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

Draft 8/1/23

# PERSONNEL AF03.11

‑ Certified Personnel ‑

Hiring

Authority to Employ

Appointments, promotions, and terminations of employees will be made by the Executive Director, who shall inform the Board of such personnel actions at the next regularly scheduled Board meeting.

Hiring of staff is employment in the Cooperative only and not in a particular position.

The Executive Director, in determining the eligibility of a particular candidate for election to a position, will select that person whose qualifications best meet the requirements of the job as described by the job description.

No person will enter upon the duties of a position requiring certification qualifications until his/her certificate has been filed or credentials registered with the Cooperative.

Contracts

Except for noncontracted substitute teachers, all certified employees shall receive a written contract. The Executive Director will prescribe the duties and recommend compensation as regulated by the salary schedule and/or any relevant addendums as adopted by the Board. Contract renewal is dependent on continued or available program funding.

For certified staff, contracts will be awarded for a maximum period of one (1) year (partial year for mid-year start).

Contracts for re-employment shall be presented to the employee on or before July 1 of each year. The contract should be returned to the HR Coordinator within ten (10) working days of receipt.

For employees who are hired pursuant to, and directly as a result of, an agreement with an outside agency, the terms of said employment shall be dictated by the agreement. If the policies stated above and the agreement differ or are in conflict, the terms of the agreement shall prevail.

Hiring of Relatives

The Executive Director shall not employ an individual when employment would result in direct line supervision of, or by, a relative of a current employee. For purposes of this policy, “relative” shall refer to father, mother, brother, sister, husband, wife, son, and daughter.

Creation of New Positions

The creation of a new position shall require prior approval of Board of Directors. The Executive Director shall employ all employees, but is encouraged to use the committee process regarding employment of any employee. Terms and conditions of employment for all employees shall be determined by the Executive Director, in accordance with NKCES Board personnel policies.

# PERSONNEL AF03.11

# (Continued)

Hiring

Creation of New Positions (continued)

No director, manager, supervisor, or representative of NKCES has the authority to enter into any employment agreement, promise, or commitment for any specific period of time except the Executive Director. Any employment agreement shall be in writing and be signed by the Executive Director.

Job Posting

New and vacant positions of the Cooperative will be advertised through posting links on the NKCES web site to both district and Cooperative vacancies. However, this process may be waived in filling those positions that are the direct result of a Memorandum of Agreement entered into by the Cooperative and an Agency.

When a vacancy occurs, the Executive Director shall submit the job posting to the statewide job posting system fifteen (15) days before the position is to be filled.

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

Criminal Records Check

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.”

Certified applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations.

The Executive Director or designee shall require all new employees to submit to a state criminal record check by the Administrative Office of the Courts (AOC) and a fingerprint police record check as part of the initial employment process. Additional background checks may be required for child care/daycare positions. NKCES will bear the cost of any of these services.

# PERSONNEL AF03.11

# (Continued)

Hiring

Criminal Records Check (continued)

The initial employment process for any new employee is not complete unless and until the Executive Director receives the results of any background check and verifies the employee qualified for final employment. Initial employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a felony sex crime or as a violent offender as defined in KRS 17.165 or other conviction determined by the Executive Director to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall also be contingent on receipt of a letter from the Cabinet provided by the individual documenting that the individual does not have an administrative finding of child abuse or neglect in records maintained by the Cabinet.

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

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

After reviewing the background checks, the Executive Director shall either qualify the individual for final employment status or terminate the employment process. Reasons for terminating the employee on the basis of the background checks include, but are not limited to, past or present criminal behavior threatening to the welfare of children, other employees, school district employees, or the community. The Executive Director may also terminate the employment process as a result of the background checks if any reveal behavior or patterns of behavior inappropriate for an individual responsible for the welfare of children. In addition, the Executive Director may terminate the employment process if the background checks indicate criminal activity including but not limited to, fraud, embezzlement, or other misbehavior involving the handling of funds.

All prospective employees whose job functions include financial management, budgeting, purchasing or executing payments, deposits, or preparing financial documents, shall be required to sign a document signifying their understanding of, and intent to comply with, established fraud prevention measures.

The Executive Director shall require an adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity to submit, at no expense to the school, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation and to provide clear CA/N check in keeping with KRS 160.380.

# PERSONNEL AF03.11

# (Continued)

Hiring

Report to Executive Director

An employee shall report to the Executive Director 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.

Reasonable Assurance of Continued Employment

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

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

Employees Seeking a Job Change

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

References:

KRS 160.380

KRS 161.605; 702 KAR 1:150

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

20 U.S.C. § 7926

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;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; 03.132

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

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

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

FINANCIAL IMPLICATIONS: TIME SPENT REMOVING PAYROLL DEDUCTIONS

# PERSONNEL DM03.1211

‑ Certified Personnel ‑

Salary Deductions

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

Mandatory Deductions

Mandatory payroll deductions made by NKCES 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 employees newly hired after 3/31/86.

Optional Deductions

Pursuant to the provisions of KRS 161.158, optional payroll deductions may be authorized by the Board for those employees who choose to participate in certain programs.

References:

KRS 160.291

KRS 161.158

KRS 336.134

702 KAR 1:035

OAG 72-802

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 EO03.1231

‑ Certified Personnel ‑

Personal Leave

Full‑time employees shall be entitled to one (1) day of personal leave with pay each year.

Personal leave must be taken in no less than one-half (1/2) day increments (rounded to the nearest one-half (1/2) or whole day).

Approval

The employee's immediate supervisor must approve the leave date, but no reason shall be required for the leave. The request shall be submitted to the supervisor at least three (3) days prior to the date for which leave is requested. Personal leave shall not be granted on the last working day prior to, or the first working day following, a holiday.

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

Statement

Employees taking personal leave may be required, at the Executive Director’s request, to file a personal statement on their return to work stating that the leave was personal in nature.

Accumulation

Personal leave days not taken during the year shall accumulate to a maximum of five (5) days.

Reference:

KRS 161.154

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 CT03.1232

‑ Certified Personnel ‑

Sick Leave

Number of Days

Eligible employees (full-time) will accrue sick leave benefits at the rate of one (1) working day for every full month of contracted employment.

Sick leave must be taken in no less than one-half (½) day increments (rounded to the nearest ½ or whole day).

Accumulation

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

Definition

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

An employee may use up to thirty (30) days of sick leave following the adoption of a child or children.

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

Employees coming to the NKCES from a Kentucky school district, Kentucky Public college or university, or from the Kentucky Department of Education shall transfer accumulated sick leave to the NKCES.

Statement

Upon return to work an employee claiming sick leave may be required, at the Executive Director’s request, to file a personal statement or a certificate of a physician stating that the employee was ill or that the employee was absent for the purpose of attending to a member of the immediate family who was ill. However, after two (2) consecutive days of illness, a doctor's statement shall be required.

Sick Leave Donations

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

# PERSONNEL CT03.1232

# (Continued)

Sick Leave

Sick Leave Donations (continued)

An employee may receive donations of sick leave if:

1. The employee or a member of his or her immediate family suffers from a medically certified illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the employee to be absent for at least ten (10) days;
2. The employee’s need for the absence and use of leave are certified by a licensed physician;
3. The employee has exhausted his or her accumulated sick leave, personal leave and any other leave granted by NKCES; and
4. The employee has complied with the policies governing the use of sick leave.

Any sick leave that remains unused or is not needed by the employee shall be returned to the employee donating the sick leave.

The Executive Director or designee shall maintain in current and accurate status the records of accumulated sick leave for each employee. Employees desiring to donate one (1) or more accumulated sick days shall complete the appropriate Sick Leave Donation Form. The Executive Director or his/her designee shall verify that the donating employee as well as the recipient employee meets the requirements of this policy before approving the donation.

References:

KRS 161.155; KRS 161.152; OAG 79-148

OAG 93‑39

Family & Medical Leave Act of 1993

Related Policies:

03.12322

03.1233

03.124

03.175 (Retirement Compensation)

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL K03.1236

-Certified Personnel-

Emergency Leave

Number of Days

Full‑time employees shall not be granted emergency leave with pay in excess of three (3) days per year.

Full time employees shall be entitled to two (2) days of emergency leave for each death in the immediate family.

Emergency leave must be taken in no less than one-half (½) day increments (rounded to the nearest ½ or whole day).

Consistent with the following provisions, personnel may also use up to three (3) sick leave days per year for emergency leave.

Reasons

Emergency leave shall be for the following reasons:

* Death of a relative or personal friend
* Personal disasters of the magnitude of tornadoes, fires, floods, etc., but not applying to cases covered by sick leave.
* Hazardous travel conditions
* Appearances as a witness or to produce documents for court- or legal-related reasons when the employee's presence is required by subpoena. This is not to include appearances in actions in which the employee is a party and the subpoena is obtained by or on behalf of the employee. This also does not include jury duty. (See Policy 03.1237.)
* Urgent matters which require the immediate attention of the employee and cannot be taken care of before or after the employee's working day.

Request for Leave

Emergency leave must be requested through the employee's immediate supervisor who will determine if the leave requested meets the Board's criteria.

Statement

Employees taking emergency leave may be required, at the Executive Director’s request, to file a personal statement upon their return to work stating the specific reasons for their absence.

Accumulation

Unused emergency leave days will not accumulate from year to year.

References:

KRS 161.152; KRS 161.155

OAG 72‑348; OAG 74-770; OAG 76‑427

# PERSONNEL K03.1236

# (Continued)

Emergency Leave

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 BB03.17

‑ Certified Personnel ‑

Termination/Nonrenewal/Separation by Employee

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

Code of Ethics

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

Termination

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

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

Alternatives to Termination

As an alternative to termination, the Executive Director, upon notifying the Board and providing written notification to the teacher, may impose sanctions in accordance with KRS 161.790.

Nonrenewal

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

Separation by Employee

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

In the absence of a specific policy or written agreement to the contrary, employees are free to resign at any time. However, all employees are expected to give written notice of their intent to resign. Such notice should be delivered to the Program Director or Executive Director in advance of the date of resignation as follows:

Certified staff – twenty (20) working days

Failure to give the required notice may result in forfeiture of NKCES paid benefits, including accrued vacation and ineligibility for re-employment.

# PERSONNEL BB03.17

# (Continued)

Termination/Nonrenewal/Separation by Employee

Separation by Employee (continued)

Before the effective date of a resignation, the employee must arrange for an exit interview to determine the reason for the decision; to ensure return of petty cash and/or Cooperative property; to settle any outstanding obligations; to make provisions for completing unfinished work; and to explain conversion benefits under the Cooperative's group insurance plans and other vested benefits available to the employee under the Cooperative’s benefit plan (COBRA).

# A certified employee who voluntarily leaves the Northern Kentucky Cooperative for Educational Services (NKCES) 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 NKCES, if the employee is taking a similar position in another district, and the reason(s) provided for leaving NKCES. This information shall be reported to the Kentucky Department of Education (KDE) by NKCES in a system developed by KDE without providing personally identifiable information.

Note: Optional please review with legal counsel

Reporting

The Executive Director shall comply with the reporting requirements of KRS 161.120.

References:

1KRS 161.790

KRS 160.382

KRS 161.120; KRS 161.750; KRS 161.780

16 KAR 1:020 (Code of Ethics)

Consolidated Omnibus Budget Reconciliation Act

701 KAR 5:090

OAG 83‑362; OAG 92‑135

Related Policy:

03.172

# Draft 8/1/23

# PERSONNEL DX03.21

‑ Classified Personnel ‑

Hiring

Authority to Employ

Appointments, promotions, and terminations of employees will be made by the Executive Director, who shall inform the Board of such personnel actions at the next regularly scheduled Board meeting.

Hiring of staff is employment in the Cooperative only and not in a particular position.

The Executive Director, in determining the eligibility of a particular candidate for election to a position, will select that person whose qualifications best meet the requirements of the job as described by the job description.

No person will enter upon the duties of a position requiring certification qualifications until his/her certificate has been filed or credentials registered with the Cooperative.

Contracts

All classified employees shall receive a written contract. The Executive Director will prescribe the duties and recommend compensation as regulated by the salary schedule and/or any relevant addendums as adopted by the Board. Contracts will be awarded for a maximum period of one (1) year. Contract renewal is dependent on continued or available program funding.

Contracts for re-employment shall be presented to the employee on or before July 1 of each year. The contract should be returned to the HR Coordinator within ten (10) working days of receipt.

For employees who are hired pursuant to, and directly as a result of, an agreement with an outside agency, the terms of said employment shall be dictated by the agreement. If the policies stated above and the agreement differ or are in conflict, the terms of the agreement shall prevail.

Hiring of Relatives

The Executive Director shall not employ an individual when employment would result in direct line supervision of, or by, a relative of a current employee. For purposes of this policy, “relative” shall refer to father, mother, brother, sister, husband, wife, son, and daughter.

Creation of New Positions

The creation of a new position shall require prior approval of Board of Directors. The Executive Director shall employ all employees, but is encouraged to use the committee process regarding employment of any employee. Terms and conditions of employment for all employees shall be determined by the Executive Director, in accordance with NKCES Board personnel policies.

Creation of New Positions

No director, manager, supervisor, or representative of NKCES has the authority to enter into any employment agreement, promise, or commitment for any specific period of time except the Executive Director. Any employment agreement shall be in writing and be signed by the Executive Director.

# PERSONNEL DX03.21

# (Continued)

Hiring

Job Posting

New and vacant positions of the Cooperative will be advertised through posting links on the NKCES web site to both district and Cooperative vacancies. However, this process may be waived in filling those positions that are the direct result of a Memorandum of Agreement entered into by the Cooperative and an Agency.

Criminal Records Check

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.”

Certified applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations.

The Executive Director or designee shall require all new employees to submit to a state criminal record check by the Administrative Office of the Courts (AOC) and a fingerprint police record check as part of the initial employment process. Additional background checks may be required for child care/daycare positions. NKCES will bear the cost of any of these services.

The initial employment process for any new employee is not complete unless and until the Executive Director receives the results of any background check and verifies the employee qualified for final employment. Initial employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a felony sex crime or as a violent offender as defined in KRS 17.165 or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall also be contingent on receipt of a letter from the Cabinet provided by the individual documenting that the individual does not have an administrative finding of child abuse or neglect in records maintained by the Cabinet.

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

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

# PERSONNEL DX03.21

# (Continued)

Hiring

Criminal Records Check (continued)

After reviewing the background checks, the Executive Director shall either qualify the individual for final employment status or terminate the employment process. Reasons for terminating the employee on the basis of the background checks include, but are not limited to, past or present criminal behavior threatening to the welfare of children, other employees, school district employees, or the community. The Executive Director may also terminate the employment process as a result of the background checks if any reveal behavior or patterns of behavior inappropriate for an individual responsible for the welfare of children. In addition, the Executive Director may terminate the employment process if the background checks indicate criminal activity including but not limited to, fraud, embezzlement, or other misbehavior involving the handling of funds.

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>

All prospective employees whose job functions include financial management, budgeting, purchasing or executing payments, deposits, or preparing financial documents, shall be required to sign a document signifying their understanding of, and intent to comply with, established fraud prevention measures.

The Executive Director shall require an adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity to submit, at no expense to the school, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation and to provide clear CA/N check in keeping with KRS 160.380.

Report to Executive Director

An employee shall report to the Executive Director 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.

Reasonable Assurance of Continued Employment

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

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

# PERSONNEL DX03.21

# (Continued)

Hiring

Employees Seeking a Job Change

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

References:

KRS 160.380

KRS 161.011

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

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

Kentucky Local District Classification Plan

13 KAR 3:030; 702 KAR 3:320; 702 KAR 5:080

Records Retention Schedule, Public School District

Related Policies:

01.11; 03.232; 03.27; 03.5

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.”

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

FINANCIAL IMPLICATIONS: TIME SPENT REMOVING PAYROLL DEDUCTIONS

# PERSONNEL DN03.2211

‑ Classified Personnel ‑

Salary Deductions

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

Mandatory Deductions

Mandatory payroll deductions made by NKCES include:

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

Optional Deductions

Pursuant to the provisions of KRS 161.158, optional payroll deductions may be authorized by the Board for those employees who choose to participate in certain programs.

References:

KRS 160.291

KRS 161.158

KRS 336.134

OAG 72-802

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 CO03.2231

‑ Classified Personnel ‑

Personal Leave

Full‑time employees shall be entitled to one (1) day of personal leave with pay each year.

Personal leave must be taken in no less than one half (½) day increments (rounded to the nearest ½ or whole day).

Approval

The employee's immediate supervisor must approve the leave date, but no reason shall be required for the leave. The request shall be submitted to the supervisor at least three (3) days prior to the date for which leave is requested. Personal leave shall not be granted on the last working day prior to, or the first working day following, a holiday.

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

Statement

Employees taking personal leave may be required, at the Executive Director’s request, to file a personal statement on their return to work stating that the leave was personal in nature.

Accumulation

Personal leave days not taken during the year shall accumulate to a maximum of five (5) days.

References:

KRS 161.154

OAG 77‑115

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 DH03.2232

‑ Classified Personnel ‑

Sick Leave

Number of Days

Eligible employees (full-time) will accrue sick leave benefits at the rate of one (1) working day for every full month of contracted employment.

Sick leave must be taken in no less than ½ day increments (rounded to the nearest one-half (½) or whole day).

Accumulation

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

Definition

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

An employee may use up to thirty (30) days of sick leave following the adoption of a child or children.

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

Employees coming to the NKCES from a Kentucky school district, Kentucky Public college or university, or from the Kentucky Department of Education shall transfer accumulated sick leave to the NKCES.

Statement

Upon return to work, an employee claiming sick leave may be required, at the Executive Director’s request, to file a personal statement or a certificate of a physician stating that the employee was ill or that the employee was absent for the purpose of attending to a member of the immediate family who was ill. However, after two (2) consecutive days of illness, a doctor's statement shall be required.

Sick Leave Donations

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

# PERSONNEL DH03.2232

# (Continued)

Sick Leave

Sick Leave Donations (continued)

An employee may receive donations of sick leave if:

1. The employee or a member of his or her immediate family suffers from a medically certified illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the employee to be absent for at least ten (10) days;
2. The employee’s need for the absence and use of leave are certified by a licensed physician;
3. The employee has exhausted his or her accumulated sick leave, personal leave and any other leave granted by NKCES; and
4. The employee has complied with the policies governing the use of sick leave.

Any sick leave that remains unused or is not needed by the employee shall be returned to the employee donating the sick leave.

The Executive Director or designee shall maintain in current and accurate status the records of accumulated sick leave for each employee. Employees desiring to donate one (1) or more accumulated sick days shall complete the appropriate Sick Leave Donation Form. The Executive Director or his/her designee shall verify that the donating employee as well as the recipient employee meets the requirements of this policy before approving the donation.

References:

KRS 161.152; KRS 161.155

OAG 79-148; OAG 93‑39

Family & Medical Leave Act of 1993

Related Policies:

03.12322

03.1233

03.124

03.175 (Retirement Compensation)

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# PERSONNEL Y03.2236

‑ Classified Personnel ‑

Emergency Leave

Number of Days

Full‑time employees shall not be granted emergency leave with pay in excess of three (3) days per year.

Full time employees shall be entitled to two (2) days of emergency leave for each death in the immediate family.

Emergency leave must be taken in no less than one-half (½) day increments (rounded to the nearest one-half (½) or whole day).

Consistent with the following provisions, personnel may also use up to three (3) sick leave days per year for emergency leave.

Reasons

Emergency leave shall be for the following reasons:

* Death of a relative or personal friend
* Personal disasters of the magnitude of tornadoes, fires, floods, etc., but not applying to cases covered by sick leave.
* Hazardous travel conditions
* Appearances as a witness or to produce documents for court- or legal-related reasons when the employee's presence is required by subpoena. This is not to include appearances in actions in which the employee is a party and the subpoena is obtained by or on behalf of the employee. This also does not include jury duty. (See Policy 03.2237.)
* Urgent matters which require the immediate attention of the employee and cannot be taken care of before or after the employee's working day.

Request for Leave

Emergency leave must be requested through the employee's immediate supervisor who will determine if the leave requested meets the Board's criteria.

Statement

Employees taking emergency leave may be required, at the Executive Director’s request, to file a personal statement upon their return to work stating the specific reasons for their absence.

Accumulation

Unused emergency leave days will not accumulate from year to year.

References:

KRS 161.152; KRS 161.155

OAG 72‑348; OAG 74-770; OAG 76‑427

# PERSONNEL Y03.2236

# (Continued)

Emergency Leave

Related Policies:

03.2232; 03.2237

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

FINANCIAL IMPLICATIONS: POTENTIAL SAVINGS IN SHARING COST OF PROJECTS

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

FINANCIAL IMPLICATIONS: LARGER AMOUNT FOR SMALL PURCHASE PROCEDURES

# FISCAL MANAGEMENT H04.32

Model Procurement Code Purchasing

Authority

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

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

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

1. The supplies and/or equipment meet the specifications of contracts awarded by the Division of Purchases, a federal agency (GSA), a cooperative agency, or a NKCES bid;
2. The supplies and/or equipment are available for purchase at a lower price;
3. The purchase does not exceed $2,5004 & 8; and
4. The NKCES’ finance or purchasing officer has certified compliance with the first and second requirements.

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

Public-Private Partnerships

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

Federal Awards/Conflict of Interest

No employee, officer, or agent of the NKCES may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.7

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

# FISCAL MANAGEMENT H04.32

# (Continued)

Model Procurement Code Purchasing

**Ethical Standards**

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

Preference for Resident Bidders

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

Exemptions

Federal regulatory requirements do not provide a bidding exception for purchase of perishables using school nutrition service funds. Such purchases must follow applicable federal regulations.7

Price Reductions

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

Small Purchases

NKCES small purchase procedures may be used for any contract in which the aggregate amount does not exceed $40,000.00.5

**Background Checks**

The Executive Director shall require an adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity to submit, at no expense to the NKCES, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation and to provide a clear CA/N check in keeping with KRS 160.380.6

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

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

# FISCAL MANAGEMENT H04.32

# (Continued)

Model Procurement Code Purchasing

References:

1KRS 45A.343

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

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

4KRS 156.076

5KRS 45A.385

6KRS 160.380

72 C.F.R. 200.318

8KRS 45A.360

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

KRS 45A.420; KRS 45A.445; KRS 45A.455; KRS 45A.460; KRS 45A.620

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

200 KAR 5:355

OAG 79‑501; OAG 82‑170; OAG 82‑407

Kentucky Educational Technology Systems (KETS)

Related Policies:

05.6; 06.4; 07.13

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

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

Draft 8/1/23

# SCHOOL FACILITIES CP05.4

Safety

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 NKCES assessment of school safety and student discipline required by law and shall include the NKCES code of acceptable behavior and discipline and a description of instructional placement options for threatening or violent students. The committee that develops the plan for consideration shall include at least one (1) representative from each school in the NKCES, as well as representatives from the community as required by law.

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

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

School Emergency Planning

The Executive Director shall adopt an emergency plan for NKCES that shall include:

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

The emergency plan shall be provided to appropriate first responders and all school staff.

Following the end of each school year, the school nurse, the Executive Director, and first responders shall review the emergency plan and revise it as needed.

# SCHOOL FACILITIES CP05.4

# (Continued)

Safety

School Emergency Planning (continued)

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 Executive Director/designee shall discuss the emergency plan with all NKCES 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 Executive Director/designee shall:

1. Establish and post primary and secondary evacuation routes in each room by any doorway used for evacuation;
2. Identify the best available severe weather safe zones, in consultation with local and state safety officials and informed by guiding principles set forth by the National Weather Service and the Federal Emergency Management Agency, and post the location of the safe zones in each room;
3. Develop school procedures to follow during an earthquake;
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.

1. Maintain a portable AED in a public, readily accessible, well-marked location in every middle and high school building:

# SCHOOL FACILITIES CP05.4

# (Continued)

Safety

School Emergency Planning (continued)

1. Adopt procedures for the use of the portable AED during an emergency;
2. 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;
3. 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
4. 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:
5. 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
6. 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 Executive Director 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 Executive Director shall report to the Kentucky Department of Education on the number of portable AEDs at each school within the NKCES.1

**Automated External Defibrillators (AEDs)**

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

The Board 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.

Precautions

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

Reporting Hazards

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

# SCHOOL FACILITIES CP05.4

# (Continued)

Safety

Communication System

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

References:

1KRS 158.1621

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:

03.14; 03.24; 05.41; 05.411; 05.42; 05.45; 05.47

09.22; 09.221; 09.4 (entire section); 10.5

LEGAL: SB 150 (EFFECTIVE NOW) AMENDS KRS 158.1415 TO REQUIRE A POLICY TO RESPECT PARENTAL RIGHTS REGARDING HUMAN SEXUALITY. IT ALSO REQUIRES PARENTAL NOTIFICATION OF THE STUDENT’S PLANNED PARTICIPATION IN THE COURSE AND A PROCESS FOR WRITTEN CONSENT FROM THE PARENT OR GUARDIAN.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# CURRICULUM AND INSTRUCTION A08.13531

Human Sexuality

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

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

Curriculum Requirements

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

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

# CURRICULUM AND INSTRUCTION A08.13531

# (Continued)

Human Sexuality

Curriculum Requirements (continued)

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

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

* + - * 1. Inform the parents of the provisions of the course or curriculum;
        2. Provide the date the course, curriculum, or program is scheduled to begin;
        3. Detail the process for a parent to review the materials;
        4. Explain the process for a parent to provide written consent for the student's participation in the course, curriculum, or program; and
        5. Provide the contact information for the teacher or instructor of the course, curriculum, or program and a school administrator designated with oversight.

This shall not prohibit school personnel from:

* + - * 1. Discussing human sexuality, including the sexuality of any historic person, group, or public figure, where the discussion provides necessary context in relation to a topic of instruction from a curriculum approved pursuant to KRS 160.345; or
        2. Responding to a question from a student during class regarding human sexuality as it relates to a topic of instruction from a curriculum approved pursuant to KRS 160.345.

References:

KRS 158.1415; KRS 160.345

Related Policies:

08.1; 08.23; 08.2322

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

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

# CURRICULUM AND INSTRUCTION A08.23

“Harmful to Minors” Complaint Resolution Process

“Harmful to Minors”

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

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

Complaint Resolution Process

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

The complaint resolution process shall require that:

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

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

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

References:

KRS 158.192

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

Related Policies:

03.16; 03.162; 03.1621; 03.26; 03.262; 03.2621

08.2322; 09.4281; 09.42811; 09.428111; 10.2

LEGAL: 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 AS09.224

Emergency Medical Treatment

First Aid to be Provided

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

First-Aid Room

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

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

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

Automated External Defibrillators (AEDs)

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

Information Needed

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

Emergency Care Procedures

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

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

# STUDENTS AS09.224

# (Continued)

Emergency Medical Treatment

References:

1702 KAR 1:160

2KRS 158.162

KRS 156.160; KRS 156.502; KRS 158.836; KRS 158.838

Kentucky Department of Education Health Services Reference Guide (HSRG)

Related Policies:

05.4; 09.22; 09.2241

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS J09.227

Child Abuse

Report Required

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

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

Upon notification, the Principal or the Executive Director/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, NKCES 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 NKCES, 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 NKCES 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 NKCES.

Interviews

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

# STUDENTS J09.227

# (Continued)

Child Abuse

Agency Custody

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

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

1. 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
2. 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 NKCES 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:

1KRS 600.020

2KRS 620.030; KRS 620.040

3OAG 85‑134; OAG 92‑138

4KRS 620.072

KRS 17.160; KRS 17.165; KRS 17.545; KRS 17.580

KRS 156.095; KRS 199.990

KRS 209.020; KRS 508.125; KRS 620.050; KRS 620.146

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

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

Regulations Implementing Title IX

Related Policies:

09.1231; 09.3; 09.31; 09.42811; 09.4361; 10.5

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS U09.422

Bullying/Hazing

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

Actions Not Tolerated

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

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

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

Bullying Defined

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

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

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

Hazing Defined

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

1. Violate federal or state criminal law;
2. Consume any food, liquid, alcoholic liquid, drug, tobacco product, or other controlled substance which subjects the minor or student to a risk of mental harm or physical injury;
3. Endure brutality of a physical nature, including whipping, beating or paddling, branding, or exposure to the elements;
4. Endure brutality of a mental nature, including personal servitude, sleep deprivation, or circumstances which would cause a reasonable person to suffer substantial mental distress;
5. Endure brutality of a sexual nature; or

# STUDENTS U09.422

# (Continued)

Bullying/Hazing

Hazing Defined (continued)

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

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

Reports

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

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

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

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

In certain cases, employees must do the following:

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

Other Claims

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

# STUDENTS U09.422

# (Continued)

Bullying/Hazing

References:

1KRS 158.150

KRS 158.148

KRS 158.156

KRS 160.290

KRS 508.180

KRS 525.080

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

(1986)

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

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

Related Policies:

03.162; 03.262; 09.421; 09.425; 09.426; 09.42811; 09.438

09.2211 (re reports required by law)

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

FINANCIAL IMPLICATIONS: COST OF EDUCATING EXPELLED STUDENTS AND CONDUCTING HEARINGS

Draft 8/1/23

# STUDENTS BI09.425

Assault and Threats of Violence

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

Threats, threatening behavior, or acts of violence against students, employees, visitors, guests, or other individuals by anyone on NKCES property will not be tolerated. Violations of this Policy will lead to disciplinary action, which may include dismissal, arrest, and prosecution.

Employees/Visitors

Any person who makes a substantial threat, exhibits threatening behavior, or engages in violent acts on NKCES property shall be removed from the premises pending the outcome of an investigation. NKCES will initiate an appropriate response, which may include, but is not limited to, suspension or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of person or persons involved.

No existing NKCES policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

All NKCES personnel are responsible for notifying the Executive Director/designee and their immediate supervisor of any threat that they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed that they regard as threatening or violent, when that behavior is job-related, could be carried out on a company controlled site, or is connected to company employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. An official report needs to be filed with the HR department by the reporting employee and their immediate supervisor. An official report needs to be filed immediately.

All individuals who apply for or obtain a protective or restraining order that lists NKCES as being a protected areas must provide to the Executive Director a copy of the petition and declarations used to seek the order. They must also provide a copy of any temporary protective or restraining order that is granted and a copy of any protective or restraining order that is made permanent.

NKCES understands the sensitivity of the information requested and has developed confidentiality procedures that recognize and respect the privacy of the reporting employee(s).

Students

Any student who threatens, physically assaults, batters or abuses another student shall be subject to appropriate disciplinary action, including suspension or expulsion.1

# STUDENTS BI09.425

# (Continued)

Assault and Threats of Violence

Students (continued)

Any student who threatens, physically assaults, batters or abuses another student shall be subject to appropriate disciplinary action, including suspension or expulsion.1

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

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

Removal of Students

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

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

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

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

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

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

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

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

# STUDENTS BI09.425

# (Continued)

Assault and Threats of Violence

Removal of Students (continued)

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

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

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

Report to Law Enforcement Agency

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

Domestic/Dating Violence Reporting and Education

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

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

Domestic/Dating Violence Reporting and Education (continued)

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

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

# STUDENTS BI09.425

# (Continued)

Assault and Threats of Violence

Notifications

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

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

References:

1KRS 158.150

2KRS158.1559

KRS 158.154; KRS 160.290

KRS 161.155; KRS 161.190; KRS 161.195

KRS 209A:020; KRS 209.160

KRS 209A.100; KRS 209A.110; KRS 209A.130

KRS 211.160; KRS 403.720; KRS 456.010

KRS 508.025; KRS 508.075; KRS 508.078; KRS 525.080

KRS 532.060; KRS 534.030; KRS 620.030

702 KAR 5:080

Related Policies:

03.123; 03.13253; 03.223; 03.23253; 05.4; 05.48

06.34; 09.14; 09.2211; 09.422; 09.426; 09.4281; 09.429; 09.4341

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

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS W09.426

Disrupting the Educational Process

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

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

Removal

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

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

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

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

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

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

# STUDENTS W09.426

# (Continued)

Disrupting the Educational Process

Other Claims

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

References:

KRS 158.150; KRS 158.165; KRS 160.290

Related Policies:

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

LEGAL: HB 538 AMENDS KRS 158.150 REGARDING STUDENT DISCIPLINE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# STUDENTS A09.431

Due Process

Right to Due Process

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

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

Students With Disabilities

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

References:

1KRS 158.150

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

Related Policies:

09.426

09.43

09.433

09.434

09.4341

09.435

LEGAL: HB 538 AMENDS KRS 158.150 TO DEFINE “CHRONICALLY DISRUPTIVE” TO THE EDUCATIONAL PROCESS AND ADDS STATUTORY GUIDELINES FOR SUSPENSION OF A STUDENT.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

Draft 8/1/23, Revised 8/7/23

# STUDENTS CV09.434

Suspension

Who May Suspend

In accordance with KRS 158.150, the Principal may suspend a student up to a maximum of five (5) days per incident.

The Executive Director/designee may suspend a student up to a maximum of ten (10) days per incident.

Length of Suspension

A student may not be suspended for more than a total of ten (10) days per incident.

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

Prior Due Process Required

A student shall not be suspended until due process procedures have been provided as described in KRS 158.150 (09.431)1, unless immediate suspension is essential to protect persons or property or to avoid disruption of the educational process. If the Executive Director lengthens the period of suspension imposed by the Principal, additional due process shall be provided.

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

Imminent Danger

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

Written Report Required

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

Students with Disabilities

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

References:

1KRS 158.150

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

OAG 77‑419; OAG 77‑427; OAG 77‑547

OAG 78‑392; OAG 78‑673

707 KAR 1:340

Goss v. Lopez, 419 US 565 (1975)

# STUDENTS CV09.434

# (Continued)

Suspension

Related Policies:

09.425; 09.426; 09.43; 09.431

LEGAL: SB 80 AMENDS KRS 17.545 TO DEFINE AND INCLUDE LOITERING AND MOBILE BUSINESSES AS PART OF RESTRICTIONS FOR REGISTRANTS ON AND WITHIN 1,000 FEET OF SCHOOL GROUNDS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

Draft 8/1/23

# COMMUNITY RELATIONS AL10.5

Visitors to the School

NKCES encourages parents, professional educators, and others who have legitimate educational interests pertaining to the NKCES public school program to visit the school. To ensure that school personnel are aware of visitors’ presence, visits to classrooms shall be scheduled in advance unless authorized by the Principal/designee and all visitors must report immediately to the front office upon entering the school and identify themselves, as well as declare their purposes for visiting.

Registrants

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

A registrant is defined as:

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

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

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

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

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

# COMMUNITY RELATIONS AL10.5

# (Continued)

Visitors to the School

Registrants (continued)

1. To attend a school activity, including athletic practices and competition, in which the student is a participant.
2. To vote when the school has been designated as a polling place.

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

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

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

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

Conduct/Prohibition on Recording

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

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

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

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

# COMMUNITY RELATIONS AL10.5

# (Continued)

Visitors to the School

Website Accessibility

Accommodation

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

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

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

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

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

Use of Tobacco, Alternative Nicotine, or Vapor Products Prohibited

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

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

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

School employees shall enforce the policy. Persons in violation of this policy, in addition to fines which may be imposed by law2, are subject to verbal warnings to refrain from use of the subject product. Refusal to refrain from such use or repeated instances of prohibited use after prior warnings may subject the individual to a ban from school property as permitted by law and corresponding civil and criminal penalties.3

# COMMUNITY RELATIONS AL10.5

# (Continued)

Visitors to the School

References

1KRS 438.345

2KRS 438.050

3KRS 511.070; KRS 511.080; OAG 90-11

KRS 17.545; KRS 17.500; KRS 17.510

KRS 160.380; KRS 211.394, KRS 211.395; KRS 438.305

KRS 600.020; KRS 620.146

OAG 91-137

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

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

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

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

Related Policies:

01.1

03.113; 03.1327; 03.162; 03.212; 03.2327; 03.262; 05.3; 05.31

09.1231; 09.227; 09.4232; 09.426; 09.42811

# Draft 8/1/23

# POWERS AND DUTIES OF THE BOARD OF EDUCATION BM01.0

Definitions

The following expressions are defined with respect to their intended meanings in the context of this manual:

NKCES

An educational service agency providing high quality, cost-effective support programs and services to local public schools and districts within the districts’ membership area.

Policies

An expression of the will of the Board of Directors. Board policies cover the general management and governance of school district operations and functions. Within the parameters of the NKCES’ legal authority, violations of policy may provide grounds for administrative response or action as relates to students, NKCES employees, parents, and members of the community, but such policies are not intended to heighten standards of care, establish grounds for liability or create rules for immunities enjoyed by defendants in civil judicial actions against the Board, its members, District employees, officers, or volunteers.

Administrative Procedures

Statements of the Executive Director or the Board of Directors that serve as administrative instruments to implement Board policy and other legal mandates.

Executive Director

Policies that charge the Executive Director with preparing and/or implementing provisions of procedures, plans or programs for Board review also shall include any other employee to whom the Executive Director may delegate such charges.

Principal/Head Teacher

In this manual the term principal refers to principal or head teacher as appropriate and includes any other employee to whom the principal or head teacher may delegate responsibility for a specific task.

Gender

Unless otherwise noted, all gender references include both male and female.

**Husband and Wife**

The term husband and wife, as used in the policy manual, shall be deemed to include a spouse in a legally recognized marriage unless the context otherwise requires.

Parent or Guardian

Parent, as used in the policy manual, means parent, legal guardian, or other person authorized by law to act as a parent as the context requires.

Children and Youth With Disabilities

In compliance with federal law and unless otherwise indicated, use of the terms "handicapped/special education/exceptional" shall refer to children and youth with disabilities.

# POWERS AND DUTIES OF THE BOARD OF EDUCATION BM01.0

# (Continued)

Definitions

Student Attendance Day

Unless otherwise noted, use of the term "instructional day" shall have the same meaning as “student attendance day”.

Health Provider

Unless otherwise noted, the terms “health care provider” and “health care practitioner” have the same meaning.

Charter School

Use of the term “charter school” means a public charter school.

Charter School Authorizer

A local board of education as defined in KRS 160.1590.

**Kentucky Public Pensions Authority**

Use of the terms Kentucky Retirement System (KRS) or County Employees’ Retirement System (CERS) includes the Kentucky Public Pensions Authority (KPPA).

# POWERS AND DUTIES OF THE BOARD OF EDUCATION FY01.1

Legal Status/Member Districts

NKCES is a legal body created by statutory authority of the State of Kentucky (KRS 65.210 -KRS 65.300).

NKCES personnel are under the management and control of the Board of Directors, which consists of the superintendents of member districts and representatives of Northern Kentucky University.

* Beechwood Independent School District
* Bellevue Independent School District
* Boone County School District
* Bracken County School District
* Campbell County School District
* Carroll County School District
* Covington Independent School District
* Dayton Independent School District
* Erlanger-Elsmere Independent School District
* Fleming County School District
* Ft. Thomas Independent School District
* Grant County School District
* Greenup County School District
* Kenton County School District
* Lewis County School District
* Ludlow Independent School District
* Newport Independent School District
* Owen County School District
* Pendleton County School District
* Southgate Independent School District
* Walton-Verona Independent School District
* Williamstown Independent School District
* Northern Kentucky University

As hereafter referenced in this manual, references to the “Board” shall refer to the Northern Kentucky Cooperative for Educational Services Board of Directors.

To be eligible for membership on the Board, a person must be a current superintendent or designated representative of a member district or agency.

# POWERS AND DUTIES OF THE BOARD OF EDUCATION FY01.1

# (Continued)

Legal Status/Member Districts

The Board is a body politic and corporate with perpetual succession. Board members have no authority over NKCES affairs as individuals, but do retain authority, within state law, over NKCES affairs when they act at the Board of Directors.

Notice of Nondiscrimination

As required by law, NKCES does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or gender identity), genetic information, disability, age, or limitations related to pregnancy, childbirth, or related medical conditions in its programs and activities and provides equal access to its facilities to the Boy Scouts and other designated youth groups.

Notice of Nondiscrimination (continued)

Notice of the name, work address and telephone number of the Title IX Coordinator and the Section 504 Coordinator for NKCES shall be provided to employees, applicants for employment, students, parents/guardians, and other beneficiaries such as participants in activities offered to the public.

Website Accessibility

NKCES is committed to ensuring accessibility of its website for students, employees, visitors, and members of the community with disabilities. All pages on the NKCES website shall conform to Level AA of the Web Content Accessibility Guidelines (WCAG) 2.0 developed by the World Wide Web Consortium (W3C) Web Accessibility Initiative (WAI), or updated equivalents of these guidelines.

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

References:

KRS Chapter 344

Americans with Disabilities Act

Section 504 of the Rehabilitation Act of 1973

Title VI of the Civil Rights Act of 1964

42 U.S.C. 200e, Civil Rights Act of 1964, Title VII

20 U.S.C. 1681, Education Amendments of 1972, Title IX

Genetic Information Nondiscrimination Act of 2008

20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)

Web Content Accessibility Guidelines

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

H.R. 1065 (EH) - Pregnant Workers Fairness Act

Related Policies:

03.113; 03.212; 09.13

03.162; 03.262; 09.42811

05.3; 10.5

# Draft 8/1/23

# POWERS AND DUTIES OF THE BOARD OF EDUCATION D01.111

NKCES By-laws

Article 1

Membership

* 1. NKCES Members: Members of the Northern Kentucky Cooperative for Educational Services shall include the following Kentucky public school districts and Northern Kentucky University:
* [Beechwood Independent School District](http://www.beechwood.k12.ky.us/)
* [Bellevue Independent School District](http://www.bellevue.k12.ky.us/)
* [Boone County School District](http://www.boone.k12.ky.us/)
* Bracken County School District
* [Campbell County School District](http://www.campbellcountyschools.org/main/main/index.php)
* Carroll County School District
* [Covington Independent School District](http://www.covington.k12.ky.us/)
* [Dayton Independent School District](http://www.dayton.kyschools.us/)
* [Erlanger-Elsmere Independent School District](http://www.erlanger.k12.ky.us/)
* Fleming County School District
* [Ft. Thomas Independent School District](http://www.fortthomas.kyschools.us/fortthomas/site/default.asp)
* Grant County School District
* Greenup County School District
* [Kenton County School District](http://www.kenton.k12.ky.us/)
* Lewis County School District
* [Ludlow Independent School District](http://www.ludlow.kyschools.us/)
* [Newport Independent School District](http://www.newportwildcats.org/)
* Owen County School District
* [Pendleton County School District](http://www.pendleton.k12.ky.us/)
* [Southgate Independent School District](http://www.southgate.k12.ky.us/)
* [Walton-Verona Independent School District](http://www.w-v.k12.ky.us/district/index.asp)
* [Williamstown Independent School District](http://www.wtown.k12.ky.us/)
* Northern Kentucky University

1. United Voice Definition: NKCES Board will have a united voice around the mission and vision of NKCES.

* In order to support decisions Superintendent will send a proxy to meetings as desired for voting rights.
* When a united decision is necessary a vote will be taken.
* A favorable vote will pass by majority of the full Board membership.
* Once a vote is taken, all Superintendents will support decision for forward movement.

1. Requirements: To be considered for membership, a district or other agency shall agree to financial support of NKCES with an amount of monies or in-kind contributions to be determined by the Board of Directors. Members committing this amount shall receive all the benefits offered by the cooperative as determined by the Board of Directors.
2. Discontinuation: Any member desiring to discontinue participation may terminate participation by providing written notification to the Executive Director of NKCES not less than thirty (30) days before June 30 of any year.

# POWERS AND DUTIES OF THE BOARD OF EDUCATION D01.111

# (Continued)

NKCES By-laws

Article 2

Full Membership Meetings

1. Annual Meeting. The regular annual meeting of the members of the Northern Kentucky Cooperative for Educational Services shall be held at a place designated by the President of the organization on the second Wednesday of March of each year at an hour designated in the notice.
2. Special Meeting. Special meetings of the members may be held at any time upon call of the President or a majority of the Board of Directors.
3. Notice of Meetings. The Secretary shall send notice of all meetings to each member at least five (5) days prior to the date of such meeting and, in all cases of special meetings, the notice shall state the purpose(s) for the meeting.

A majority of the membership shall constitute a quorum for the transaction of business at any annual special meeting of the cooperative.

Article 3

Board of Directors

1. Designation. Every Superintendent whose school district has met the requirements for membership in the cooperative shall be a member of the Board of Directors with voting powers. In addition, Northern Kentucky University shall designate one (1) representative to serve as a Director.
2. Duties: The Board of Directors shall have control and management of the cooperative, including its funds and property, subject only to action of the members and state and federal laws and regulations.
3. Meetings. Regular meetings of the Board of Directors shall be held on the second Wednesday of the month in keeping with meeting schedule established under Board Policy 01.42. Special meetings of the Board may be called as set out in Board Policy 01.44.

Article 4

Officers of the Board of Directors

1. Officers: Officers of the Board shall include the President and President-Elect. The Board may designate the President to serve as Secretary to the Board.
2. Term: The President and President-Elect shall serve one (1) year terms beginning immediately following their election. (The Past President should consider representation for KASA Region 7 and KASS.) The term of office shall begin on July 1st and ends on June 30th.
3. Duties: Duties of the President, President-Elect and Secretary shall be established by Board Policies 01.411 and 01.412.

# POWERS AND DUTIES OF THE BOARD OF EDUCATION D01.111

# (Continued)

NKCES By-laws

Article 5

Repeal and Amendment

1. Process: Amendments, including a proposal to repeal a by-law, may be proposed in writing by any member of the organization. After review from the By-laws Committee, the proposal shall be presented at the next regular meeting of the Board of Directors.
2. Approval: A favorable vote from two-thirds (2/3) of the Board quorum present will be necessary to proceed with a vote by the full membership. By-laws may be amended or repealed by two-thirds (2/3) vote of the members of the cooperative, based on a voting process recommended by the By-laws Committee and approved by the Board of Directors.
3. Notice: Sufficient notification should be given to the full membership with a copy of the recommended changes outlined.

Reference:

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

# Draft 8/1/23

# POWERS AND DUTIES OF THE BOARD OF EDUCATION BD01.41

Organizational Meetings/Committees

Election of President and President-Elect

The Voting Membership shall make nominations for the Vice President.

Considerations should be given to:

1. Superintendent Leadership – depth of experience and knowledge leading public schools.
2. Regional Stewardship – ability to view and act on behalf of the Cooperative Membership’s united voice.
3. Commitment to Role - Availability to prioritize the time needed to serve.

Vice President of NKCES shall be elected by simple majority vote from the voting membership only.

Term of Office

The President and President-Elect shall serve one (1)-year terms beginning immediately following their election. The Vice-President will perform all duties of the President when acting in that capacity. The term of office shall begin on July 1st and end on June 30th. The Vice-President shall succeed the active President effective July 1 of the respective fiscal year.

Executive Committee

The elected positions constitute the Executive Committee as a standing committee functioning as a steering committee, that priorities Board agenda topics for the full Board to address, provides guidance to the Executive Director and oversees bylaws, polices, and procedures, as well as lead the evaluation of the Executive Director.

Standing Committees

Standing Committees shall be created by a vote of the majority of the Board of Directors. NKCES standing committees may include, but are not limited to, the following:

|  |  |
| --- | --- |
| Budget | Professional Development |
| Grants | Regional School Programs |
| ELL | Special Education |

Other Committees

Other committees may be established at the discretion of the President of the Board.

Committee Membership

The President of the NKCES Board of Directors shall appoint members and the Chairperson of committees. Board members may submit their preferences for committee membership to the President.

The NKCES Executive Director shall be an ex-officio member of each committee.

# POWERS AND DUTIES OF THE BOARD OF EDUCATION BD01.41

# (Continued)

Organizational Meetings/Committees

Request for Committee Meetings

The Executive Director or President may request that the Committee Chair call a meeting of a committee.

Notice and Scope of Committee Meetings

Notice of committee meetings shall be given in a timely manner. The Executive Director or President shall provide direction for the scope of the committee’s efforts. Committee members in attendance shall constitute a quorum.

Reports and/or Recommendations

A detailed report by the Chair/designee shall be made at a regular or special called meeting of the NKCES Board of Directors. The report shall include the names of those in attendance at the meeting, the deliberations of the committee, and any recommendations including the rationale which supports the recommendations.

# Draft 8/1/23

# PERSONNEL GB03.122

-Certified Personnel -

Holidays and Annual Leave

Designated Holidays

All full-time employees shall be paid for holidays as designated in the NKCES work calendar by the Executive Director on the following basis:

|  |  |  |
| --- | --- | --- |
| Days Employed | Paid Holidays | Holidays |
| 120-187 | 4 | Labor Day Thanksgiving Day Christmas Day New Year’s Day |
| 188-220 | 5 | Memorial Day |
| 221-240 | 9 | July 4th Day after Thanksgiving Day after Christmas  Martin Luther King, Jr. Day |

Employees on Leave

Employees on paid leave of absence at the time of an official NKCES holiday shall receive pay for that holiday. Employees on unpaid leave of absence shall not be paid for the holiday.

Annual Leave

Annual leave shall be granted to all staff in accordance with the limits set by the Board. Each 12-month employee (240 day contract)shall earn annual leave with pay at the following rate:

|  |  |
| --- | --- |
| Years of Service | Annual Leave Days |
| 1-9 | 1 leave day per month; maximum of 10 per year |
| 10+ | 1¼ leave days per month; maximum of 15 per year |

An employee must have worked more than half of the workdays in a month to qualify for annual leave.

Annual leave shall accrue only when an employee is working or on authorized leave with pay. Annual leave may be accumulated and carried forward from one fiscal year to the next not to exceed twenty (20) days, which must be used within the next fiscal year. All annual leave for employees at the NKCES main location must be approved and scheduled by the Executive Director.

Absence due to sickness, injury, or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and within the discretion of the Executive Director, be charged against annual leave.

Employees are charged with annual leave for absences only on days on which they would otherwise work and receive pay.

# PERSONNEL GB03.122

# (Continued)

Holidays and Annual Leave

Annual Leave (continued)

When grants are to be terminated, accumulated annual leave must be taken during the grant work period or it is lost to the individual.

References:

KRS 158.070

KRS 160.291

KRS 161.220; KRS 161.540; KRS 2.110; KRS 2.190

# Draft 8/1/23

# PERSONNEL ER03.125

‑ Certified Personnel ‑

Travel and Expense Reimbursement

Provided the Executive Director/designee has given prior approval to incur the expense, NKCES personnel shall be reimbursed for necessary and appropriate business-related travel when such travel is a required part of the duties of the employee. NKCES will be responsible only for actual expenses. Travel expenses for guests of employees shall not be reimbursed.

Employees must obtain prior approval to attend a professional meeting at NKCES expense. In order for employees to receive reimbursement for travel expenses following authorized travel, they must complete the required Overnight Travel Request Form as posted on the NKCES web site:

[www.nkces.org](http://www.nkces.org)

For reimbursement of authorized expenses, this shall be followed unless otherwise stated in the Grant, employees shall use the Travel Voucher Reimbursement Form posted on the NKCES web site

[www.nkces.org](http://www.nkces.org)

Allowable expenses include:

Mileage

Actual mileage for trips on behalf of NKCES that have been approved by the Executive Director will be reimbursed at the state mileage rate when the employee uses his/her own vehicle. Mileage must be turned into the Finance Department for reimbursement by the 10th of the following month on the Mileage Reimbursement Form.

Tolls and Fees

All tolls and parking fees incurred in business related travel. Parking fees must be substantiated by a ticket or receipt.

Common Carriers

All charges or fares for necessary travel on common carriers (plane, bus, train, subway, taxi, ferry, etc.). Sight-seeing and pleasure tours are not reimbursable.

Out-Of-State Travel

Reimbursement for out-of-state travel by privately owned vehicles shall be made on the basis of airplane coach fare or mileage rate, whichever is the lesser amount.

Food

Meals will be reimbursed at a rate not to exceed $36.00 for in state travel and $44.00 for out or state travel per 24-hour day. (Food costs will only be reimbursed in conjunction with an overnight stay or prior Director approval.) Alcoholic beverages will not be reimbursed.



# PERSONNEL ER03.125

# (Continued)

Travel and Expense Reimbursement

Food (continued)

Lodging

Hotel or motel charges (not including food or other charges) incurred in cooperative-related travel. Charges must be substantiated by a receipt.

Reimbursement Forms

No requests for travel reimbursement will be considered unless filed on the proper form(s) and accompanied by the itemized receipts.

Without proper documentation, individuals shall not receive reimbursement, and, if it is determined that reimbursement was made based on incomplete or improper documentation, the individual may be required to reimburse NKCES.

References:

KRS 160.290; KRS 160.410; KRS 175.525

OAG 80‑395

*United States* v. *Correll*, 389 U.S. 299 (1967)

Accounting Procedures for Kentucky School Activity Funds

# Draft 8/1/23

# PERSONNEL Q03.175

-Certified Personnel-

Retirement

Definition

Retirement means retirement from the Teachers’ Retirement System (TRS).

Notice

Employees planning to retire should give the Executive Director notice as far in advance as possible, but not less than twenty (20) working days prior to retirement for certified and non-certified staff.

Responsibility

Retirement benefits shall be solely a matter of contract between the employee and the Teachers' Retirement System and shall not be the responsibility of NKCES, except that NKCES shall deduct and send to the Teachers' Retirement System those amounts required under Kentucky law.

Unused Sick Days

Provided an individual has been employed by NKCES for at least four (4) consecutive years prior to retirement., NKCES shall compensate eligible certified employees only upon initial retirement for 30% of unused sick leave days accumulated as an employee at the rate of their current daily salary. For personnel who begin employment in a position covered by TRS on or after July 1, 2008, unused sick leave days to be recognized in calculating reimbursement under KRS 161.155 shall not exceed 300 days. For personnel who become members of the Teachers’ Retirement System on or after January 1, 2022, payment for unused sick leave days shall not be incorporated into the annual compensation used to calculate the retirement allowance in the foundational benefit but may be deposited into the member’s supplemental benefit component.1

NKCES shall provide compensation for unused sick leave days when the employee provides proof s/he qualifies as an annuitant who will receive a retirement or disability allowance from the Teachers’ Retirement System. Upon death of an employee in active contributing status who was eligible to retire by reason of service, NKCES shall compensate the estate of the employee.

Escrow Account

NKCES has created an escrow account to maintain the funds necessary to reimburse employees who qualify for the benefit. At least 50% of each year’s maximum liability shall be included as a line item in the General Fund Budget.

References:

1KRS 161.155

KRS 157.420; KRS 161.220

KRS 161.540; KRS 161.545

KRS 161.560; KRS 161.600

KRS 161.633; KRS 161.635

OAG 81‑1; OAG 83‑191; OAG 97-28

29 U.S.C. 631

# Draft 8/1/23

# PERSONNEL GC03.222

‑ Classified Personnel ‑

Holidays

Designated Holidays

All full-time employees shall be paid for holidays as designated in the NKCES work calendar by the Executive Director on the following basis:

|  |  |  |
| --- | --- | --- |
| Days Employed | Paid Holidays | Holidays |
| 120-187 |  | Labor Day Thanksgiving Day Christmas Day New Year’s Day |
| 188-220 | 5 | Memorial Day |
| 221-240 | 9 | July 4th Day after Thanksgiving Day after Christmas  Martin Luther King, Jr. Day |

Employees on Leave

Employees on paid leave of absence at the time of an official NKCES holiday shall receive pay for that holiday. Employees on unpaid leave of absence shall not be paid for the holiday.

Annual Leave

Annual leave shall be granted to all staff in accordance with the limits set by the Board. Each 12-month employee (240 day contract)shall earn annual leave with pay at the following rate:

|  |  |
| --- | --- |
| Years of Service | Annual Leave Days |
| 1-9 | 1 leave day per month; maximum of 10 per year |
| 10+ | 1¼ leave days per month; maximum of 15 per year |

An employee must have worked more than half of the workdays in a month to qualify for annual leave.

Annual leave shall accrue only when an employee is working or on authorized leave with pay. Annual leave may be accumulated and carried forward from one fiscal year to the next not to exceed twenty (20) days, which must be used within the next fiscal year. All annual leave for employees at the NKCES main location must be approved and scheduled by the Executive Director.

Absence due to sickness, injury, or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and within the discretion of the Executive Director, be charged against annual leave.

Employees are charged with annual leave for absences only on days on which they would otherwise work and receive pay.

# PERSONNEL GC03.222

# (Continued)

Holidays

Annual Leave (continued)

When grants are to be terminated, accumulated annual leave must be taken during the grant work period or it is lost to the individual.

References:

KRS 158.070

KRS 160.291

KRS 161.154

KRS 2.110

KRS 2.190

# Draft 8/1/23

# PERSONNEL DL03.225

‑ Classified Personnel ‑

Travel and Expense Reimbursement

Provided the Executive Director/designee has given prior approval to incur the expense, NKCES personnel shall be reimbursed for necessary and appropriate business-related travel when such travel is a required part of the duties of the employee. NKCES will be responsible only for actual expenses. Travel expenses for guests of employees shall not be reimbursed.

Employees must obtain prior approval to attend a professional meeting at NKCESexpense. In order for employees to receive reimbursement for travel expenses following authorized travel, they must complete the required Overnight Travel Request Form as posted on the NKCES web site:

[www.nkces.org](http://www.nkces.org)

For reimbursement of authorized expenses, this shall be followed unless otherwise stated in the Grant, employees shall use the Travel Voucher Reimbursement Form posted on the NKCES web site

[www.nkces.org](http://www.nkces.org)

Allowable expenses include:

Mileage

Actual mileage for trips on behalf of NKCES that have been approved by the Executive Director will be reimbursed at the state mileage rate when the employee uses his/her own vehicle. Mileage must be turned into the Finance Department for reimbursement by the 10th of the following month on the Mileage Reimbursement Form.

Tolls and Fees

All tolls and parking fees incurred in business related travel. Parking fees must be substantiated by a ticket or receipt.

Common Carriers

All charges or fares for necessary travel on common carriers (plane, bus, train, subway, taxi, ferry, etc.). Sight-seeing and pleasure tours are not reimbursable.

Out-Of-State Travel

Reimbursement for out-of-state travel by privately owned vehicles shall be made on the basis of airplane coach fare or mileage rate, whichever is the lesser amount.

Food

Meals will be reimbursed at a rate not to exceed $36.00 for in state travel and $44.00 for out or state travel per 24-hour day. (Food costs will only be reimbursed in conjunction with an overnight stay.) Alcoholic beverages will not be reimbursed.



# PERSONNEL DL03.225

# (Continued)

Travel and Expense Reimbursement

Food (continued)

Notes:

* Employees MUST be traveling the entire time for each period listed. (e.g. if employee begins travel at 6:30 a.m., no breakfast reimbursement will be earned.)
* If claiming reimbursement for three (3) meals in one (1) day, employees may exceed individual meal limits if the daily total is not exceeded.

Lodging

Hotel or motel charges (not including food or other charges) incurred in cooperative-related travel. Charges must be substantiated by a receipt.

Reimbursement Forms

No requests for travel reimbursement will be considered unless filed on the proper form(s) and accompanied by the itemized receipts.

Without proper documentation, individuals shall not receive reimbursement, and, if it is determined that reimbursement was made based on incomplete or improper documentation, the individual may be required to reimburse NKCES.

References:

KRS 160.290; KRS 160.410; KRS 175.525

OAG 80‑395

United States v. Correll, 389 U.S. 299 (1967)

Accounting Procedures for Kentucky School Activity Funds

# Draft 8/1/23

# PERSONNEL DG03.273

‑ Classified Personnel ‑

Retirement

Definition

Retirement means retirement from the Kentucky Retirement System (CERS).

Notice

Employees planning to retire should give the Executive Director notice as far in advance as possible, but not less than twenty (20) working days prior to retirement for certified and non-certified staff.

Responsibility

Retirement benefits shall be solely a matter of contract between the employee and the Kentucky Retirement System and shall not be the responsibility of NKCES, except that NKCES shall deduct and send to the Kentucky Retirement System those amounts required under Kentucky law.

Unused Sick Days

Provided an individual has been employed by NKCES for at least four (4) consecutive years prior to retirement., NKCES shall compensate eligible employees only upon initial retirement for 30% of unused sick leave days accumulated as an employee at the rate of their current daily salary. For personnel who begin employment in a position covered by CERS on or after July 1, 2008, unused sick leave days to be recognized in calculating reimbursement under KRS 161.155 shall not exceed 300 days.

NKCES shall provide compensation for unused sick leave days when the employee provides proof s/he qualifies as an annuitant who will receive a retirement or disability allowance from the Kentucky Retirement System. Upon death of an employee in active contributing status who was eligible to retire by reason of service, NKCES shall compensate the estate of the employee.

Escrow Account

NKCES has created an escrow account to maintain the funds necessary to reimburse employees who qualify for the benefit. At least 50% of each year’s maximum liability shall be included as a line item in the General Fund Budget.

References:

29 U.S.C. 631

KRS 61.545

KRS 78.610; KRS 78.616

KRS 161.155

OAG 81‑72

OAG 83‑191

OAG 97-28

# Draft 8/1/23

# SCHOOL FACILITIES CM05.31

Rental Application and Contract

Conditions of Rental

All rental of school facilities is subject to the following conditions:

1. An official application shall be made to the Executive Director or designee.
2. Rentals will be made only to responsible and organized groups, and responsible officers of that group must sign the application and the contract.
3. Conditions of that contract shall include:
4. Acceptance of responsibility by officials of the renting organization for any damage or loss resulting from the rental;
5. Agreement that renting organizations, and officers thereof, shall assume all liability for any personal injuries incurred during their use of the facilities and shall hold NKCES harmless from any such claims against it;
6. Agreement to observe all fire and safety regulations;
7. Agreement that the use of any tobacco product, alternative nicotine product, or vapor product shall not occur on or in all property. The use of alcoholic beverages is prohibited in school buildings or on school grounds;
8. Observance that no immoral or illegal activity shall be allowed on the premises;
9. The presence of a NKCES employee at all times. The hourly wage of the employee(s) must be included in the contract along with the social security and retirement payments required by law. If the employee is employed beyond the normal 40‑hour week that s/he works for NKCES, overtime wages must be paid;
10. Agreement that no alterations to the buildings or grounds be made without prior approval;
11. Agreement that the renting party shall not sublease or reassign any portion of the building or item of equipment covered by the rental contract;
12. Agreement that school equipment shall not be a part of the rental contract unless specifically enumerated; and
13. Agreement to leave the facilities in as good a condition as before used.

References:

KRS 162.055; KRS 438.050; KRS 438.305; KRS 438.345

OAG 81‑295

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

Related Policies:

03.1327; 03.2327; 09.4232; 10.5

# Draft 8/1/23

# SUPPORT SERVICES FC07.1

Food/School Nutrition Services

The Dayton Independent Board of Education serves as the District of Record for the school operated by NKCES and the Erlanger-Elsmere Independent Board of Education provides a school nutrition program in compliance with applicable state and federal statutes and regulations. All Food Service/School Nutrition Program Directors shall meet minimum educational requirements and annual training requirements in accordance with federal and state law.

See District of Record Food/School Nutrition Policies and Procedures for more information.

Meals

Lunchrooms shall serve meals that meet or exceed the requirements specified by state and federal regulations.

Discrimination Complaints

NKCES does not discriminate on the basis of race, color, national origin, sex, age, or disability in its school nutrition program.

Anyone wishing to initiate a complaint concerning discrimination in the delivery of benefits or services in the District’s school nutrition program should go to the link below or mail a written complaint to the U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington D.C. 20250-9410, or email, [program.intake@usda.gov.](file:///C:\Users\integrityit\AppData\Roaming\Analyzer_Docs\program.intake@usda.gov)

<http://www.ascr.usda.gov/complaint_filing_cust.html>

Dayton Independent staff shall assist parents/guardians and students wishing to file a complaint.

Special Dietary Needs

Students whose dietary needs qualify them for an adaptation under law shall be provided accommodations in keeping with local procedures.

All parents shall be provided notice of how to request meal accommodations and how to submit a grievance related to a request for modifications based on a disability, at the beginning of each school year or upon enrollment in the District for students transferring in mid-year.

References:

KRS 156.160; KRS 158.852; KRS 158.856

KRS 160.290

702 KAR 6:010; 702 KAR 6:050

702 KAR 6:075; 702 KAR 6:090

7 C.F.R. part 15b; 7 C.F.R. §210.23; 7 C.F.R. §210.31; FNS Instruction 113

P.L. 111-296

# Draft 8/1/23

# CURRICULUM AND INSTRUCTION AL08.11

Course of Study

Development

See Students’ District of Enrollment policies and procedures.

Assessment of Student Work / Nondiscrimination

Consistent with NKCES policies addressing assessment of student progress and grading as well as school policies relating to the determination of curriculum and assignments, instructional staff are expected to issue grades or assessments of student assignments, including in the classroom, based on responsiveness to the assigned task(s), accuracy, and quality of work, utilizing sound pedagogical judgment and providing modifications for students with disabilities as required by law, free from discrimination or penalty based on constitutionally protected expressions of religious or political views in otherwise responsive student submissions.

Implementation

Each teacher shall implement the course of study prescribed for the assigned grade and subject area.2

Syllabus

Teachers shall develop a syllabus for each course, grade/level or subject (single and/or interdisciplinary area) they teach to communicate to students and parents the following information:

1. Prerequisites for the course
2. Topics to be covered
3. Order of material to be covered
4. Resources to be used
5. Planned testing points
6. Performance standards and expectations

Each year teachers shall distribute a current syllabus to their students and the students’ parents/guardians as directed by the Executive Director/designee.

The Principal/designee shall make pertinent student achievement data available to each teacher and, in keeping with policies set by NCKES, monitor the process of reviewing and updating syllabi in response to such data.

References:

1704 KAR 3:303

2KRS 161.170

KRS 156.160; KRS 158.100; KRS 158.183

KRS 158.645; KRS 158.6451; KRS 160.345

702 KAR 7:125; 703 KAR 4:060; 704 KAR 3:305

# Draft 8/1/23

# CURRICULUM AND INSTRUCTION AC08.13452

English as a Second Language

The NKCES shall provide an English language program to assist English learners, including immigrant children and youth, to attain English proficiency, develop high levels of academic achievement in English, and achieve the same high standards in the same challenging state academic standards that all students in the NKCES are expected to meet.

The student’s home district, through consultation with teachers, researchers, administrators, parents and family members, community members, public or private entities, and institutions of higher learning shall direct the development of English language instruction educational program guidelines for NKCES:

* *Survey of Primary and Home Language* - At the time of initial enrollment, the parent/guardian of every student in the school (whether potential English learners or not) shall be asked to complete a home language survey.
* *Annual Assessment of Proficiency* – Students whose primary or home language is other than English shall be administered an initial English language proficiency assessment to determine whether they are English learners according to the federal definition in ESSA, Title III.

Students identified as English learners shall receive an annual assessment of English language proficiency in reading, writing, speaking, and listening to measure progress and modify the individual Program Services Plan.

* *Individual Program Services Plan* – Assessment, placement, and the design of an individual Program Services Plan for English learners shall be made in compliance with appropriate state and federal education requirements.

Instructional and related services shall be designed to meet the English language and academic needs of students while assisting them to participate in the general education curriculum and to overcome language barriers to grade promotion or high school graduation. Students identified as English learners shall be provided the opportunity to participate in the school’s English language instructional program.

* *Parental Notification* – As required by law, the Principal shall send written notification to parents of English learners addressing the following:

1. Student’s need for placement in the program;
2. Student’s level of English proficiency;
3. How such level was assessed;
4. Methods of instruction used in the program;
5. Student’s lack of progress in the program;
6. How the program will meet the individual learning needs of the student;
7. How the program will help the student learn English;
8. How the program will help the student meet achievement standards necessary for grade promotion and high school graduation;

CURRICULUM AND INSTRUCTION AC08.13452

(Continued)

English as a Second Language

* *Parental Notification* (continued)

1. Specific exit requirements for students in the program;
2. How such program meets the objectives of the individualized education program of the child (in the case of a child with a disability); and
3. Information pertaining to parental rights that;
   1. detail the right to have their child immediately removed from such program;
   2. detail the option to decline enrollment of their child in such program or to choose another program or method of instruction if available; and
   3. assist parents in selection among various programs and methods of instruction if more than one (1) program is offered.

This notification shall be sent as follows:

* For students already participating in, or identified for participation in, a program for English learning, parents shall be notified no later than thirty (30) calendar days after the beginning of the school year;
* For students identified after the beginning of the school year, parents shall be notified no later than fourteen (14) calendar days following the student’s placement in the program.

Parents also shall be informed how they can be involved, including how to help the student attain English proficiency, achieve at high levels in academic subjects, and meet challenging State’s academic achievement (content and performance) standards.

Parents shall receive annual notification of their child’s progress on the state’s English proficiency objectives and required state assessments.

* *Parental, Family and Community Participation* – Parents, family, and community members of English learner children shall be given the opportunity to participate in and make recommendations for the NKCES’s language instruction educational programs.
* *Provision of Services* – Once their parent/guardian has received notification, English learners shall be provided services consistent with effective language instruction educational programs and curricular for teaching English learners, guidelines set out in the *Kentucky Academic Standards*, and national, state, and local standards for English language proficiency and academic performance.

Services necessary for the student to access and be involved in the general education curriculum shall be provided by certified general education teachers and English as a Second Language staff, trained bilingual instructional assistants, and/or volunteers.

* *Assessments* – English learners who have not attained English language proficiency, shall be assessed during state-wide testing in a valid, reliable manner and provided appropriate accommodations including, to the extent practicable, assessments in the language and form most likely to yield accurate data regarding student knowledge and ability in academic content areas.

CURRICULUM AND INSTRUCTION AC08.13452

(Continued)

English as a Second Language

* *Evaluation of Progress* – English language instructional programs shall be evaluated on a regularly scheduled basis to determine whether progress is being made toward removing language barriers and to identify changes that need to be made in NKCES program services. NKCES staff shall monitor student access to equal educational opportunities, both instructional and extracurricular.
* *Program Exit Criteria* – The program guidelines shall include an evaluation process that includes establishment of objective exit criteria to indicate when students:

1. Have developed the required proficiency in using English to speak, listen, read, and write with comprehension;
2. Can enter and successfully participate in classrooms not tailored for English learners; and
3. Can expect to graduate from high school.

References:

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

Title VI of the Civil Rights Act of 1964; Equal Educational Opportunities Act of 1974

Title VII of Improving America's Schools Act of 1994

703 KAR 5:070; 704 KAR 3:305;Kentucky Academic Standards

*Lau* v. *Nichols*, 414 U.S. 563, 94 S.Ct. 786, 39 L.Ed.2d 1 (1974)

20 U.S.C. **§** 6318

Related Policies:

02.4241; 09.13; 09.126 (re requirements/exceptions for students from military families)

# Draft 8/1/23

# STUDENTS GG09.123

Absences and Excuses

See Regional School Program (RSP) and/or District of Enrollment Policies and Procedures.

# Draft 8/1/23

# STUDENTS BK09.1231

Dismissal from School

Release of Students

At any time students are dismissed from school, they shall be released according to the written instructions provided by the custodial parent/guardian. The instructions, which shall be requested at the time the student registers/enrolls for the school year, shall include the student's regular mode of transportation at the end of the day and a list of persons, in addition to the custodial parent/guardian, who are authorized to pick up the child from school. Any deviation from the authorized release process must be approved by the Principal/designee prior to the student departing school in another manner.

It shall be the responsibility of the custodial parent/guardian to notify the school if release instructions are to be revised. If instructions are not provided to the school, the student shall only be released to the custodial parent/guardian.

Any student who leaves the school grounds at any time without proper authorization shall be subject to appropriate disciplinary action.

Release Process

If the student is to be picked up early, the custodial parent/guardian or designee shall report to the Principal's office and sign for the student's release.

Each school shall maintain a daily entry and exit log of students signing in late or signing out early and shall require proof of identification from individuals (visual identification by an employee, driver's license, picture identification, etc.) to assure that they are authorized to pick up the student.

Those students who are not on record as being under the care or control of a parent/guardian may sign for their own dismissal.

Exceptions

A student may be released to a person with lawful authority to take custody of the student, e.g., a police officer with a warrant or the person authorized by the Cabinet for Health and Family Services when the student is committed to the Cabinet or when the Cabinet is granted custody of the student by a court order. In such case, the student's parent shall be notified at the earliest opportunity except as otherwise provided by a court order or law.1

When custody of a student is granted to the Cabinet by a court order as a result of dependency, neglect, or abuse, the Cabinet shall notify the Principal, or any Assistant Principal, of the school in which the child is enrolled, and the District’s Director of Pupil Personnel, of the names of persons authorized to contact the child at school or remove the child from school grounds.

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

1. 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
2. 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.

# STUDENTS BK09.1231

# (Continued)

Dismissal from School

Exceptions (continued)

In addition, NKCES authorizes emergency release of students for illness or other bona fide reasons, as determined by the Principal.

References:

1OAG 85-134; OAG 92-138

KRS 620.146

702 KAR 7:125

Related Policies:

09.227; 09.3; 09.31; 09.434; 10.5

# Draft 8/9/23

# STUDENTS U09.14

Student Records

Data and information about students shall be gathered to provide a sound basis for educational decisions and to enable preparation of necessary reports.

Procedure to Be Established

The Executive Director/designee shall establish procedures to promote effective notification of parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) and to ensure NKCES compliance with applicable state and federal student record requirements.

Disclosure of Records

Student records shall be made available for inspection and review to the parent(s) of a student or to an eligible student on request. Legal separation or divorce alone does not terminate a parent’s record access rights. Eligible students are those 18 years of age or older or those duly enrolled in a post‑secondary school program. In general, FERPA rights pass to the eligible student upon either of those events. Parents may be provided access to the educational records of an eligible student 18 years old or older if the student is dependent under federal tax laws.1

Upon written request, parents or eligible students may be provided copies of their educational records, including those maintained in electronic format, when necessary to reasonably permit inspection. Such copies shall be provided in a manner that protects the confidentiality of other students. A reasonable fee may be charged for copies.

NKCES personnel must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom NKCES discloses personally identifiable information from education records.

In addition, considering the totality of the circumstances, NKCES may disclose information from education records to appropriate parties, including parents of eligible students, whose knowledge of the information is necessary to protect the health or safety of a student or another individual, if there is an actual, impending, or imminent articulable and significant threat to the health or safety of a student or other individual. In such instances, the basis for a decision that a health or safety emergency existed shall be recorded in the student's education records.

Authorized NKCES personnel also may disclose personally identifiable information to the following without written parental consent:

* Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or is already enrolled, so long as the disclosure is for purposes related to the student’s enrollment or transfer;
* Authorized representatives of a Kentucky state child welfare agency if such agency presents to NKCES an official court order placing the student whose records are requested under the care and protection of said agency. The state welfare agency representative receiving such records must be authorized to access the child's case plan.
* School officials (such as teachers, instructional aides, administrators, including health or medical staff and law enforcement unit personnel) and other service providers (such as contractors, consultants, and volunteers used by NKCES to perform institutional services and functions) having a legitimate educational interest in the information.

# STUDENTS U09.14

# (Continued)

Student Records

Disclosure of Records (continued)

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

Contractors, consultants, volunteers, and other parties to whom NKCES has outsourced services or functions may access student records provided they are:

* Under NKCES’ direct control with respect to the use and maintenance of education records; and
* Prohibited from disclosing the information to any other party without the prior written consent of the parent/eligible student, or as otherwise authorized by law.

Disclosure to Representatives for Federal or State Program Purposes

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

Duty to Report

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

Directory Information

The Executive Director/designee is authorized to release Board-approved student directory information. Approved “directory information” shall be: name, address, phone number, date and place of birth, student’s school email address, major field of study, participation in officially recognized activities and sports, photograph/picture, grade level, weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, and most recent educational institution attended. Any eligible student or parent/guardian who does not wish to have directory information released shall notify the Executive Director/designee in writing within thirty (30) calendar days after receiving notification of FERPA rights.

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

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

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

# STUDENTS U09.14

# (Continued)

Student Records

Surveys of Protected Information

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

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

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

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

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

Students With Disabilities

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

Records Release to Juvenile Justice System

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

Juvenile Court Records

Records or information received on youthful or violent offenders shall not be disclosed except as permitted by law. When such information is received, the Executive Director shall notify the Principal of the school in which the child is enrolled. The Principal shall then release the information as permitted by law. Only the Executive Director and school administrative, transportation, and counseling personnel or teachers or other school employees with whom the student may come in contact, shall be privy to this information, which shall be kept in a locked file when not in use and opened only with permission of the administrator. Notification in writing of the nature of offenses committed by the student and any probation requirements shall not become a part of the child's student record.2

# STUDENTS 09.14

# (Continued)

Student Records

Records of Missing Children

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

Court Order/Subpoena

Prior to complying with a lawfully issued court order or subpoena requiring disclosure of personally identifiable student information, school authorities shall make a documented effort to notify the parent or eligible student. In compliance with FERPA, notice to the parent is not required when a court order directs that disclosure be made without notification of the student or parent. If NKCES receives orders, the matter(s) may be referred to local counsel for advice.

References:

1Section 152 of the Internal Revenue Code of 1986

2KRS 158.153, KRS 610.320, KRS 610.340, KRS 610.345

KRS 7.110, KRS 15A.067, KRS 17.125; KRS 158.032, KRS 159.160, KRS 159.250

KRS 160.990, KRS 161.200, KRS 161.210

KRS 365.732; KRS 365.734; KRS 600.070

702 KAR 1:140, 702 KAR 3:220

20 U.S.C. 1232g et seq., 34 C.F.R. 99.1 ‑ 99.67

20 U.S.C. 1232h (Protection of Pupil Rights Amendment); 34 C.F.R. 98

OAG 80‑33, OAG 85‑130, OAG 85‑140, OAG 86‑2, OAG 93‑35

Kentucky Family Educational Rights and Privacy Act (KRS 160.700, KRS 160.705

KRS 160.710, KRS 160.715, KRS 160.720, KRS 160.725, KRS 160.730)

20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)

Kentucky Education Technology System (KETS)

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

42 U.S.C. 11431 et seq. (McKinney-Vento Act)

Related Policy:

09.43

# Draft 8/1/23

# STUDENTS CP09.2

Student Welfare and Wellness

See Regional School Program (RSP) and/or District of Record Policies and Procedures.

NKCES is committed to providing a school environment that promotes and protects student health, well-being, and ability to learn by supporting healthy eating and physical activity. To this end, NKCES supports school efforts to implement the following:

* To the maximum extent practicable, the school will participate in available federal school meal programs.
* The school will provide and promote nutrition education and physical education to foster lifelong habits of healthy eating and physical activity and will establish linkages between health education, school meal programs, and related community services.
* A school containing grades K-5 or any combination thereof, shall develop and implement an individual wellness policy per KRS 160.345 and NKCES Policy 02.4241.

Wellness Leadership

The Executive Director**/**designee will direct NKCES officials (“wellness leadership group”) to monitor compliance with this and related policies. At the school level, the Executive Director/designee will monitor compliance with those policies in his/her school and will report on the school's compliance as directed by the Superintendent/designee.

The wellness leadership group shall work to encourage and support all students to be physically active on a regular basis as provided by school/council policy. The school shall review and consider evidence-based strategies to set measurable goals in providing nutrition education and engaging in nutrition promotion to positively influence lifelong eating behaviors.

Suggested language may include goals related to activities and opportunities:

* offered as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
* offered as part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects;
* that, to the extent possible, include enjoyable, developmentally-appropriate, culturally-relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens;
* that promote fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
* that emphasize caloric balance between food intake and energy expenditure (physical activity/exercise);
* that teach media literacy with an emphasis on food marketing; and
* that include training for teachers and other staff.

# STUDENTS CP09.2

# (Continued)

**Student Welfare and Wellness**

Physical Activity and Physical Education

NKCES and the appointed School of Record have a legally binding, written and signed agreement for the appointed School of Record to serve as the District of Record for NKCES. For the purpose of the district wellness plan and public input, any activity and input will be included with the School of Record K-5 wellness plan, and will be subject to the same provisions set forth in KRS 158.856.

* The school council of a school containing grades K-5 or any combination thereof, or if there is no school council, the Principal, shall develop and implement a wellness policy that includes moderate to vigorous physical activity each day and encourages healthy choices among students consistent with KRS 160.345 and Board Policy 02.4241.
* The policy may permit physical activity to be considered part of the instructional day, (not to exceed thirty (30) minutes/day or 150 minutes/week) and also in compliance with the school calendar regulation, 702 KAR 7:140 and Board Policy 08.1346.

NKCES Wellness Plan/Public and Staff Input

The NKCES shall actively seek to engage students, parents, physical and/or health education teachers, school food service professionals,school health professionals, school board members, school administrators, and other interested community members in developing, implementing, monitoring, and reviewing this Policyand in providing input on the NKCES Wellness Plan.

NKCES shall permit community participation in the student wellness process by:

* Making a nutrition and physical activity report to be prepared by the School Nutrition Director available to the public on the NKCES website no later than sixty (60) days prior to the public forum covered in KRS 158.856. (702 KAR 6:090)
  + Discussing the findings of the nutrition report and physical activity report and seeking public comments during a publicly advertised special Board meeting or at the next regularly scheduled Board meeting following the release of the nutrition and physical activity reports.
  + Holding an advertised public forum by January 31 of each year, to present a plan to improve the school nutrition and physical activities in the NKCES in accordance with KRS 158.856.

The Executive Director shall submit the wellness plan that includes a summary of the findings and recommendations of the nutrition and physical activity report as required by May 1 of each year to the Kentucky Department of Education (KDE).

The Wellness Plan submitted to KDE shall include within the findings and recommendations the following:

1. Extent to which the NKCES is in compliance with this Policy;
2. A comparison of how the NKCES measures up to model wellness policies provided by recognized state and national authorities; and
3. A description of the measurable progress made towards reaching goals of the NKCES Wellness Policy and addressing any gaps identified in the wellness report for the previous year.

# STUDENTS CP09.2

# (Continued)

Student Welfare and Wellness

Recordkeeping

NKCES and any school in the NKCES shall maintain the following records:

* A copy of the written wellness policy or plan;
* Documentation on how the policy and assessments are made available to the public;
* The most recent assessment of implementation of the policy;
* Documentation of efforts to review and update the policy, including who was involved in the process and how stakeholders were made aware of their ability to participate; and
* Documentation demonstrating compliance with annual public notification requirements and annual reporting to the KDE.

Standards and Nutrition Guidelines for all Foods and Beverages

Foods and beverages sold during the school day shall be done in accordance with state and federal regulations and Board Policies 07.111 and 07.12.

Standards for All Foods and Beverages Sold to Students

Foods and beverages sold or served at school shall be consistent with the state and federal regulations for school meal nutrition standards. Nutrition guidelines for all foods and beverages served or sold on campus shall be maintained by the Executive Director/designee and made available upon request. The Executive Director shall designate an individual or individuals to monitor compliance of beverages and food sold ala carte with state and federal nutrition requirements.

Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.

Standards for All Foods and Beverages Provided but Not Sold to Students

* When possible, rewards given to students shall be other than food/beverage items. When food/beverage items are used as rewards, such items shall comply with nutritional guidelines set out in 7 C.F.R 210.11 and 702 KAR 6:090.
* Foods and beverages provided in school, but not made available for sale, shall meet standards outlined in the schools’ individual wellness plan (if applicable) and will not conflict with NKCES Policy.

Food and Beverage Marketing

All marketing on the school campus during the school day shall be of only those foods and beverages that meet the nutrition standards of the Smart Snack in School Nutrition Standards (7 C.F.R 210.11 and 702 KAR 6:090).

# STUDENTS CP09.2

# (Continued)

Student Welfare and Wellness

Reference:

KRS 158.850; KRS 158.854

KRS 160.290; KRS 160.345

702 KAR 6:090

P. L. 111-296

7 C.F.R. Part 210

7 C.F.R. Part 220

U. S. Dept. of Agriculture’s Dietary Guidelines for Americans

Related Policies:

02.4241; 07.1; 07.111; 07.12; 08.1346

# Draft 8/1/23

# STUDENTS CW09.4261

Telecommunication Devices

Possession and Use

Upon entering the school premises, all student telecommunication devices shall be turned in and will remain locked in the office until dismissal from school or other approval from administration.

References:

1KRS 158.165

KRS 525.080

Related Policies:

08.2323; 09.426; 09.438

# Draft 8/1/23

# STUDENTS BK09.42811

Harassment/Discrimination

Definition

Harassment/Discrimination is unlawful behavior based on race, color, national origin, age, religion, sex (including sexual orientation or gender identity), or disability that is sufficiently severe, pervasive, or objectively offensive that it adversely affects a student's education or creates a hostile or abusive educational environment.

The provisions of this policy shall not be interpreted as applying to speech otherwise protected under the state or federal constitutions where the speech does not otherwise materially or substantially disrupt the educational process, as defined by policy 09.426, or where it does not violate provisions of policy 09.422.

Prohibition

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

NKCES staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

Disciplinary Action

Students who engage in harassment/discrimination of an employee or another student on the basis of any of the areas mentioned above shall be subject to disciplinary action, including but not limited to suspension and expulsion.

Guidelines

Students who believe they or any other student, employee, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. The Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Executive Director/designee. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.

Employees who believe prohibited behavior is occurring or has occurred shall notify the victim’s Principal, who shall immediately forward the information to the Executive Director/designee.

The Executive Director/designee shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) school days of receipt of the original complaint, regardless of the manner in which the complaint is communicated to a NKCES administrator. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency.

The Executive Director/designee may take interim measures to protect complainants during the investigation.

# STUDENTS BK09.42811

# (Continued)

Harassment/Discrimination

Guidelines (continued)

1. A process to identify and implement, within five (5) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
2. A process to be developed and implemented to communicate requirements of this policy to all students, which may include, but not be limited to, the following:

* written notice provided in publications such as handbooks, codes, and/or pamphlets; and/or
* such other measures as determined by the Executive Director/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the applicable policy/procedures for NKCES and obtain assistance in reporting and responding to alleged incidents. Students, parents or guardians, as appropriate, will be directed to sign an acknowledgement form verifying receipt of information concerning this policy as part of the approved code of acceptable behavior and discipline.

1. Age appropriate training during the first month of school to include an explanation of prohibited behavior and the necessity for prompt reporting of alleged harassment/discrimination; and
2. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

When sexual harassment is alleged, the Executive Director/designee as designated in the code shall be notified.

Notifications

Within twenty-four (24) hours of receiving a serious allegation of harassment/discrimination, NKCES personnel shall attempt to notify parents of both student victims and students who have been accused of harassment/discrimination.

In circumstances also involving suspected child abuse, additional notification shall be required by law. (See Policy 09.227.)

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

Prohibited Conduct

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;

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# (Continued)

Harassment/Discrimination

**Prohibited Conduct (continued)**

1. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
2. Instances involving sexual violence;
3. Causing a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity or that an educational decision will be based on whether or not the student submits to unwelcome sexual conduct;
4. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
5. Seeking to involve students with disabilities in antisocial, dangerous or criminal activity where the students, because of disability, are unable to comprehend fully or consent to the activity; and
6. Destroying or damaging an individual's property based on any of the protected categories.

Confidentiality

NKCES employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of both victims and persons accused of violations.

Appeal

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Executive Director.

If a supervisor is an alleged party in the harassment/discrimination complaint, procedures shall also provide for addressing the complaint to a higher level of authority.

Failure by employees to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy, or to take corrective action shall be cause for disciplinary action.

Retaliation Prohibited

No one shall retaliate against an employee or student because s/he submits a grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

Upon the resolution of allegations, the Executive Director shall take steps to protect employees and students against retaliation.

False Complaints

Deliberately false or malicious complaints of harassment/discrimination may result in disciplinary action taken against the complainant.

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# (Continued)

Harassment/Discrimination

Other Claims

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 09.426.

References:

1KRS 158.156

42 USC 2000e, Civil Rights Act of 1964, Title VII

Racial Incidents and Harassment Against Students at Educational Institutions;

Investigative Guidance (U.S. Department of Education)

U. S. Supreme Court - Franklin vs. Gwinnett County

29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC)

Regulations Implementing Title VII

20 U.S.C. 1681, Education Amendments of 1972, Title IX

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

Regulations Implementing Title IX

Gebser v. Lago Vista Independent School Dist., 118 S. Ct. 1989 (1998)

Davis v. Monroe County Bd. of Educ., 119 S. Ct. 1661 (1999)

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

Related Policies:

03.162; 03.262

09.2211; 09.227; 09.422; 09.426; 09.438