, including matters required by federal or state law.
4. To attend a school activity, including athletic practices and competition, in which the student is a participant.
5. To vote when the school has been designated as a polling place.

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

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

The Principal shall notify the local district 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 a Kentucky Department of Education Attorney.

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

**CONDUCT/PROHIBITION ON RECORDING**

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

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

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

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

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

**ACCOMMODATION**

Individuals with disabilities visiting area technology centers shall be accommodated as required by law. Individuals requesting accommodation shall contact the Principal, who shall consult with the local district ADA/504 Coordinator for assistance and guidance. Accommodations may include, but are not limited to, the following considerations:

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

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

**WEBSITE ACCESSIBILITY**

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

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

**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, on property of area technology centers, shall be governed by the policy of the local district board of education. At minimum, the use of any tobacco product, alternative nicotine product, or vapor product shall be prohibited inside the school.

**Visitors to the Schools**

**REFERENCES:**

<sup>1</sup>KRS 438.345

<sup>2</sup>KRS 438.050

<sup>3</sup>KRS 511.070; KRS 511.080; OAG 90-11

KRS 17.545; KRS 17.500; KRS 17.510

KRS 160.380; KRS 211.394, KRS 211.395; KRS 438.305

KRS 600.020; KRS 620.146

OAG 91-137

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

29 U.S.C. 794, Rehabilitation Act of 1973, (Section 504)

42 U.S.C. 2000, Civil Rights Act of 1964, Titles VI and VII

42 U.S.C. 12101 et seq., Americans with Disabilities Act

**RELATED POLICIES:**

01.1

03.113; 03.1327; 03.162; 05.3

09.1231; 09.227; 09.4232; 09.426; 09.42811



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### Salaries

#### SALARY SCHEDULES

The Minimum Salary Schedule for Certified and Equivalent Staff shall be approved by the Kentucky Board of Education annually. All certified and equivalent staff shall receive a salary increase not less than the percentage increase provided other elementary and secondary teachers.

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All certified and equivalent staff shall be entitled to equivalent pay raises provided to other state employees.

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In determining salary for a 156 position, the following information should be used:

- 2. ~~Appropriate Cell on Salary Schedule~~—Reference current salary schedule per rank and cell for appropriate Total Years of Accumulated Experience.
- 3. ~~Dollar Amount of Appropriate Index~~—An index is established and amended annually for appropriate administrative staff. That information should be placed here.
- 4. ~~Salary plus Index~~ (add 1. And 2.)
- 5. ~~Convert Annual Salary to Monthly:~~
  - 1. ~~12 Month~~—Refer to Salary Schedule or, if index used, Divide # 3 by 12
  - 2. ~~21 Pay~~—Refer to Salary Schedule
  - 3. ~~24 Pay~~—Refer to Salary Schedule

Complete this area:

- ~~When comparing the new salary schedule to salaries of existing employees.~~
- ~~When determining salary for new hires.~~

The Personnel/Payroll Officer may be contacted for assistance in determining salary.

#### ANNUAL INCREMENT

The annual increment percentage rate is set by the Legislature.

f. ~~156:~~ Increment date is July 1 of each year, regardless of hire date.

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g. ~~18A:~~— See ~~Error! Hyperlink reference not valid.~~

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#### EXTENDED EMPLOYMENT

The Associate Commissioner for Career and Technical Education or their designee may request that the teacher perform other essential services for which extended employment shall be provided. The special request shall be handled on an individual basis. The duties of an ATC Principal shall consist of 228 work days between July 1 and June 30 annually, to be scheduled by the Associate Commissioner for Career and Technical Education or their designee. The regular work year for any teacher in an ATC shall be 190 work days to be scheduled by the ATC Principal between July 1 and June 30 annually. A teacher may be employed beyond the 190 work days if requested and approved by the Associate Commissioner for Career and Technical Education or their designee. To request extended employment, a teacher in an ATC shall submit a written request to the teacher's Principal.

## Salaries

### **PAYCHECK**

Any teacher employed 190 working days may request that their salary be paid in twenty-four (24) paychecks.

### **DIRECT DEPOSIT**

Direct deposit of state paychecks is mandatory for all new employees.

### **RANK CHANGES**

A certified or equivalent employee shall have a salary adjustment of five percent (5%) retroactive to July 1 for educational rank changes that are confirmed by September 1 of each year.

It is the responsibility of the employee to provide the ATC Principal with a copy of the new teacher certificate. It is the responsibility of the ATC Principal to provide the Personnel/Payroll Officer with a copy of the new certificate. The rank change request cannot be processed without a copy of the new certificate.

### **ACCRUAL OF COMPENSATORY LEAVE AND OVERTIME**

1. An appointing authority shall comply with the overtime and compensatory leave provisions of the Fair Labor Standards Act (FLSA), 29 USC Chapter 8. <http://www.dol.gov/elaws/flsa.htm>.
2. An employee who is directed to, or who requests and is approved to work in excess of the prescribed hours of duty, shall be granted compensatory leave and/or paid overtime subject to the provisions of the FLSA, the Kentucky Revised Statutes and this administrative regulation.
3. Compensatory leave shall be accumulated or taken off in one-quarter (1/4) hour increments.
4. An employee who is transferred or otherwise moved from one state agency to another shall retain the compensatory leave in the receiving agency.

Teachers and Principals shall not accumulate compensatory time.

All overtime and compensatory time shall be prior approved by the immediate supervisor. Compensatory time and overtime must be prior approved using the designated Compensatory Time Approval Form. The amount of overtime or compensatory time is determined by the status of the employee/classification as exempt or non-exempt under the [Fair Labor Standards Act](#). Employees should contact the personnel office for information regarding status as exempt or non-exempt for a specific employee/position.

Most 156 employees are classified as exempt and do not have the time and a half option. 156 EXEMPT employees do not have the 1.5 compensatory option available to them for a regular work week, but do have the 1.5 pay option only through the dual employment position.

The 156 exempt employee earns APPROVED compensatory time on an hour-for-hour basis, when activities require that they extend their workweek beyond the thirty-seven and one-half (37.5) hours. <http://www.lrc.state.ky.us/kar/780/003/072.htm>

## Salaries

### **ACCUAL OF COMPENSATORY LEAVE AND OVERTIME (CONTINUED)**

When a teacher is requested to teach a program for industry in addition to his/her normal daily classroom assignment, a dual employment position can be requested, in advance, to facilitate payment for the separate assignment hours (see **DUAL EMPLOYMENT** section below).

Most 18A employees are eligible for overtime. Non-Exempt 18A employees MUST choose how they want to be compensated for time worked over forty (40) hours per week:

4.1. Pay at 1.5 of their hourly rate or

5.2. Compensatory accrual at 1.5 hours, for every hour worked over forty (40).

Hours between thirty-seven and one-half (37.5) hours and forty (40) hours in a single workweek will be accrued as straight compensatory time of two and one-half (2.5) hours.

The choice is made for six (6) months at a time and cannot be changed until the end of that six (6) months period.

6.3. Employees are only eligible for time-and-a-half pay or compensatory time when hours “physically” worked exceed forty (40) hours in a workweek. (Compensatory time awarded for holidays, voting leave, etc. cannot be considered when calculating the 1.5 factor.)

7.4. An example would be Labor Day week:

- 7.5 Holiday Hours and 30 Hours “physically” worked.
- If the employee is authorized to work on a special project, he/she would have to “physically” work ten (10) additional hours to have physically worked forty (40) hours. Anything above the forty (40) hours would then fall under the one and one-half (1.5) compensation plan applicable to the non-exempt employee.

18A employees should reference the current Employee Handbook in reference to compensatory leave time and overtime pay.

### Monitoring Compensatory Hours:

- **156:** Exempt 156 employees can only accrue up to 200 hours (anything above that is not recognized by the payroll system.) Time should be monitored and used effectively.
- **18A:** When compensatory time reaches 240 hours for a non-exempt 18A employee, the system will generate a block 50 payment for 50 of those hours. Time, work assignments and leave should be monitored.

### **REDUCTIONS IN COMPENSATORY LEAVE BALANCES**

An employee who has a balance of at least 100 compensatory leave hours may be required to use compensatory leave before annual leave, unless the employee’s annual leave balance exceeds the maximum that may be carried forward under [780 KAR 3:082](#)~~this administrative regulation~~, and shall otherwise allow the use of compensatory leave if it will not unduly disrupt the operations of the agency.

## Salaries

### REDUCTIONS IN COMPENSATORY LEAVE BALANCES (CONTINUED)

- If any non-school based eligible employee's prescribed hours of duty are normally less than forty (40) hours per week, the employee shall receive compensatory leave for the number of hours worked that:
  - Exceed the number of normally prescribed hours of duty; and
  - Upon separation from state service, an employee shall be paid for all unused compensatory leave.
- **Christmas Break and Spring Break – 156 Employees (780 KAR 3:080)** - An employee may either work during these periods or be on some form of approved leave. If the employee desires to work during this period, he may do so only upon the submission of a work plan by the employee and the approval of the plan by the employee's supervisor prior to the initiation of the work.
- **Christmas Break and Spring Break – 18A Employees**  
**18A Employees** may take leave during Spring Break and Christmas Break or be on an approved work plan.

### DUAL EMPLOYMENT

When a full-time employee, primarily 156, is requested to teach a class for industry that is separate from his normal workday duties, the employee must be on Dual Employment to be compensated. This is a position, separate from the full-time position, with an hourly pay rate. The salary is based on the hourly rate of the full-time position, and can go up to 1.5 times the hourly rate. This type of industry program must be cost recovery.

- Written justification is required to establish a position and appoint an employee. Justification should include program need and funding source. Forward to Personnel/Payroll Officer.
- Dual employment is limited to 420 hours per school year.
- An alternative to dual employment would be for the school principal to utilize flexible scheduling for employees, if possible.

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**Salaries**

**REFERENCES:**

KRS 18A.005  
KRS 18A.120  
KRS 18A.145  
KRS 18A.355  
KRS 156.800  
KRS 156.808  
101 KAR 3:045  
780 KAR 3:020  
780 KAR 3:065  
780 KAR 3:072  
780 KAR 3:080  
[780 KAR 3:082](#)  
780 KAR 3:160  
780 KAR 6:005  
780 KAR 6:010  
780 KAR 6:020  
780 KAR 6:062  
[Fair Labor Standards Act](#)

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**RELATED POLICIES:**

03.11; 03.1211