

## **Paid Parental Leave**

03.12331      Paid Parental Leave (Certified)  
03.22331      Paid Parental Leave (Classified)

**- CERTIFIED PERSONNEL -**

**Paid Parental Leave**

**PAID PARENTAL LEAVE**

An eligible employee shall be granted up to thirty (30) days of paid parental leave once each rolling twelve (12)-month period if the employee becomes a parent by the birth or adoption of a child or children under the following conditions:

1. The employee shall submit a written request on a form provided by the Human Resources Division, to be submitted at least thirty (30) calendar days prior to the expected start date of the leave, or as soon as is practicable given the circumstances.
2. The leave shall be taken on continuous basis for the contract days of the employee's role group on the District's Working Calendar.
3. The leave shall begin immediately upon the birth or adoption of the child or children.
4. The leave shall not accrue and shall expire at the end of thirty (30) contract days of the employee's role group on the District's Working Calendar.
5. Paid parental leave used by an employee shall count against the workweek entitlement for unpaid Family and Medical Leave Act (FMLA) leave and Board Policy 03.12322, including the limits in place for eligible spouses who are employed by the District and are eligible for leave.

**EMPLOYEE ELIGIBILITY FOR PAID PARENTAL LEAVE**

An employee is eligible for paid parental leave if the employee has been a full-time employee of the District for at least six (6) months from date of initial hire, and in active pay status or on an approved leave during the employee's scheduled work year.

Temporary, seasonal and substitute employees and student workers are not eligible for paid parental leave.

An employee who does not qualify for paid parental leave may use any other leave that is available to the employee in accordance with District leave policies.

**RELATED POLICIES:**

03.122; 03.123; 03.1231; 03.1232; 03.12322; 03.1233

- CLASSIFIED PERSONNEL -

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1. The employee shall submit a written request on a form provided by the Human Resources Division, to be submitted at least thirty (30) calendar days prior to the expected start date of the leave, or as soon as is practicable given the circumstances.
2. The leave shall be taken on continuous basis for the contract days of the employee's role group on the District's Working Calendar.
3. The leave shall begin immediately upon the birth or adoption of the child or children.
4. The leave shall not accrue and shall expire at the end of thirty (30) contract days of the employee's role group on the District's Working Calendar.
5. Paid parental leave used by an employee shall count against the workweek entitlement for unpaid Family and Medical Leave Act (FMLA) leave and Board Policy 03.22322, including the limits in place for eligible spouses who are employed by the District and are eligible for leave.

**EMPLOYEE ELIGIBILITY FOR PAID PARENTAL LEAVE**

An employee is eligible for paid parental leave if the employee has been a full-time employee of the District for at least six (6) months from date of initial hire, and in active pay status or on an approved leave during the employee's scheduled work year. Temporary, seasonal and substitute employees and student workers are not eligible for paid parental leave.

An employee who does not qualify for paid parental leave may use any other leave that is available to the employee in accordance with District leave policies.

**RELATED POLICIES:**

03.222; 03.223; 03.2231; 03.2232;0 03.22322; 03.2233

## **Salary Deductions**

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

**-CERTIFIED PERSONNEL-**

**Salary Deductions**

**MANDATORY DEDUCTIONS**

Mandatory payroll deductions made by the Board include:

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

**OPTIONAL DEDUCTIONS**

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

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

**SIGNED REQUEST REQUIRED**

No optional payroll deduction, authorized by the Board, shall be deducted from an individual employee's salary without a signed request or electronic authorization from that employee affirmatively requesting the optional deduction. The Superintendent shall develop the manner and time for filing such requests.

**CHANGES IN DEDUCTIONS**

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

PERSONNEL

03.2211  
(CONTINUED)

**Salary Deductions**

**REFERENCES:**

[KRS 18A.230](#); [KRS 160.291](#); [KRS 161.158](#); [KRS 336.134](#)  
[702 KAR 001:035](#); [OAG 72-802](#)

Adopted/Amended: 8/15/2023  
Order #: 2023-136

**- CLASSIFIED PERSONNEL -****Salary Deductions****MANDATORY DEDUCTIONS**

Mandatory payroll deductions made by the Board include:

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

**OPTIONAL DEDUCTIONS**

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

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

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

**Salary Deductions**

**SIGNED REQUEST REQUIRED**

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

**CHANGES IN DEDUCTIONS**

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

**REFERENCES:**

[KRS 18A.230](#)

[KRS 160.291](#)

[KRS 161.158](#)

[KRS 336.134](#)

[702 KAR 001:035](#)

[OAG 72-802](#)

Adopted/Amended: 8/15/2023  
Order #: 2023-136



**HB 142 AN ACT relating to products that contain nicotine.**

09.4232 Tobacco, Alternative Nicotine, or Vapor Products

LEGAL: HB 142 REPEALED KRS 438.345 AND CREATED NEW SECTION OF KRS 158 TO REQUIRE BOARDS OF EDUCATION TO ADOPT POLICIES THAT PENALIZE STUDENTS FOR POSSESSING ALTERNATIVE NICOTINE PRODUCTS, TOBACCO PRODUCTS, OR VAPOR PRODUCTS AND LIST PENALTIES; REQUIRE THE BOARD TO REPORT ANNUALLY TO THE KENTUCKY DEPARTMENT OF EDUCATION THE NUMBER OF NICOTINE-RELATED BEHAVIOR INCIDENTS IN SCHOOLS AND THE NUMBER REQUIRING MEDICAL INTERVENTION. FINANCIAL IMPLICATIONS: PROVIDING MATERIALS AND LOSS OF ADA

STUDENTS

09.4232

### **Tobacco, Alternative Nicotine, or Vapor Products**

A student ~~Students~~ shall not be permitted to use or possess any tobacco product, alternative nicotine product, or vapor product as defined in KRS 438.305 on or in all Board property at all times including any vehicle, owned, operated, leased, or contracted for use by the Board and while attending or participating in any school-related student trip or student activity.

Evidence-based, age-appropriate nicotine prevention and cessation material shall be distributed to all students at the beginning of each school year, and students shall have access to the material throughout the school year.

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

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

School employees shall enforce the policy. A student who violates ~~Students who violate~~ these prohibitions while under the supervision of the school shall be subject to penalties set forth in the Student Support and Behavior Intervention Handbook.

#### **PENALTIES**

If a student under the age of twenty-one violates this policy, then the District will confiscate the alternative nicotine products, tobacco products, or vapor products and:

1. For the first incident, the school counselor, ~~or~~ other school-based mental health services provider, or school nurse shall provide to the parent/~~or~~ guardian and the student evidence-based, age-appropriate nicotine cessation information to include but not be limited to materials, programs, and referrals for treatment;
2. A second incident shall result in providing information listed above and disciplinary action as determined by the Board and included in the District Code of Acceptable Behavior and Discipline; and
3. Third and subsequent incidents may result in an in-school or out-of-school suspension. The school shall provide the opportunity for a student to complete an evidence-based, age-appropriate nicotine education program during an in-school suspension.

**Tobacco, Alternative Nicotine, or Vapor Products**

**REPORTING**

No later than August 1 of each year, the Board shall submit a report to the Kentucky Department of Education that includes:

- a. The number of behavior incidents for each alternative nicotine product, tobacco product, and vapor product, listed by school and grade; and
- a.b. The number of incidents for which medical intervention was provided, listed by school, grade, and product.

**REFERENCES:**

KRS 158.149; KRS 160.290; KRS 160.340; KRS 161.180  
KRS 438.050; KRS 438.305; ~~KRS 438.345~~; KRS 438.350  
OAG 81-295; OAG 91-137  
P. L. 1114-95, (Every Student Succeeds Act of 2015)

**RELATED POLICIES:**

03.1327; 03.2327; 05.31; 06.221; 09.438; 10.5

**HB 5 AN ACT relating to crimes and punishments.**

- 03.13251 Drug-Free/Alcohol-Free Schools (Certified)
- 03.23251 Drug-Free/Alcohol-Free Schools (Classified)
- 09.2211 Employee Reports of Criminal Activity
- 09.423 Use of Alcohol, Drugs, and Other Prohibited Substances
- 09.425 Assault and Threats of Violence

LEGAL: HB 5 AMENDS KRS 158.155 TO REQUIRE SCHOOL EMPLOYEES TO REPORT CERTAIN ENUMERATED CRIMES TO LAW ENFORCEMENT.

NOTE: IF YOUR POLICY CONTAINS DRUG TESTING LANGUAGE IT SHOULD BE REVIEWED BY YOUR BOARD ATTORNEY.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.13251

- CERTIFIED PERSONNEL -

## **Drug-Free/Alcohol-Free Schools**

### **DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES**

The District is committed to maintaining a drug-free workplace.

A District employee ~~District employees~~ shall not manufacture, distribute, dispense, be under the influence of, purchase, possess, use, or attempt to purchase or obtain, sell, or transfer any of the following in the workplace or in the performance of duties:

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and
3. Substances that look like a controlled substance. In instances involving look-alike substances, there must be evidence of the employee's intent to pass off the item as a controlled substance.

In addition, an employee ~~employees~~ shall not possess prescription drugs for the purpose of sale or distribution.

### **DEFINITIONS**

Controlled substance shall mean any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to KRS 218A.020.

Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, prohibited volatile substances as defined in KRS 217.900 or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.
3. Substances containing Tetrahydrocannabinol (THC). (Employees are cautioned that many legally available Cannabinol (CBD) products, due to poor manufacture and/or regulation, contain THC and their use will result in a positive THC test which will be considered a positive THC test for all purposes under these policies).

### **AUTHORIZED DRUGS**

An employee ~~Employees~~ who personally uses use or who is are designated to administer to a student a drug authorized by and administered in accordance with a prescription from a health professional shall not be considered in violation of this policy.

**Drug-Free/Alcohol-Free Schools****WORKPLACE DEFINED**

For purposes of this policy, “workplace” shall include any site where District work is performed, including school buildings, school premises, property owned, leased, or used by the District for educational or business purposes, school-owned vehicles, or other school-approved vehicles used for school business or to transport staff members or students to and from school or school activities. “Workplace” also includes any school-sponsored or school-approved activity, event, or function such as a field trip or athletic event that is held off school property and in which students or staff members are under the jurisdiction of the District.

**SUSPENSION/TERMINATION/NON-RENEWAL**

Any employee who violates the terms of this policy may be suspended, non-renewed or terminated. In addition, violations may result in notification of appropriate legal officials.

**ALTERNATIVE**

As an alternative, the Superintendent may choose that an employee who violates the terms of the District's drug-free/alcohol-free workplace policies shall satisfactorily participate in a Board-approved drug/alcohol abuse assistance or rehabilitation program. If the employee fails to satisfactorily participate in such a program, the employee may be suspended, non-renewed or terminated.

**REPORTING**

Any school employee who knows or has reasonable cause to believe that a person has violated KRS 158.155 shall immediately report regarding any use, possession, or sale of a controlled substance, or who receives information from a student or other person of conduct which is required to be reported, shall immediately cause a report to be made to the District's Security and Investigations Unit law enforcement agency and either the local law enforcement agency or the Kentucky State Police. Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.

**POST-DISCIPLINE DRUG TESTING**

Following determination by an administrative or judicial proceeding that a teacher s/he engaged in misconduct involving the illegal use of controlled substances, the a teacher who has been reprimanded or disciplined for misconduct involving illegal use of controlled substances shall submit to random or periodic drug testing in accordance with applicable Kentucky Administrative Regulation for a period not to exceed twelve (12) months from the date of such reprimand or disciplinary action.

**AWARENESS AND PREVENTION PROGRAM**

The Superintendent shall establish a comprehensive and on-going drug-free/alcohol-free awareness and prevention program which shall include notice of the following:

1. The dangers of drug/alcohol/substance abuse in the schools;

**Drug-Free/Alcohol-Free Schools**

**AWARENESS AND PREVENTION PROGRAM (CONTINUED)**

2. The District's policies and related procedures on drug-free/alcohol-free schools;
3. The requirement for mandatory compliance with the District's established standards of conduct, including those that prohibit use of alcohol, drugs, and other controlled and prohibited substances;
4. Information about available drug/alcohol counseling programs and available rehabilitation/employee assistance programs; and
5. Penalties that may be imposed upon employees for violations of this policy.

**REFERENCES:**

[KRS 158.155](#); KRS 160.290; KRS 160.380; KRS 161.120; KRS 161.175  
KRS 161.790; KRS 217.900; KRS 218A.1430; KRS 218A.1447; [KRS 218B.045](#)  
16 KAR 1:030; 701 KAR 5:130; 34 C.F.R Part 85

**RELATED POLICIES:**

03.1325  
03.17  
08.1345  
[09.2211](#)  
09.2241

LEGAL: HB 5 AMENDS KRS 158.155 TO REQUIRE SCHOOL EMPLOYEES TO REPORT CERTAIN ENUMERATED CRIMES TO LAW ENFORCEMENT.  
NOTE: IF YOUR POLICY CONTAINS DRUG TESTING LANGUAGE IT SHOULD BE REVIEWED BY YOUR BOARD ATTORNEY.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.23251

- CLASSIFIED PERSONNEL -

## Drug-Free/Alcohol-Free Schools

### DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES

The District is committed to maintaining a drug-free workplace. A District ~~employee employees~~ shall not manufacture, distribute, dispense, be under the influence of, purchase, possess, use, or attempt to purchase or obtain, sell, or transfer any of the following in the workplace or in the performance of duties:

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and
3. Substances that look like a controlled substance. In instances involving look-alike substances, there must be evidence of the employee's intent to pass off the item as a controlled substance.

In addition, ~~an employee employees~~ shall not possess prescription drugs for the purpose of sale or distribution.

### DEFINITIONS

Controlled substance shall mean any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to KRS 218A.020.

Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, prohibited volatile substances as defined in KRS 217.900 or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.
3. Substances containing Tetrahydrocannabinol (THC). (Employees are cautioned that many legally available Cannabinol (CBD) products, due to poor manufacture and/or regulation, contain THC and their use will result in a positive THC test which will be considered a positive THC test for all purposes under these policies).

### AUTHORIZED DRUGS

~~An employee Employees~~ who personally ~~uses use~~ or who ~~is are~~ designated to administer to a student a drug authorized by and administered in accordance with a prescription from a health professional shall not be considered in violation of this policy.



**Drug-Free/Alcohol-Free Schools****WORKPLACE DEFINED**

For purposes of this policy, “workplace” shall include any site where District work is performed, including school buildings, school premises, property owned, leased, or used by the District for educational or business purposes, school-owned vehicles, or other school-approved vehicles used for school business or to transport staff members or students to and from school or school activities. “Workplace” also includes any school-sponsored or school-approved activity, event, or function such as a field trip or athletic event where students or staff members are under the jurisdiction of the District.

**SUSPENSION/TERMINATION/NON-RENEWAL**

Any employee who violates the terms of this policy may be suspended, non-renewed or terminated. In addition, violations may result in notification of appropriate legal officials.

**ALTERNATIVE**

As an alternative, the Superintendent may choose that an employee who violates the terms of the District's drug-free/alcohol-free workplace policies shall satisfactorily participate in a Board-approved drug/alcohol abuse assistance or rehabilitation program. If the employee fails to satisfactorily participate in such a program, the employee may be suspended, non-renewed or terminated.

**REPORTING**

~~Any school employee who knows or has reasonable cause to believe that a person has violated KRS 158.155 shall immediately report regarding any use, possession, or sale of a controlled substance, or who receives information from a student or other person of conduct which is required to be reported, shall immediately cause a report to be made to the District's Security and Investigations Unit law enforcement agency and either the local law enforcement agency or the Kentucky State Police. Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.~~

**AWARENESS AND PREVENTION PROGRAM**

The Superintendent shall establish a comprehensive and on-going drug-free/alcohol-free awareness and prevention program which shall include notice of the following:

1. The dangers of drug/alcohol/substance abuse in the schools;
2. The District's policies and related procedures on drug-free/alcohol-free schools;
3. The requirement for mandatory compliance with the District's established standards of conduct, including those that prohibit use of alcohol, drugs, and other controlled and prohibited substances;
4. Information about available drug/alcohol counseling programs and available rehabilitation/employee assistance programs; and
5. Penalties that may be imposed upon employees for violations of this policy.

**Drug-Free/Alcohol-Free Schools**

**REFERENCES:**

KRS 158.155; KRS 160.290; KRS 217.900  
KRS 218A.1430; KRS 218A.1447; KRS 218B.045  
34 C.F.R. Part 85

**RELATED POLICIES:**

03.2325; 03.271  
08.1345; 09.2211; 09.2241

LEGAL: HB 5 AMENDS KRS 158.155 TO REQUIRE SCHOOL EMPLOYEES TO REPORT CERTAIN ENUMERATED  
CRIMES TO LAW ENFORCEMENT.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.2211

### Employee Reports of Criminal Activity

To promote the safety and well-being of students, employees shall report criminal activity as required by state law.

#### **KRS 620.030**

A District ~~employee personnel~~ who ~~knows or has know or have~~ reasonable cause to believe that a child is dependent, neglected or abused, or is a victim of human trafficking, or is a victim of female genital mutilation, shall immediately make a report to the appropriate state agency as required by KRS 620.030.

#### **KRS 158.155**

~~Any school employee who knows or has reasonable cause to believe that a person has made threats or plans of violence which are intended to target a school or students or who knows that a firearm is present on school property in violation of KRS 527.070 shall immediately cause a report to be made to the District Security and Investigations Unit District's law enforcement agency and to either the local law enforcement agency or to the Kentucky State Police.~~

~~Any school employee shall immediately report to the District Security and Investigations District's law enforcement agency and to either the local law enforcement agency or to the Kentucky State Police any act which the employee has a reasonable cause to believe has occurred on school property or at a school-sponsored or sanctioned event involving:~~

- ~~a. Assault resulting in serious injury;~~
- ~~b. A sexual offense;~~
- ~~c. Kidnapping;~~
- ~~d. Assault with the use of a weapon;~~
- ~~e. Possession of a firearm or deadly weapon in violation of the law;~~
- ~~f. The use, possession, or sale of a controlled substance in violation of the law; or~~
- ~~g. Damage to property.~~

~~Any school employee who receives information from a student or other person of conduct which is required to be reported shall report the conduct to the District Security and Investigations Unit District's law enforcement agency and to either the local law enforcement agency or to the Kentucky State Police.~~

~~School personnel who know or have reasonable cause to believe that a violation of state law involving the carrying, possession or use of a deadly weapon; the use, possession or sale of a controlled substance; or any felony offense, has occurred on school premises or within one thousand (1,000) feet of school premises, on a school bus or at a school sponsored event, shall promptly make a report to the appropriate law enforcement agency as required by KRS 158.155.~~

**Employee Reports of Criminal Activity****KRS 158.156**

~~An employee School personnel~~ who ~~knows or has know or have~~ reasonable cause to believe that a student has been the victim of a felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation or at a school-sponsored event, shall immediately make a report to the victim's Principal as required by KRS 158.156. The Principal shall file a written report with the District which will provide the report to the Board and the appropriate law enforcement agency within forty-eight (48) hours of the original report. The Principal shall also notify the parents/guardians of the students involved.

**KRS 209A.100**

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

**KRS 209A.110**

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

**KRS 158.154**

~~A principal Principals~~ who ~~has have~~ a reasonable belief that an act has occurred on school property, on a school bus or at a school-sponsored function involving assault resulting in serious physical injury, a sexual offense, kidnapping, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a controlled substance in violation of the law or damage to the property shall immediately report the act to the appropriate law enforcement agency as required by KRS 158.154.

**REFERENCES:**

KRS 158.154; KRS 158.155; KRS 158.156  
KRS 209A.100; KRS 209A.110  
KRS 508.125  
KRS 525.070; KRS 525.080  
KRS 527.070; KRS 527.080;  
KRS 620.030

**RELATED POLICIES:**

03.13251; 03.23251; 05.48  
09.227; 09.422; 09.423; 09.425; 09.426; 09.438

LEGAL: HB 5 AMENDS KRS 158.155 TO REQUIRE SCHOOL EMPLOYEES TO REPORT CERTAIN ENUMERATED  
CRIMES TO LAW ENFORCEMENT.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.423

## **Use of Alcohol, Drugs and Other Prohibited Substances**

### **DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES**

No **student pupil** shall purchase, possess, attempt to possess, use, be under the influence of, sell, or transfer any of the following on or about school property, at any location of a school-sponsored activity, or en route to or from school or a school-sponsored activity:

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances and drug paraphernalia; and
3. Substances that "look like" a controlled substance. Any substance that can be reasonably mistaken for a controlled substance is considered a look-alike drug. This includes nonalcoholic beer and wine. Any student who uses, distributes, or represents a look-alike drug as authentic will be treated as if it were authentic, according to state and federal laws. In instances involving look-alike substances, there must be evidence of the student's intent to pass off the item as a controlled substance.

In addition, **a student students** shall not possess prescription drugs for the purpose of sale or distribution.

### **DEFINITIONS**

Controlled substance means any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by regulation under KRS 218A.010.

Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

1. All prescription drugs obtained without medical authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, prohibited volatile substances as defined in KRS 217.900 or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

### **AUTHORIZED MEDICATION**

Use of a drug authorized by and administered in accordance with a prescription from a physician or dentist and in compliance with Board Policy 09.2241 shall not be considered in violation of this policy.

### **PENALTY**

Violation of this policy shall constitute reason for disciplinary action as outlined in the Student Support and Behavior Intervention Handbook, including but not limited to, suspension or dismissal from athletic teams, and dismissal from other school-sponsored activities.

**Use of Alcohol, Drugs and Other Prohibited Substances****REPORTING**

Any school employee who knows or has reasonable cause to believe that a person has violated KRS 158.155 shall immediately report any use, possession, or sale of a controlled substance, or who receives information from a student or other person of conduct which is required to be reported, shall immediately cause a report to be made to the District Security and Investigations Unit District's law enforcement agency and either the local law enforcement agency or the Kentucky State Police.

~~Employees of the District shall promptly make a report to the JCPS Security & Investigations Unit, local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event. In addition, when they have reasonable belief that a violation has taken place, Principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school sponsored function that involves student possession of a controlled substance in violation of the law.~~

**PREVENTION PROGRAM**

The Superintendent/designee shall develop and cause to be implemented a prevention/intervention program in the areas of alcohol, tobacco, and other drug education issues that shall comply with state and federal law. This program shall include:

1. The dangers of drug/alcohol/tobacco/substance abuse in the schools to reflect a clear, concise "no use" philosophy;
2. The District's policies and related procedures;
3. The requirement for mandatory compliance with the District's established standards of conduct, including those that prohibit use of alcohol, drugs, and other controlled and prohibited substances;
4. Assistance to teachers and other personnel in the identification, counseling, assessment, and referral of pupils;
5. Professional development provided to staff;
6. Curriculum materials which are age-appropriate;
7. Information about available counseling programs and available rehabilitation/student assistance programs;
8. Coordination with local, city, county, state, and federal agencies; and
9. Penalties that may be imposed upon students for violations of this policy as set out in the local Student Support and Behavior Intervention Handbook.

**Use of Alcohol, Drugs and Other Prohibited Substances**

**REFERENCES:**

KRS 158.150; KRS 158.154; KRS 158.155; KRS 160.290; KRS 161.180  
KRS 217.900; KRS 218A.020; KRS 218A.1430; KRS 218A.1447; [KRS 218B.045](#)  
OAG 82-633; OAG 93-32  
Clark County Board of Education vs. Jones, KY. App., 625 S. W. 2d 586 (1981).  
Board of Ed. of Tecumseh Public School District, Independent School Dist. No. 92 of Pottawatomie  
Cty. v. Earls, \_\_\_ U.S. \_\_\_, 242 F.3d 1264 (2002).

**RELATED POLICIES:**

[09.2211](#); 09.2241

LEGAL: HB 5 AMENDS KRS 158.155 TO REQUIRE SCHOOL EMPLOYEES TO REPORT CERTAIN ENUMERATED CRIMES TO LAW ENFORCEMENT.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.425

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

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

#### **STUDENTS**

Any student who threatens, physically assaults, batters or abuses another student on school property, off school property, or at a school-sponsored event (and the incident is likely to substantially disrupt the education process), shall be subject to appropriate disciplinary action, including suspension or placement in an alternative program in lieu of expulsion.<sup>1</sup> Procedures for dealing with aggressive and assaultive behavior and the resulting consequences shall be set out in the Student Support and Behavior Intervention Handbook.

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

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

#### **EDUCATIONAL PERSONNEL**

Any student who threatens, physically assaults, batters or physically or verbally abuses educational personnel (and the incident is likely to substantially disrupt the educational process) shall be subject to appropriate disciplinary action<sup>1</sup> up to and including placement in an alternative program setting in lieu of expulsion from school and/or legal action.

#### **THREATS THAT POSE A DANGER TO STUDENTS, FACULTY, OR STAFF**

Any student who is determined by the District through clear and convincing evidence to have made threats that pose a danger to the well-being of students, faculty, or staff shall be placed in an alternative program or setting in lieu of expulsion for a period of at least twelve (12) months.

#### **In accordance with Board Policy 09.4341 Alternative Education Programs:**

- Placement decisions for a student with a disability under the IDEA shall be made by the Admissions and Release Committee (ARC) as required under federal law and corresponding District policies and procedures.
- Placement decisions for a student identified under Section 504 shall be made through the team process as required under federal law and corresponding District policies and procedures.

#### **REMOVAL OF STUDENTS**

A school administrator, teacher, or other school employee may immediately remove or cause to be removed threatening or violent students from a classroom setting or from the District's transportation system pending any further disciplinary action that may occur. Threatening or violent behavior shall include, but not be limited to:



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

1. Verbal or written statements or gestures by a student indicating intent to harm himself/herself/themselves, others, or property.
2. Physical attack by a student so as to intentionally inflict harm to themselves, others, or property.

Per KRS 158.150, the Principal may establish a process, in accordance with Board Policy 09.426 Disrupting the Educational Process and subject to review and approval by the Zone Assistant Superintendent 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 District Student Support and Behavior Intervention Handbook.

Removal of a student from a bus shall be made in compliance with 702 KAR 5:080. Each school shall develop procedures for the immediate removal of a threatening or violent student from the classroom and submit them to the Superintendent/designee for approval.

When a teacher or other employee removes a student, ~~the employee he/she/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.

**REPORT TO LAW ENFORCEMENT AGENCY**

Per KRS 158.155, any school employee who knows or has reasonable cause to believe that a person has made threats or plans of violence which are intended to target a school or students or who knows that a firearm is present on school property in violation of KRS 527.070, shall immediately cause a report to be made to the ~~District Security and Investigations Unit District's law enforcement agency~~ and either to the local law enforcement agency or to the Kentucky State Police.

Any school employee shall immediately report to the District's law enforcement agency and to either the local law enforcement agency or to the Kentucky State Police any act which the employee has a reasonable cause to believe has occurred on school property or at a school-sponsored or sanctioned event involving:

- a. Assault resulting in serious injury;
- b. A sexual offense;
- c. Kidnapping;
- d. Assault with the use of a weapon;
- e. Possession of a firearm or deadly weapon in violation of the law;
- f. The use, possession, or sale of a controlled substance in violation of the law; or
- g. Damage to property.

**Assault and Threats of Violence****REPORT TO LAW ENFORCEMENT AGENCY (CONTINUED)**

~~Any school employee who receives information from a student or other person of conduct which is required to be reported, shall report the conduct to the District Security and Investigations Unit District's law enforcement agency and to either the local law enforcement agency or to the Kentucky State Police.~~

~~When a principal 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, a District employee shall report an act of domestic violence and abuse or dating violence and abuse to a law enforcement officer. The ~~District~~ employee shall discuss the report with the victim prior to contacting a law enforcement officer.

A District employee shall report to a law enforcement officer when ~~the employee he/she/they~~ have a belief that the death of a person with whom the employee has had a professional interaction is related to domestic violence and abuse or dating violence and abuse.

These reporting requirements covering domestic violence and abuse or dating violence and abuse do not relieve a District employee 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 a District employee has reasonable cause to believe that an individual with whom the employee has had a professional interaction has experienced domestic violence and abuse or dating violence and abuse, the employee shall provide educational materials to the individual relating to such abuse and information on access to regional domestic violence programs or rape crisis centers and how to access a protective order. 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 District's area.

**NOTIFICATIONS**

As soon as the Superintendent/designee confirms that a serious threat has been confirmed, designated personnel shall attempt to notify a staff member or student who has been threatened and the parent/guardian of the student who is 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 District 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.

STUDENTS

09.425  
(CONTINUED)

**Assault and Threats of Violence**

**REFERENCES:**

<sup>1</sup>KRS 158.150

<sup>2</sup>KRS158.1559

KRS 158.154; [KRS 158.155](#); 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 527.070](#); 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; [09.423](#); 09.426; 09.4281; 09.429; 09.4341

**HB 169 AN ACT relating to emergency medical preparedness of schools.**

09.224           Emergency Medical Treatment

09.2242          Medical Cannabis

LEGAL: HB 169 AMENDS KRS 158.162 TO REQUIRE THE DISTRICT TO MAINTAIN A PORTABLE AUTOMATED EXTERNAL DEFIBRILLATOR (AED) IN EVERY SCHOOL BUILDING AND SUBMIT AN ANNUAL REPORT TO KDE ON THE NUMBER AND LOCATION OF EACH AED IN EVERY SCHOOL BUILDING; THE NAME, SCHOOL, AND TRAINING DATE OF EACH DISTRICT EMPLOYEE AND INTERSCHOLASTIC ATHLETIC COACH IN THE DISTRICT TRAINED IN THE USE OF AEDS; AND THE PROGRESS MADE TOWARDS HAVING AN AED AT ALL SCHOOL-SANCTIONED ATHLETIC PRACTICES AND COMPETITIONS.  
FINANCIAL IMPLICATIONS: COST OF PURCHASING AEDS, AND TRAINING AND REPORTING

STUDENTS

09.224

## **Emergency Medical Treatment**

### **FIRST-AID ROOM**

A first-aid area with appropriate equipment, supplies and provisions for a 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 Cardiopulmonary Resuscitation (CPR) for infants and children.

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

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

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

### **STOCK EPINEPHRINE**

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

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

### **STOCK ALBUTEROL**

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

### **OPIOID ANTAGONIST**

The District may maintain an opioid antagonist in schools for administration to an individual who may experience a life-threatening, opioid overdose. An opioid antagonist for such instances shall be

**Emergency Medical Treatment****OPIOID ANTAGONIST (CONTINUED)**

administered following the protocols developed by the Kentucky Department of Public Health. These protocols shall be stored along with the opioid antagonist for ease of reference.

The District Health Services Department shall be responsible for coordinating the purchase, distribution, maintenance, and replacement of an opioid antagonist in all schools, and the training of school personnel in its use.

**EMERGENCY CARE PROCEDURES**

The District shall have emergency care procedures for implementation in schools that conform to Kentucky administrative regulation<sup>2</sup> and may utilize the Kentucky Department of Education's Health Services Reference Guide (HSRG) as a resource.

**INFORMATION NEEDED**

A number at which a parent/guardian can be reached and the name of the student's health care provider shall be maintained at each school for each of its students.<sup>2</sup> A parent/guardian shall be notified in the event of an accident involving the parent/guardian's student.

**REFERENCES:**

<sup>1</sup>KRS 158.836

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

<sup>3</sup>KRS 158.162

KRS 156.160; KRS 156.502; KRS 158.838

KRS 217.186

Kentucky Department of Education Health Services Reference Guide (HSRG)

**RELATED POLICIES:**

05.4;09.21; 09.22; 09.2241

EXPLANATION: HB 829 CREATES KRS 218B.045 WHICH REQUIRES THE BOARD TO ENACT A POLICY BY DECEMBER 1, 2024, TO EITHER PERMIT OR PROHIBIT THE USE OF MEDICINAL CANNABIS BY A STUDENT ON SCHOOL PROPERTY.

IF THE BOARD DOES NOT PERMIT THE USE OF MEDICINAL CANNABIS, THIS FORM IS NOT NEEDED.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.2242

## Medicinal Cannabis

~~Effective January 1, 2025, this Policy shall either prohibit the use of medicinal cannabis on school property or permit the use of medicinal cannabis on school property shall be permitted by a student pupil who is a registered qualified patient as deemed necessary by the pupil's parent or legal guardian.~~

~~The Board prohibits the use of medicinal cannabis on school property.~~

~~The Board permits the use of medicinal cannabis on school property by a pupil who is a registered qualified patient as deemed necessary by the pupil's parent or legal guardian as described above.~~

~~If the Board enacts a policy to permit the use of medicinal cannabis by a pupil who is a registered qualified patient, that policy shall:~~

~~Require medicinal cannabis be administered:~~

~~a. i. By a school nurse or under the supervision of appropriate school staff; or~~

~~ii. By the parent or legal guardian of the pupil who is a registered qualified patient;~~

~~and~~

~~b. Out of view of other students; and~~

~~Include a process by which a school nurse or other school staff member may by written acknowledgement (09.2242 AP.2) refuse to administer or supervise the administration of medicinal cannabis.~~

~~Medicinal cannabis shall be administered:~~

~~1. a. By a school nurse, State Registered Nurse Aide, or under the supervision of appropriate trained school staff; or~~

~~b. By the parent or legal guardian of the pupil who is a registered qualified patient;~~

~~and~~

~~c. Out of view of other students; and~~

~~2. Include a process by which a school nurse or other school staff member may by written acknowledgement (09.2242 AP.2) refuse to administer or supervise the administration of medicinal cannabis.~~

### REFERENCE:

KRS 218B.045

Please select one option.

**HB 446 AN ACT relating to public school transportation.**

|         |  |
|---------|--|
| 06.22   | Bus Driver Rights and Responsibilities             |
| 06.33   | Regular Bus Stops                                  |
| 06.34   | Conduct on Bus (Transportation)                    |
| 09.226  | Conduct on School Bus                              |
| 09.2261 | Transportation Services Policy                     |
| 09.422  | Bullying and Hazing                                |
| 09.438  | Student Support and Behavior Intervention Handbook |



LEGAL: HB 446 AMENDS KRS 158.110 TO REQUIRE DEVELOPMENT OF A DISTRICT TRANSPORTATION SERVICES POLICY BASED ON THE STATEWIDE TRANSPORTATION SERVICES POLICY GUIDELINES INCLUDING DRIVER RIGHTS AND THE STANDARD FOR STUDENT BEHAVIOR, REPORTING, AND PROTECTION FROM RETALIATION ON SCHOOL-SPONSORED TRANSPORTATION.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TRANSPORTATION

06.22

### **Bus Drivers' Rights and Responsibilities**

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

#### **EXAMINATION AND LICENSING**

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

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

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

#### **DISCIPLINARY ACTION**

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

#### **DRIVER RIGHTS**

Per KRS 158.110, a driver:

1. May refuse to provide further transportation upon written report to Superintendent/designee;
2. May be heard at any disciplinary hearing against a student relating, at least in part, to misconduct that occurred during the operator's transportation of the student:
  - a. A driver's recommendation shall be considered as a factor for interim or final determination of disciplinary action; and
  - b. A driver is permitted, to the extent permitted by law, to receive written notice from the Superintendent/designee of the investigation, disciplinary action imposed, and reasoning in response to reported misconduct; and
3. Shall be provided the opportunity to be heard and to make a recommendation regarding future transportation of the student during any disciplinary hearing relating, at least in part, to misconduct by the student's parent or guardian and the impact upon a student's transportation privileges.

**Bus Drivers' Rights and Responsibilities**

**REFERENCES:**

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

[KRS 158.110](#)

KRS 189.370; KRS 189.375; KRS 189.380; KRS 189.450; KRS 189.540; KRS 189.550

KRS 281A.170 to KRS 281A.175; KRS 281A.205

**RELATED POLICIES:**

03.211

06.23

[09.2261](#)

LEGAL: HB 446 AMENDS KRS 158.110 TO REQUIRE DEVELOPMENT OF A DISTRICT TRANSPORTATION SERVICES POLICY BASED ON THE STATEWIDE TRANSPORTATION SERVICES POLICY GUIDELINES INCLUDING THE STANDARD FOR STUDENT BEHAVIOR, REPORTING, AND PROTECTION FROM RETALIATION ON SCHOOL-SPONSORED TRANSPORTATION.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TRANSPORTATION

06.33

### **Regular Bus Stops**

#### **DISCHARGE OF PUPILS**

A bus driver shall discharge a student at the student's regularly assigned stop only, except with written authorization from the Principal/designee or radio communication from the Transportation Department to discharge a student at another location.<sup>1</sup> Preschool students shall be transported in accordance with applicable administrative regulations.<sup>2</sup>

The Principal/designee shall have authorization from a student's parent/guardian before permitting discharge at a location other than the student's regular stop.

#### **EXCEPTION**

The driver may discharge a [student pupil](#) for disciplinary reasons in accordance with [Policies 06.34 and 09.2261](#) of this manual and with 702 KAR 5:080.<sup>1</sup>

#### **REFERENCES:**

<sup>1</sup>702 KAR 5:080

<sup>2</sup>702 KAR 5:150

KRS 158.110

KRS 189.370

KRS 189.375

KRS 189.540

#### **RELATED POLICIES:**

[06.34; 09.2261](#)

LEGAL: HB 446 AMENDS KRS 158.110 TO REQUIRE DEVELOPMENT OF A DISTRICT TRANSPORTATION SERVICES POLICY BASED ON THE STATEWIDE TRANSPORTATION SERVICES POLICY GUIDELINES INCLUDING DRIVER RIGHTS AND THE STANDARD FOR STUDENT BEHAVIOR, REPORTING, AND PROTECTION FROM RETALIATION ON SCHOOL-SPONSORED TRANSPORTATION.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TRANSPORTATION

06.34

### **Conduct on Bus**

Recognizing that transportation is a student privilege, student riders shall adhere to all applicable regulations in order to retain that privilege.

The Superintendent/designee shall be responsible for the discipline of a student who rides a school bus to and from school and school-related events.

#### **REPORTING OF VIOLATIONS**

A bus driver shall promptly report any violation of District policy or school rules to the Principal. A student discipline incident report shall be initiated by the driver and given to the Principal or designee for appropriate disciplinary action. A driver Drivers may file a written or electronic complaint or report of student misconduct (06.34 AP.2) including a recommendation to revoke transportation privileges. A driver Drivers may be heard at any disciplinary hearing relating, at least in part, to misconduct that occurred during the driver's operator's transportation of the student.

#### **DISCHARGE OF PUPILS FROM BUS**

A driver is in charge of his/her/their bus, and the driver's first responsibility shall be to the safe transportation of passengers. In the event that one or more students pupils are behaving in a threatening or violent manner or in such a way as to endanger the safety of other students pupils on the bus, the driver shall stop the bus and contact the compound coordinator to send someone to pick up the student or, if the behavior warrants, the driver shall call the District Security and Investigations Unitlaw enforcement. The driver is authorized to order a threatening or violent student from the bus and shall instruct the student to stand outside by the bus door. The driver shall not leave the area until assistance arrives. Discharging a student Ejecting a pupil from the bus may be done only in the most extreme circumstances. At the first reasonable opportunity, the driver shall notify the compound coordinator, who shall notify Principal of the school where the student pupil attends who shall notify the student's parent/guardian.<sup>1</sup> A driver Drivers shall only discharge a student students in compliance with Policy 09.2261.

#### **VIDEO RECORDING EQUIPMENT**

Video cameras may be installed in the District's school buses to record student behavior during transportation to and from school and school-related events. Evidence of student misbehavior recorded on video may be used to discipline a student.

#### **WITHHOLDING OF RIDING PRIVILEGES**

The Principal is authorized to withhold bus-riding privileges up to a maximum of five (5) school days per incident for threatening or violent behavior. Additional days of bus service may be withheld in accordance with the procedures set forth in Administrative Procedure 06.34 AP.1 Conduct on Bus . The Principal shall notify the parent/guardian in a case where bus-riding privileges have been withheld. A

**Conduct on Bus****WITHHOLDING OF RIDING PRIVILEGES (CONTINUED)**

Driver Drivers may, upon filing a written report to the Superintendent/designee, refuse future transportation to a student students in violation of the Code of Acceptable Behavior and Discipline until an interim or final determination of disciplinary action has been made.

**RESTITUTION OF DAMAGES**

A The parent/guardian may be held responsible for restitution of any damages, beyond normal usage, inflicted by their child.

**STUDENTS WITH SPECIAL NEEDS**

A student with special needs who exhibits inappropriate conduct on a bus shall be managed in accordance with the student's his/her/their Individual Education Plan (IEP) or 504 Plan the Individuals with Disabilities Education Act (IDEA); state and federal special education regulations; and Board policies and District administrative procedures relating to Exceptional Child Education.<sup>2</sup>

**REFERENCES:**

<sup>1</sup> KRS 158.150; 702 KAR 5:080

<sup>2</sup> 20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA); Section 504 of Rehabilitation Act of 1973  
KRS 158.110; KRS 160.705; 702 KAR 5:100

**RELATED POLICIES:**

06.22; 09.226; 09.2261; 09.425; 09.434; 09.438

**RELATED PROCEDURE:**

06.34 AP.2

LEGAL: HB 446 AMENDS KRS 158.110 TO REQUIRE DEVELOPMENT OF A DISTRICT TRANSPORTATION SERVICES POLICY BASED ON THE STATEWIDE TRANSPORTATION SERVICES POLICY GUIDELINES INCLUDING THE STANDARD FOR STUDENT BEHAVIOR, REPORTING, AND PROTECTION FROM RETALIATION ON SCHOOL-SPONSORED TRANSPORTATION.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.226

## **Conduct on School Bus**

### **STUDENTS' RESPONSIBILITIES**

Students shall conform to transportation rules and procedures prescribed by the District under state statutes<sup>1</sup>, ~~and under~~ federal, state, and local regulations, and the District Transportation Services Policy.

### **INSTRUCTION IN BUS CONDUCT AND SAFETY**

~~Instruction in bus conduct and safety~~ The District Transportation Services Policy shall be provided to all transported students and their parents/guardians. Each student and at least one (1) of their parents/guardians shall acknowledge in writing the receipt, comprehension, and agreement of adherence to the Transportation Services Policy. ~~Instruction shall include the following rules:~~

### **STUDENTS TO WAIT AT ASSIGNED STOP**

Students shall wait at their assigned bus stop off the roadway and shall remain there until the driver has stopped the bus, opened the entrance door, and signaled the students to enter the bus.

### **CROSSING ON DRIVER'S SIGNAL**

Students shall not cross the roadway when proceeding to enter or after leaving the school bus until signaled to do so by the bus driver.

### **CROSSING IN DRIVER'S VISION**

When students are required to cross the roadway when entering or leaving the school bus, crossings shall be made in front of the bus. Students shall cross approximately ten (10) feet in front of the bus in order that they may be seen by the bus driver.

### **SEATING**

When students enter the bus, they shall proceed directly to a seat.

### **SEATED UNTIL COMPLETE STOP**

Students shall remain seated until the bus has come to a complete stop.

### **BODY NOT TO PROTRUDE FROM WINDOW**

Students shall not extend their arms, legs, or heads out the bus windows.

### **CHANGING SEATS**

Students shall not change from one seat to another while the bus is in motion unless given permission by the bus driver.

**Conduct on School Bus**

**STUDENT NOISE**

Students shall not create noise on the bus to the extent that it might distract the bus driver or to the extent that it might interfere with the driver's ability to hear the signals of emergency vehicles or an approaching train.

**REFERENCES:**

<sup>1</sup>~~KRS 156.160;~~ ~~KRS 156.070;~~ ~~KRS 158.110;~~ ~~KRS 189.540~~  
~~KRS 160.290;~~ ~~KRS 160.340;~~ ~~KRS 160.290;~~ ~~KRS 189.540~~

**RELATED POLICY:**

~~06.22;~~ ~~06.34;~~ ~~Conduct on the Bus~~~~09.6621~~

LEGAL: HB 446 AMENDS KRS 158.110 TO REQUIRE DEVELOPMENT OF A DISTRICT TRANSPORTATION SERVICES POLICY, POLICY BASED ON THE STATEWIDE TRANSPORTATION SERVICES POLICY GUIDELINES BY THE FIRST DAY OF THE 2024-2025 SCHOOL YEAR, INCLUDING THE STANDARD FOR STUDENT BEHAVIOR, REPORTING, AND PROTECTION FROM RETALIATION ON SCHOOL-SPONSORED TRANSPORTATION.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.2261

### **Transportation Services Policy**

The Board shall adopt a **District** Transportation Services Policy based on the Statewide Transportation Services Policy Guidelines provided by the Kentucky Department of Education and shall update the policy every two (2) years.<sup>1</sup>

#### **REFERENCES:**

<sup>1</sup>KRS 158.110

#### **RELATED POLICIES:**

06.22; 06.34

09.226; 09.422

09.438



LEGAL: HB 446 AMENDS KRS 158.110 TO REQUIRE DEVELOPMENT OF A DISTRICT TRANSPORTATION SERVICES POLICY INCLUDING THE STANDARD FOR STUDENT BEHAVIOR, REPORTING, AND PROTECTION FROM RETALIATION ON SCHOOL-SPONSORED TRANSPORTATION.

LEGAL: THE CHANGES BELOW ALIGN THE DEFINITION OF “HAZING” WITH KRS 508.180

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.422

## **Bullying and Hazing**

In order to participate effectively in the democratic process as an adult, a student must learn to respect the rights of others and to interact with them in a civil manner. Therefore, all 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, a student shall not engage in behaviors such as hazing, bullying, menacing, taunting, intimidation, verbal or physical abuse of others, or other threatening behavior.<sup>1</sup> This policy extends to any and all student language or behavior, on school premises, on school-sponsored transportation (per policies 06.34 and 09.2261), or at school-sponsored events including, but not limited to, the use of electronic or online methods. Such behavior is disruptive to 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.

A student who violates 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 508.180, “hazing” is defined as a direct action which substantially endangers the 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 coerce or force a minor or a student to:

- a) Violate federal or state criminal law;

**Bullying and Hazing****HAZING DEFINED (CONTINUED)**

- b) Consume any food, liquid, alcoholic liquid, drug, tobacco product, or other controlled substance which subjects the minor or student to a risk of serious physical injury;
- c) Endure brutality of a physical nature, including whipping, beating, or paddling, branding, or exposure to the elements;
- d) Endure brutality of a sexual nature; or
- e) Endure any other activity that creates a reasonable likelihood of serious physical injury to the minor or student.

~~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:~~

~~Violate federal or state criminal law;~~

~~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;~~

~~Endure brutality of a physical nature, including whipping, beating or paddling, branding, or exposure to the elements;~~

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

~~Endure brutality of a sexual nature; or~~

~~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 Student Support and Behavior Intervention Handbook, a student who believes that he/she/they are a victim of bullying or hazing shall be provided with a process to enable the student to report the incident to District personnel for appropriate action.

An employee is expected to take reasonable and prudent action, in accordance with Board policy, to intervene in a situation that threatens, harasses, or endangers the safety of a student, other staff member, or visitor to a school or the District, and shall report the situation to the Principal or the

**Bullying and Hazing****REPORTS (CONTINUED)**

employee's their immediate supervisor. Such instances shall include, but are not limited to, bullying or hazing of a student and the harassment/discrimination of a staff member, student, or visitor by any person.

A student who believes he/she/they have been a victim of bullying or who has observed another student being bullied shall, as soon as reasonably practicable, report it.

The Student Support and Behavior Intervention Handbook shall specify to whom a report of an alleged instance of bullying or hazing shall be made. In an instance of peer-to-peer bullying, hazing, or harassment, an employee must make a report to the alleged victim's Principal/designee. The Principal/designee shall investigate and address the alleged incident of misbehavior and respond in accordance with the Student Support and Behavior Intervention Handbook.

In certain cases, employees must do the following:

1. Report bullying and hazing to appropriate law enforcement authorities as required by policy 09.2211 which sets forth mandatory requirements under state law for an employee to report criminal activity; 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, an administrator shall review other policies that may govern the allegations, including but not limited to, 09.426 and 09.42811. Harassment/discrimination allegations shall be governed by Policy 09.42811 and 09.428111.

**REFERENCES:**

<sup>1</sup>KRS 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; 06.34; 09.13; 09.2261; 09.421; 09.425; 09.426; 09.4281; 09.42811; 09.438  
09.2211 (re reports required by law)

LEGAL: HB 446 AMENDS KRS 158.110 TO REQUIRE DEVELOPMENT OF A DISTRICT TRANSPORTATION SERVICES POLICY INCLUDING THE STANDARD FOR STUDENT BEHAVIOR, REPORTING, AND PROTECTION FROM RETALIATION ON SCHOOL-SPONSORED TRANSPORTATION.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 142 REPEALED KRS 438.345 AND CREATED A NEW SECTION OF KRS 158 TO REQUIRE BOARDS OF EDUCATION TO ADOPT POLICIES THAT PENALIZE STUDENTS FOR POSSESSING ALTERNATIVE NICOTINE PRODUCTS, TOBACCO PRODUCTS, OR VAPOR PRODUCTS AND LIST PENALTIES; REQUIRE THE BOARD TO REPORT ANNUALLY TO THE KDE ON THE NUMBER OF NICOTINE-RELATED BEHAVIOR INCIDENTS IN SCHOOLS AND THE NUMBER REQUIRING MEDICAL INTERVENTION.

FINANCIAL IMPLICATIONS: PROVIDING MATERIALS AND LOSS OF ADA

STUDENTS

09.438

## **Student Support and Behavior Intervention Handbook**

The Student Support and Behavior Intervention Handbook (**SSBIH**) is the code of **a**Acceptable **b**Behavior and **d**Discipline as required by KRS 158.148 and approved by the Board. It shall be the governing guidelines and procedures for students, parents, teachers, and school administrators. Each school shall implement the Student Support and Behavior Intervention Handbook. School-based decision making councils shall have the authority to adopt policy to select and implement school-based discipline and classroom management techniques necessary to carry out the provisions of the handbook.

The **SSBIH Student Support and Behavior Intervention Handbook** adopted by the Board shall govern the enforcement of District administered disciplinary action. The handbook shall include procedures to be followed by administrators in the execution of their responsibilities related to discipline.

The **SSBIH Code** shall prohibit bullying and establish standards of acceptable student behavior and discipline and may include District-wide standards of behavior for students who participate in extracurricular and co-curricular activities.

The **SSBIH Code** also shall include a process addressing how students can report **SSBIH Code** violations and incidents of bullying to District personnel for appropriate action and information regarding the consequences of bullying and violating the **SSBIH code** and violations reportable under KRS 158.154, KRS 158.156, or KRS 158.444.

~~The handbook shall prohibit bullying and also include the following:~~

- ~~1. A process addressing how students can report handbook violations and incidents of bullying to school and District personnel for appropriate action;~~
- ~~2. Information regarding the consequences of bullying and violating the code and violations reportable under KRS 158.154, KRS 158.156, or KRS 158.444; and~~
- ~~3. A prohibition against retaliating against a student who reports a violation of the handbook or assists or participates in any investigation, proceeding, or hearing regarding the violation.~~

## **COMMUNICATION**

**The SSBIH This handbook** shall be published, made available to all students, parents and/or guardians and school employees and posted in each school. The Superintendent shall develop a plan to include additional efforts to communicate the provisions of the handbook to students, staff, parents, and the community.

## **Student Support and Behavior Intervention Handbook**

### **REVIEW**

~~The SSBIH This Student Support and Behavior Intervention Handbook~~ shall be reviewed by a committee that includes students, administrators, teachers, parents, community members, the Director of Pupil Personnel, and such other members as determined by the Board.

The committee shall be chaired by the Superintendent/designee. The ~~SSBIH Student Support and Behavior Intervention Handbook~~ shall be recommended by the Superintendent to the Board for approval.

The Board shall update the ~~SSBIH Student Support and Behavior Intervention Handbook~~ at least every two (2) years.

### **REPORTING OF DATA**

As directed by the ~~Kentucky Department of Education (KDE)~~, the District shall report to the Center for School Safety when a student has been disciplined by the school for a serious incident, as defined by KDE; charged criminally for conduct constituting a violation under KRS Chapter 508; or charged criminally under KRS 525.070 or KRS 525.080 in relation to a serious incident.

Data collected on an individual student committing a reportable incident shall be placed in the student's disciplinary record.

No later than August 1 of each year, the Board shall submit a report to the KDE that includes the number of:

- a) Behavior incidents for each tobacco product, alternative nicotine product, or vapor product, listed by school and grade; and
- b) Incidents for which medical intervention was provided, listed by school, grade, and product.

### **REFERENCES:**

KRS 158.110

KRS 158.148; KRS 158.149; KRS 158.153; KRS 158.154; KRS 158.156; KRS 158.165

KRS 158.444; KRS 160.295

KRS 525.070; KRS 525.080

### **RELATED POLICIES:**

09.2211; 09.2611; 09.3; 09.42; 09.421; 09.422; ~~09.425~~; 09.426

09.42811; 09.43; 09.431; 09.434; 09.4341; 09.435

**HB 449 AN ACT relating to local boards of education.**

- 01.2 Board Member Qualifications
- 01.21 Board Member Disqualifications
- 01.3 Board Vacancy
- 01.83 In-Service Training

LEGAL: HB 449 AMENDS KRS 160.180 TO CLARIFY ELIGIBILITY FOR MEMBERSHIP ON THE BOARD AND EXPANDS THE ACCEPTABLE DOCUMENTATION FOR EVIDENCING A SCHOOL BOARD CANDIDATE'S COMPLETION OF HIGH SCHOOL.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.2

### Board Member Qualifications

#### ELIGIBILITY

Board member qualifications are established by applicable provisions of the Kentucky Constitution and Kentucky Revised Statutes. The specific constitutional and statutory provisions prevail over the following general description. A person shall only be eligible for membership on the Board, if the person ~~a person must meet the following qualifications:~~<sup>1</sup>

1. Has attained the age of twenty-four (24) years;
2. Has been a citizen of Kentucky for at least three (3) consecutive years preceding the ~~person's~~ election;
3. Is a legally qualified voter of the division or district (in the case of independent school districts) for which the person is elected;<sup>2</sup>
4. Has completed at least the twelfth (12th) grade or has been issued a High School Equivalency Diploma; as evidenced by:
  - a. An affidavit signed under penalty of perjury certifying completion of the twelfth (12th) grade or the equivalent that has been filed with the nominating petition required by KRS 118.315; or
  - b. A transcript evidencing completion of the twelfth (12th) grade or the results of a twelfth (12th) grade equivalency examination that has been filed with the nominating petition required by KRS 118.335;
5. ~~Does not~~Cannot hold any elective federal, state, county, or city office, serve as an officer or employee of a city, county, town, or other municipality, hold an office of "trust or profit" under the United States or another state, or serve as an appointed officer of a special purpose governmental entity with taxation authority unless specifically authorized by statute;
6. ~~Is not, As of the date at the time of his/her/their or her~~ election, has no interest, directly or indirectly, interested in the sale to the Board of books, stationery or any other property, materials, supplies, equipment, or services for which school funds are expended;
7. ~~Has not~~ever been removed from membership on a Board of Education for cause; and
- 7.8. ~~Does not have~~Has no a relative, as defined in KRS 160.180, employed by the District: in the case of a person elected after July 13, 1990. This ~~shall prohibition does~~ not apply to a member holding office on July 13, 1990 who has a relative who was initially employed by the District before the member was elected to the Board.

A Board member shall be eligible for reelection unless the member becomes disqualified.

**Board Member Qualifications**

**REFERENCES:**

<sup>1</sup>Kentucky Constitution Sections 165, 237; KRS 61.080; KRS 160.180

<sup>2</sup>Moore v. Tiller, KY., 409 S.W. 2d 813 (1966); KRS 160.210  
OAG 18-018; OAG 80-234; OAG 14-005



LEGAL: HB 449 AMENDS KRS 160.180 TO ADD THAT A MEMBER OF A BOARD OF EDUCATION SHALL BE SUBJECT TO REMOVAL FROM OFFICE PURSUANT TO KRS 415.050 AND 415.060 IF, AFTER THE ELECTION, THE MEMBER IS GUILTY OF A FELONY, MALFEASANCE, OR MISUSES FUNDS.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.21

### **Board Member Disqualifications**

#### **CONFLICT OF INTEREST**

A member of a board of education shall be subject to removal from office pursuant to KRS 415.050 and 415.060 ~~if, after the election of any member of the Board,~~ the member becomes interested in any contract with or claims against the Board, ~~or if he or she~~ moves his or her residence from the ~~division~~~~district~~ for which he or she was chosen, ~~or if the member~~ attempts to influence the ~~employment~~~~hiring~~ of any District employee except the Superintendent, Board Attorney, Board Secretary, or Board Treasurer, is convicted of a felony, performs acts of malfeasance in performance of duties prescribed by law, willfully misuses, converts, or misappropriates public property or funds, or if ~~the member~~ does anything that would render one ineligible for re-election, ~~the member shall be subject to removal from office pursuant to KRS 415.050 and KRS 415.060.~~<sup>1</sup>

A Board ~~member~~ ~~members~~ shall not purchase supplies, equipment, or services for their personal use through the school District's bidding or purchasing procedures.

No Board member shall be financially interested, directly or indirectly, in the sale to the Board of books, stationery, or any other property, materials, supplies, equipment, or services for which school funds are expended.

#### **IRREGULAR ATTENDANCE**

Any Board member failing to attend three (3) consecutive regular meetings, unless excused by the Board for reason satisfactory to it, shall be removed from office pursuant to KRS 415.050 and KRS 415.060.<sup>2</sup>

#### **POLITICAL SOLICITATION**

No candidate for the Board shall solicit or accept any political assessment, subscription, contribution, or service of any District employee.<sup>3</sup>

#### **RESIGNATIONS OR REMOVAL**

A Board member who does not meet eligibility standards does not automatically lose his ~~her~~~~their~~ ~~or her~~ position on the Board and the member's acts are valid until the member ~~he or she~~ either resigns or is removed by action taken by the Attorney General.

#### **REFERENCES:**

<sup>1</sup>KRS 160.180

<sup>2</sup>KRS 160.270

<sup>3</sup>KRS 161.164

KRS 61.080; KRS 62.010

KRS 161.990; KRS 415.050; KRS 415.060

OAG 65-211; OAG 83-369; OAG 85-145; OAG 88-35; OAG 90-141; OAG 92-145

LEGAL: HB 449 AMENDS KRS 160.190 TO EXPAND THE ACCEPTABLE DOCUMENTATION FOR EVIDENCING A SCHOOL BOARD CANDIDATE'S COMPLETION OF HIGH SCHOOL.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 580 HAS AN EMERGENCY CLAUSE AND CLARIFIES THE TIMELINES FOR FILING PETITIONS OF NOMINATION AND DECLARATION OF INTENT TO BE A WRITE IN CANDIDATE TO FILL AN UNEXPIRED TERM.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.3

### Board Vacancy

#### APPOINTMENT

Vacancies on the Board shall be filled by a majority vote of the remaining members of the Board within sixty (60) days after the vacancy occurs. Within thirty (30) days of the vacancy, the Board shall, for two (2) weeks, solicit applications by posting a notice on the District's website and place an advertisement for two (2) weeks in the newspaper of the largest general circulation in the county to solicit applications.

An applicant shall file a letter of intent with the Board affirming that the applicant meets the legal qualifications for the office as established by KRS 160.180. In addition, the applicant shall submit: ~~a transcript as evidence of completion of the twelfth (12th) grade or results of a twelfth (12th) grade equivalency exam.~~

1. An affidavit signed under penalty of perjury certifying completion of the twelfth (12th) grade or the equivalent; or
2. A transcript evidencing completion of the twelfth (12th) grade or the results of a twelfth (12th) grade equivalency examination.

The Board shall select from the applicants who complete this process. Discussions that may lead to the appointment of an individual to fill the vacancy may take place in closed session. Such discussions may include individual interviews and consideration of individual applicants.<sup>1</sup> Final action to fill the vacancy shall be taken in open session.

As the executive agent of the Board, the Superintendent shall provide written notice to the following parties when a vacancy occurs or is expected to occur and also when a vacancy has been filled or has not been filled within the sixty (60) day timeline:

- Kentucky Secretary of State;
- Jefferson County Clerk;
- Commissioner of Education; and
- Kentucky School Boards Association.

If the Board fails to make the appointment within the subject sixty (60) day timeline, then the Commissioner of Education shall fill the vacancy within sixty (60) days of the Board's failure to appoint. The member, meeting the legal requirements to fill the vacancy, shall hold office until a successor is elected and has qualified.

**Board Vacancy****ELECTION**

Any vacancy having an unexpired term of one (1) year or more on August 1 shall be filled for the unexpired term by an election to be held at the next regular election after the vacancy occurs. The elected member shall succeed the member chosen by the Board or the Commissioner of Education to fill the vacancy.

Nominating petitions shall be filed with the county clerk not later than the second Tuesday in August preceding the day for holding the regular election for the unexpired term. Declarations of intent to be a write-in candidate shall be filed with the county clerk in accordance with KRS 117.265.

If no candidate files a petition of nomination or declaration of intent to be a write-in candidate to fill an~~this~~ unexpired term, then a new vacancy shall exist on November 1 and that vacancy shall be filled by the Board as prescribed by law.

If no candidate files a petition of nomination or declaration of intent to be a write-in candidate for a new term pursuant to KRS 118.315 and KRS 118.365, then a vacancy shall exist on January 1 and that vacancy shall be filled by the Board as prescribed by law.<sup>2</sup>

**REFERENCES:**

<sup>1</sup>KRS 61.810; The Courier Journal and Louisville Times Company and Keith Runyon v. University of Louisville Board of Trustees, et. al, 596 S.W. 2d 374 (1979)

<sup>2</sup>KRS 160.190

KRS 117.265; KRS 118.315; KRS 118.365; KRS 160.180  
OAG 81-316; OAG 90-105; OAG 03-001; OAG 04-007

**RELATED POLICY:**

01.2

LEGAL: HB 449 AMENDS KRS 160.180 TO ALLOW FOR GREATER FLEXIBILITY IN TOPICS AVAILABLE TO SCHOOL BOARD MEMBERS FOR STATE-MANDATED TRAINING.  
FINANCIAL IMPLICATIONS: COST OF OBTAINING STATE-MANDATED TRAINING HOURS

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.83

**In-sService Training**

**IN-SERVICE TRAINING FOR BOARD MEMBERS IN OFFICE AS OF DECEMBER 31, 2014**

Annual in-service training for all ~~school board~~ members of the Board boards of education in office as of December 31, 2014 shall include training on topics required by regulation that meet the minimum number of total training hours as follows:<sup>1</sup>

1. Twelve (12) hours for ~~school board~~ members with zero (0) to three (3) years of experience ~~(to include five hours on the following: three (3) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation);~~
2. Eight (8) hours for ~~school board~~ members with four (4) to seven (7) years of experience ~~(to include four hours on the following: two (2) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation);~~ and
3. Four (4) hours for ~~school board~~ members with eight (8) or more years of experience ~~(to include three hours on the following: one (1) hour of finance and one (1) hour of ethics annually and, one (1) hour of superintendent evaluation biennially).~~

~~If a Board member obtains hours through any sources other than the Kentucky School Boards Association (KSBA), he or she shall have local Board approval prior to participation in the training event and, and they shall ensure that a copy of proof of attendance including a recitation of the **In-service Training** time, date, location, and description of the training is sent by the training provider to KSBA within two (2) weeks of completion of the training.~~

**FOR BOARD MEMBERS WITH INITIAL SERVICE ON OR AFTER JANUARY 1, 2015**

For ~~all Board~~ members of the Board boards of education who begin initial service on or after January 1, 2015, ~~the annual~~ in-service training requirements shall ~~be include training on topics required by regulation that meet the minimum number of total training hours as follows:~~<sup>1</sup>

1. ~~T~~ Twelve (12) hours for Board members with zero to eight (0-8) years of experience each year which shall include a minimum of:
  - a. One (1) hour of ethics training each year; and
  - b. One (1) hour of open meetings and open records training within the first twelve (12) months of initial service and at least once every four (4) years thereafter; and
2. Eight (8) hours for members with more than eight (8) years of experience each year, which shall include a minimum of:
  - a. One (1) hour of ethics training each year; and
  - b. One (1) hour of open meetings and open records training at least once every four (4) years.

Training topics for members with less than two (2) years of consecutive service shall include three (3) hours of finance and one (1) hour of Superintendent evaluation within the first two (2) years of service.

**In-service Training****IN-SERVICE TRAINING FOR MEMBERS ON OR AFTER JANUARY 1, 2015 (CONTINUED)**

~~and eight (8) hours for Board members with more than eight (8) years of experience. Required annual training hours shall include:~~

~~Three (3) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation for members with zero (0) to three (3) years experience;~~

~~Two (2) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation for members with four (4) to seven (7) years experience; and~~

~~One (1) hour of finance, one (1) hour of ethics annually, and one (1) hour of superintendent evaluation biennially for members with eight (8) or more years experience.~~

**OTHER BOARD MEMBER DEVELOPMENT ACTIVITIES**

In addition to the in-service training required by state law, Board members shall be encouraged to participate in activities such as:

1. Attendance at school board and administrative conferences, conventions, and workshops on a local, regional, state, and national level;
2. Exchange of ideas through joint meetings with neighboring school boards;
3. Reports on educational programs presented at Board meetings by the Superintendent and staff; and
4. Regular exposure to professional journals and papers.

~~If a Board member obtains hours through any sources other than the Kentucky School Boards Association (KSBA), he/she/they or she shall have local Board approval prior to participation in the training event and, and they shall ensure that a copy of proof of attendance including a recitation of the time, date, location, and description of the training is sent by the training provider to KSBA within two (2) weeks of completion of the training.~~

**IN-SERVICE TRAINING REGARDING CHARTER SCHOOL AUTHORIZATION**

Separate and apart from the above in-service training, each member of the Board shall participate in in-service training regarding charter school authorization as follows:

When the Board, or a collaborative of local school boards including the Board, receives a charter school application, any member of the Board or boards who has not received charter authorization training within twelve (12) months immediately preceding the date the application was received shall receive six (6) hours of in-service training prior to evaluating the charter application. Except for training provided prior to July 15, 2020, the training shall be in addition to the annual in-service training required under KRS 160.180, and the Board shall select the trainer to deliver the training to its members. Charter authorization training shall not be required of any Board member until a charter application is submitted to the Board or boards.<sup>2</sup>

**In-sService Training****IN-sSERVICE TRAINING REGARDING CHARTER SCHOOL AUTHORIZATION (CONTINUED)**

The charter authorization training requirements shall be approved by the Commissioner of Education and shall address the following topics of authorizer responsibility and charter school formation and operation:

1. Financial governance and transparency;
2. Conflict of interest;
3. Charter application;
4. Charter school contracting;
5. Charter school monitoring;
6. Charter school renewal, nonrenewal, and revocation;
7. Charter school closure;
8. Ethics;
9. Curriculum and instruction;
10. Educational services provided for special needs, at risk, English learner, gifted and talented, and other special population students; and
11. Physical restraint and seclusion of students.

**NEW BOARD MEMBER ORIENTATION**

Each new member of the Board shall be afforded every opportunity to learn the functions and responsibilities entailed by election to the Board. It shall be the duty of the Superintendent and the administrative staff to assist each member-elect in understanding the functions, policies, and procedures of the Board and the operation of the school system before taking office. The following procedures shall be employed as a minimum:

- 1) The member-elect shall be given selected materials on the function of the Board and of the school system.
- 2) A copy of the Board's policies and bylaws and a copy of the administrative procedures shall be provided each new member, either in paper and/or electronic format.
- 3) A copy of the current budget of the school system and the opportunity to become fully acquainted with the financial structure of the school system shall be provided each member-elect.
- 4) The member-elect shall be invited to attend Board meetings and to participate in discussion prior to actual induction.
- 5) The incoming member shall be invited to meet with the Superintendent and other administrative personnel whom the Superintendent shall designate to discuss the services they perform for the Board.

**In-sService Training**

**REFERENCES:**

- <sup>1</sup>KRS 160.180
- <sup>2</sup>KRS 160.1594
- 701 KAR 8:020
- 702 KAR 1:116
- OAG 85-53; OAG 85-145

**SB 2 AN ACT relating to student safety.**

|        |                                |
|--------|--------------------------------|
| 01.111 | District Planning              |
| 02.31  | Schools Safety Officers (SSOs) |
| 02.311 | Kentucky Guardians             |
| 05.4   | Safety                         |
| 09.22  | Student Health and Safety      |
| 09.227 | Child Abuse                    |
| 09.43  | Student Disciplinary Processes |



LEGAL: SB 2 AMENDS KRS 158.4416 TO REQUIRE THE TRAUMA-INFORMED APPROACH PLAN (SEE POLICY 09.43) TO BE REVIEWED AND UPDATED ANNUALLY, INCORPORATED INTO THE ANNUAL COMPREHENSIVE DISTRICT IMPROVEMENT PLAN (CDIP), AND SUBMITTED TO KDE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 6 (2024 BUDGET BILL) REQUIRES DISTRICTS TO DISPLAY CERTAIN INFORMATION FROM THE LATEST SUMMATIVE ASSESSMENT ON THE DISTRICT'S WEBSITE AND INCLUDE A LINK TO THE DETAILED RESULTS.

FINANCIAL IMPLICATIONS: COST OF UPDATING THE WEBSITE

## POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.111

### **District Planning**

The Board shall establish long-range, District-wide educational goals and objectives to guide the administration's development of annual objectives and budget priorities. The District-wide goals and objectives shall be based on a three to five (3-5)-year cycle, but shall be reviewed for revision every year.

#### **DISTRICT IMPROVEMENT PLAN**

The Superintendent shall develop, review, and revise annually a Comprehensive District Improvement Plan (CDIP) which shall include, but not be restricted to, statements of the District's goals and objectives, the annual school budget, current educational issues, and evaluation information relative to the major needs of the District and significant changes proposed for the coming year.

#### **PLANNING**

The Superintendent shall present to the Board for review and approval the form and function of the District planning process, including format and timelines.

#### **PLANNING CYCLE**

The District's planning cycle shall follow a process of continuous improvement as data becomes available. Thus, procedures should be in place allowing for regular review of progress relative to the Plan and District Goals. The structure of the CDIP shall include completion of a narrative summary of the current state of the District between August 1 and October 1 of each school year and completion of the needs assessment between October 1 and November 1 of each school year. A process for development of the CDIP shall be completed between November 1 and January 1 of each school year, and a District level plan for providing an equitable education to English Learners shall be completed by May 1 of each school year and other components required by state statutes or regulations. Unless otherwise noted, all additional components of the CDIP shall be complete by May 1 of each school year.

#### **PLAN REQUIREMENTS**

The District shall submit the NTI plan (Continuation of Learning plan) to the Department by May 1 for implementation at the beginning of the upcoming school term.

The primary purposes of the CDIP shall be:

- To improve student achievement on state and federal mandated testing/accountability instruments and improve student learning outcomes on other success skills needed to be transition ready;

**District Planning****PLAN REQUIREMENTS (CONTINUED)**

- To eliminate achievement gaps; and
- To develop District strategies and services to address deficiencies and/or sustain or strengthen current efforts.

The plan structure shall include the components set out in 703 KAR 5:225, the Every Student Succeeds Act of 2015 (ESSA), and KRS 158.649.

The plan shall be updated on an annual basis, provide assistance in reducing physical, mental health, and academic barriers to learning, and address student equity.

Planning activities shall draw on information from a variety of sources that shall include an opportunity for parents and other citizens of the community to have input into the plan.

As part of the District planning process, the Board shall review District academic performance on the state assessments for various groups of students in compliance with legal requirements.<sup>1</sup>

By November 1 each year, the Board shall oversee an annual review of student performance in the District and the reporting of key student performance data to ensure compliance with state and federal law and accurate reporting to the Board.<sup>2</sup>

If the Board determines that a school has not met its target to reduce the identified gap in student achievement for a group of students, the Board shall require the council, or the Principal if no council exists, to submit its revisions to the school improvement plan describing the use of the professional development funds and funds allocated for continuing education to reduce the school's achievement gap for review and approval by the Superintendent. The plan shall address how the school will meet the academic needs of the students in the various gap groups.

**BUDGET IMPLICATIONS**

A presentation shall be made by staff members on the plan for the fiscal year under consideration, which shall include priorities, objectives, program plans, and budget implications.

**TRAUMA-INFORMED APPROACH PLAN**

The trauma-informed approach plan shall be reviewed and updated annually, incorporated into the annual CDIP required by 703 KAR 5:225, and submitted to the Kentucky Department of Education (KDE).

**PUBLIC REVIEW**

The plan shall have public review prior to presentation to the Board for final adoption. Opportunity for public and school staff review shall be provided for a period of at least two (2) weeks and shall be advertised in the newspaper of the largest circulation in the District, or as an alternative, posted on the District web site for electronic review and feedback.

**District Planning****BOARD APPROVAL**

The plan shall be completed between November 1 and January 1 of each school year and presented to the Board for approval annually. If revisions are needed, the District planning committee shall forward proposed revisions to the Superintendent. Revisions must reflect the requirements of State and Federal Law. All recommendations for revisions require approval by the Board.

The Superintendent shall submit required assurances to the [KDE Kentucky Department of Education](#) no later than September 30 of each year.

**IMPLEMENTATION**

The District shall maintain a copy of each plan permanently and, consistent with the District's planning cycle, post the current plan on the District's web site.

The plan shall serve as a resource for Board decision making.

**SCHOOL PLANS**

The District plan shall be broad enough to allow each school to develop its own plan, within the goals and objectives of the District.

**DISTRICT REPORT CARDS**

The District shall post the District report card on its website, as required by ESSA. District report cards shall be widely accessible to the public, in an understandable and uniform format, and when possible, written in a language that parents can understand.

As outlined in KRS 160.463, a copy of the report card is to be published by one of the following methods:

- a. In the newspaper of the largest general circulation in the county;
- b. Electronically on a website of the District; or
- c. By printed copy at a prearranged site at the main branch of the public library within the District.

If b or c above is selected, the Superintendent shall cause notification to be published in the newspaper of the largest circulation in the county that includes the electronic address of the website or the address of the library where the report card can be viewed by the public.

The District shall send a District report card to parents containing information about performance as outlined in KRS 158.6453 and 703 KAR 5:140, and information on electronic access to a summary of the results for the District shall be published in the newspaper with the largest circulation in the county.

**SUMMATIVE ASSESSMENT RESULTS**

The District shall prominently display, in not less than 16-point type, on the District's internet landing page, the District's percentage of students scoring the following:

- Novice, Apprentice, Proficient and Distinguished in Reading; and
- Novice, Apprentice, Proficient and Distinguished in Mathematics.

**District Planning**

**SUMMATIVE ASSESSMENT RESULTS (CONTINUED)**

To provide context for the state summative assessment results, the District shall also display demographic information regarding the District's student body.

The information above will also be displayed at the top of each page of the District's website in a banner format.

The District shall display on the internet landing page a web link to the detailed results of the District's performance on the most recent Summative Assessment.

**REFERENCES:**

<sup>1</sup>KRS 158.649

<sup>2</sup>KRS 160.370

KRS 156.500; KRS 158.070; [KRS 158.4416](#); KRS 158.6453

KRS 160.290; KRS 160.340; KRS 160.345; KRS 160.463

701 KAR 5:150; 703 KAR 5:140; 703 KAR 5:225; 703 KAR 5:280; 704 KAR 3:395

[2024 Budget Bill](#)

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

**RELATED POLICIES:**

02.44; 02.441; 02.442; 04.1; 09.21

LEGAL: SB 2 AMENDS KRS 158.441 TO CHANGE THE DEFINITION OF SCHOOL RESOURCE OFFICER (SRO). SB 2 ALSO AMENDS KRS 158.4414 TO ALLOW BOARDS TO EMPLOY GUARDIANS (SEE RELATED POLICY 02.311) BEGINNING WITH THE 2025-2026 SCHOOL YEAR TO PROVIDE SAFETY AND SECURITY MEASURES FOR SCHOOLS WITHIN THE DISTRICT.

FINANCIAL IMPLICATIONS: COST OF HIRING SROS OR GUARDIANS

ADMINISTRATION

02.31

### **School Safety Officers (SSOs)**

#### **DEFINITION**

(1) "School ~~r~~Resource ~~e~~Officer" ~~or~~ "SRO" means an officer whose primary job function is to work with youth at a school site who has specialized training to work with youth at a school site and is:

- (a) 1. A sworn law enforcement officer certified under KRS 15.380 to KRS 15.404; or
- 2. A special law enforcement officer appointed pursuant to KRS 61.902 and certified under KRS 15.380 to KRS 15.404; or
- 3. A police officer appointed as a certified SRO; and
- (b) Employed:
  - 1. Through a contract between a local law enforcement agency and a school district;
  - 2. Through a contract as secondary employment for an officer, as defined in KRS 16.010, between the Department of Kentucky State Police and a school district; or
  - 3. Directly by a local Board of Education.<sup>1</sup>

(2) "School **S**safety **O**fficer" or "SSO" means school resource officer who is employed directly by the District. All SROs serving in the District shall be referred to as SSOs.

#### **PURPOSE AND GOAL: SAFER SCHOOLS AND SAFER STUDENTS**

The Board is responsible for the general management and control of schools in the District<sup>2</sup>, including promoting and fostering a safe environment for students, staff, and visitors. Every student should have access to a safe, secure, and orderly school that is conducive to learning.<sup>3</sup> Central to that responsibility is the implementation of a fair and equitable system of behavior supports and interventions for all students. School administrators are expected to develop and implement a plan with teachers to ensure that expected behaviors are intentionally taught, modeled, learned, and reviewed to ensure understanding and success by students, school staff, and SSOs.

The District's commitment to achieving racial equity through awareness, action, and accountability must be embedded in all school and District practices, to ensure that all students are treated fairly and without discrimination. Critical to school safety and student success is the importance of building and sustaining positive adult-to-student relationships that: celebrate and recognize positive student behavior; incorporate cultural competence; use age- and developmentally-appropriate strategies; and are based on mutual respect and two-way communication.

A central goal of implementing this system of strategies to develop positive relationships in schools is reducing the number of students who become engaged with the juvenile justice and criminal justice systems.

**School Safety Officers (SSOs)****PURPOSE AND GOAL: SAFER SCHOOLS AND SAFER STUDENTS (CONTINUED)**

The purpose of the program is not to enforce or administer matters of school discipline and student conduct. Such matters are the responsibility of other District or school personnel. The purpose of the SSO program is to: promote and foster a safe environment in schools, at school-sponsored events, and on school transportation; provide a law enforcement presence on school property and at school-sponsored events; enhance educational programs relating to safety and positive behaviors; build positive relationships with students to support academic success and personal growth; provide a liaison to community and law enforcement agencies, and contribute to the District focus on building trusting relationships in school communities through approaches such as restorative practices, positive behavior interventions and supports, social-emotional learning, and trauma-informed practice. The primary domain of activity for an SSO is outside the school building, except when called to respond to an incident or emergency by the principal or District administrator. An SSO shall work to develop strong working collaborative relationships with principals; other school administrators; and with School Safety Administrators, whose primary domain of activity is within school buildings.

**PURPOSE AND GOAL: SAFER SCHOOLS AND SAFER STUDENTS**

The goal of the SSO program is to promote safer schools and safer students by employing law enforcement officers with high levels of specialized school-specific and student-focused training to work proactively with others in the school community to create a safer and more supportive learning environment for all students. SSOs shall work as a team with administrators and teachers to develop strategies to protect and support all children so they can reach their fullest potential. Administrators will work to facilitate opportunities for SSOs who have mentoring relationships with students to maintain those relationships.

The SSO program is one component of a broader effort within schools and the District central office to promote and foster a safe learning environment for students, staff, and community. Schools are safer when administrators, teachers, and staff work intentionally to:

- Actively engage students in authentic learning that matters to their sense of self and personal development.
- Build a culture and climate that foster and sustain attitudes, beliefs, values, and practices that promote success for all students.
- Make racial equity foundational to all school systems and practices.
- Develop and implement a comprehensive system of supports to address student mental health, social, and emotional needs, and the roots of disruptive behavior.

**School Safety Officers (SSOs)****ROLES AND EXPECTATIONS**

- Collaborate closely with appropriately trained and equipped law enforcement professionals – SSOs – to promote and foster a safe environment for students, faculty, staff, and the school community.
- An SSO will have such training, certification, and commission as is required by provisions of KRS Chapters 15, 61, and 158.
- In addition to requirements established under state law for SROs, an SSO shall meet all additional training and other requirements established by the District in the SSO job description and in procedures to implement this policy.
- Per KRS 158.4414, an SSO who fails to successfully and timely complete SRO training requirements shall lose their SRO certification and shall no longer work in the District as an SSO. An SSO who fails to meet other requirements established by the District shall be subject to the provisions of the policies and procedures governing employee discipline.
- An SSO shall also obtain training on the use of physical restraint and seclusion including additional training applicable to “core team” school personnel designated to respond to dangerous behavior.
- An SSO is vested with law enforcement jurisdiction and authority as described in KRS 61.902 to KRS 61.930 and other applicable law, including, but not limited to, investigating and responding to possible criminal offenses and to health or safety threats to students or school personnel.
- As authorized under the Family Educational Rights and Privacy Act (“FERPA”), SSOs and all staff within the Department of Security and Investigations, are designated as the District’s “law enforcement unit” under the Chief ~~of Staff Operations Officer~~ possessing law enforcement authority and exercising safety and security functions as described in state law and referenced above. Records created and maintained by an SSO for a law enforcement purpose do not constitute education records under FERPA.<sup>3</sup> District staff other than law enforcement personnel are not responsible for the creation of law enforcement records and are expected to observe restrictions on access to such records. An SSO is expected to provide guidance and insight to District officials and staff on such restrictions.

**NATURE OF EMPLOYMENT**

An SSO is a classified employee. An SSO is therefore generally covered by District classified employee policies, including, but not limited to, policies regarding terms and conditions of employment; fringe benefits; employee discipline; and reductions in force.<sup>4</sup> However, as applied to an SSO, such general District classified employee policies may be subject to the terms of their contract with the District; their job description; and their authority to carry out certain law enforcement functions as permitted by law, Police officers shall be granted with the protections provided in KRS 15.520 and shall be certified in accordance with KRS 15.380.<sup>6</sup> In accordance with KRS 61.926, 527.020, and 527.070, as applicable, each SSO shall be armed with a firearm, notwithstanding any provision of Board policy, school council policy, or memorandum of agreement.<sup>5</sup>

**School Safety Officers (SSOs)****ASSIGNMENT**

~~By August 1, 2022, the~~ The Board shall ensure, for each campus in the District, that at least one (1) certified ~~SSO SRO~~ is assigned to and working on-site full-time in the school building or buildings on the campus. If sufficient funds and qualified personnel are not available for this purpose for every campus, the Board shall fulfill the requirements on a per campus basis, as approved in writing by the State School Security Marshal, until a certified ~~SSO SRO~~ is assigned to and working on-site full-time on each campus in the District.

**BOARD MAY AUTHORIZE POLICE DEPARTMENT**

KRS 158.471 provides that the Board is authorized to establish a police department for the District, appoint police officers and other employees, prescribe distinctive uniforms for the police officers of the District, and designate and operate emergency vehicles. Police officers appointed shall take an appropriate oath of office in the form and manner consistent with the constitution of Kentucky.

If the Board establishes a police department, the Superintendent/designee shall develop standard operating procedures governing the department.

**TRAINING REQUIREMENTS**

All SSOs shall successfully complete forty (40) hours of annual in-service training that has been certified or recognized by the Kentucky Law Enforcement Council for SROs, as well as all other additional training requirements for SSOs established by the District. Any SSO who fails to successfully complete the state-mandated training requirements within the specified time periods, including approved extensions, shall lose their SRO certification and shall no longer serve in the capacity as an SSO. An SSO who has lost SRO certification due solely to the officer's failure to meet state training requirements may regain certification status as an SRO upon completion of the training deficiency, and may resume service in the capacity as an SSO. An SSO who fails to meet other training requirements established by the District shall be subject to the provisions of the policies and procedures governing employee discipline.

As set forth in KRS 158.4414, the course curriculum for in-service training certified or recognized by the Kentucky Law Enforcement Council for SROs, shall include but not be limited to:

- (1) Foundations of school-based law enforcement;
- (2) Threat assessment and response;
- (3) Youth drug use and abuse;
- (4) Social media and cyber security;
- (5) School resource officers as teachers and mentors;
- (6) Youth mental health awareness;
- (7) Diversity and bias awareness training;
- (8) Trauma-informed action;
- (9) Understanding students with special needs; and



**School Safety Officers (SSOs)****TRAINING REQUIREMENTS (CONTINUED)**

(10) De-escalation strategies.

Course curriculum for additional District-mandated SSO training shall include, but not be limited to:

- (1) Bullying;
- (2) Cross-cultural communication and bias awareness training;
- (3) De-escalation strategies;
- (4) Multi-Tiered Systems of Support and Positive Behavior Interventions and Supports (MTSS and PBIS);
- (5) Restorative Practices;
- (6) Safe Crisis Management;
- (7) Student Support and Behavior Intervention Handbook;
- (8) Trauma-informed action;
- (9) Understanding students with special needs;
- (10) Youth mental health awareness;
- (11) Weapon qualification;
- (12) Drug rehabilitation resources;
- (13) Suicide prevention;
- (14) Use of trained interpreters when engaging with a student, family member, or other individual whose first language is not English;
- (15) Family Educational Rights and Privacy Act (FERPA); and
- (16) All trainings required by the District for classified employees

Principals and School Safety Administrators shall be given training and guidance regarding positive and effective relationships with SSOs, including the circumstances under which requesting support from an SSO is appropriate, and when it is not appropriate.

**DATA COLLECTION, ANALYSIS, REPORTING, AND PROGRESS MONITORING**

1. The SSO Standard Operating Procedures Manual, as described below, shall include detailed guidance for the reporting of incidents by SSOs, including but not limited to: the types of incidents that must be reported; the information required; the form of documentation; and the delivery, storage, and maintenance of incident reports.
2. The Executive Administrator of Security and Investigations shall create a Data Review Team to establish program goals and metrics to assist in measuring progress toward meeting those goals. The Chief of Accountability, Research and Systems Improvement/designee shall assist the Data Review Team in establishing metrics and data collection and analysis protocols. The Data Review Team shall include the Chief Equity Officer/designee, the Assistant Superintendent of Culture and Climate/designee, Chief of Exceptional Child Education/designee, and three mental

**School Safety Officers (SSOs)****DATA COLLECTION, ANALYSIS, REPORTING, AND PROGRESS MONITORING (CONTINUED)**

health professionals, who may include, but are not limited to, a school psychologist, counselor, or mental health practitioner.

3. The Chief ~~of Staff Operations Officer~~ shall prepare regular reports for the Superintendent and the Board outlining program implementation activities, progress towards meeting goals, challenges, next steps, and program needs. ~~Reports to the Board shall be provided at least twice a year as determined by the Board Chair and the Superintendent, and quarterly through the end of the 2022-23 school year.~~
4. The Chief ~~of Staff Operations Officer~~ shall establish an SSO Community Data Review Team, which shall meet at least quarterly to review and analyze aggregate data regarding incidents reported by SSOs and make recommendations to the District regarding the SSO program. The SSO Community Data Review Team shall include individuals with knowledge and expertise regarding data analysis, violence prevention, justice-involved youth, racial equity in the school setting, and other pertinent matters.
5. As Racial Equity and Culture and Climate are two of the three pillars of the District, the Data Review Team shall closely monitor, consistently report, and actively work to reduce both racial disproportionality in and the overall number of citations, arrests, and other law enforcement involvement with students.
6. The Chief ~~of Staff Operations Officer~~/designee shall establish a process whereby authentic student feedback regarding the School Safety Program and SSOs is collected, analyzed, and shared with District leadership and the Board.
7. The Chief ~~of Staff Operations Officer~~/designee shall notify the Superintendent, General Counsel, and all Board members, ~~through a monthly report as soon as possible and within three (3) days,~~ of all incidents in which an SSO:
  - a. Detains a student under the age of eighteen (18) into custody under KRS 610.190 for an offense for which an adult could be arrested, including a physical detention to another location and a detention that results in the issuance of a citation and release;
  - b. Arrests an adult student including a physical arrest to another location and an arrest that results in the issuance of a citation and release;
  - c. Arrests an individual who is not a student;
  - d. Unholsters a firearm or Taser; or
  - e. Discharges a firearm or Taser.

**STANDARD OPERATING PROCEDURES MANUAL**

The Superintendent/designee shall prepare an SSO Standard Operating Procedures (SOP) Manual to provide operational guidance to the Office of School Safety and School Safety Officers (SSOs). The SOP Manual shall provide written processes that describe in detail how to perform tasks specific to the

**School Safety Officers (SSOs)****STANDARD OPERATING PROCEDURES MANUAL (CONTINUED)**

SSO program to meet statutory, regulatory, and Board policy standards; establish expectations for high quality operations; and to create a culture of accountability and continuous improvement.

Using national best practices and procedures for school resource officer programs, the District shall establish an SOP Manual Team, including members from District departments and the community, to develop SSO SOPs.

The manual shall be reviewed and updated by a reconstituted SOP Manual Team at least once every two years, and as needed.

**SUPERINTENDENT TO REPORT**

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

**GUARDIANS**

Beginning with the 2025-2026 school year, the Board, if unable to meet the requirement for each campus in the District, that at least one (1) certified SRO is assigned to and working on-site full-time in the school building or buildings on the campus, may in consultation with and approval by the State School Security Marshal, employ one (1) or more Guardians to provide safety and security measures for schools within the District. The use of Guardians shall not be used to replace the certified SRO, but only to provide safety and security resources until a certified SRO is available.

Beginning with the 2025-2026 school year, if the District Board that has met the requirement for each campus in the District, that at least one (1) certified SRO is assigned to and working on-site full-time in the school building or buildings on the campus, the District may employ one (1) or more Guardians to provide additional school safety and security measures within the District.<sup>7</sup>

**REFERENCES:**

<sup>1</sup>KRS 158.441

<sup>2</sup>KRS 160.290

<sup>3</sup>20 U.S.C. 1232(g)(a)(4)(ii); 34 C.F.R. § 99.8

<sup>4</sup>KRS 161.011

<sup>5</sup>KRS 61.902 – KRS 61.930; KRS 527.020; KRS 527.070; KRS 70.290

<sup>6</sup>KRS 158.471

<sup>7</sup>KRS 158.4414

KRS 15.380 to KRS 15.404; KRS 15.520

KRS 158.440 – KRS 158.4461

KRS 158.471; KRS 158.473; KRS 158.475; KRS 158.477; KRS 158.479; KRS 158.481

704 KAR 7:160

**RELATED POLICIES:**

02.311; 09.14; 09.2211; 09.227; 09.422; 09.425; 09.4361

LEGAL: SB 2 CREATES A NEW SECTION OF KRS 158 BEGINNING WITH THE 2025-2026 SCHOOL YEAR, TO ALLOW THE BOARD TO EMPLOY KENTUCKY GUARDIANS (GUARDIANS) FOR THE PURPOSE OF PROVIDING SCHOOL SAFETY AND SECURITY TO STUDENTS AND STAFF ON A SCHOOL SITE.  
FINANCIAL IMPLICATIONS: COST OF HIRING/EMPLOYING GUARDIANS

ADMINISTRATION

02.311

## Kentucky Guardians

### DEFINITION

"Kentucky Guardian" or "Guardian" means an employee of a local board of education who is employed for the purpose of providing school safety and security to students and staff on a school site. A person providing services as a Guardian may only include honorably discharged veterans, retired Kentucky state troopers, retired special and sworn law enforcement officers, and former federal law enforcement officers. A Guardian certified by the Center for School Safety as having met all requirements is deemed to be an authorized individual under KRS 527.070(3)(f) and may be armed with a firearm on school property.<sup>1</sup>

### HIRING

Beginning with the 2025-2026 school year, the Board may employ as many Guardians as the Board considers necessary for the safety and security of its schools.

Prior to hiring a Guardian, the Board shall require the applicant to provide certification from the Center for School Safety that ~~the candidate he or she~~ meets all of the following minimum requirements:

- a) Is a citizen of the United States and the Commonwealth of Kentucky;
- b) Has received a high school diploma or a High School Equivalency Diploma;
- c) Is currently licensed under KRS 237.110 to carry a concealed weapon;
- d) Has completed and passed background checks as required pursuant to KRS 160.380, and has not been convicted of any felony, any misdemeanor under KRS 510.120, KRS 510.130, KRS 510.140, or KRS 510.148, or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct under KRS Chapter 510, or have had any offense listed in this paragraph expunged;
- e) Has passed a medical examination completed by a licensed physician, physician assistant, or advanced practice registered nurse to determine if he or she can perform the duties of a Guardian;
- f) Has passed a drug screening test administered or approved by the Kentucky Law Enforcement Council. A person shall be deemed to have passed a drug screening test if the results of the test are negative for the use of an illegal controlled substance or prescription drug abuse;
- g) Has passed the following examinations administered by the Kentucky Law Enforcement Council:
  1. A background investigation to determine the person's suitability for the position of Guardian;

## Kentucky Guardians

### HIRING (CONTINUED)

2. A psychological suitability screening to determine the person's suitability to perform Guardian duties; and
3. A polygraph examination to determine the person's suitability to perform Guardian duties;
- h) Has passed the following courses provided by the Department of Criminal Justice Training (DOCJT):
  1. Active Shooter Response;
  2. Enhanced Handgun Performance; and
  3. Patrol Rifle;
- i) Has passed the marksmanship qualification requirement for a retired peace officer as specified in KRS 237.140;
- j) Has been honorably discharged from the Armed Forces of the United States within the five (5) years immediately preceding an initial contract to be a Guardian as evidenced by a Department of Defense form DD 214, or is a retired Kentucky state trooper, retired special or sworn law enforcement officer, or former federal law enforcement officer. Each agency that employed a retired Kentucky state trooper, retired special law enforcement officer, or sworn law enforcement officer shall provide to the retired individual proof of prior employment in a prompt and efficient manner, without charge to the individual; and
- k) Has met any other requirements imposed by the Board, which may include but are not limited to a preemployment written examination

### TRAINING REQUIREMENTS

Each Guardian shall be required to complete annual firearm proficiency testing and shall meet the standard in the same manner as set forth in KRS 237.140(4)(a) to (c).

Each Guardian shall be required to complete the course requirements for School Resource Officer (SRO) Training I (SRO I).

The Board may require the completion of any additional courses and training as determined to be necessary by the Board.

Any cost associated with training shall be the responsibility of the Guardian unless otherwise agreed to by the Board. The Kentucky Law Enforcement Council shall not charge more to Guardians for tests, assessments, or training completed than what is customarily charged to any other type of applicant tested, assessed, or trained by the council.

### EMPLOYMENT

The Board employing a Guardian shall collaborate with the local police department, local sheriff, area post of the Department of Kentucky State Police, and the State School Security Marshal in order to adopt District policy regarding:

**Kentucky Guardians**

**EMPLOYMENT (CONTINUED)**

- a) The job description of the Guardian, including but not limited to the scope of duties, responsibilities, and direct supervisor of the Guardian;
- b) The uniform to be worn by Guardians that would best suit the needs of the schools while also allowing outside agencies to easily identify Guardians;
- c) The procedures, processes, and chain of command to be used during an emergency in which law enforcement agencies are called to the school; and
- d) The type of firearm and ammunition to be used by the Guardian, if any.

**IMMUNITY**

The Board shall be immune from civil or criminal liability in all claims arising out of any action of a Guardian.

Guardians shall possess all the immunities and defenses now available or hereafter made available under state law to sheriffs, constables granted peace officer powers, and police officers in any suit brought against them in consequence of acts done in the course of their employment.

Nothing requires the Board to hire or provide Guardians. Participation by the Board in the use of a Guardian is voluntary and subject to the availability of District funds. Any board that opts to participate shall do so at its own expense.

**REFERENCES:**

- <sup>1</sup>KRS 158.4431
- KRS 160.380
- KRS 237.110; KRS 237.140
- KRS Chapter 510
- KRS 527.070

**RELATED POLICIES:**

- 02.31; 05.48

LEGAL: SB 2 AMENDS KRS 158.162 TO REQUIRE A COPY OF THE DATA CREATED THROUGH THE SCHOOL MAPPING DATA PROGRAM AS PART OF EACH SCHOOL'S EMERGENCY PLAN AND ALLOWING FOR THE USE OF SECONDARY LOCKING MECHANISMS ON CLASSROOM DOORS, NOTWITHSTANDING ANY PROVISIONS OF THE KENTUCKY BUILDING CODE PROMULGATED PURSUANT TO KRS CHAPTER 198B TO THE CONTRARY.

FINANCIAL IMPLICATIONS: COST OF CREATING THE SCHOOL MAPPING DATA

LEGAL: HB 169 AMENDS KRS 158.162 TO REQUIRE THE DISTRICT TO MAINTAIN A PORTABLE AUTOMATED EXTERNAL DEFIBRILLATOR (AED) IN EVERY SCHOOL BUILDING AND SUBMIT AN ANNUAL REPORT TO KDE ON THE NUMBER AND LOCATION OF EACH AED IN EVERY SCHOOL BUILDING, THE NAME, SCHOOL, AND TRAINING DATE OF EACH DISTRICT EMPLOYEE AND INTERSCHOLASTIC ATHLETIC COACH IN THE DISTRICT TRAINED IN THE USE OF AEDS; AND THE PROGRESS MADE TOWARDS HAVING AN AED AT ALL SCHOOL-SANCTIONED ATHLETIC PRACTICES AND COMPETITIONS.

FINANCIAL IMPLICATIONS: COST OF PURCHASING AEDS AND TIME SPENT ON TRAINING AND REPORTING

LEGAL: HB 446 AMENDS KRS 158.148 REVISING TWO-WAY COMMUNICATION SYSTEM BY REMOVING THE WORD "EXISTING" IN FRONT OF EMERGENCY.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

## SCHOOL FACILITIES

05.4

### Safety

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

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

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

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

#### **SCHOOL MAPPING DATA**

"School mapping data" means mapping information provided in an electronic or a digital format to assist first responders in responding to emergencies at schools. A participating district or campus shall not be required to adopt new school mapping data if, as of July 1, 2024, the District or campus previously implemented school mapping data with capabilities that meet the requirements of the Center for School Safety.

**Safety****DISTRICT SCHOOL SAFETY COORDINATOR**

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

1. Complete the school safety coordinator training program developed by the Center for School Safety within six (6) months of their date of appointment;
2. Designate a school safety and security threat assessment team at each school in the District consisting of two (2) or more staff members to identify and respond to students exhibiting behavior that indicates a potential threat to school safety or security. Members of a threat assessment team may include school administrators, school counselors, school safety officers, school-based mental health services providers, teachers, and other school personnel;
3. Ensure that members of threat assessment teams receive training as required under Board Policy 09.429 regarding the purpose of the team, team guiding principles, and the members' roles in enhancing school safety and school security through identifying and responding to students exhibiting behavior that indicates a potential threat to school safety or school security. Training shall address the following: strategies to properly respond to students who provide information about a threatening or concerning situation, ways to assess and respond to potential threats, how and to whom they should report threatening communications or behavior, and strategies to understand, identify, and address implicit bias of team members.
4. Provide training to school Principals on procedures for completion of the school security risk assessment;
5. Review all school security risk assessments completed within the District and prescribe recommendations as needed in consultation with the state school security marshal;
6. Formulate recommended policies and procedures, which shall be excluded from the application of KRS 61.870 to KRS 61.884, for an all-hazards approach including conducting emergency response drills for hostage, active shooter, and building lockdown situations in consultation and coordination with appropriate public safety agencies to include but not be limited to fire, police, and emergency medical services for review and adoption as part of the school emergency plan required by KRS 158.162. The recommended policies shall encourage the involvement of students, as appropriate, in the development of the school's emergency plan; ~~and~~
- ~~6.7.~~ Maintain the District's copies of the school mapping data created through the School Mapping Data Program to be made available to appropriate public safety agencies, but which shall be excluded from the application of KRS 61.870 to 61.884; and
- ~~7.8.~~ Ensure each school campus is toured at least once per school year, in consultation and coordination with appropriate public safety agencies, to review policies and procedures and provide recommendations related to school safety and security.

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



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

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

**SUPERINTENDENT TO REPORT**

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

**AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)**

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

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

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

**SCHOOL EMERGENCY PLANNING**

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

1. Procedures to be followed in cases of medical emergency, fire, severe weather, earthquake, or a building lockdown as defined in KRS 158.164;
2. A written cardiac emergency response plan; and
3. A [copy of the data created through the School Mapping Data Program or, if the school mapping data is unavailable, a](#) diagram of the facility that clearly identifies the location of each AED.

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

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

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

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

1. Licensed athletic trainers, school nurses, and athletic directors; and

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

2. Interscholastic coaches and volunteer coaches of each athletic team active during that athletic season.

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

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

1. Establish and post primary and secondary evacuation routes in each room by any doorway used for evacuation;
2. Identify the best available severe weather safe zones, in consultation with local and state safety officials and informed by guiding principles set forth by the National Weather Service and the Federal Emergency Management Agency, and post the location of the safe zones in each room. These safe zones are to be reviewed by the local fire marshal or fire chief;
3. Develop school procedures to follow during an earthquake;
4. Develop and adhere to practices to control access to the school. Practices shall include but not be limited to:
  - Controlling outside access to exterior doors during the school day;
  - Controlling the main entrance of the school with electronically locking doors, a camera, and an intercom system;
  - Controlling access to individual classrooms;
  - Requiring classroom doors to be equipped with hardware that allows the door to be locked from the outside but opened from the inside;
  - Requiring classroom doors to remain closed and locked during instructional time, except in instances when only one (1) student and one (1) adult are in the classroom or when approved in writing by the State School Security Marshal;
  - Requiring classroom doors with windows to be equipped with material to quickly cover the window during a building lockdown;
  - Allowing for the use of secondary locking mechanisms on classroom doors, notwithstanding any provisions of the Kentucky Building Code promulgated pursuant to KRS Chapter 198B to the contrary;
  - 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.

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

5. Maintain a portable AED in a public, readily accessible, well-marked location in every ~~middle and high~~ school building and, as funds become available, at school-sanctioned ~~middle and high school~~ athletic practices and competitions and:
  - a) Adopt procedures for the use of the portable AED during an emergency;
  - b) Adopt policies for compliance with KRS 311.665 to KRS 311.669 on training, maintenance, notification, and communication with the local emergency medical services system;
  - c) Ensure that a minimum of three (3) employees in the school and all interscholastic athletic coaches be trained on the use of a portable AED in accordance with KRS 311.667; ~~and~~
  - d) Ensure that all interscholastic athletic coaches maintain a cardiopulmonary resuscitation certification recognized by a national accrediting body on heart health; and
  - e) No later than November 1 of each school year, submit an annual report to the Kentucky Department of Education on:
    - i. The number and location of each portable AEDs in every school building;
    - ii. The name, school, and training date of each District employee and interscholastic athletic coach in the District trained in the use of a portable AED; and
    - iii. The progress made towards having a portable AED at all school-sanctioned athletic practices and competitions; and
6. Require development of an event-specific emergency action plan for each school-sanctioned nonathletic event held off-campus to be used during a medical emergency, which may include the provision of a portable AED. The plan shall:
  - a) Include a delineation of the roles of staff and emergency personnel, methods of communication, any assigned emergency equipment including a portable AED, a cardiac emergency response plan, and access to and plan for emergency transport; and
  - b) Be in writing and distributed to any member of school personnel attending the school-sanctioned event in an official capacity.

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

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

**PRECAUTIONS**

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

**Safety****REPORTING HAZARDS**

Each employee observing a potential safety or security hazard shall report such hazard in writing to building administrators who shall then report the physical hazard using the work order system to the Department of Facilities/Transportation who, in turn, shall make a prompt inspection and initiate steps to remedy the condition.

**COMMUNICATION SYSTEM**

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

**REFERENCES:**

<sup>1</sup>KRS 158.4412

<sup>2</sup>KRS 158.1621

[KRS Chapter 198B](#)

KRS 61.870 to KRS 61.884

[KRS 158.110](#)

KRS 158.148; KRS 158.162; KRS 158.164; KRS 158.4410; [KRS 158.4433](#); KRS 158.445

KRS 160.290; KRS 160.445

KRS 311.665 to KRS 311.669; KRS 311.667; KRS 411.148

702 KAR 1:180

**RELATED POLICIES:**

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

09.22; 09.221; 09.4 (entire section); 10.5

LEGAL: SB 2 CREATES AMENDS KRS 158.4451 TO REQUIRE DISTRICTS TO PROVIDE AN ANONYMOUS REPORTING TOOL THAT ALLOWS STUDENTS, PARENTS, AND COMMUNITY MEMBERS TO ANONYMOUSLY SUPPLY INFORMATION CONCERNING UNSAFE, POTENTIALLY HARMFUL, DANGEROUS, VIOLENT, OR CRIMINAL ACTIVITIES, OR THE THREAT OF THESE ACTIVITIES, TO APPROPRIATE PUBLIC SAFETY AGENCIES AND SCHOOL OFFICIALS.

FINANCIAL IMPLICATIONS: COST OF OBTAINING ANONYMOUS REPORTING TOOL AND PROVIDING TRAINING ON THE USE OF SUCH

LEGAL: SB 2 ALSO AMENDS KRS 156.095 AND THE REQUIREMENTS FOR EVIDENCE-BASED SUICIDE PREVENTION TRAINING FOR BOTH STUDENTS AND STAFF.

FINANCIAL IMPLICATIONS: TIME SPENT ON AND COST OF PROVIDING TRAINING

STUDENTS

09.22

## **Student Health and Safety**

### **PRIORITY**

Student health, welfare and safety shall receive priority consideration by the Board.

Rules and regulations on health and safety promulgated by the Kentucky Board of Education under Kentucky statute and by local and state regulatory agencies relating to student safety and sanitary conditions shall be implemented in each school.

### **HEALTH SERVICES TO BE PROVIDED**

In keeping with applicable legal requirements, only licensed medical professionals or school employees who have been appropriately trained and authorized to do so shall provide health services to students.

An employee ~~Employees~~ to whom health service responsibilities have been delegated must be approved in writing by the delegating physician, nurse practitioner or registered nurse. The approval form shall state the employee consents to perform the health service when the employee does not have the administration of health services in his/her contract or job description as a job responsibility, possesses sufficient training and skills, and has demonstrated competency to safely and effectively perform the health service. The approval form shall be maintained as required by law. Delegation of health service responsibilities shall be valid only for the current school year.<sup>1</sup>

If the delegation involves administration of medication, the District will maintain proof that the employee has completed the required training provided by Health Services in accordance with the Kentucky Department of Education (KDE) requirements or as allowed under KRS 158.838.

### **PARENT/GUARDIAN NOTIFICATION OF HEALTH AND MENTAL HEALTH SERVICES**

At the beginning of each school year, or upon a student's enrollment in a District school, the District shall provide notification to a student's parent/guardian listing each of the health services as defined in KRS 156.502 and mental health services as defined in KRS 158.4416 available at the student's school related to human sexuality, contraception, or family planning, and of the parent/guardian's right to withhold consent or decline any of those specific services.

A school shall notify a student's parent/guardian if:

1. The school changes the health services or mental health services related to human sexuality, contraception, or family planning that it provides, or

**Student Health and Safety****PARENT/GUARDIAN NOTIFICATION OF HEALTH AND MENTAL HEALTH SERVICES (CONTINUED)**

2. A school employee intends to make a referral for a student to receive health services or mental health services:
  - a. Provided by the District; or
  - b. Provided by an external health care provider or mental health care provider as defined in KRS 158.191.

A school shall obtain parent/guardian consent prior to making a referral for health services or mental health services for a student. Consent of a parent/guardian for a student to receive a health service or mental health service shall not waive the parent/guardian's right to access the student's educational or health records held by the District.<sup>5</sup>

**PARENT/GUARDIAN RIGHT TO MAKE DECISIONS**

The Superintendent/designee shall establish procedures for appropriately trained and certified District employees to encourage students to discuss mental or physical health or life issues with their parent/guardian or through facilitating the discussion with their parents.<sup>5</sup>

**INFORMATION TO BE PROVIDED TO A PARENT/GUARDIAN**

A District employee shall comply with the provisions of the federal Family Educational Rights and Privacy Act, related federal regulations, Board Policy 09.14, and Administrative Procedure 09.14 AP.1 which afford a parent/guardian or student who has reached age 18 the right to have access to the student's education record for inspection and review.<sup>6</sup>

KRS 158.191(5)(a) states in part that, "a district or school shall not adopt policies or procedures with the intent of keeping any student information confidential from parents." A District or school employee is not required under those provisions to provide confidential information about a student to a parent/or guardian.<sup>5</sup>

Nothing in this policy or KRS 158.191(5) shall prohibit the District or District personnel from withholding information from a parent if a reasonably prudent person would believe, based on previous conduct and history, that the disclosure would result in the child becoming a dependent child or an abused or neglected child as defined in KRS 600.020.

An employee who knows or has reasonable cause to believe that a child is dependent, abused, or neglected shall immediately make a report to a local law enforcement agency, the Cabinet for Health and Family Services or its designated representative, the Commonwealth's Attorney, or the County Attorney, in accordance with Board Policy 09.227 and KRS 620.030.

The fact that district personnel withhold information from a parent under this policy shall not in itself constitute evidence of failure to report dependency, neglect, or abuse to the Cabinet for Health and Family Services under KRS 620.030.<sup>5</sup>

## Student Health and Safety

### DISTRICT RESPONSIBILITY FOR THE HEALTH AND SAFETY OF STUDENTS

Nothing in this policy shall:

1. Prohibit the District or the District's personnel from seeking or providing emergency medical or mental health services for a student as outlined in the District's policies; or
2. Remove the duty to report pursuant to KRS 620.030 if a District employee has reasonable cause to believe the child is a dependent child or an abused or neglected child due to the risk of physical or emotional injury identified in KRS 600.020(1)(a)<sup>2</sup>. or as otherwise provided in that statute.<sup>5</sup>

### SAFETY PROCEDURES

All students shall receive annual instruction in school bus safety.

The Superintendent shall develop procedures designed to promote the safety of all students. Said procedures shall specify specific responsibilities for line positions having responsibility for student supervision.

### ANONYMOUS REPORTING TOOL

The District shall provide an anonymous reporting tool that allows students, parents, and community members to anonymously supply information concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.

The District may use the Kentucky Office of Homeland Security's anonymous reporting tool or provide an alternative anonymous reporting tool that meets the same requirements and shall develop and provide a comprehensive training and awareness program on the use of the chosen anonymous reporting tool.<sup>7</sup>

### STUDENT IDENTIFICATION BADGES

Any student identification badge issued to a student in grades six (6) through twelve (12) by a school in the District shall contain the contact information for:

- a) A national domestic violence hotline;
- b) A national sexual assault hotline; and
- c) A national suicide prevention hotline.<sup>4</sup>

### SUICIDE PREVENTION STAFF TRAINING

All employees with job duties requiring direct contact with students in grades four (4) through twelve (12) shall each school year annually complete a minimum one (1) hour of high-quality evidence-based suicide prevention training, including risk factors, warning signs, protective factors, response procedures, referral, postvention, and the recognition of signs and symptoms of possible mental illness. TheSuch training shall be in-person, by live streaming, or via video recording and may be included in the four (4) days of professional development required by statute. The District shall provide suicide prevention materials for review by any employee subject to training hired during a year in which the in-person, live streaming, or video recording training is not required.<sup>2 & 3</sup>

**Student Health and Safety****SUICIDE PREVENTION STUDENT LESSONS**

~~By September 15 of each year, e~~Each public school shall provide two (2) evidence-based suicide prevention awareness lessons each school year, the first by September 15 and the second by January 15, either in person, by livestreaming ,or via a video recording information to students in grades **four (4)** through twelve (12). ~~A The school shall provide an opportunity for any student absent on the day the evidence-based suicide prevention awareness lesson was initially presented to receive the lesson at a later time. The information may be obtained fromas provided by~~ the Cabinet for Health and Family Services or a commercially developed suicide prevention training program.<sup>2</sup>

**SEIZURE DISORDER MATERIALS**

All principals, guidance counselors, and teachers shall complete at least one (1) hour of self-study review of seizure disorder materials no later than July 1, 2019. At least one (1) hour of self-study review of seizure disorder materials shall also be required for all principals, guidance counselors, and teachers hired after July 1, 2019.<sup>3</sup>

**REFERENCES:**

<sup>1</sup>KRS 156.501; KRS 156.502; 702 KAR 1:160

<sup>2</sup>KRS 156.095

<sup>3</sup>KRS 158.070

<sup>4</sup>KRS 158.038

<sup>5</sup>KRS 158.191(5)(a)

<sup>6</sup>20 U.S.C. § 1232g; 34 CFR Part 99; Board Policy 09.14

<sup>7</sup>KRS 158.4451

KRS 156.160; KRS 158.838

702 KAR 5:030

**RELATED POLICIES:**

09.2241; 09.14



LEGAL: HB 271 AMENDS KRS 620.030 TO ALLOW A WRITTEN REPORT, INCLUDING BUT NOT LIMITED TO ELECTRONIC SUBMISSION, OF DEPENDENCY, NEGLECT, OR ABUSE OF A CHILD.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: SB 2 AMENDS KRS 156.095 TO CLARIFY TRAINING TIMELINES FOR CHILD ABUSE AND NEGLECT PREVENTION.

FINANCIAL IMPLICATIONS: COST OF REQUIRED TRAINING

STUDENTS

09.227

## Child Abuse

### **REPORT REQUIRED**

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

1. Make an oral **or written** report, **including but not limited to electronic submission**, to a local law enforcement agency or the Kentucky State Police, the Cabinet for Health and Family Services or its designated representative, the Commonwealth's or County Attorney in accordance with KRS 620.030;<sup>2</sup> or
2. Make a report through the online reporting system established by the Cabinet for Health and Family Services.

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

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

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

### **WRITTEN REPORT**

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

### **WRITTEN RECORDS**

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

**Child Abuse****INTERVIEWS**

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

**AGENCY CUSTODY**

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

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

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

**REQUIRED TRAINING**

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

**Child Abuse**

**REFERENCES:**

<sup>1</sup>KRS 600.020

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

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

<sup>4</sup>KRS 620.072

KRS 17.160; KRS 17.165; KRS 17.545; KRS 17.580

KRS 156.095; KRS 199.990; KRS 209.020

KRS 508.125

KRS 620.050; KRS 620.146

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

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

**RELATED POLICIES:**

09.1231; 09.3; 09.31; 09.42811; 09.4361; 10.5

LEGAL: SB 2 AMENDS KRS 158.4416 INCLUDING THE DEFINITION OF TRAUMA-INFORMED APPROACH PLAN, AND REQUIRES THE PLAN TO BE REVIEWED AND UPDATED ANNUALLY, INCORPORATED INTO THE ANNUAL COMPREHENSIVE DISTRICT IMPROVEMENT PLAN (CDIP), AND SUBMITTED TO KDE.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.43

## **Student Disciplinary Processes**

### **STUDENT DISCIPLINE AND BEHAVIOR IMPROVEMENT**

Procedures used by schools for student discipline and behavior improvement shall conform with the provisions of the Student Support and Behavior Intervention Handbook under Board Policy 09.438.

### **SCHOOL-RELATED ACTIVITIES**

The authority of the District in matters of student behavior is not limited to school buildings and grounds or to times when the pupil is on the way to or from school, but extends to any activity which is school-related or school-sponsored.

### **TRAUMA-INFORMED APPROACH PLAN**

“Trauma-informed approach” means incorporating principles of trauma awareness and trauma-informed practices, as recommended by the federal Substance Abuse and Mental Health Services Administration, in a school in order to foster a safe, stable, and understanding learning environment for all students and staff and ensuring that all students are known well by at least one (1) adult in the school setting.

The Board shall develop a plan for implementing a trauma-informed approach in the District. The plan shall be based on the Trauma-Informed Toolkit from the Kentucky Department of Education (KDE) and include but not be limited to:

- a) strategies for enhancing trauma awareness throughout the school community;
- b) conducting an assessment of the school climate including but not limited to inclusiveness and respect for diversity;
- c) developing trauma-informed discipline policies;
- d) collaborating with the Department of Kentucky State Police, the local sheriff, and the local chief of police to create procedures for notification of trauma-exposed students; and
- e) providing services and programs designed to reduce the negative impact of trauma, support critical learning, and foster a positive and safe school environment for every student.<sup>2</sup>

The trauma-informed approach plan shall be reviewed and updated annually, incorporated into the annual Comprehensive District Improvement Plan (CDIP) required by 703 KAR 5:225, and submitted to the KDE.

### **TREATMENT OF PUPILS**

Student disciplinary measures shall not be administered in a manner that is humiliating, degrading, or unduly severe. Teachers shall not make remarks to pupils concerning a student's perceived shortcomings. Teachers may appropriately and professionally discuss concerns directly with a student when other students are not present.

## **Student Disciplinary Processes**

### **TREATMENT OF PUPILS (CONTINUED)**

Unless an administrator or the Board acts under authority of KRS 158.150, no school, school administrator, teacher, or other school employee shall expel or punish a student based on juvenile court information received by the employee from any source. Administrators may act to protect staff and students when the student's conduct, as reflected by the information, indicates a substantial likelihood of an immediate and continuing threat of harm to students or staff. In cases where such actions are necessary, the following provisions shall apply:

1. Restrictions imposed on the student shall represent the least restrictive alternative available and appropriate to remedy the threat.
2. Supporting material shall be documented in and kept with the student's juvenile court record.
3. The student and/or parent/guardian may appeal actions taken to the Superintendent or to the Circuit Court with appropriate jurisdiction.<sup>1</sup>

### **SERIOUS PROBLEMS**

Serious disciplinary problems shall be promptly reported to the Principal and to the parent(s) of the student.

### **COUNCIL RESPONSIBILITY**

Each school council shall select and implement discipline and classroom management techniques for the school, consistent with Board policy. The council's discipline policies shall provide for involvement of parents in disciplinary situations involving their children.

In non-SBDM schools, the Principal shall make these decisions, in consultation with the Advisory Leadership Team, consistent with Board policy.

### **REPORTING**

Each school shall annually provide to the ~~KDE~~[Kentucky Department of Education](#), using the student information system, an assessment of school incidents relating to disruptive behaviors resulting in a criminal or juvenile status offense or public complaint, including whether:

1. The incident involved a public offense or noncriminal misconduct;
2. The incident was reported to law enforcement or the court-designated worker and the charge or type of noncriminal misconduct that was the basis of the referral or report; and
3. The report was initiated by a school resource officer, if the District employs or contracts with such officers.

### **CHILDREN AND YOUTH WITH DISABILITIES**

Discipline for children and youth with disabilities shall observe, and be in conformity with, federal and state procedures and guidelines.

**Student Disciplinary Processes**

**REFERENCES:**

<sup>1</sup>KRS 158.153  
KRS 158.150; KRS 158.449  
KRS 160.290; KRS 160.340; KRS 160.345  
KRS 161.180; KRS 610.345  
703 KAR 5:225  
P. L. 105-17

**RELATED POLICIES:**

01.111; 09.14

**SB 11 AN ACT relating to juvenile justice.**

09.14          Student Records

LEGAL: SB 11 AMENDS KRS 610.345 TO REQUIRE NOTICE TO SCHOOLS PRIOR TO FILING OF A PUBLIC OFFENSE PETITION AGAINST A CHILD IN CERTAIN CASES AND ALLOWS THE SUPERINTENDENT TO DESIGNATE AN EMPLOYEE OF THE DISTRICT TO RECEIVE NOTICES AND CARRY OUT THE SUPERINTENDENT'S RESPONSIBILITIES.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.14

## **Student Records**

Except as otherwise provided by law, student education records are those records recorded in any medium that are directly related to a student and maintained by the District or by a party acting for the District.

### **TYPES OF STUDENT RECORDS**

Student records include, but are not limited to:

1. Personal and family data;
2. Evaluation and test data;
3. Medical and psychological reports;
4. Records of school achievement, progress reports and portfolios;
5. Records of conferences with students and/or parents (including Individual Education Programs for exceptional children);
6. Copies of correspondence concerning a student;
7. Photographs/video records of a student;
8. Discipline records;
9. Other information or data that may be useful in working with a student and/or required by state or federal law.

Student records shall be retained as required by law.

### **DEFINITION**

As used in this policy, and in accordance with the federal Family Educational Rights and Privacy Act (FERPA), "parent" means "a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian."

### **PROCEDURE TO BE ESTABLISHED**

The Superintendent/designee shall develop procedures for the development, maintenance, use, storage, dissemination, and destruction of student records and to promote effective notification of parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) and to ensure District 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



## **Student Records**

### **DISCLOSURE OF RECORDS (CONTINUED)**

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.<sup>1</sup> An eligible student who is not a dependent has right to prohibit the disclosure of personally identifiable information in education records to their parent/guardian if the student has submitted a signed affidavit stating that they are not a dependent as defined under Section 152 of the Internal Revenue Code and requesting to prohibit disclosure to their parents.

Student records shall be developed, maintained, stored, used, released, disseminated, and destroyed in compliance with applicable state and federal laws and regulations.

State and federal laws and regulations assuring parent/student rights to review and access student records, and to provide for the privacy and confidentiality of student records shall be followed.

Considering the totality of the circumstances, the District may disclose information from education records to appropriate parties, including **a parent parents** of **an** eligible **studentstudents**, 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 District personnel also may disclose personally identifiable information to the following:

- 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;
- 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 the District to perform institutional services and functions) having a legitimate educational interest in the information.

### **ACCESS TO INFORMATION REGARDING THE BIOLOGICAL SEX OF STUDENT**

KRS 158.189 defines "Biological sex" to mean "the physical condition of being male or female, which is determined by a person's chromosomes, and is identified at birth by a person's anatomy." Except as provided in KRS 156.070(2)(g) and in accordance with 34 CFR § 99.31 implementing the federal Family Educational Rights and Privacy Act, District and school officials/staff may only access student education record information in which the District determines they have a legitimate educational interest.

The biological sex of a student is required under state law to be entered into the student data system based on the student's birth certificate, or if no birth certificate is provided, based on information provided by the parent/guardian to the school or District. Such information may only be accessed by an employee who has a legitimate educational interest to comply with state or federal law and who has been trained and given registrar rights to access information in the student data system. Beyond that limited

**Student Records****ACCESS TO INFORMATION REGARDING THE BIOLOGICAL SEX OF STUDENT (CONTINUED)**

use, there is no legitimate educational interest in knowing the biological sex of a student defined in KRS 158.189.

Beyond requesting a birth certificate of a student from a parent/guardian as permitted under law, District and school officials and staff are prohibited from asking a student or parent/guardian for information regarding or requiring proof of a student's biological sex based on a student's chromosomes or anatomy.

**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 Superintendent 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 the District cannot comply with any part of FERPA or its implementing regulations due to a conflict with state or local law, the District 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 Superintendent/designee is authorized to release student directory information to organizations or individuals upon written request. A student's name, school mailing address, guardian email address, grade level, honors and awards, photograph including use of student photographs in school District publications, school District social media, on the school District's website and to news media, video or film of students when filmed by the District for educational purposes or for promotional use or filmed by news media, and major field of study shall constitute directory information. Photos and video that would generally be considered harmful or an invasion of privacy if disclosed are not directory information. A student's date of birth shall constitute directory information only for purposes of the U.S. Department of Education Free Application for Federal Student Aid (FAFSA) Completion Project. The Superintendent/designee shall develop a form to permit parents and eligible students to opt-out of the release of directory information.

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.

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

Parents/guardian/eligible students must either permit release of all directory information or opt out of release of all directory information.

## Student Records

### **SURVEYS OF PROTECTED INFORMATION**

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

The District shall provide direct notice to a parent/s/guardian to obtain prior written consent for their minor child 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.

A parent/Parents/eligible student students also shall be notified of and given opportunity to opt the student their child 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.

A parent/Parents/eligible student 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.

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

### **WELL-BEING QUESTIONNAIRES, ASSESSMENTS, OR HEALTH SCREENING FORMS**

Prior to a well-being questionnaire or assessment, or a health screening form being given to a student for research purposes, the District shall provide the student's parent/guardian with access to review the material and shall obtain parent/guardian consent. Parental consent shall not be a general consent to these assessments or forms but shall be required for each assessment or form.

A parent's guardian's refusal to consent shall not be an indicator of having a belief regarding the topic of the assessment or form.<sup>2</sup>

### **STUDENTS WITH DISABILITIES**

The District's 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 listed as part of Kentucky's juvenile justice system in KRS 17.125

## **Student Records**

### **RECORDS RELEASE TO JUVENILE JUSTICE SYSTEM (CONTINUED)**

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 regarding a child who has been adjudicated as a ~~on~~-youthful or violent offender offenders shall not be disclosed except as permitted by law. When such information is received, the Superintendent shall notify the Principal of the school in which the child is enrolled. The Superintendent may designate an employee of the District to receive notices and carry out the Superintendent's responsibilities. The Superintendent/designee shall provide the clerk and the court-designated worker with notice of any designation and the name and contact information for the Superintendent's designee. The Principal shall then release the information as permitted by law.

Only the Superintendent/designee 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.

If the petition is dismissed or informally adjusted, the clerk shall notify the Superintendent or the Principal of the disposition, and all records of the incident or notification created in the District or the school shall be destroyed and shall not be included in the child's school records. For purposes of destruction, education records created by the school shall not be destroyed. The District or school may request a statement of facts from the county attorney in a juvenile case.<sup>3</sup>

### **RECORDS OF MISSING CHILDREN**

Upon notification by the Commissioner of Education of a child's disappearance, the District shall flag the record of ~~the such~~ child in a manner that whenever a copy of or information regarding the child's record is requested, the District 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, the District 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. However, in compliance with FERPA, when a lawfully issued court order or subpoena requires disclosure be made without notification of the student or parent, the District shall

**Student Records****COURT ORDER/SUBPOENA (CONTINUED)**

comply with that requirement. If the District receives such an order, the matter may be referred to the General Counsel for advice.

**REFERENCES:**

<sup>1</sup>KRS 158.153; KRS 610.320; KRS 610.340; KRS 610.345

<sup>2</sup>KRS 158.191

<sup>3</sup>[KRS 635.010](#)

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

702 KAR 1:140; 702 KAR 3:220

20 U.S.C. 1232g, 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 POLICIES:**

09.111; 09.12311; 09.43