

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

PRINCIPAL'S RESPONSIBILITIES

All appointments, promotions, and transfers of certified personnel for positions authorized by the Commissioner/Designee shall be made by the Commissioner/Designee.

When a vacancy occurs, the Kentucky Department of Education 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 KSB/KSD, the Principal may seek a waiver of the fifteen (15) day advance notice requirement from the Commissioner of Education. If the waiver is approved, the appointment shall not be made until the person selected by the Commissioner/Designee has been approved by the Commissioner of Education.

EFFECTIVE DATE

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

QUALIFICATIONS

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

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

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

CRIMINAL BACKGROUND CHECK AND TESTING

Applicants, employees, and student teachers assigned within KSB/KSD shall undergo records checks and testing as required by applicable statutes and regulations.¹

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

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

Hiring

CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)

Initial employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a felony sex crime or as a violent offender as defined in KRS 17.165 or other conviction determined by the Commissioner/Designee 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/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 COMMISSIONER

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

JOB REGISTER

The Commissioner or the Commissioner’s designee shall maintain in the school human resources office a job register listing all current job openings at KSB/KSD. The register shall describe the duties and qualifications for each opening, and school employment policies shall be attached to the register. The job register shall be open to public inspection during school office business hours.

VACANCIES POSTED

Under procedures developed by the Kentucky Department of Education, a listing of all KSB/KSD job openings shall be posted in the school human resources office on a timely basis and shall refer interested persons to the ~~Central Office statewide job register-posting system as described above~~ for additional information. Postings of vacancies may be made with other agencies, as appropriate.

When a vacancy for a teaching position occurs at KSB/KSD, the Commissioner/Designee shall conduct a search to locate minority candidates to be considered for the position.

Hiring

REVIEW OF APPLICATIONS

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

RELATIONSHIPS

The Commissioner/Designee shall not employ a relative of a member of the [Kentucky Board of Education](#) Board (KBE).

A relative [of a member of the KBE](#) 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 KSB/KSD;
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 Commissioner shall not be employed except as provided by KRS 160.380.

CONTRACT

Except for noncontracted substitute teachers, all certified personnel shall enter into written contracts with KSB/KSD.

JOB DESCRIPTION

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

INTENT

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

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT

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

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

EMPLOYEES SEEKING A JOB CHANGE

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

PERSONNEL

03.11
(CONTINUED)

Hiring

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

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

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

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 KSB/KSD.

REFERENCE:

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

KRS 161.720 to KRS 161.810

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

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

PERSONNEL

03.1161

- CERTIFIED PERSONNEL -

Coaches and Assistant Coaches

Any middle or high school coach (head or assistant, paid or unpaid) shall successfully complete all training required by the KSB/KSD, the Kentucky Board of Education, the Kentucky High School Athletic Association, and state law and regulation. This shall include safety and first aid training and providing the school documentation of successful completion of a cardiopulmonary resuscitation (CPR)~~C.P.R.~~ course that includes the use of an automated~~ie external~~ defibrillator and first aid training, conducted by an instructor or program approved by a college or university, the American Red Cross, American Heart Association, or other bona fide accrediting agency. Initial certification shall use in-person instruction with certification updated as required by the approving agency.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 KSB/KSD training that includes information on the physical and emotional development of students of the age with which they will be working, the KSB/KSD'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

REFERENCES:

¹KRS 161.185

²702 KAR 7:065

³KRS 158.162

KRS 156.070

KRS 160.445

KRS 161.180

RELATED POLICIES:

03.2141

09.311

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

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

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

FINANCIAL IMPLICATIONS: TIME SPENT REMOVING PAYROLL DEDUCTIONS

PERSONNEL

03.1211

- CERTIFIED PERSONNEL -

Salary Deductions

MANDATORY DEDUCTIONS

Mandatory payroll deductions made by the Kentucky Department of Education include:

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

OPTIONAL DEDUCTIONS

The following optional payroll deductions are authorized by the Kentucky Department of Education for those employees who choose to participate:

1. State approved health/life insurance program;
2. State approved credit union;
3. State approved deferred compensation plan;
4. Kentucky Employees Charitable Campaign;
5. State-designated Flexible Spending Account (FSA) and Health Reimbursement Account (HRA) plans; and
6. Optional insurance companies ~~and employee organizations~~ as approved by the Kentucky Personnel Cabinet's Payroll Deduction Program.

~~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 by the Kentucky Department of Education.~~

REFERENCES:

KRS 160.291; KRS 161.158

KRS 336.134

702 KAR 1:035; OAG 72-802

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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

03.1231

- CERTIFIED PERSONNEL -

Personal Leave

NUMBER OF DAYS

Full-time certified employees shall be entitled to twenty-two and one-half (22.5) hours of personal leave with pay each school year. Employees shall be credited with said personal leave at the beginning of each school year.

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

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

All leave shall be used in half day increments of three and three-fourths (3.75) hours.

APPROVAL

The employee's immediate supervisor must approve the leave date, but no reasons shall be required for the leave.

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

STATEMENT AFFIDAVIT

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

ACCUMULATION

Personal leave days not taken during the school year shall not accumulate but shall convert to sick leave.

REFERENCE:

KRS 161.154

RELATED POLICY:

03.1232

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

PERSONNEL

03.1232

- CERTIFIED PERSONNEL -

Sick Leave

NUMBER OF HOURS

Full-time certified employees shall be entitled to seventy five (75) hours of sick leave with pay each school year. Employees shall be credited with said sick leave at the beginning of each school year.

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

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

All leave shall be used in half day increments of three and three-fourths (3.75) hours.

ACCUMULATION

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

DEFINITION

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

FAMILY ILLNESS/MOURNING

Sick leave can also be taken for illness in the immediate family or for the purpose of mourning a member of the employee's immediate family. Immediate family shall mean the employee's spouse, children (including stepchildren and foster children), 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 KSB/KSD from another Kentucky school district or from the Kentucky Department of Education shall transfer accumulated sick leave to the KSB/KSD.

SICK LEAVE DONATION PROGRAM

Under procedures developed by the Kentucky Department of Education, certified employees who have accrued more than one hundred twelve and one-half (112.5) hours of sick leave may request to transfer sick leave hours to another employee who is authorized to receive the donation. The number of hours donated shall not reduce the employee's sick leave balance to less than one hundred twelve and one-half (112.5) hours.

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

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

PERSONNEL

03.1232
(CONTINUED)

Sick Leave

STATEMENT AFFIDAVIT

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

REFERENCES:

¹KRS 161.155~~;~~ ~~See. 2;~~ KRS 161.152~~;~~ OAG 79-148
OAG 93-39
Family & Medical Leave Act of 1993

RELATED POLICIES:

03.12322~~;~~ 03.1233~~;~~ 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 twenty-two and one-half (22.5) hours of emergency leave with pay each year. Full-time certified employees shall be credited with said emergency leave at the beginning of each school year.

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

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

All leave shall be used in one-half (1/2) day increments of three and three-fourths (3.75) hours.

EMERGENCY LEAVE

Consistent with the following provisions, certified personnel may use twenty-two and one-half (22.5) hours of sick leave per year for emergency leave.

Emergency leave shall be used in one-half (1/2) day increments of three and three-fourths (3.75) hours.

Emergency leave shall be granted for the following reasons:

DISASTERS

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

COURT/LEGAL

Appearances as a witness or to produce documents 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.)

OTHER

Such other reasons of an emergency or extraordinary nature as approved by the Commissioner/Designee.

REQUEST FOR LEAVE

Emergency leave must be requested through the Commissioner or designee who will determine if the leave requested meets the criteria set forth in this Policy.

STATEMENT AFFIDAVIT

Persons taking emergency leave must file a personal statement affidavit upon their return to work stating the specific reasons for their absence.

PERSONNEL

03.1236
(CONTINUED)

Emergency Leave

ACCUMULATION

Emergency leave days not taken during the school year shall not accumulate and will not convert to other leave time.

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 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 Commissioner/Designee. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Commissioner/Designee.

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 written notification to the teacher including a 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 Commissioner/Designee, upon written notification to the teacher, may impose sanctions in accordance with KRS 161.790.

NONRENEWAL

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

SEPARATION BY EMPLOYEE

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

[A certified employee who voluntarily leaves the Kentucky School for the Blind/Kentucky School for the Deaf \(KSB/KSD\) 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 at KSB/KSD, if the employee is taking a similar position in another district, and the reason\(s\) provided for leaving KSB/KSD. This information shall be reported to the Kentucky Department of Education \(KDE\) by KSB/KSD in a system developed by KDE without providing personally identifiable information.](#)

Note: Optional please review with legal counsel

REPORTING

The Commissioner/Designee 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

16 KAR 1:020 (Code of Ethics)

Consolidated Omnibus Budget Reconciliation Act

701 KAR 5:090

OAG 83-362; OAG 92-135

RELATED POLICY:

03.172

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 KSB/KSD, 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 \(CPR\)](#) 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 school training that includes information on the physical and emotional development of students of the age with which they will be working, the school's discipline policies, procedures for dealing with discipline problems, and safety and first aid training. Follow-up training shall be provided annually.¹

REFERENCES:

- ¹KRS 161.185
- ²702 KAR 7:065
- ³[KRS 158.162](#)
- KRS 156.070
- KRS 160.445
- KRS 161.180

RELATED POLICIES:

- 03.1161
- 09.311

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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

NOTE: THIS POLICY NEEDS TO BE REVIEWED BY LEGAL COUNSEL FOR APPLICABILITY TO KSB/KSD.
DRAFT ALL NEW LANGUAGE 4/21/23

SCHOOL FACILITIES

05.4

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Safety

BOARD TO ADOPT PLAN

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

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

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

KSB/KSD SCHOOL SAFETY COORDINATOR

The Principals of KSB and KSD shall appoint an individual at each school to serve as the KSB/KSD'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;

Safety

KSB/KSD SCHOOL SAFETY COORDINATOR (CONTINUED)

2. Designate a school safety and security threat assessment team at each school in the KSB/KSD 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;
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 KSB/KSD and prescribe recommendations as needed in consultation with the state school security marshal;
5. Advise the Principals annually 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.

PRINCIPALS TO REPORT

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

Safety

AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)

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

The schools 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 ~~Board~~Kentucky Board of Education shall require ~~the school council or, if none exists, the~~ Principal of the Kentucky School for the Blind and the Principal of the Kentucky School for the Deaf to adopt an emergency plan for ~~the~~each 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 diagram of the facility that clearly identifies the location of each AED.

The emergency plan shall be provided to appropriate first responders, 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 Principals shall discuss the emergency plan with all school staff prior to the first instructional day annually and 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 Principals 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;

Safety

SCHOOL EMERGENCY PLANNING (CONTINUED)

3. Develop school procedures to follow during an earthquake;
4. Develop and adhere to practices to control access to the school. 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;
 - 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.

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Safety

SCHOOL EMERGENCY PLANNING (CONTINUED)

No later than November 1 of each school year, the Principals 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~~Principal of the Kentucky School for the Blind and the Principal of the Kentucky School for the Deaf shall report to the Kentucky Department of Education on the number of portable AEDs at each school ~~within the District.~~²

PRECAUTIONS

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

REPORTING HAZARDS

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

COMMUNICATION SYSTEM

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

REFERENCES:

¹KRS 158.4412

²KRS 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

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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.

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 Kentucky Board of Education. 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.³²

INDIVIDUAL LEARNING PLAN (ILP)

The development of the Individual Learning Plan (ILP) for each student shall be established within the first ninety (90) days of the sixth (6th) grade year and shall be that focused on career exploration and related postsecondary education and training needs. The ILP is not a substitute for the statement of transition service needs for students with disabilities.

In addition to the content requirements established by the Kentucky Academic Standards, the Kentucky Board of Education may impose other credit requirements for graduation from high school. However, the KBE shall not adopt any graduation requirements that include achieving a minimum score on a statewide assessment.

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)

~~In addition to Carnegie units, students may earn credit toward high school graduation through the KSB/KSD'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 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;~~
- ~~4. An objective grading and reporting process; and~~
- ~~5. 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 KSB/KSD content and performance standards.~~

OTHER PROVISIONS

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

In keeping with statutory requirements, the KSB/KSD 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 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.¹

OTHER PROVISIONS

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

The ~~KSB/KSD~~Commissioner/designee, Principal, or teacher may award special recognition to students.

If the severity of an exceptional student's disability precludes a course of study that meets the established high school graduation requirements leading to receipt of a high school diploma, an alternative course of study shall be offered in compliance with applicable legal requirements. Students who complete this course of study shall receive an alternative high school diploma.

~~Consistent with the KSB/KSD'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 Principal a request that the KSB/KSD provide them with an alternative high school diploma to replace the certificate of attainment they received at the time of graduation.

Graduation Requirements

OTHER PROVISIONS

~~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 Commissioner/Designee 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.~~

REFERENCES:

¹KRS 158.622

³~~KRS 158.142; 704 KAR 3:305~~

³²KRS 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; KRS 156.160

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

20 U.S.C. § 1414

Kentucky Academic Standards

RELATED POLICIES:

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

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

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

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

The KSB/KSD 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~~ meet the National Standards for Quality Online Courses, Teaching and Programs.

As determined by school 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 Principal/designee for conformance with Kentucky Academic Standards and KSB/KSD graduation requirements. In addition, the express approval of the Principal/designee shall be obtained before a student enrolls in an online course. The school must receive an official record of the final grade before credit toward graduation will be recognized.

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

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

Alternative Credit Options

DUAL-CREDIT SCHOLARSHIP PROGRAM

KSB/KSD may offer the opportunity for students to earn dual-credits through the Kentucky Dual-Credit Scholarship Program and follow 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.

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 3:395 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 Principal/designee shall develop a plan for diagnosing and addressing student academic deficiencies by providing ~~Extended School Services~~ (ESS) as required by state law.

ESSEXTENDED SCHOOL SERVICES

~~ESS shall be provided to 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 KSB/KSD shall provide ~~ESSextended school services~~ consistent with students' applicable 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 KSB/KSD shall:

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

The KSB/KSD 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 KSB/KSD may provide ~~ESSextended school services~~ during the regular school day when a waiver for alternative service delivery has been obtained.

DIRECT STUDENT SERVICES

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

REFERENCES:

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

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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 POLICY NEEDS TO BE REVIEWED BY LEGAL COUNSEL FOR APPLICABILITY TO KSB/KSD.
CURRICULUM AND INSTRUCTION 08.13531

Human Sexuality

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

- a) Abstinence from sexual activity is the desirable goal for all school-age children;
- b) Abstinence from sexual activity is the only certain way to avoid unintended pregnancy, sexually transmitted diseases, and other associated health problems;
- c) The best way to avoid sexually transmitted diseases and other associated health problems is to establish a permanent mutually faithful monogamous relationship;
- d) A school policy to respect parental rights by ensuring that:
 - 1. Children in grade five (5) and below do not receive any instruction through curriculum or programs on human sexuality or sexually transmitted diseases; or
 - 2. Any child, regardless of grade level, enrolled in the ~~district~~ school does not receive any instruction or presentation that has a goal or purpose of students studying or exploring gender identity, gender expression, or sexual orientation; and
- e) ~~A school policy to~~The school Principal 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
THIS POLICY NEEDS TO BE REVIEWED BY LEGAL COUNSEL FOR APPLICABILITY TO KSB/KSD.

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 at KSB/KSD 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: 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 enrolled at KSB/KSD who have entered kindergarten or who are between the ages of six (6), as of August 1, and eighteen (18), except those specifically exempted by statute, shall remain enrolled 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.

STATEMENT REQUIRED

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

EXCEPTIONS TO PRESENCE AT SCHOOL

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. 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.³
3. 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.^{3 & 8}
4. Students having an individual education ~~plan~~ program (IEP) that requires less than full-time instructional services shall not be required to be present for a full school day.³
5. 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.⁴

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

6. 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.⁵
7. 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 & 6}
8. 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
9. Students participating in any of the page programs of the General Assembly.³

REFERENCES:

¹KRS 159.010; OAG 85-55

²KRS 159.030

³702 KAR 007:125

⁴KRS 158.240

⁵KRS 158.070

⁶704 KAR 3:305

⁷KRS 158.143

⁸[KRS 158.150](#)

KRS 158.030; KRS 159.020; KRS 159.180; KRS 159.990

[704 KAR 3:535](#); 704 KAR 5:060

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

RELATED POLICIES:

08.131; 08.1312

09.111; 09.121; 09.123; 09.36

LEGAL: SB 150 (EFFECTIVE NOW) CREATES A NEW SECTION OF KRS 158 TO REQUIRE THE BOARD TO ADOPT POLICIES NECESSARY TO PROTECT THE PRIVACY RIGHTS OF STUDENTS.
FINANCIAL IMPLICATIONS: COST OF LITIGATION DEFENDING THIS LEGISLATION
THIS POLICY NEEDS TO BE REVIEWED BY LEGAL COUNSEL FOR APPLICABILITY TO KSB/KSD.

STUDENTS

09.141

Student Privacy Rights

PUBLIC COMMENT REQUIRED

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

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

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

REFERENCE:

KRS 158.189

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

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

STUDENTS

09.224

Emergency Medical Treatment

FIRST AID TO BE PROVIDED

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

FIRST-AID ROOM

A first-aid area with appropriate equipment, supplies and provisions for the child to recline shall be designated. At least two (2) adult employees, 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.

KSB/KSD shall have employees trained in accordance with the law to administer or help administer emergency medications.

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

AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)

KSB/KSD 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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INFORMATION NEEDED

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

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.

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

STUDENTS

09.224
(CONTINUED)

Emergency Medical Treatment

REFERENCES:

¹702 KAR 1:160

²[KRS 158.162](#)

KRS 156.160; KRS 156.502

KRS 158.836; KRS 158.838

Kentucky Department of Education Health Services Reference Guide (HSRG)

RELATED POLICIES:

[05.4](#)

09.21

09.22

09.2241

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

STUDENTS

09.227

Child Abuse

REPORT REQUIRED

Any teacher, school administrator, or other school personnel who knows or has reasonable cause to believe that a child under age eighteen (18) is dependent, abused or 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

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 Commissioner/designee ~~who shall also promptly report to the proper authorities for investigation.~~

Upon notification, the Principal or the Commissioner/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, KSB/KSD 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 KSB/KSD, 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 KSB/KSD 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 parent³ and shall provide the Cabinet access to a child subject to an investigation or assessment without parental consent.⁴

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~~ 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.

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:

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 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; 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)

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

SUPERVISION

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

TRAINING

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

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

Any middle or high school coach (head or assistant, paid or unpaid) shall successfully complete training as required by the KSB/KSD, 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 training that includes information on the physical and emotional development of students of the age with which they will be working, the 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), KSB/KSD, if 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.²

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

REFERENCES:¹KRS 160.445²KRS 156.070³KRS 161.185⁴702 KAR 7:065⁵[KRS 158.162](#)**RELATED POLICIES:**

03.1161

03.2141

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

STUDENTS

09.313

Eligibility (Athletics)

Determination of athletic eligibility shall be made in compliance with applicable administrative regulations and Kentucky High School Athletic Association ([KHSAA](#)) requirements. ~~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.~~²¹

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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, and equitable opportunities for participation.

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

CHARTER SCHOOL STUDENTS

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

REFERENCES:

~~¹KRS 160.345~~

²¹KRS 156.070

KRS 160.1592; [KRS 160.345](#)

702 KAR 7:065; OAG 15-022

Kentucky High School Athletic Association (KHSAA)

RELATED POLICIES:

09.1222

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

09.423

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

STUDENTS

09.422

Bullying/Hazing

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

ACTIONS NOT TOLERATED

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

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

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

BULLYING DEFINED

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

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

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

HAZING DEFINED

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

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

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

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

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

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REPORTS

As provided in the KSB/KSD 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 KSB/KSD personnel for appropriate action.

Employees are expected to take reasonable and prudent action in situations involving student welfare and safety, including following KSB/KSD 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. 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 KSB/KSD 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 KSB/KSD 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:

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
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.¹

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

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

EDUCATIONAL/SCHOOL PERSONNEL

Any ~~student/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 action¹ up to and including expulsion from school and/or legal action.

REMOVAL OF STUDENTS

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

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

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

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

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

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

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

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

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

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

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

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

Any action under this section related to students with disabilities shall be in compliance with applicable federal law.

REPORT TO LAW ENFORCEMENT AGENCY

When they have reasonable belief that a violation has taken place, the Principal 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,

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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.

STUDENTS

09.425
(CONTINUED)

Assault and Threats of Violence

DOMESTIC/DATING VIOLENCE REPORTING AND EDUCATION (CONTINUED)

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

NOTIFICATIONS

As soon as the 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 KSB/KSD 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:

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

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REMOVAL

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

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

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

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

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

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

Any action under this section as it relates to students with disabilities shall be in compliance with applicable federal law.

STUDENTS

09.426
(CONTINUED)

Disrupting the Educational Process

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OTHER CLAIMS

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

REFERENCES:

KRS 158.150; KRS 158.165; KRS 160.290

RELATED POLICIES:

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

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

STUDENTS

09.431

Due Process

RIGHT TO DUE PROCESS

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

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, ~~P~~procedures mandated by federal and state law shall be followed.²

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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 or assistant Principal may suspend a student/pupil up to a maximum of five (5) days per incident.

The State Supervisor may suspend a student/pupil up to a maximum of ten (10) days per incident. Procedures mandated by federal and state law for students with disabilities shall be followed.²

LENGTH OF SUSPENSION

A student/pupil may not be suspended for more than a total 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 State Supervisor/Commissioner/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.

Any action under this section as it relates to students with disabilities shall be in compliance with applicable federal law.

IMMINENT DANGER

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

WRITTEN REPORT REQUIRED

The Principal or assistant Principal shall report any suspension in writing¹ immediately to the Superintendent and to the parent of the student/pupil being suspended. The written report shall include the reason for suspension, the length of time of the suspension, and the conditions for reinstatement.

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: 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

KENTUCKY BOARD OF EDUCATION (KBE) MAY EXPEL

The KBE may expel or extend the expulsion of any student/pupil from the school for misconduct as defined by law. Provision of educational services will be required unless the KBE 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

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

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 KSB/KSD; or
2. To have brought a weapon to a school under its jurisdiction per KSB/KSD Policy 05.48.

The KSB/KSD may expel a student for longer than twelve (12) months.

The Kentucky Department of Education (KDE) shall present to the KBE 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 KBE may place a student into an alternative program or setting if the KBE 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.

Procedures mandated by state and federal law for students with disabilities shall be followed.

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 KBE.¹ Special education and disciplinary records shall be sent to the KBE for review. The KBE may request to review applicable special education and disciplinary records before the decision is made to expel.³ Parents may submit additional documentation.

Within thirty (30) days prior to the end of a student's expulsion, the KBE 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.

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The expulsion review process shall be used prior to the end of each expulsion period until the KBE ends the expulsion or the student is no longer subject to compulsory attendance under KRS 159.010.

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Any action under this section as it relates to students with disabilities shall be in compliance with applicable federal law.

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STUDENTS

09.435
(CONTINUED)

Expulsion

KBE DECISION FINAL

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

STUDENTS WITH DISABILITIES

Procedures mandated by federal and state law for students with disabilities shall be followed. ~~(Students with disabilities who are eligible for services under federal law may be expelled for behavior unrelated to their disabilities, as long as legally required procedural safeguards are followed. Educational services must continue for IDEA-eligible students who are expelled.)^{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 158.150

²KRS 158.155

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

[KRS 159.010](#)

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

RELATED POLICIES:

05.48; 09.12; 09.423; 09.425; [09.426](#); 09.43; 09.431; 09.434

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

COMMUNITY RELATIONS

10.5

Visitors to the Schools

LOCAL CITIZENS

The Kentucky Board of Education encourages parents, professional educators, and others who have legitimate educational interests pertaining to the KSB/KSD's public school program to visit the schools. To ensure that school personnel are aware of visitors' presence, all visitors must report immediately to the designated visitors' check-in area upon entering the school and identify themselves, as well as declare their purposes for visiting.

REGISTRANTS

No registrant, as defined in KRS 17.500, nor any person residing outside of Kentucky who would be required to register under KRS 17.510 if the person resided in Kentucky, shall be on, loiter within one thousand (1,000) feet of, or work in or operate any mobile business within one thousand (1,000) feet of the clearly defined grounds of a KSB/KSD school, except with the advance written permission of the Principal or the Kentucky Board of Education 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 KSB/KSD 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:

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

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

- To attend a school activity, including athletic practices and competition, in which the student is a participant.
- 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 Kentucky Department of Education 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 Commissioner/designee concerning requests from registrants, and the Commissioner/designee may seek further advice from the KSB/KSD Attorney.

For all other reasons and for all individuals making a request other than parent/legal guardian/designee, the Principal shall consult with the Commissioner/designee before making a final determination.

OUTSIDERS

Professional educators and citizens who are from other communities and who wish to observe the schools in operation are welcome. Arrangements for such visits must be made in advance with the Commissioner/designee.

CONDUCT

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

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

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

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

Visitors to the Schools**ACCOMMODATION**

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

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

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

WEBSITE ACCESSIBILITY

KSB/KSD are committed to ensuring accessibility of their websites for students, parents, and members of the community with disabilities. All pages on the KSB/KSD websites will conform to the W3C WAI's Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents.

Under school 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 KSB/KSD web presence which is developed by, maintained by, or offered through KSB/KSD 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, 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 KSB/KSD 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 KSB/KSD, 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

Visitors to the Schools

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:

03.113; 03.1327; 03.162; ; 06.221

09.1231; 09.227; 09.3211; 09.4232; 09.426; 09.42811