

# **Jefferson County Board of Education**

## **2023 KSBA Annual Board Policy Update**

### **Board Policy Committee, July 17, 2023**

#### **Recommended by Human Resources Division**

03.1234 Medical Leave (Certified)  
03.2234 Medical Leave (Classified)  
03.12322 AP.1 Family and Medical Leave Compliance

#### **House Bill 13 AN ACT relating to Drivers Licenses**

06.22 Bus Drivers' Responsibilities  
03.211 Medical Examination

#### **House Bill 32 AN ACT relating to classified school staff and declaring an emergency.**

03.21 Hiring (Classified)

#### **House Bill 319 AN ACT relating to teachers.**

03.11 Hiring (Certified)  
03.1231 Personal Leave (Certified)  
03.1232 Sick Leave (Certified)  
03.1236 Emergency Leave (Certified)  
03.17 Discipline/Nonrenewal/Resignation by Employee (Certified)  
03.2231 Personal Leave (Classified)  
03.2236 Emergency Leave (Classified)  
03.272 Separation by Employee (Classified)

#### **House Bill 331 AN ACT relating to the emergency medical preparedness of schools.**

09.311 Safety (Athletics)  
03.1161 Coaches and Assistant Coaches  
03.2141 Nonteaching Coaches and Assistant Coaches  
09.224 Emergency Medical Treatment  
05.4 Safety

#### **Senate Bill 7 AN ACT relating to the administration of payroll systems and declaring an emergency.**

03.1211 Salary Deductions (Certified)  
03.2211 Salary Deductions (Classified)

#### **Senate Bill 229 AN ACT relating to child abuse.**

09.227 Child Abuse

#### **SB 247 AN ACT relating to transient public school students.**

09.11 School Choice System

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

03.115 Transfer of Tenure

**Added for First Reading After Board Policy Committee Meeting**

- 03.122           Holidays and Vacation Leave (Certified)
- 03.222           Holidays and Vacation Leave (Classified)

Changes align policies with current District practice, clarifying that compensation for accrued vacation is made at the time an employee is no longer employed in an eligible position.

**Recommended by**  
**Human Resources Division**

**- CERTIFIED PERSONNEL -****Medical Leave**

This policy shall be applied in a manner consistent with policy 03.113 and the Americans with Disabilities Act (ADA), when those provisions are applicable. **An employee working a full-time schedule may request medical leave (where the leave does not qualify for protection under the Family Medical Leave Act (FMLA). Up to twelve (12) workweeks of unpaid leave in any “rolling” 12-month period may be provided unless otherwise required by law, including the ADA.**

**UNPAID LEAVE**

An employee with a serious medical condition as defined under the FMLA who does not meet the 1,250/1,215-hour requirement, is covered under the Kentucky Pregnant Workers Act or Pregnant Workers Fairness Act, or has exhausted leave available under the FMLA, may request a leave of absence for a self-qualifying health event. Intermittent leave under non-FMLA medical leave is not permitted unless such leave has been approved as a reasonable disability related accommodation pursuant to the ADA. Requests for disability related accommodations should be made to the Leave Center.

**Employees on Workers' Compensation**

An employee who qualifies for workers' compensation **lost time** payments **and is unable to return to work will be placed on a medical leave until the employee reaches maximum medical improvement, as defined by Kentucky law. The employee** may receive service credit for the purpose of salary step placement.

Part-time classified, temporary, seasonal, substitute employees and student workers shall not be eligible for medical leave except for those qualifying for workers compensation payments directly resulting from accidents sustained in the course of fulfilling job responsibilities or the ADA.

**NOTIFICATION OF RETURN**

An employee on medical disability leave shall notify the Superintendent/designee in writing of the employee's intent to return to the school system on or before the date prescribed in Policy 03.123. An employee who fails fail to notify the Superintendent/designee of

**- CERTIFIED PERSONNEL -****Medical Leave****NOTIFICATION OF RETURN (CONTINUED)**

their return by the date prescribed in Policy 03.123 cannot be guaranteed employment for the following school year.

**VERIFICATION**

The written request shall include the “Certification of Health Care Provider” form completed by the attending physician. If an incomplete medical certification is received, the Leave Center will

provide the employee with the opportunity to either have the health care provider correct the certification or provide a written release for Human Resources to contact the health care provider directly. The employee will have seven (7) calendar days after notification to resolve any deficiencies in the medical certification. If, after seven (7) calendar days the identified deficiencies have not been resolved, the request for leave will be denied.

#### **PLACEMENT UPON RETURN**

An employee taking medical leave will, on return, be placed in accordance with federal and state law and applicable collective bargaining agreements.

#### **INVOLUNTARY MEDICAL LEAVE**

When, in the opinion of the Board, there is evidence that a teacher or the Superintendent is no longer able to perform satisfactorily the assigned duties, the Board may require the employee to provide evidence of ability to perform the essential functions of the position in the form of an examination and report by a physician of the Board's choosing. The Board shall bear the cost of this examination.

The Board may suspend the employee temporarily pending the physician's examination and may grant an involuntary leave of absence and renewals thereof following the physician's examination.

The employee shall have the right to a hearing on such involuntary leave and its renewal or extension in accordance with the provisions for hearing and appeal in [KRS 161.790](#).<sup>1</sup>

#### **RETIREMENT DISABILITY**

Retirement disability shall be handled in accordance with [KRS 161.662](#).<sup>2</sup>

#### **REFERENCES:**

<sup>1</sup>[KRS 161.790](#); [OAG 65-560](#), [KRS 161.770](#)

<sup>2</sup>[KRS 161.662](#), [OAG 80-151](#)  
[OAG 84-43](#)

Consolidated Omnibus Budget Reconciliation Act

Family & Medical Leave Act of 1993

Americans with Disabilities Act

KRS 344.030 to 344.110, the **Kentucky Pregnant Workers Act**

PERSONNEL

03.1234

(CONTINUED)

- CERTIFIED PERSONNEL -

### **Medical Leave**

#### **REFERENCES (CONTINUED):**

**Pregnant Workers Fairness Act**

#### **RELATED POLICIES:**

03.111

03.113

03.123

03.12322

03.173

Adopted/Amended: 5/26/2020

Order #: 2020-67



- CLASSIFIED PERSONNEL -

### **Medical Leave**

This policy shall be applied in a manner consistent with policy 03.212 and the Americans with Disabilities Act (ADA), when those provisions are applicable. An employee working a full-time schedule may request medical leave (where the leave does not qualify for protection under the Family Medical Leave Act (FMLA)). Up to twelve (12) workweeks of unpaid leave in any “rolling” 12-month period may be provided unless otherwise required by law, including the ADA.

#### **Leave within the First Year of Employment**

An employee with a serious health condition as defined under the FMLA, who is in his/her/their first year of employment and has completed new hire probation, or is covered under the Kentucky Pregnant Workers Act or Pregnant Workers Fairness Act, may request a leave of absence for a self-qualifying health event. This leave will be considered for an employee who need to be out of work for five (5) or more consecutive days. Intermittent leave under non-FMLA medical leave is not permitted unless such leave has been approved as a reasonable disability related accommodation pursuant to the ADA. Requests for disability related accommodations should be made to the Leave Center.

#### **Leave after First Twelve Months of Employment**

An employee with a serious medical condition as defined under the FMLA who does not meet the 1,250/1,215-hour requirement, is covered under the Kentucky Pregnant Workers Act or Pregnant Workers Fairness Act, or has exhausted leave available under the FMLA, may request a leave of absence for a self-qualifying health event. Intermittent leave under non-FMLA medical leave is not permitted unless such leave has been approved as a reasonable disability related accommodation pursuant to the ADA. Requests for disability related accommodations should be made to the Leave Center.

#### **Employees on Workers' Compensation**

An employee who qualifies for workers' compensation lost time payments and are unable to return to work will be placed on a medical leave until they reach maximum medical improvement, as defined by Kentucky law. The employee may receive service credit for the purpose of salary step placement.

Part-time classified, temporary, seasonal, substitute employees and student workers shall not be eligible for medical leave except for those qualifying for workers compensation payments directly resulting from accidents sustained in the course of fulfilling job responsibilities or the ADA.

PERSONNEL

03.2234  
(CONTINUED)

- CLASSIFIED PERSONNEL -

### **Medical Leave**

#### **VERIFICATION**

The written request shall include the “Certification of Health Care Provider” form completed by the attending physician. If an incomplete medical certification is received, the Leave Center will provide the employee with the opportunity to either have the health care provider correct the certification or provide a written release for Human Resources to contact the health care provider

directly. The employee will have seven (7) calendar days after notification to resolve any deficiencies in the medical certification. If, after seven (7) calendar days the identified deficiencies have not been resolved, the request for leave will be denied.

#### **NOTIFICATION OF RETURN**

Employees on medical leave shall notify the Superintendent/designee in writing of their intent to return to the school system on or before the date prescribed in Policy 03.223. Employees who fail to notify the Superintendent/designee of their return by the date prescribed in Policy 03.223 cannot be guaranteed employment for the following school year.

#### **PLACEMENT UPON RETURN**

An employee taking medical leave will, on return, be placed in accordance with federal and state law and applicable collective bargaining agreements.

#### **INVOLUNTARY MEDICAL LEAVE**

When, on advice of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties, the Board may require the employee to provide evidence of ability to perform the essential functions of the position in the form of an examination and report by a physician of the Board's choosing. The Board shall bear the cost of this examination.

#### **REFERENCES:**

Consolidated Omnibus Budget Reconciliation Act  
Family & Medical Leave Act of 1993  
Americans with Disabilities Act  
KRS 344.030 to 344.110, the **Kentucky Pregnant Workers Act**  
**Pregnant Workers Fairness Act**

#### **RELATED POLICIES:**

03.211  
03.212  
03.223

PERSONNEL

03.2234  
(CONTINUED)

- CLASSIFIED PERSONNEL -

### **Medical Leave**

#### **RELATED POLICIES (CONTINUED):**

03.22322

Adopted/Amended: 5/26/2020  
Order #: 2020-67



**- CERTIFIED PERSONNEL -****Family and Medical Leave Compliance****ELIGIBILITY**

An employee is eligible for family and medical leave if the employee has been employed by the District for twelve (12) months, has worked at least 1,250 hours during the twelve (12) months preceding the start of the leave, and otherwise qualify for family and medical leave. An employee who has been employed for 12 months, on the 187-day calendar and worked 1,215 hours are considered by the District to be eligible for family and medical leave. To ensure that the requisite number of hours have been met, a report is run to verify that 1,250 hours were worked in the 12 months prior to the first date of leave requested (or 1,215 for an employee on the 187-day calendar). The “service date” field in MUNIS is used to determine if the employee has worked for the district for 12 months.

The District uses a “rolling” 12-month period to determine eligibility; measuring backward from the date an employee uses any family and medical leave. This means that each time an employee takes family and medical leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding twelve (12) months.

**LEAVE ENTITLEMENTS**

An eligible employee is granted twelve (12) workweeks, the equivalence of sixty (60) contract days in a single 12-month period for one or more of the following reasons:

- For the birth and care of an employee’s newborn child within twelve (12) months of the birth or for the placement of a child with the employee for adoption or foster care within twelve (12) months of the placement;
- To care for the employee's spouse, child, or parent who has a serious health condition, as defined by federal law;
- For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the functions of his/her job;
- To address a qualifying exigency (need) defined by federal regulation arising from the covered active duty or call to active duty involving deployment to a foreign country of the employee’s spouse, son, daughter, or parent who serves in a reserve component or as an active or retired member of the Regular Armed Forces or Reserve in support of a contingency operation.

An eligible employee is granted twenty-six (26) workweeks, the equivalence of one hundred thirty (130) contract days in a single twelve (12)-month period to care for a service family member (spouse, son, daughter, parent or next of kin) who has incurred or aggravated a serious injury or illness in the line of duty while on active duty in the Armed Forces that has rendered or may render the family

## **Family and Medical Leave Compliance**

**LEAVE ENTITLEMENTS (CONTINUED)**member medically unfit to perform his/her/their duties or to care for a covered veteran with a serious injury or illness as defined by federal regulations

All employees are assigned a working calendar upon hire. All leave entitlements must begin and end on a contracted workday as defined by the employee's working calendar.

Family and medical leave may be taken continuously or intermittently. Continuous family medical leave means that the employee is unable to work at all during the period certified by the treating provider. Intermittent family medical leave is a reduced hours leave granted to care for a serious health condition of the employee or a family member.

If intermittent leave for planned medical treatments totals more than twenty (20) percent of an employee's contracted workdays, the District may require the employee to take a continuous leave for the duration of the planned treatment or to temporarily transfer to an alternate position which better accommodates the reduced hours leave. If placement in an alternate position is required, a designated JCPS Leave Center representative will coordinate the placement with a designated HR Specialist. The employee will be notified of the placement via their JCPS email address.

### **RESTORATION**

Family and medical leave requires that an employee be restored to the same job that the employee held when the leave began or to an "equivalent job." **An employee, on return, will be placed in accordance with federal and state law and applicable collective bargaining agreements.**

### **NOTICES AND DEADLINES**

An employee should notify their supervisor and the JCPS Leave Center as soon as the employee is aware that he/she/they need a leave of absence. An employee must follow his/her/their division's normal operating procedures to request the use of any paid accrual days such as sick, vacation, or personal days from his/her/their timekeeper at the employee's work location. An employee is expected to provide the District with at least thirty (30) days advance notice for a foreseeable leave.

Upon receipt of a request for a leave of absence, the JCPS Leave Center will prepare Request for Medical Leave Form, Employee Checklist, Notice of Rights and Responsibilities, and the How your Benefits Are Affected by a Change in Status brochure and email them to the Employee's District e-mail account within five (5) calendar days of the request.

Family medical leave is granted upon receipt of certification by a healthcare provider of a serious health condition. The certification of healthcare provider should only be completed by a treating healthcare provider.

An employee taking intermittent leave or reduced hours leave must submit the Medical Intermittent Leave form for each absence within 14-calendar days from the absence. A form turned in more than fourteen (14) calendars days from the absence or without the employee's immediate supervisor's signature, will be denied which may result in an unapproved absence.

### **PAY WHILE ON LEAVE**

Family medical leave is an unpaid leave of absence. An employee may elect to use accrual days to continue pay while on leave. A probationary employee may only elect to use sick days until his/her/their probation is served. Other accrual days such as vacation, personal, flex, and

emergency days are not available to use during probation. Paid leave runs concurrent with family medical leave.

An employee should designate his/her/their desire to use accrual days on the Request for Medical Leave Form and notify the timekeeper at the employee's work location.

### **RETURN TO WORK**

An employee on family and medical leave for the employee's own serious health condition must provide a release from his/her/their doctor to the JCPS Leave Center prior to returning to work. An employee on family medical leave for a family member's serious health condition must complete the District Release form and submit it to the JCPS Leave Center prior to returning to work.

An employee released to return to work with restrictions are required to submit a Medical Inquiry form completed by a treating healthcare provider to the Americans with Disabilities Act (ADA) Committee. Completion of the Medical Inquiry forms begins the interactive process under the Americans with Disabilities Act, as amended for qualified individuals with a disability.

### **MISCELLANEOUS**

The JCPS Leave Center sends all leave correspondence to the employee's JCPS email account. Upon request by the employee to the Leave Center, paper copies of leave request forms can be mailed to the employee's home address on file.

All information pertaining to an employee's leave is stored in the confidential medical file. No protected health information is ever shared with the employee's supervisor.

Reviewed/Revised: 4/21/2020

**House Bill 13**  
**AN ACT relating to Drivers Licenses**

LEGAL: HB 13 AMENDS KRS 281A.175 RELATED TO THE PHYSICAL EXAM REQUIREMENT FOR SCHOOL BUS DRIVERS. IT CHANGES THE REQUIRED PHYSICAL EXAM FROM EVERY YEAR TO EVERY TWO (2) YEARS.

FINANCIAL IMPLICATIONS: LESS FREQUENT EXAMS COULD BE A COST SAVINGS

DRAFT 4/13/2023

TRANSPORTATION

06.22

### **Bus Drivers' Responsibilities**

All school bus drivers shall meet the qualifications of and be in compliance with the responsibilities set forth in Kentucky Administrative Regulations.<sup>1</sup>

#### **EXAMINATION AND LICENSING**

The Superintendent/designee is authorized to require that a school bus driver shall have satisfactorily passed a drug screening every year and a physical examination at least every twenty-four (24) months, administered by a physician as designated by the Board. A school bus driver shall have a record of safe driving experience prior to employment.

#### **WALKTHROUGH AT END OF RUN**

A school bus driver shall conduct a walkthrough of the bus at the end of each run to ensure that all students have disembarked.

#### **DISCIPLINARY ACTION**

A school bus driver who fails to perform his/her/their responsibilities shall be subject to appropriate disciplinary action, up to and including termination.

#### **REFERENCES:**

<sup>1</sup>702 KAR 5:080; 702 KAR 5:030; 702 KAR 5:150

KRS 189.370

KRS 189.375

KRS 189.380

KRS 189.450

KRS 189.540

KRS 189.550

KRS 281A.170 to KRS 281A.175

KRS 281A.205

#### **RELATED POLICIES:**

03.211

06.23

LEGAL: HB 13 AMENDS KRS 281A.175 RELATED TO THE PHYSICAL EXAM REQUIREMENT FOR SCHOOL BUS DRIVERS. IT CHANGES THE REQUIRED PHYSICAL EXAM FROM EVERY YEAR TO EVERY TWO (2) YEARS.

FINANCIAL IMPLICATIONS: LESS FREQUENT EXAMS COULD BE A COST SAVINGS

PERSONNEL

03.211

- CLASSIFIED PERSONNEL -

### **Medical Examination**

#### **BUS DRIVERS**

As a condition of employment, each school bus driver, including a substitute driver, shall pass a medical examination on initial employment and at least every twenty-four (24) months ~~every two (two) years~~ thereafter in accordance with KRS 281A.175, 702 KAR 5:030, and 702 KAR 5:080.

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

#### **OTHER NEWLY EMPLOYED CLASSIFIED PERSONNEL**

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

#### **REPORT REQUIREMENTS**

Medical examinations performed within a one (1) year period prior to initial employment will be accepted.

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

#### **TUBERCULOSIS (TB) SCREENING/TESTING**

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

#### **DISTRICT TO REPORT**

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

PERSONNEL

03.211

(CONTINUED)

### **Medical Examination**

## **MEDICAL CONFIDENTIALITY**

Signed consent of the employee designating personnel to be informed shall be required before the Superintendent advises personnel of the employee's medical condition.

The Superintendent shall determine which employees are to have access to medical information. This determination shall be made on a need-to-know basis.

## **ALCOHOL/DRUG TESTING**

If a supervisor has reason to believe an employee is under the influence of or impaired by alcohol or drugs in the workplace (e.g., erratic behavior, smell of alcohol/marijuana, and/or other indicators etc.) the supervisor shall contact Labor Management and Employee Relations. Employee Relations may require the employee to undergo a blood and/or urine test administered by a medical facility of the District's choice. An employee suspected to be under the influence of or impaired by alcohol or drugs shall not drive **himself/herself**/themselves to the medical facility. Transportation shall be provided by the District. Refusal to submit to such testing may be grounds for disciplinary action, including termination of employment. If test results confirm the employee was under the influence of or impaired by alcohol or illegal drugs in the workplace, the employee shall be subject to disciplinary action including termination.

## **REQUIRED EXAMINATION FOR PRESENT PERSONNEL**

When, in the opinion of the Superintendent/designee, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties because of **a physical or mental health problem** or when the employee poses a health threat to students or other employees, the Superintendent/designee shall contact Labor Management and Employee Relations. Consistent with the Americans with Disabilities Act and the Family Medical Leave Act, Labor Management and Employee Relations may require the employee to provide evidence of fitness in the form of an examination and report by a physician, and in the case of mental fitness, in the form of an examination and report by a certified psychologist or psychiatrist, of the District's choosing. The Board shall bear the cost of this examination.<sup>3</sup>

## **REFERENCES:**

<sup>1</sup>KRS 161.145; 702 KAR 5:080

<sup>2</sup>702 KAR 1:160, 902 KAR 2:020; KRS 214.181; KRS 214.625  
702 KAR 5:030; KRS 281A.175

OAG 91-1

Genetic Information Nondiscrimination Act of 2008

Americans with Disabilities Act

Family Medical Leave Act of 1993

## **RELATED POLICIES:**

<sup>3</sup>03.2234; 03.24

**House Bill 32**  
**AN ACT relating to classified school  
staff and declaring an emergency.**



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

FINANCIAL IMPLICATIONS: POTENTIAL COST ASSOCIATED WITH ADMINISTERING THE EQUIVALENCY PROGRAM

PERSONNEL

03.21

- CLASSIFIED PERSONNEL -

## **Hiring**

### **SUPERINTENDENT'S RESPONSIBILITIES**

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

The Superintendent shall determine, pursuant to state law, when vacancies exist and shall post such staff vacancies as necessary to recruit applicants for positions.

### **EFFECTIVE DATE**

A personnel action shall not be effective until the employee receives written notice of such action from the Superintendent.

### **PRE-EMPLOYMENT INQUIRIES**

Pre-employment inquiries may include, but are not limited to, requests for licensure/certification, conviction and criminal history records, references, job attendance data, traffic/accident records, and physical examinations. Information obtained from pre-employment inquiries concerning an applicant's conviction and criminal history record, toxicology screens, results of job-related competency/skills assessments and other pre-employment inquiry information shall be confidential to the extent permitted by law but shall be considered in determining employment status.

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

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

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

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

## **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, a conviction as a violent offender as defined in KRS 17.165, or other conviction, including a drug offense, determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall terminate on receipt of a criminal history background check documenting a conviction for an offense listed above, unless the offense is a misdemeanor drug offense over five (5) years ago or a non-support felony offense. Employees shall immediately notify their supervisor if they are arrested for or charged with one of the offenses listed above. The supervisor shall immediately notify employee relations.

Employment shall also be contingent on receipt of a clear CA/N check, defined in KRS 160.380 as “a letter from the Cabinet for Health & Family Services indicating that there are no administrative findings of child abuse or neglect relating to a specific individual.” Employment shall terminate upon receipt of a letter from the Cabinet documenting an administrative finding of child abuse or neglect.

“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.<sup>1</sup>

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>

### **REPORT TO SUPERINTENDENT**

An employee shall report to the Superintendent if the employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal. Any failure to report this finding shall result in the employee being subject to dismissal or termination.

### **EDUCATIONAL REQUIREMENTS**

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

All paraprofessionals shall satisfy educational requirements specified by federal law.<sup>4</sup>

## **Hiring**

### **VACANCIES POSTED**

A job register listing vacancies to be filled shall be posted on the District's website.

Vacancies may also be posted and advertised outside the District.

The Superintendent shall implement procedures for emergency hiring of staff to prevent disruption of necessary instructional or support services.

### **REVIEW OF APPLICATIONS**

Under procedures developed by the Superintendent, each application shall be reviewed. Applications for candidates not employed shall be retained for three (3) years.

References shall be required on applicants for all positions and will be carefully reviewed as part of the employment decision.

### **RELATIONSHIPS**

All applications shall require a response concerning the relationship as defined in KRS 160.180 and KRS 160.380 of each applicant to the Superintendent, other District employees or a Board member. The hiring of a relative of the Superintendent, a Board member or a principal of the District is subject to the restrictions provided in KRS 160.180 and KRS 160.380.

A relative of the Superintendent shall not be employed except as provided by KRS 160.380.<sup>1</sup>

The Superintendent shall not employ a relative of a Board member. No employee may use his/her/their employment status to influence the employment in the District of a relative which is defined for the purposes of this paragraph of this policy as the employee's father, mother, brother, sister, husband, wife, son, and daughter.

No employee shall be assigned to a school, office, or unit if the assignment would cause a relative of such an employee to be a supervisor of the employee. For purposes of this paragraph of this policy, a relative is defined as the employee's father, mother, brother, sister, husband, wife, son, and daughter; and a supervisor is defined as a person who has authority to oversee and direct work assignments, assign tasks, schedule hours of work, evaluate work performance, or recommend the hiring, discipline or termination of an employee. This paragraph of this policy shall apply even if the status of relative results from a marriage after an initial assignment, or if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having the relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this paragraph of this policy exists or may exist. Any failure to give such notice shall result in disciplinary action. The Superintendent/designee shall develop procedures to implement this paragraph of this policy for all personnel assignments and shall make a final determination as to the appropriate action to implement this paragraph of this policy.

## **Hiring**

### **RELATIONSHIPS (CONTINUED)**

A relative that is ineligible for employment under this may be employed as a substitute for a certified or classified employee if the relative is not:

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

### **EMERGENCY HIRING**

The Superintendent/designee shall implement procedures for emergency hiring of staff to prevent disruption of necessary instructional or support services.

### **JOB DESCRIPTION**

Each employee shall receive a copy of his/her/their job description and responsibilities.

### **CONTRACT**

The District shall enter into written contracts with all full-time and part-time classified staff.

### **JOB SHARING**

A District employee may be permitted to participate in a job sharing program in accordance with procedures established by the Superintendent. However, initial probationary, temporary, seasonal and substitute employees and student workers are not eligible for the job sharing program.

### **REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT**

Each year, each full-time and part-time classified employee, including substitutes, shall be notified in writing by the last day of the school year whether the employee has have reasonable assurance of continued employment for the following school year.

A classified employee assigned extra duties such as coaching shall be notified in writing by the last day of that assigned duty if the employee has 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, a District employee is 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.

**Hiring**

**REFERENCES:**

<sup>1</sup>KRS 160.380

<sup>2</sup>702 KAR 5:080

<sup>3</sup>KRS 161.011

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

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

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

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

KRS Chapter 13B

KRS 17.160, KRS 17.165; KRS 156.070

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

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

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

Kentucky Local District Classification Plan; 13 KAR 3:030; 702 KAR 3:320

Records Retention Schedule, Public School District

**RELATED POLICIES:**

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221

**House Bill 319**  
**AN ACT relating to teachers.**

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

PERSONNEL

03.11

**- CERTIFIED PERSONNEL -**

**Hiring**

**SUPERINTENDENT'S RESPONSIBILITIES**

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

The Superintendent shall determine, pursuant to state law, when vacancies exist and shall post such staff vacancies as necessary to recruit applicants for positions.

When a vacancy occurs, the Superintendent shall submit the job posting electronically to the statewide job posting system fifteen (15) days before the position is to be filled. Each job posting for a vacancy shall include the District's policy against discrimination in employment and must include an opening and closing date for each position posted.

When a vacancy needs to be filled in less than fifteen (15) days to prevent disruption of necessary instructional or support services of the District, the Superintendent 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 Superintendent has been approved by the Commissioner of Education.

**EFFECTIVE DATE**

A personnel action shall not be effective until the employee receives written notice of such action from the Superintendent. A certified employee may be appointed by the Superintendent for any school year at any time after February 1 preceding the beginning of the next school year.

**QUALIFICATIONS**

The Superintendent shall employ only individuals who are certified for the positions they will hold and who possess qualifications established by law, regulation and Board policy, except in the case where no individual applies who is properly certified and/or who meets established qualifications set by Board policy. In all cases, the most qualified candidate shall be hired.

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

**PRE-EMPLOYMENT INQUIRIES**

Pre-employment inquiries may include, but are not limited to, requests for licensure/certification, conviction and criminal history records, references, job attendance data, traffic/accident records, and physical examinations, where applicable. Information obtained from pre-employment inquiries concerning an applicant's conviction and criminal history record, toxicology screens, results of job-related competency/skills assessments and other pre-employment inquiry information shall be confidential to the extent permitted by law, but shall be considered in determining employment status.

PERSONNEL

03.11

## **Hiring**

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

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

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

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

Initial employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a felony sex crime, a conviction as a violent offender as defined in KRS 17.165, or other conviction, including a drug offense, determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall terminate on receipt of a criminal history background check documenting a conviction for an offense listed above, unless the offense is a misdemeanor drug offense over five (5) years ago or a non-support felony offense. Employees shall immediately notify their supervisor if they are arrested for or charged with one of the offenses listed above. The supervisor shall immediately notify employee relations.

Employment shall also be contingent on receipt of a clear CA/N check, defined in KRS 160.380 as "a letter from the Cabinet for Health & Family Services indicating that there are no substantiated findings of child abuse or neglect relating to a specific individual." Employment shall terminate upon receipt of a letter from the Cabinet documenting an administrative finding of child abuse or neglect.

"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.<sup>1</sup>

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>



## **Hiring**

### **REPORT TO SUPERINTENDENT**

An employee shall report to the Superintendent if the employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal. Any failure to report this finding shall result in the employee being subject to dismissal or termination.

### **VACANCIES POSTED**

A job register listing vacancies to be filled shall be posted on the District's website.

Vacancies may also be posted and advertised outside the District. All central office administrative positions and all principal positions shall be advertised nationally.

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

### **REVIEW OF APPLICATIONS**

Under procedures developed by the Superintendent, each application shall be reviewed. Applications for candidates not employed shall be retained for three (3) years.

References are required on applicants for all positions and will be carefully reviewed as part of the employment decision.

### **RELATIONSHIPS**

All applications shall require a response concerning the relationship as defined in KRS 160.180 and KRS 160.380 of each applicant to the Superintendent, any Principal of the District, any other District employees, or a Board member. The hiring of **relative** of the Superintendent, **a Board member or principal** of the District is subject to the restrictions provided in KRS 160.180 and KRS 160.380.

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

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

A relative of the Superintendent or any principal of the District who is otherwise ineligible for employment may be employed as a substitute for a certified or classified employee if the relative is not:

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

No employee may use his/her/**their** employment status to influence the employment in the District of a relative which is defined for the purposes of this paragraph of this policy as the employee's father, mother, brother, sister, husband, wife, son, and daughter.

No employee shall be assigned to a school, office, work group or other unit if the assignment would cause a relative of such employee to be a supervisor of **the** employee.

### **PERSONNEL**

03.11  
(CONTINUED)

## **Hiring**

### **RELATIONSHIPS (CONTINUED)**

For purposes of this paragraph of this policy, a relative is defined as the employee's father, mother, brother, sister, husband, wife, son, and daughter; and a supervisor is defined as a person who has authority to oversee and direct work assignments, assign tasks, schedule hours of work, evaluate work performance, or recommend the hiring, discipline or termination of an employee. For purposes of this paragraph of this policy, the Principal and each assistant principal of a school shall be considered to be the supervisor of each employee in the school building. This paragraph of this policy shall apply even if the status of relative results from a marriage after an initial assignment, or if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having the relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this paragraph of this policy exists or may exist. Any failure to give such notice shall result in disciplinary action. The Superintendent/designee shall develop procedures to implement this paragraph of this policy for all personnel assignments and shall make a final determination as to the appropriate action to implement this paragraph of this policy.

A relative that is ineligible for employment under this may be employed as a substitute for a certified or classified employee if the relative is not:

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

Exception to the above is substitute personnel.

### **CONTRACT**

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

### **JOB DESCRIPTION**

Each employee shall receive a copy of his/her/their job description and responsibilities.

### **INTENT**

Under procedures developed by the Superintendent/designee, an employee may be requested to indicate his/her/their availability for employment for the next school year.

### **REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT**

Each year each full-time and part-time certified employee shall be notified in writing by the last day of the school year whether the employee has reasonable assurance of continued employment for the following school year.

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

### **PERSONNEL**

03.11  
(CONTINUED)

## **Hiring**

## **EMPLOYEES SEEKING A JOB CHANGE**

Other than the routine transmission of administrative and personnel files, a District employee is 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.

## **JOB SHARING**

A District employee may be permitted to participate in a job sharing program in accordance with procedures established by the Superintendent/designee. However, initial probationary, temporary, seasonal and substitute employees and student workers are not eligible for the job sharing program.

## **EXCHANGE OF TEACHERS**

The Superintendent may approve the exchange of teachers with other countries, states, and programs outside the District. All arrangements for such exchanges shall adhere to state laws and regulations.

## **REFERENCES:**

<sup>1</sup>KRS 160.380

<sup>2</sup>KRS 161.605; 702 KAR 1:150

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

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

45 C.F.R. § 1302.90

KRS Chapter 13B

KRS 17.160; KRS 17.165; KRS 156.106; KRS 160.345; KRS 160.390

KRS 161.042; KRS 161.611; KRS 161.750; KRS 335B.020; KRS 405.435

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

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

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

Records Retention Schedule, Public School District

## **RELATED POLICIES:**

01.11; 02.4244; 03.132

LEGAL: 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**

A District employee may be credited with paid personal leave which may be used at the employee's discretion pursuant to procedures established by the Superintendent and any applicable negotiated agreement. An employee must be in active pay status or on an approved leave during the employee's scheduled work year in order to utilize personal leave, unless the employee submits documentation to support a leave under Board Policies 03.12322 Family and Medical Leave or 03.1234 Medical Leave. All personal leave must be approved.

Except as expressly provided in negotiated labor agreements, part-time, temporary, seasonal, and substitute employees and student workers are excluded from paid personal leave.

#### **APPROVAL**

Personal leave shall be approved by the employee's immediate supervisor or the appropriate administrator if the employee's absence will not interrupt or impede the work program or violate any applicable negotiated labor agreement.

No reasons shall be required for the personal leave.

#### **STATEMENT**

An employee taking personal leave must file a personal statement stating that the leave was personal in nature.

#### **ACCUMULATION**

Unused personal leave days shall convert to sick leave at the end of each fiscal year.

#### **REFERENCE:**

KRS 161.154

#### **RELATED POLICIES:**

03.1232; 03.12322; 03.1234

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**

Sick leave shall be granted to an employee in accordance with the limits and restrictions set by law provided the employee has not exhausted the current and accumulated sick leave credit. Employees must be in active pay status or on an approved leave during their scheduled work year in order to utilize sick leave, unless the employee submits documentation to support a leave under Board Policies 03.12322 Family and Medical Leave or 03.1234 Medical Leave.

Temporary, seasonal and substitute employees and student workers shall be excluded from paid sick leave.

#### **STATEMENT**

Sick leave may be granted to an employee upon presentation of a personal statement or a certificate of a physician stating that the employee or member of employee's immediate family was ill on the day or days absent from duty and providing the employee has not exhausted the current and accumulated sick leave credit.<sup>1</sup>

#### **ACCUMULATION**

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

#### **DEFINITION**

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

#### **FAMILY ILLNESS/MOURNING**

Sick leave 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**

A certified employee coming to the District from another Kentucky school district or from the Kentucky Department of Education shall transfer accumulated sick leave to which the employee was entitled on the date of the transfer to the District.

A certified employee coming directly to the District from one of the Kentucky Regional Education Cooperatives recognized by the Kentucky Department of Education shall receive credit from the District for all sick leave accumulated on the last day of employment with the cooperative.

#### **SICK LEAVE DONATION PROGRAM**

A sick leave donation program shall be established as required by law. The Superintendent shall develop procedures to implement this program.

**Sick Leave**

**SICK LEAVE BANKS**

Sick leave banks may be established as permitted by law.

**REFERENCES:**

<sup>1</sup>KRS 161.155; KRS 161.152; OAG 79-148  
OAG 93-39  
Family & Medical Leave Act of 1993

**RELATED POLICIES:**

03.12322  
03.1233  
03.1234  
03.124  
03.175

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**

A full-time certified employees shall be entitled to emergency leave, not to exceed two (2) days of leave with pay each school year, pursuant to procedures established by the Superintendent.

Part-time, initial probationary, temporary, seasonal, and substitute employees are not eligible for emergency leave.

#### **REASONS FOR LEAVE**

Reasons for granting emergency leave may include the following:

1. Death or funeral of a relative by blood or marriage.
2. Emergency situations resulting from natural disasters, such as flood, tornado, or primary dwelling fire. This applies only in cases not covered by sick leave.
3. Such other reasons of an emergency or extraordinary nature as approved by the Superintendent/designee.

#### **REQUEST FOR LEAVE**

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

#### **STATEMENT**

An employee taking emergency leave must file a personal statement upon the employee's their return to work stating the specific reasons for the absence.

#### **ACCUMULATION**

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

#### **REFERENCES:**

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

#### **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 -

### **Discipline/Nonrenewal/Resignation by Employee**

#### **TERMINATION AND NONRENEWAL**

The Superintendent shall exercise his/her/their power and authority to terminate or non-renew any employment contract in accordance with the limits set by law. Non-renewal of limited contracts of certified personnel shall be made no later than May 15, in compliance with the requirements of KRS 161.750. The Superintendent shall, at the first meeting following the actions, notify the Board of terminations or non-renewals. Such notification shall be recorded in the Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

The termination of certified employment contracts shall be governed by the provisions of KRS 161.790. A certified employee may be terminated for the following reasons:

1. Insubordination;
2. Immoral character or conduct unbecoming a teacher which may include being convicted of or entering an “Alford” plea, a guilty plea, or plea of nolo contendere to crimes including, but not limited to sexual misconduct, drugs, alcohol, violent crime, illegal transaction with a minor or any felony offense;
3. Physical or mental disability; or
4. Inefficiency, incompetency, or neglect of duty.

For purposes of this Board Policy, “Insubordination” by an employee shall include engaging in a dating relationship, as defined in Board Policy 01.0, with an employee they supervise or who supervises them, after having failed to disclose the intention to enter into a dating relationship, or to give notice of the existence of a dating relationship, as applicable, as provided in this paragraph. An employee may avoid discipline under the provisions of this Board Policy if the employee discloses to his/her/their supervisor the intention to enter into a dating relationship with an employee they supervise or who supervises them, and requests a reassignment prior to entering into the dating relationship. This grounds for termination shall apply even if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having a dating relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this policy exists or may exist. An employee may avoid discipline if he/she/they give such notice as soon as such an assignment or employment status exists or may exist. Any failure to give such notice may result in disciplinary action.

Prior to notification of the Board, the Superintendent shall furnish the teacher with a written statement specifying in detail the charge against the teacher.<sup>1</sup>

The Superintendent shall develop procedures to afford an employee due process as required by law.



**Discipline/Nonrenewal/Resignation by Employee****OTHER DISCIPLINARY ACTION**

The Superintendent may suspend a certified employee without pay. Such suspension shall not be effective prior to receipt of written notice of the action by the employee from the Superintendent. At the first meeting following the action, the Superintendent shall notify the Board of the action taken.<sup>2</sup> An employee may also be issued a public or private reprimand.

**RESIGNATION**

In compliance with KRS 161.780, the Superintendent may accept a resignation submitted to the District by an employee. This action by the Superintendent shall be subject only to notification of the Board.

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

**CODE OF ETHICS**

The Professional Code of Ethics for Kentucky School Certified Personnel provides that:

Section 1. Certified personnel in the Commonwealth:

1. Shall strive toward excellence, recognize the importance of the pursuit of truth, nurture democratic citizenship, and safeguard the freedom to learn and to teach;
2. Shall believe in the worth and dignity of each human being and in educational opportunities for all;
3. Shall strive to uphold the responsibilities of the education profession, including the following obligations to students, to parents, and to the education profession:

(a) To students:

1. Shall provide students with professional education services in a nondiscriminatory manner and in consonance with accepted best practice known to the educator;
2. Shall respect the constitutional rights of all students;
3. Shall take reasonable measures to protect the health, safety, and emotional well-being of students;
4. Shall not use professional relationships or authority with students for personal advantage;
5. Shall keep in confidence information about students which has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;
6. Shall not knowingly make false or malicious statements about students or colleagues;
7. Shall refrain from subjecting students to embarrassment or disparagement; and

**Discipline/Nonrenewal/Resignation by Employee****CODE OF ETHICS (CONTINUED)**

8. Shall not engage in any sexually related behavior with a student with or without consent, but shall maintain a professional approach with students. Sexually related behavior shall include such behaviors as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape; threats of physical harm; and sexual assault.

**(b) To parents:**

1. Shall make reasonable effort to communicate to parents information which should be revealed in the interest of the student;
2. Shall endeavor to understand community cultures and diverse home environments of students;
3. Shall not knowingly distort or misrepresent facts concerning educational issues;
4. Shall distinguish between personal views and the views of the employing educational agency;
5. Shall not interfere in the exercise of political and citizenship rights and responsibilities of others;
6. Shall not use institutional privileges for private gain, for the promotion of political candidates, or for partisan political activities; and
7. Shall not accept gratuities, gifts, or favors that might impair or appear to impair professional judgment, and shall not offer any of these to obtain special advantage.

**(c) To the education profession:**

1. Shall exemplify behaviors which maintain the dignity and integrity of the profession;
2. Shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;
3. Shall keep in confidence information acquired about colleagues in the course of employment, unless disclosure serves professional purposes or is required by law;
4. Shall not use coercive means or give special treatment in order to influence professional decisions;
5. Shall apply for, accept, offer, or assign a position or responsibility only on the basis of professional preparation and legal qualifications; and
6. Shall not knowingly falsify or misrepresent records of facts relating to the educator's own qualifications or those of other professionals.

Section 2. Violation of this administrative regulation may result in cause to initiate proceedings for revocation or suspension of Kentucky certification as provided in KRS 161.120 and 704 KAR 20:585.<sup>3</sup>

**Discipline/Nonrenewal/Resignation by Employee****CODE OF ETHICS (CONTINUED)**

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

An employee shall act in compliance with the District Ethics Guidelines at all times.

**REPORTS TO EPSB**

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

**REFERENCES:**

<sup>1</sup>KRS 161.790

<sup>2</sup>KRS 160.390

<sup>3</sup>16 KAR 1:020

KRS 160.382; KRS 161.120; KRS 161.750; KRS 161.780

Consolidated Omnibus Budget Reconciliation Act

701 KAR 005:090

OAG 83-362; OAG 92-135

**RELATED POLICY:**

03.172

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

PERSONNEL

03.2231

- CLASSIFIED PERSONNEL –

### **Personal Leave**

A District employee may be credited with paid personal leave which may be used at the employee's discretion pursuant to procedures established by the Superintendent and any applicable negotiated agreement. An employee must be in active pay status or on an approved leave during his/her/their scheduled work year in order to utilize personal leave, unless the employee submits documentation to support a leave under Board Policies 03.22322 Family and Medical Leave or 03.2234 Medical Leave. All personal leave must be approved.

Except as expressly provided in negotiated labor agreements, part-time, temporary, seasonal, and substitute employees and student workers are excluded from paid personal leave.

#### **APPROVAL**

Personal leave shall be approved by the employee's immediate supervisor or the appropriate administrator if the employee's absence will not interrupt or impede the work program or violate any applicable negotiated labor agreement.

No reasons shall be required for the personal leave.

#### **STATEMENT**

An employee taking personal leave must file a personal statement stating that the leave was personal in nature.

#### **ACCUMULATION**

Unused personal leave days shall convert to sick leave at the end of each fiscal year.

#### **REFERENCES:**

KRS 161.154  
OAG 77-115

#### **RELATED POLICIES:**

03.2232; 03.22322; 03.2234

LEGAL: HB 319 REMOVES THE REQUIREMENT THAT AN AFFIDAVIT BE SUBMITTED FOR SICK (INCLUDING EMERGENCY LEAVE USED FOR THIS PURPOSE) AND PERSONAL LEAVE AND REPLACES AFFIDAVIT WITH STATEMENT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.2236

- CLASSIFIED PERSONNEL -

### **Emergency Leave**

#### **NUMBER OF DAYS**

A full-time classified employee shall be entitled to emergency leave, not to exceed two (2) days of leave with pay each school year, pursuant to procedures established by the Superintendent.

Part-time, initial probationary, temporary, seasonal and substitute employees and student workers are excluded from emergency leave.

#### **REASONS FOR LEAVE**

Reasons for granting emergency leave may include the following:

1. Death or funeral of a relative by blood or marriage.
2. Emergency situations resulting from natural disasters, such as flood, tornado, or primary dwelling fire. This applies only in cases not covered by sick leave.
3. Such other reasons of an emergency or extraordinary nature as approved by the Superintendent/designee.

#### **REQUEST FOR LEAVE**

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

#### **STATEMENT**

An employee taking emergency leave must file a personal statement stating the specific reasons for his/her/their absence.

#### **ACCUMULATION**

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

#### **REFERENCES:**

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

#### **RELATED POLICIES:**

03.2232  
03.2237

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

FINANCIAL IMPLICATIONS: POTENTIAL COST ASSOCIATED WITH THE SURVEY

PERSONNEL

03.272

**- CLASSIFIED PERSONNEL -**

### **Separation by Employee**

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

#### **REFERENCE:**

KRS 160.382

#### **RELATED POLICY:**

03.27

## **House Bill 331**

**AN ACT relating to the emergency  
medical preparedness of schools.**

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

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

STUDENTS

09.311

### **Safety (Athletics)**

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

#### **SUPERVISION**

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

#### **TRAINING**

A person employed by the District 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.<sup>1</sup>

Any middle or high school coach (head or assistant, paid or unpaid) shall successfully complete training as required by the District, the Kentucky Board of Education, the Kentucky High School Athletic Association, and state law and regulation. This shall include safety and first aid training and providing the school documentation of successful completion of a cardiopulmonary resuscitation (CPR) course that includes the use of an automated 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.<sup>4</sup> All interscholastic athletic coaches shall maintain a CPR certification recognized by a national accrediting body on heart health.<sup>5</sup>

A nonfaculty coach and a nonfaculty assistant shall complete District training that includes information on the physical and emotional development of students of the age with which he/she/they will be working, the District's and school's discipline policies, procedures for dealing with discipline problems, and safety and first aid training. Follow-up training shall be provided annually.<sup>3</sup>

#### **EMERGENCY ACTION PLAN**

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



**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, athletic directors; and interscholastic coaches and volunteer coaches of each athletic team active during that athletic season.

**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.<sup>2</sup>

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.<sup>1</sup>

**REFERENCES:**

<sup>1</sup>KRS 160.445

<sup>2</sup>KRS 156.070

<sup>3</sup>KRS 161.185

<sup>4</sup>702 KAR 7:065

<sup>5</sup>KRS 158.162

**RELATED POLICIES:**

03.1161

03.2141

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 elementary, middle, or high school coach (head or assistant, paid or unpaid) shall successfully complete all training, including safety and first aid training, required by the District, the Kentucky Board of Education, the Kentucky High School Athletic Association, and state law and administrative regulation. A coach shall provide the school with 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.<sup>2</sup> All interscholastic athletic coaches shall maintain a CPR certification recognized by a national accrediting body on heart health.<sup>3</sup>

A nonfaculty coach and assistant shall complete District training that includes information on the physical and emotional development of students of the age with which he/she/they will be working, the District's and school's discipline policies, procedures for dealing with discipline problems, and safety and first aid training. Follow-up training shall be provided annually.<sup>1</sup>

#### **REFERENCES:**

<sup>1</sup>KRS 161.185

<sup>2</sup>702 KAR 7:065

<sup>3</sup>KRS 158.162

KRS 156.070

KRS 160.445

KRS 161.180

#### **RELATED POLICIES:**

03.2141

09.311

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 elementary, middle, or high school coach (head or assistant, paid or unpaid) shall successfully complete all training, including safety and first aid training, required by the District, the Kentucky Board of Education, the Kentucky High School Athletic Association, and state law and administrative regulation. A coach shall provide the school with 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.<sup>2</sup> All interscholastic athletic coaches shall maintain a CPR certification recognized by a national accrediting body on heart health.<sup>3</sup>

A nonfaculty coach and assistant shall complete District training that includes information on the physical and emotional development of students of the age with which he/she/they will be working, the District's and school's discipline policies, procedures for dealing with discipline problems, and safety and first aid training. Follow-up training shall be provided annually.<sup>1</sup>

#### **REFERENCES:**

<sup>1</sup>KRS 161.185

<sup>2</sup>702 KAR 7:065

<sup>3</sup>KRS 158.162

KRS 156.070

KRS 160.445

KRS 161.180

#### **RELATED POLICIES:**

03.1161

09.311

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 ROOM**

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

In accordance with state law, every school shall have personnel trained each school year to administer emergency medication to students for seizures, diabetes, life threatening allergic reactions and asthma as prescribed by the student's health care practitioner or the District School Health.

### **AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs)**

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

### **STOCK EPINEPHRINE**

As suggested in KRS 158.836, each school shall stock epinephrine, so that trained staff may administer epinephrine to any student believed to be having a life-threatening allergic or anaphylactic reaction.<sup>1</sup>

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.

### **STOCK ALBUTEROL**

Each school may also stock albuterol, so that trained staff may administer albuterol to any student having an asthma exacerbation or respiratory symptoms associated with a life-threatening allergic or anaphylactic reaction.

### **EMERGENCY CARE PROCEDURES**

Schools shall have emergency care procedures comporting with regulation<sup>2</sup> and may utilize the Kentucky Department of Education's Health Services Reference Guide (HSRG) as a resource.

### **INFORMATION NEEDED**

A number at which a parent/guardian can be reached and the name of the student's medical provider shall be maintained at each school for each its students.<sup>2</sup> A

**Emergency Medical Treatment****INFORMATION NEEDED (CONTINUED)**

parent/guardian will be notified in the event of an accident involving the parent's/guardian's student.

**REFERENCES:**

<sup>1</sup>KRS 158.836

<sup>2</sup>702 KAR 1:160

<sup>3</sup>KRS 158.162

KRS 156.160; KRS 156.502; KRS 158.838

Kentucky Department of Education Health Services Reference Guide (HSRG)

**RELATED POLICIES:**

05.4; 09.21; 09.22; 09.2241; 09.311

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

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

## SCHOOL FACILITIES

05.4

### Safety

#### **BOARD TO ADOPT PLAN**

The Board shall adopt a plan for immediate and long-term strategies to address school safety and discipline, which shall be reviewed annually and revised, as needed. This plan shall utilize information gathered from the District assessment of school safety and student discipline required by law and shall include the Board's Student Support and Behavior Intervention Handbook and a description of instructional placement options for threatening or violent students. The committee that develops the initial plan for Board consideration shall include at least one (1) representative from each school in the District, as well as representatives from the community as required by law. The annual review and revision of the plan shall be completed by District Administration, in consultation with appropriate stakeholders.

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. School facility design, maintenance, and usage;
2. Safety and security procedures, orientation and training in use and management of equipment and facilities;
3. Supervision of students;
4. Compliance with state and federal safety requirements;
5. Periodic reports to the Board concerning implementation of the plan and its effects on District students, personnel, and operations; and
6. Community involvement.

#### **DISTRICT SCHOOL SAFETY COORDINATOR**

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

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

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

3. Ensure that members of threat assessment teams receive training as required under Board Policy 09.429 regarding the purpose of the team, team guiding principles, and the members' roles in enhancing school safety and school security through identifying and responding to students exhibiting behavior that indicates a potential threat to school safety or school security. Training shall address the following: strategies to properly respond to students who provide information about a threatening or concerning situation, ways to assess and respond to potential threats, how and to whom they should report threatening communications or behavior, and strategies to understand, identify, and address implicit bias of team members.
4. Provide training to school Principals on procedures for completion of the school security risk assessment;
5. Review all school security risk assessments completed within the District and prescribe recommendations as needed in consultation with the state school security marshal;
6. Advise the Superintendent annually of completion of required security risk assessments;
7. 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
8. 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 employee participating in the activities of a School Safety and Security Threat Assessment Team, acting in good faith upon reasonable cause in the identification of students, shall be immune from any civil or criminal liability that might otherwise be incurred or imposed from:

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

**SUPERINTENDENT TO REPORT**

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

**Safety****AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs)**

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

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

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

**SCHOOL EMERGENCY PLANNING**

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

1. Procedures to be followed in cases of medical emergency, fire, severe weather, earthquake, or a building lockdown as defined in KRS 158.164;
2. A written cardiac emergency response plan; and
3. A 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 emergency plan shall be revised as needed, based upon a review by the school nurse, the school council (or if none exists, the Principal), and the appropriate first responders who received the plan.

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

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

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

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

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

1. Establish and post primary and secondary evacuation routes in each room by any doorway used for evacuation;



**Safety****SCHOOL EMERGENCY PLANNING (CONTINUED)**

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. These safe zones are to be reviewed by the local fire marshal or fire chief;
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

**Safety****SCHOOL EMERGENCY PLANNING (CONTINUED)**

6. Require development of an event-specific emergency action plan for each school-sanctioned nonathletic event held off-campus to be used during a medical emergency, which may include the provision of a portable AED. The plan shall:
  - a) Include a delineation of the roles of staff and emergency personnel, methods of communication, any assigned emergency equipment including a portable AED, a cardiac emergency response plan, and access to and plan for emergency transport; and
  - b) Be in writing and distributed to any member of school personnel attending the school-sanctioned event in an official capacity.

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

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

**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 building administrators who shall then report the physical hazard using the work order system to the Department of Facilities/Transportation who, in turn, shall make a prompt inspection and initiate steps to remedy the condition.

**Safety****COMMUNICATION SYSTEM**

The Board shall establish a process for a two-way communication system for an employee 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:**

<sup>1</sup>KRS 158.4412

<sup>2</sup>KRS 158.1621

KRS 61.870 to KRS 61.884

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

KRS 160.290; KRS 160.445

KRS 311.665 to KRS 311.669; KRS 311.667; KRS 411.148

702 KAR 1:180

**RELATED POLICIES:**

02.31; 03.14; 03.24; 05.2; 05.21; 05.41; 05.411; 05.42; 05.45; 05.47; 05.5  
09.22; 09.221; 09.4 (entire section); 10.5

## **Senate Bill 7**

**AN ACT relating to the administration  
of payroll systems and declaring an  
emergency.**

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

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

PERSONNEL

03.1211

**-CERTIFIED PERSONNEL-**

### **Salary Deductions**

#### **MANDATORY DEDUCTIONS**

Mandatory payroll deductions made by the Board 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.; and
5. Medicare (FICA), for an employee newly hired after 3/31/86.

#### **OPTIONAL DEDUCTIONS**

Pursuant to the provisions of KRS 161.158, the following optional payroll deductions are authorized by the Board for an employee who chooses to participate:

1. Board approved Tax Sheltered Annuity program;
2. Board approved Mutual Funds program;
3. Board approved voluntary insurance plans;
4. Class Act Federal Credit Union;
5. State-designated Flexible Spending Account (FSA) and Health Reimbursement Account (HRA) plans;
6. Membership dues for professional teachers' organizations or Unions in accordance with and for the remainder of any joint wage agreement or collective bargaining contract entered into, opted into, or extended prior to March 29, 2023;
7. Charitable contributions for Metro United Way, Fund for the Arts, Minor Daniels Scholarship Fund, Evolve502 Scholarship Fund, or Crusade for Children and
8. Contributions for the JCPS Employee-Sponsored Scholarship Fund.

PERSONNEL

03.1211

(CONTINUED)

### **Salary Deductions**

**SIGNED REQUEST REQUIRED**

No optional payroll deduction, authorized by the Board, shall be deducted from an individual employee's salary without a signed request or electronic authorization from that employee

**CHANGES IN DEDUCTIONS**

affirmatively requesting the optional deduction. The Superintendent shall develop the manner and time for filing such requests.

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

**REFERENCES:**

KRS 18A.230; KRS 160.291; KRS 161.158; KRS 336.134  
702 KAR 1:035; OAG 72-802

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

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

PERSONNEL

03.2211

- CLASSIFIED PERSONNEL -

## Salary Deductions

### MANDATORY DEDUCTIONS

Mandatory payroll deductions made by the Board include:

1. State and federal income taxes;
2. Occupational taxes, when applicable;
3. The County Employees' Retirement System or the Kentucky Teachers' Retirement System;
4. Any deductions required as a result of judicial process, e.g., salary attachments, etc.; and
5. Medicare (FICA) - applicable to an employee enrolled in the Kentucky Teachers' Retirement System newly hired after 3/31/86; and an employee enrolled in the County Employees' Retirement System.

### OPTIONAL DEDUCTIONS

Pursuant to the provisions of KRS 161.158, the following optional payroll deductions are authorized by the Board for an employee who chooses to participate:

1. Board approved Tax Sheltered Annuity programs;
2. Board approved Mutual Fund programs;
3. Board approved voluntary insurance plans;
4. Class Act Federal Credit Union;
5. State-designated Flexible Spending Account (FSA) and Health Reimbursement Account (HRA) plans;
6. Optional Membership dues for professional organizations or Unions in accordance with and for the remainder of any joint wage agreement or collective bargaining contract entered into, opted into, modified, renewed, or extended prior to March 29, 2023;
7. Charitable contributions for Metro United Way, Fund for the Arts, Minor Daniels Scholarship Fund, Evolve502 Scholarship Fund, or Crusade for Children; and
8. Contributions for the JCPS Employee-Sponsored Scholarship Fund.

PERSONNEL

03.2211

(CONTINUED)

## **Salary Deductions**

### **SIGNED REQUEST REQUIRED**

No optional payroll deduction, authorized by the Board, shall be deducted from an employee's salary without a signed request from that employee affirmatively requesting the optional deduction. Such request must be filed on forms to be developed by the Superintendent. The Superintendent shall develop the manner and time for filing such requests.

### **CHANGES IN DEDUCTIONS**

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

### **REFERENCES:**

KRS 18A.230  
KRS 160.291  
KRS 161.158  
KRS 336.134  
702 KAR 001:035  
OAG 72-802



## **Senate Bill 229**

**AN ACT relating to child abuse.**

LEGAL: SB 229 AMENDS KRS 620.030 REMOVING DUPLICATE REPORTING TO AUTHORITIES AND ADDS FACILITATING COOPERATION BETWEEN AGENCIES.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

STUDENTS

09.227

## **Child Abuse**

### **REPORT REQUIRED**

Any teacher, school administrator, or other school personnel who knows or has reasonable cause to believe that a child under age eighteen (18) is dependent, abused or neglected<sup>1</sup> or a victim of human trafficking, or is a victim of female genital mutilation, shall immediately:

1. 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 or County Attorney in accordance with KRS 620.030; <sup>2</sup> or Make a report through the online reporting system established by the Cabinet for Health and Family Services.

After making that oral or online report, the employee shall then immediately notify the Principal/designee of the suspected abuse. If the Principal is suspected of child abuse, the employee shall notify the Superintendent/designee.

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

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

### **WRITTEN REPORT**

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

### **WRITTEN RECORDS**

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

STUDENTS

09.227

(CONTINUED)

## **Child Abuse**

### **INTERVIEWS**

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

### **AGENCY CUSTODY**

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

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

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

### **REQUIRED TRAINING**

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

### **OTHER**

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

### **REFERENCES:**

<sup>1</sup>KRS 600.020

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

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

<sup>4</sup>KRS 620.072

KRS 17.160; KRS 17.165; KRS 17.545; KRS 17.580

KRS 156.095; KRS 199.990; KRS 209.020

KRS 508.125

KRS 620.050; KRS 620.146

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

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

STUDENTS

09.227

(CONTINUED)

## **Child Abuse**

### **REFERENCES (CONTINUED):**

Regulations Implementing Title IX

### **RELATED POLICIES:**

09.1231; 09.3; 09.31; 09.42811; 09.4361; 10.5

**SB 247**  
**AN ACT relating to transient**  
**public school students.**

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

FINANCIAL IMPLICATIONS: COSTS OF TRANSPORTING STUDENTS TO ANOTHER SCHOOL  
TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

STUDENTS

09.11

### **School Choice System**

A student enrolled in the District shall be required to attend the school to which the student is assigned by the District school choice system, in accordance with Board Policy, the Board-approved School Choice Plan, and related administrative procedures created by the Superintendent/designee.

#### **GUIDING PRINCIPLES**

The following guiding principles shall guide the District in implementation of the school choice system:

**Equity** – Equity is considered to be the overarching principle for the school choice system, to be reflected in all aspects of the development, implementation, and changes to the system. Equity considerations shall be taken into account across all other guiding principles. Other guiding principles are:

- Access
- Ease of Understanding
- Diversity
- Choice

#### **CENTRALIZED APPLICATION PROCESS**

The District shall implement a centralized application process for:

- Choice Zone options;
- Elementary school cluster choices, magnet schools, magnet programs, and optional programs;
- Middle school magnet schools, magnet programs, and optional programs;
- High school magnet schools, magnet programs, and optional programs;
- High school career theme program choices within the high school networks; and
- Student transfers.

Each A1 school that is not a Districtwide magnet school shall have a defined attendance boundary.

The District shall establish separate processes for the:

1. Assignment of students to A5 and A6 Alternative Education Programs under 704 KAR 19:002; and
2. Application for and enrollment of students in early childhood education.

The District shall establish a separate process for the enrollment of nonresident students in accordance with Board policy 09.124 and KRS 158.120.

## **School Choice System**

### **GOVERNING DOCUMENTS, REVISIONS, AND PUBLIC ACCESS**

All prior student assignment plans, procedures, guidelines, practices, or individualized arrangements for schools are, upon adoption of this policy, null and void. The Board-approved School Choice Plan, this policy, accompanying administrative procedures, and District implementation practices as set forth in the School Choice Handbook, represent the governing documents for the assignment of students to schools. The Board may review and revise the School Choice Plan from time to time, but shall, at a minimum, review it in conjunction with the decennial United States Census. The District shall publish all boundary maps and practices utilized in the implementation of this policy on the District website in a place readily accessible to the public. The District shall also develop and accessible and user-friendly supporting resources to assist families and the community to understand and navigate the student assignment process.

### **CHOICE ZONE**

The District shall establish a Choice Zone that has defined boundaries. The boundaries of the Choice Zone shall be approved by the Board and published on the District website. A parent/guardian of an elementary, middle, and high school student residing within the Choice Zone shall be provided through the centralized application process a guaranteed choice of a school closer to their home or a school farther from their home. For an elementary school student, the parent/guardian will be able to rank order school choices within the option selected.

### **CHOICE ZONE SUPPORT PLAN**

**The District shall implement a Choice Zone Support Plan for all Choice Zone schools. The plan shall provide evidence-based student academic and non-academic supports, teacher and administrator supports. The Choice Zone Support Plan shall be sufficiently resourced to ensure effectiveness and shall be incorporated into the District budget for review and approval by the Board on an annual basis. The Board budgeted twelve million dollars (\$12,000,000) for fiscal year 2021-22 to support the School Choice Zone Support Plan, and hereby expresses its policy position that future Boards should approve budgets that include in investment at the same or greater levels through at least the 2031-32 fiscal year, reflecting a ten (10) year investment commitment.**

### **REQUESTS FOR TRANSFER**

A request for a transfer to another school within the District shall be considered in accordance with administrative procedures developed by the Superintendent/designee. All decisions by the Superintendent/designee regarding transfer shall be final. In addition, the District may permit a student to transfer to another school as set forth in Every Student Succeeds Act of 2015.<sup>1</sup>

### **CHARTER SCHOOLS**

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

**School Choice System****STUDENT ASSIGNMENT PLAN REVIEW AND EVALUATION PROCESS**

The Office of School Choice shall review and monitor implementation of all aspects of School Choice System on an ongoing basis and make changes to administrative procedures and processes as needed to improve performance.

The District shall establish process and outcome metrics to evaluate the effectiveness of the School Choice System and its implementation. Using those metrics and other information, the District shall undertake an annual evaluation that shall include an analysis conducted by District staff, as well as an evaluation by an external entity. Results of the internal and external evaluations will be presented to the Board and be made available to the public. The annual evaluation shall include a detailed information regarding:

1. Funding for the Choice Zone Support Plan;
2. Student learning and academic achievement;
3. Student performance on non-academic indicators;
4. Diversity of student population in relation to District, school, and program diversity goals as measured by the Diversity Index under Administrative Procedure 09.11 AP.21 and
5. Other topics determined by the District and the external evaluator.

**SCHOOL CHOICE COMMUNITY ADVISORY COUNCIL**

The Superintendent/designee shall establish a School Choice Community Advisory Council (advisory council) with management and facilitation by the Office of Schools Choice. The advisory council shall assist the District in the monitoring of implementation of the School Choice System. The advisory council shall:

- a) Be comprised of individuals who have a proven commitment to racial educational equity;
- b) Include a majority of members who are not employed by the District;
- c) Include representation from several different geographic areas of the District;
- d) Include parent, student, teacher, classified staff member, administrator, and community member representation; and
- e) Reflect, insofar as practicable, the racial and ethnic composition of the student population of the District.

**RACIAL EDUCATIONAL EQUITY**

Implementation of School Choice Plan and the review and evaluation process for the plan shall conform to Board Policy 09.131 District Commitment to Racial Equity, which call for strategies to eliminate or alter procedures and practices that create systemic disparities in educational opportunities and outcomes. Changes to the School Choice Plan shall undergo a review using the Racial Education Analysis Protocol (REAP) required under Board policy 09.131.



**School Choice System****ELIGIBLE STUDENTS AND TRANSPORTATION**

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

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

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

**REFERENCES:**

<sup>1</sup>P. L. 114-95, (Every Student Succeeds Act of 2015); 20 U.S.C. § 6301 et seq.  
KRS 158.072; **KRS 158.120**; KRS 160.1592  
McKinney-Vento Act, 42 U.S.C. 11431 et seq.; 20 U.S.C. § 7912(a)

**RELATED POLICIES:**

**08.134; 09.131**

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

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

TEXT HIGHLIGHTED IN GREEN REFLECTS RECOMMENDED CHANGES FROM JCPS STAFF.

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.

A teacher who has attained continuing contract status in another Kentucky school district and are employed in the District shall serve a one-year probationary period of service before continuing contract status is granted. This applies only when continuing contract status is transferred within seven (7) months from the time employment in the other school district is terminated.

#### **REFERENCE:**

KRS 161.740

KRS 161.720 to KRS 161.810

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

**Added for First Reading After  
Board Policy Committee Meeting**

**-CERTIFIED PERSONNEL -****Holidays and Vacation Leave****HOLIDAYS**

Part-time permanent certified and certified job sharing employees assigned to a working calendar shall be paid for four (4) half holidays. Certified employees job sharing for full days and working half the year shall be paid for two (2) full holidays. All certified employees who work less than 260 days per year shall be paid for four (4) holidays. All certified employees who work 260/261/262 days per year shall be paid for ten (10) holidays. The paid holidays shall be designated annually by the Superintendent, approved by the Board and included in the official school calendar. These holidays are part of the school year required by state law.<sup>1</sup>

**VACATION**

Full-time certified employees who work 260/261/262 days per year shall earn paid vacation leave pursuant to the approved procedures. Employees must be in active pay status or on an approved leave during their scheduled work year in order to utilize vacation leave, unless the employee submits documentation to support a leave under Board Policies 03.12322 Family and Medical Leave or 03.1234 Medical Leave. All vacation leave must be approved. The maximum monthly accumulated vacation total cannot exceed more than two (2) times the earned annual rate. Requests for vacation leave must be approved by the employee's supervisor who may deny such leave if the employee's absence will interrupt or impede the work program. At the time an employee is no longer employed in an eligible position, compensation for accrued vacation shall be made at a rate not to exceed the daily salary rate calculated from the employee's last annual compensation.<sup>2</sup>

Recognition of annual leave for TRS purposes shall be governed by applicable statutes and regulations. For an individual who became a member of TRS on or after July 1, 2008, payment for annual or compensatory leave shall not be included in determining the member's last annual compensation.

**REFERENCES:**

<sup>1</sup>[KRS 158.070](#)

<sup>2</sup>[KRS 160.291](#)

[KRS 161.220](#)

[KRS 161.540](#)

[KRS 2.110](#)

[KRS 2.190](#)

**RELATED POLICIES:**

03.12322; 03.1234

Adopted/Amended: 5/10/2022

Order #: 2022-86

**- CLASSIFIED PERSONNEL -****Holidays and Vacation Leave****HOLIDAYS**

All full-time classified employees who work 208/209/210 days per year (4 days per week/10 hours per day) shall be paid for seven (7) holidays. All other full-time classified employees who work less than 260 days per year shall be paid for four (4) holidays. All classified employees who work 260/261/262 days per year shall be paid for ten (10) holidays. These holidays shall be designated annually by the Superintendent, approved by the Board and included in the official school calendar.<sup>1</sup> These holidays are part of the school year required by state law.<sup>2</sup>

**VACATION**

Full-time classified employees who work 260/261/262 days per year and permanent full-time classified employees who work 208/209/210 days per year (4 days per week/10 hours per day) shall earn paid vacation leave pursuant to the approved vacation leave procedures. Employees must be in active pay status or on an approved leave during their scheduled work year in order to utilize vacation leave, unless the employee submits documentation to support a leave under Board Policies 03.22322 Family and Medical Leave or 03.2234 Medical Leave. All vacation leave must be approved. The maximum monthly accumulated vacation total cannot exceed more than two (2) times the earned annual rate. Requests for vacation leave must be approved by the employee's supervisor who may deny such leave if the employee's absence will interrupt or impeded the work program. At the time an employee is no longer employed in an eligible position, compensation for accrued vacation shall be made at a rate not to exceed the daily salary rate calculated from the employee's last annual compensation.<sup>2</sup>

Recognition of annual leave for TRS purposes shall be governed by applicable statutes and regulations. For an individual who became a member of TRS on or after July 2, 2008, payment for annual or compensatory leave shall not be included in determining the member's last annual compensation.

**EXCEPTION**

The Superintendent may require, for security or other reasons, certain classified personnel to work on holidays. In this case, the employee shall be granted extra or overtime pay.

**CONTRACTED DAYS**

Employees shall work the days specified in their contracts. Use of noncontracted days must be approved in advance by the Superintendent or the Superintendent's designee. Noncontracted days shall not accumulate.

**REFERENCES:**

<sup>1</sup>[702 KAR 007:140](#)

<sup>2</sup>[KRS 158.070](#)

[KRS 160.291](#); [KRS 161.154](#); [KRS 2.110](#); [KRS 2.190](#)

**RELATED POLICIES:**

03.22322; 03.2324

Adopted/Amended: 5/10/2022

Order #: 2022-86

