

LEGAL: 702 KAR 3:330 REQUIRES THAT BEGINNING WITH THE 2024-2025 SCHOOL YEAR, THE DISTRICT PROVIDE CERTIFIED EMPLOYEE LIABILITY INSURANCE IN AN AMOUNT NOT LESS THAN \$1 MILLION FOR THE PROTECTION OF THE EMPLOYEE FROM LIABILITY ARISING IN THE COURSE AND SCOPE OF PURSUING THE DUTIES OF HIS OR HER EMPLOYMENT.  
FINANCIAL IMPLICATIONS: COST OF PROVIDING LIABILITY INSURANCE

POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.11

### **General Powers and Duties of the Board**

#### **ESTABLISHMENT OF SCHOOLS**

The Board has general control and management of the public schools in its district. The Board may establish schools and provide for courses and other services it deems necessary for the promotion of education and the general health and welfare of pupils, consistent with the administrative regulations of the Kentucky Board of Education.<sup>1</sup>

#### **CHARTER SCHOOLS**

KRS 160.1590 provides for charter school authorization, application, evaluation of applications and contracts with a charter school Board of Directors. Pursuant to this statute and Kentucky Board of Education regulations, the Board may serve as an authorizer for charter schools in the District.

#### **REQUEST FOR WAIVER AND EXEMPTIONS**

The Board may authorize the Superintendent to request, on behalf of the District, a waiver of state regulations and/or reporting requirements established by a Kentucky Revised Statute requiring paperwork to be submitted to the Kentucky Board of Education or the Department of Education as permitted by statute.

When approved as a District of Innovation by the Kentucky Board of Education, the District is to be granted waivers and exemptions from selected Kentucky Administrative Regulations, Kentucky Revised Statutes, and, for a school of innovation, may be granted waivers of certain Board policies. A school may decide whether it voluntarily chooses to be designated as a school of innovation and, thus, be included in the District's application and plan. However, the Board may require a school identified for comprehensive support and improvement under KRS 160.346 to participate in the District's plan of innovation.<sup>11</sup>

#### **SCHOOL FUNDS AND PROPERTY**

The Board has control and management of all school funds and public school property and may use its funds and property to promote public education.<sup>1</sup>

#### **ADMINISTRATION**

The Board shall exercise generally all powers prescribed by law in the administration of the public school system, appoint the Superintendent of schools, create and abolish positions, establish job classifications, and fix compensation of employees.<sup>1</sup>

#### **MANAGEMENT**

The Board may set goals for the District and shall make and adopt, and may amend or repeal policies for its meetings and proceedings for the management of the schools and school property of the District, for the transaction of its business and for the qualifications and duties of employees and the conduct of pupils.

#### **RELATIONSHIP WITH SUPERINTENDENT**

The administration of Board policies shall be the responsibility of the Superintendent. The Board shall make known to the Superintendent its expectations, based on an understanding of the functions set forth in Board policy and federal and state laws and regulations.

**General Powers and Duties of the Board****SUBPOENA**

The Board may, in any investigation or proceeding before it, concerning a matter that may be a proper subject of inquiry by it, summon witnesses by subpoena, enforce their attendance, and require that they testify under properly administered oath.<sup>2</sup>

**INSURANCE**

The Board may set aside funds to provide for liability and indemnity insurance against the negligence of the drivers or operators of school buses, other motor vehicles, and mobile equipment owned or operated by the Board.<sup>3</sup>The Board may expend funds necessary for liability insurance premiums and for the defense of any civil action brought against an individual Board member in his official or individual capacity, or both, on account of an act made in the scope and course of his performance of legal duties as a Board member.<sup>4</sup>

The Board shall make available liability insurance coverage for the protection of all members of school councils from liability arising in the course of pursuing their duties as members of the councils.<sup>9</sup> In accordance with 702 KAR 3:330, the District shall provide Certified Employee Liability Insurance in an amount not less than one (1) million dollars for the protection of the employee from liability arising in the course and scope of pursuing the duties of his or her employment.<sup>13</sup>

As long as they pay full cost of premiums required, Board members may choose to participate in any group life insurance<sup>12</sup> or any group medical or dental insurance provided by the District for employees.<sup>10</sup>

**FREE SUPPLIES**

The Board may furnish necessary school supplies free of charge to indigent children in its school district, or to such other children as it deems advisable, under such rules and regulations as it may adopt.

The Superintendent shall recommend and the Board shall approve a process to waive fees for students who qualify for free and reduced priced lunches. All students who qualify shall be informed in writing of the fee waiver provisions. Mandatory waiver of fees for qualifying students shall be accomplished in compliance with applicable statutory and regulatory requirements.<sup>5</sup>

**REPORTS**

The Board shall, on forms prepared by the Commissioner of Education and approved by the Kentucky Board of Education, prepare and submit to the Kentucky Board of Education of Education reports on all phases of its school service. It may prepare and publish for the information of the public a report on the progress of its schools.<sup>6</sup>

**LEVY OF TAX RATES**

As part of the budgetary process, the Board shall levy tax rates in compliance with statutory and regulatory requirements.<sup>7</sup>

**POWER TO BORROW MONEY**

The Board may borrow money on the credit of the Board and issue negotiable notes in anticipation of revenues from school taxes and state revenue for the fiscal year in which the money is borrowed, and may pledge the anticipated revenues for the payment of principal and interest on the loan.<sup>8</sup>

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**General Powers and Duties of the Board**

**AUTHORITY AS A WHOLE**

The Board shall function as a body politic.

**RETENTION OF DECISION-MAKING AUTHORITY**

The Board shall provide accountability to the citizens of the District through retention of its decision-making authority and responsibility for the operation and management of District schools. Accordingly, the Board shall not create nor shall it enter into any relationship which is or could be characterized as "special" or "exclusive" in nature with any group or organization for any purpose.

**PLANNING**

The Board shall provide for long and short term planning for the effective and efficient operation of the District.

**SELF-EVALUATION**

The Board shall review the effectiveness of its operational procedures at least once annually, based on standards and instruments designated by the Board and with all members participating. The Board shall develop ways to strengthen areas in need of improvement.

**CONTRACTS WITH CONSULTANTS**

The Board may contract for consulting services to provide specialized advice or assistance to the school system concerning educational, management, or administrative matters.<sup>4</sup>

Any proposed contracts with consultants shall be submitted to the Board for approval and shall be accompanied by figures showing the estimated cost of the consulting project to the District. Where appropriate, the Board may require bids for consulting services to be sought.

Consultants who serve the District shall exercise no authority over District employees, but will act only as advisor in accordance with their contract.

**APPLICATIONS FOR GRANTS**

Schools, employees, and school-related groups who are applying for grants on behalf of the District or District schools shall send a copy of the completed application to the Superintendent/designee, who shall present the application to the Board with a recommendation for approval or disapproval. Except as provided by law, such applications shall not be submitted until the Board gives its approval.

**NATIONAL MOTTO**

The Board shall require each elementary and secondary school to display the national motto, "In God We Trust," in a prominent location which means a school entryway, cafeteria, or common area where students are likely to see it. Per KRS 158.195, the display may take the form of, but is not limited to, a plaque or student artwork.

**General Powers and Duties of the Board**

**REFERENCES:**

- <sup>1</sup>KRS 160.290
- <sup>2</sup>KRS 160.300
- <sup>3</sup>KRS 160.310
- <sup>4</sup>KRS 160.160
- <sup>5</sup>KRS 160.330
- <sup>6</sup>KRS 160.340
- <sup>7</sup>KRS 160.470
- <sup>8</sup>KRS 160.540
- <sup>9</sup>KRS 160.345
- <sup>10</sup>KRS 160.280
- <sup>11</sup>KRS 156.108; KRS 160.107; KRS 160.346; 701 KAR 5:140
- <sup>12</sup>KRS 18A.205; KRS 18A.210
- <sup>13</sup>702 KAR 3:330
- KRS 116.200; KRS 156.072; KRS 156.160; KRS 158.195
- KRS 160.1590; KRS 160.1592; KRS 160.1593; KRS 160.1594; KRS 160.1595
- KRS 160.1599; KRS 161.158; KRS 162.010; KRS 416.560
- OAG 91-10; OAG 91-122; OAG 95-10; 702 KAR 3:220; 702 KAR 4:160

**RELATED POLICIES:**

01.41; 01.5; 01.7; 03.124; 03.224; 04.92

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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**

#### **PLANNING COMMITTEE**

A District planning committee, representative of the community and the school district, shall be appointed by the Superintendent and approved by the Board to develop, review, and revise annually a Comprehensive District Improvement Plan (CDIP) as stated herein. The committee shall include teachers, Principals, council members, other school leaders, paraprofessionals, Central Office administrators, administrators, Board member(s), classified staff, parents, community representatives, and high school students.

The Superintendent shall develop, and present to the Board for review, procedures for appointment and training of the planning committee. The Superintendent shall make the procedures known to the community and school personnel.

Selection of committee members shall reflect reasonable minority representation and encourage active minority participation.<sup>1</sup>

#### **PLANNING CYCLE**

The District's planning cycle shall follow a process of continuous improvement as data becomes available. The structure of the CDIP shall include completion of a narrative summary of the current state of the school 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 is to 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 is to 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 must be complete by May 1 of each school year.

#### **PLAN REQUIREMENTS**

The District seeking Commissioner approval of the nontraditional instruction (NTI) plan shall annually incorporate it within the CDIP. The District shall submit the NTI 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;
- To eliminate achievement gaps among groups of students; 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.

### **District Planning**

#### **PLAN REQUIREMENTS (CONTINUED)**

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.

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 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. Upon agreement of the council, or the Principal if there is not a council, and the Superintendent, the Board shall establish an annual target for each school for reducing identified gaps in achievement.<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.

#### **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).

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#### **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, post the plan on the District web site and provide for electronic review and feedback.

#### **BOARD APPROVAL**

The plan shall be completed between November 1 and January 1 of each school year and presented to the Board for approval. If revisions are needed, the District planning committee shall forward proposed revisions to the Superintendent. Revisions must reflect requirements of Every Student Succeeds Act of 2015 and KRS 158.649. 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.

**District Planning**

**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 Plan.

**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 publicized 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 with 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:

- Proficient and Distinguished in Reading; and
- Proficient and Distinguished in Mathematics.

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 156.500

<sup>2</sup>KRS 158.649

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)

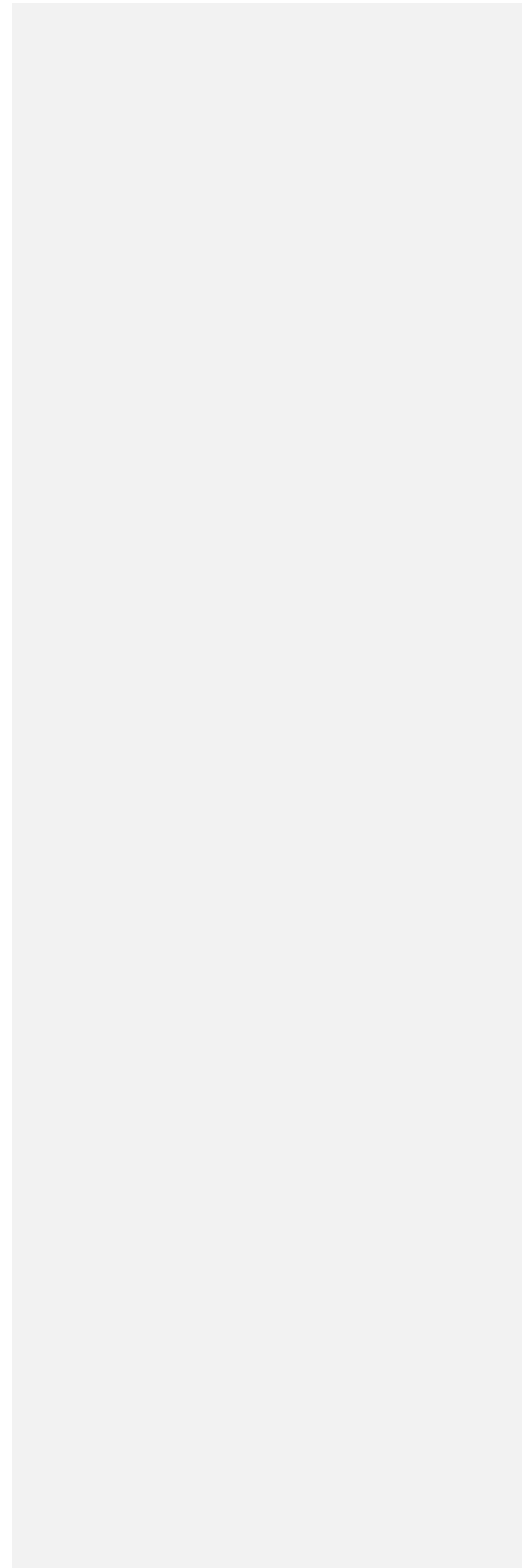
POWERS AND DUTIES OF THE BOARD OF EDUCATION

01.111  
(CONTINUED)

**District Planning**

**RELATED POLICIES:**

02.44; 02.441; 02.442; 04.1; 09.21





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 Statutes. These specific provisions prevail over the following general description. ~~A person shall only be eligible for membership on the Board, if the 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~~<sup>his/her</sup> election;
3. Is a legally qualified voter of the division or district (in the case of independent school districts) for which s/he 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~~<sup>Cannot</sup> hold any elective federal, state, county, or city office, serve as an officer or employee of a city or county, hold a federal office of "trust or profit," 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 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~~<sup>never</sup> been removed from membership on a Board of Education for cause; and
8. ~~Does not have~~<sup>Has no</sup> 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 not 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 s/he becomes disqualified.

**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)  
OAG 18-018; OAG 80-234; OAG 88-35

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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 the member of any member of the Board, s/he becomes interested in any contract with or claims against the Board, or if s/he moves his/her residence from the division district for which s/he was chosen, or if s/he 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 s/he does anything that would render one ineligible for re-election, s/he shall be subject to removal from office pursuant to KRS 415.050 and KRS 415.060.~~<sup>1</sup>

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**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>

**SOLICITATION OF SERVICE**

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 position on the Board and his/her acts are valid until s/he 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

Any vacancy 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 s/he 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;
- \_\_\_\_\_ 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 his/her successor is elected and has qualified.

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**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~~<sup>this</sup> 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

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### In-Service Training

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

Annual in-service training for all ~~school board~~ members of 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 KSBPA, they shall have local Board approval prior to participation in the training event, 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 KSBPA within two (2) weeks of completion of the training.~~

#### IN-SERVICE TRAINING FOR MEMBERS ON OR AFTER JANUARY 1, 2015

For ~~all Board~~ members of 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. 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.

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**In-sService Training**

If a Board member obtains hours through any sources other than KSBA, they shall have local Board approval prior to participation in the training event, 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 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:~~

~~d. 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;~~

~~e. 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~~

~~f. 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.~~

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

Separate and apart from the above in-service training, Board members shall participate in in-service training regarding charter school authorizers 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 authorizer training shall not be required of any Board member until a charter application is submitted to the Board or boards.<sup>2</sup>

The charter authorizer 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;

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**In-Service Training**

**IN-SERVICE TRAINING REGARDING CHARTER SCHOOL AUTHORIZATION (CONTINUED)**

10. Educational services provided for special needs, at risk, English learner, gifted, and other special population students; and
11. Physical restraint and seclusion of students.

**ORIENTATION OF NEW BOARD MEMBERS**

The Superintendent/designee and/or the Board Chair shall acquaint new Board members with their duties and obligations and furnish them with a copy of the Board's policy manual and/or access to the District's online manual and such other information and guidance materials as necessary to prepare them for service. Areas should include, but not be limited to, District budgeting, planning and student learning indicators. In addition, new Board members shall be provided assistance in locating training opportunities to help them meet statutory training requirements and to support them in learning their roles and responsibilities.

**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

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 Resource Officers (SROs)

#### DEFINITION

"School Resource 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>

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#### ASSIGNMENT

~~By August 1, 2022,~~ The Board shall ensure, 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. 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 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. Police officers shall be granted with the protections provided in KRS 15.520 and shall be certified in accordance with KRS 15.380.<sup>3</sup>

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

#### TRAINING REQUIREMENTS

~~All School Resource Officers (SROs)~~ with active SRO certification 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. Any SRO who fails to successfully complete training requirements within the specified time periods, including approved extensions, shall lose his/her SRO certification and shall no longer serve in the capacity of an SRO in a school.



**School Resource Officers (SROs)**

**FIREARM REQUIREMENT**

Each SRO shall be armed with a firearm, notwithstanding any provision of local board policy, local school council policy, or memorandum of agreement.<sup>2</sup>

**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 SROs 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, the 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, may employ one (1) or more Guardians to provide additional school safety and security measures within the District.<sup>2</sup>

**REFERENCES:**

<sup>1</sup>KRS 158.441

<sup>2</sup>KRS 158.4414

<sup>3</sup>KRS 158.471

KRS 15.380 to ~~KRS 15.404~~; KRS 15.520

KRS 61.902; KRS 70.290

KRS 158.4415; ~~KRS 158.4431~~,

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

**RELATED POLICIES:**

02.311; 05.48; 09.4361

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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 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;

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

FINANCIAL IMPLICATIONS: COST OF UPDATING THE WEBSITE

ADMINISTRATION

02.442

### **Comprehensive School Improvement Plan**

#### **RESPONSIBILITY**

Each school council, or Principal, in a school without a council, shall develop, review, and revise annually a Comprehensive School Improvement Plan (CSIP) by January 1 of each school year.

In an SBDM school, the school council shall organize a planning process, consistent with District's established planning process. The structure of the CSIP shall include completion of a narrative summary of the current state of the school 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 CSIP is to be completed between November 1 and January 1 of each school year, and other components required by state statutes or regulations. Unless otherwise noted, all additional components of the CSIP may be complete by May 1 of each school year.

In a school without a council, the Principal shall appoint a School Planning Committee comprised, at a minimum, of four (4) teachers, four (4) parents, and a community representative. The high school(s) shall include a student on the committee. The community representative shall not be a teacher, spouse of a teacher, or a parent of child(ren) attending the District schools.

The primary purposes of the CSIP shall be:

- To improve student achievement on state and federal mandated testing/accountability instruments; and
- To eliminate achievement gaps among groups of students.

#### **FORM**

Unless the school planning committee requests and is granted a waiver by the Board, the school committee shall use any improvement plan format that has been established and approved by the Board. The CSIP structure shall include the components set out in 703 KAR 5:225, Every Student Succeeds Act of 2015 (ESSA), and the elements required by KRS 158.649.

In addition, the school council, or school planning committee appointed by the Principal if there is no council, shall review annually the school's disaggregated student data and revise the school's improvement plan, as required by applicable statute and regulation, to address any achievement gaps between various groups of students.

The plan shall also address reduction of physical and mental health barriers to learning, student equity, District safety and student discipline assessments, and District goals established by the Board.

The school plan shall serve as a resource for school/council decision making and shall be posted to the school's web site.

#### **PUBLIC REVIEW**

The Principal shall convene a public meeting at the school to present and discuss the plan prior to submitting it to the Superintendent and Board.

#### **SCHOOL REPORT CARDS**

Each school shall post its school report card on its website as required by ESSA. School 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.

**Comprehensive School Improvement Plan****SCHOOL REPORT CARDS (CONTINUED)**

As outlined in KRS 160.463, a copy of the report card is to be publicized 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 be directed to publish notification in the newspaper with the largest circulation in the county. The notification shall include the electronic address of the website or the address of the library where the report card can be viewed by the public.

Each school shall send to parents a school report card containing information about school 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 School shall prominently display, in not less than 16-point type, on the School's internet landing page, the School's percentage of students scoring the following:

- Proficient and Distinguished in Reading; and
- Proficient and Distinguished in Mathematics.

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

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

**BOARD REVIEW**

The school's plan to eliminating achievement gaps among various groups of students shall be presented to the Board for its review and comment. The Board may share its comments, in writing, with the council.

In keeping with Board Policy 02.44, each School Council or School Planning Committee shall annually report to the Board regarding the progress toward achieving the goals and desired outcomes and meeting the needs identified in the improvement plan, including those for student groups for whom data indicate an achievement gap exists.

**REFERENCES:**

KRS 158.645; KRS 158.6451; KRS 158.6453; KRS 158.649  
KRS 160.290; KRS 160.345; KRS 160.463  
703 KAR 5:140; 703 KAR 5:225; 703 KAR 5:280; 2024 Budget Bill  
P. L. 114-95 (Every Student Succeeds Act of 2015)

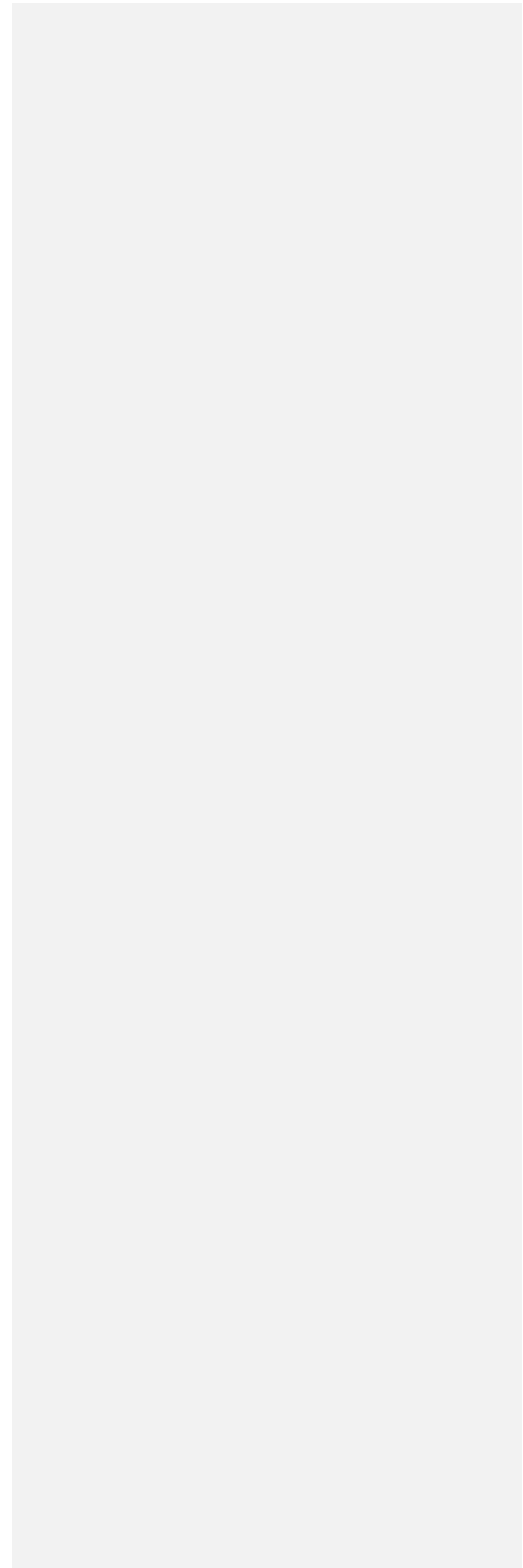
ADMINISTRATION

02.442  
(CONTINUED)

**Comprehensive School Improvement Plan**

**RELATED POLICIES:**

01.111; 02.432; 02.44



LEGAL: HB 278 AMENDS KRS 160.380 TO INCLUDE PROHIBITIONS ON THE SUPERINTENDENT HIRING ANY PERSON THAT HAS BEEN CONVICTED OF AN OFFENSE THAT WOULD CLASSIFY A PERSON AS A VIOLENT OFFENDER, BEEN CONVICTED OF A SEX CRIME (INCLUDING CERTAIN MISDEMEANOR OFFENSES) OR IS REQUIRED TO REGISTER AS A SEX OFFENDER.  
FINANCIAL IMPLICATIONS: COST OF CRIMINAL BACKGROUND CHECKS  
LEGAL: EMPLOYMENT APPLICATIONS NOT ACTED UPON ARE TO BE RETAINED FOR TWO YEARS PER THE KDLA RECORDS RETENTION SCHEDULE.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED  
LEGAL: THE LINK TO THE CENTRAL REGISTRY CA/N CHECKS HAS CHANGED.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.11

- CERTIFIED PERSONNEL -

### **Hiring**

#### **SUPERINTENDENT'S RESPONSIBILITY**

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

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

When a vacancy needs to be filled in less than fifteen (15) days to prevent disruption of necessary instructional or support services of the school District, the Superintendent may seek a waiver of the fifteen (15)-day advance notice requirement from the Commissioner of Education. If the waiver is approved, the appointment shall not be made until the person selected by the Superintendent has been approved by the Commissioner of Education.

#### **APPLICANTS**

From a list of applicants recommended by the Superintendent and after consultation with the school council where one exists, the building Principal shall select personnel to fill vacancies. The Superintendent shall provide names of additional applicants upon request when qualified applicants are available.

Personnel decisions made at the school level in SBDM schools shall be binding on the Superintendent who completes the hiring process.

In non-SBDM schools, the Superintendent will provide the Principal with a list of applicants. The Principal will recommend an applicant to fill the vacancy. The Superintendent will make the final decision.

#### **EFFECTIVE DATE**

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

#### **QUALIFICATIONS**

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



**Hiring**

**QUALIFICATIONS (CONTINUED)**

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

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

**CRIMINAL BACKGROUND CHECK AND TESTING**

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

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

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

~~Initial e~~Employment shall be contingent on receipt of records documenting that the individual ~~has~~ does not ~~have been convicted of an offense that would classify a person as a violent offender under KRS 439.3401, a conviction for a felony~~ sex crime defined by KRS 17.500 or a misdemeanor offense under KRS Chapter 510, ~~or is required to register as a sex offender as a violent offender as defined in KRS 17.165~~ or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall also be contingent on receipt of a letter from the Cabinet provided by the individual documenting that the individual does not have an administrative finding of child abuse or neglect in records maintained by the Cabinet.

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

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

Probationary employment shall terminate on receipt of a criminal history background check documenting a conviction for a felony sex crime or as a violent offender.

~~The program and user instructions are on the Kentucky Online Gateway (KOG):~~  
~~<https://kog.chfs.ky.gov/home/>~~

~~Link to DPP-156 Central Registry Check and more information on the required CA/N check:~~  
~~<http://manuals.sp.chfs.ky.gov/chapter30/33/Pages/3013RequestfromthePublicforCANChecksandCentralRegistryChecks.aspx>~~

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## **Hiring**

### **CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)**

Criminal records checks on persons employed in Head Start programs shall be conducted in conformity with 45 C.F.R. § 1302.90.

### **REPORT TO SUPERINTENDENT**

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

### **JOB REGISTER**

The Superintendent or the Superintendent's designee shall maintain in the Central Office a job register listing all current job openings in the District. The register shall describe the duties and qualifications for each opening, and District employment policies shall be attached to the register. The job register shall be open to public inspection during Central Office business hours.

### **VACANCIES POSTED**

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted on the District website on a timely basis and shall refer interested persons to the Central Office job register for additional information. Posting of vacancies may be made with other agencies, as appropriate.

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

### **REVIEW OF APPLICATIONS**

Under procedures developed by the Superintendent, each application shall be reviewed. Applications for candidates not employed shall be retained for ~~two (2)~~~~three (3)~~ years.

### **RELATIONSHIPS**

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

A relative may be employed as a substitute for a certified or classified employee if the relative is not:

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

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

### **JOB DESCRIPTION**

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

### **CONTRACT**

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

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**Hiring****INTENT**

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

**EMPLOYEES SEEKING A JOB CHANGE**

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

**REFERENCES:**

<sup>1</sup>KRS 160.380

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

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

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

45 C.F.R. § 1302.90

KRS Chapter 13B

KRS 17.160; KRS 17.165; [KRS 17.500 to KRS 17.580](#)

KRS 156.106; KRS 160.345; KRS 160.390

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

[KRS 439.3401](#)

[KRS Chapter 510](#)

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

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

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

Records Retention Schedule, Public School District

**RELATED POLICIES:**

01.11; 02.4244; 03.132

LEGAL: 702 KAR 3:330 REQUIRES THAT BEGINNING WITH THE 2024-2025 SCHOOL YEAR, THE DISTRICT PROVIDE CERTIFIED EMPLOYEE LIABILITY INSURANCE IN AN AMOUNT NOT LESS THAN \$1 MILLION FOR THE PROTECTION OF THE EMPLOYEE FROM LIABILITY ARISING IN THE COURSE AND SCOPE OF PURSUING THE DUTIES OF HIS OR HER EMPLOYMENT.  
FINANCIAL IMPLICATIONS: COST OF PROVIDING LIABILITY INSURANCE

PERSONNEL

03.124

- CERTIFIED PERSONNEL-

### Insurance

#### STATE INSURANCE COVERAGE

The State provides group health and life insurance to employees with who are eligible as determined by Kentucky Administrative.<sup>3</sup>

#### BOARD INSURANCE COVERAGE

The Board shall provide unemployment insurance,<sup>1</sup> and workers' compensation,<sup>2</sup> ~~and liability~~ insurance for all certified personnel. In accordance with 702 KAR 3:330, the District shall provide Certified Employee Liability Insurance in an amount not less than one (1) million dollars for the protection of the employee from liability arising in the course and scope of pursuing the duties of his or her employment.<sup>3</sup> The Board also provides additional term life insurance and single coverage dental insurance for full-time, certified personnel.<sup>4</sup>

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To address variable hour employees who may qualify for group health insurance, substitute personnel shall not work more than one-hundred-twenty-nine (129) service hours per month unless pre-approved by the Superintendent based on certification needed for longer term assignments.

#### WORKERS' COMPENSATION

Employees who qualify for workers' compensation benefits following an assault and injury, while performing assigned duties, should refer to policy 03.123.

Employees who qualify for Workers' Compensation may be offered the opportunity to participate in an Early Return to Work Program. Transition employment need not be in the same job classification or location, but must comply with the treating physician's restrictions and amendments until the participating employee achieves maximum medical recovery.

#### REFERENCES:

<sup>1</sup>KRS 341.050

<sup>2</sup>KRS 342.630

<sup>3</sup>[702 KAR 3:330](#)

<sup>4</sup>702 KAR 1:035

KRS 161.158; OAG 83-151

P. L. 111-148 (Affordable Care Act)

Consolidated Omnibus Budget Reconciliation Act

Kentucky Constitution (Section 3); KRS 161.155; KRS 342.730(6)

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#### RELATED POLICIES:

[01.11](#); 03.1211; 03.123; 03.12322; 03.1241; 03.14

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**

#### **DEFINITIONS AS USED IN THIS POLICY**

“Illegal use of drugs” means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substance Act (21 U.S.C.A. 812). Such term does not include the use of a drug taken under the supervision by a licensed health care professional or other uses authorized by the Controlled Substances Act.

“Drug or “illegal drug” means a controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substances Act.

“Conviction” means a finding of guilt, a plea of guilty including a plea of no-contest, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

“Criminal Drug Law” means a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

“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.

“Substance abuse” shall refer to the misuse or illicit use of alcohol, drugs, or controlled substances, including marijuana, heroin, or cocaine.

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

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

**Drug-Free/Alcohol-Free Schools****DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES (CONTINUED)**

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, employees shall not possess prescription drugs for the purpose of sale or distribution.

**WORKPLACE DEFINED**

Workplace shall mean the site for the performance of work done for the District including any place where work on a District program, project or activity is performed, including, but not limited to, a school building or other school premises and any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities. "Workplace" shall also include school-sponsored or school-approved activities, events or functions which are held off school property and in which students are under District jurisdiction including, but not limited to, field trips and athletic events.

**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'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 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.~~

**EMPLOYEE DRUG TESTING PROGRAM***Pre-employment:*

Based on the Board-approved employee drug testing program, all applicants being considered for employment shall be required to submit to a urinalysis test for the detection of illegal use of drugs, as part of the required post-offer, pre-employment physical. Applicants will be given a copy of this policy in advance of the post-offer, pre-employment physical.

Applicants will acknowledge having read or had this policy explained to them and should understand that, as a condition of employment, they are subject to the contents of this policy and the employee drug-testing program. They will sign an acknowledgment prior to substance screening, permitting the summary result to be transmitted to the Drug Coordinator (DC) and the Superintendent. An applicant refusing to complete any part of the drug testing procedure will not be considered a valid candidate for employment with the District, and such will be considered as a withdrawal of the individual's application for employment. The applicant will not be permitted to reapply for employment with the District for at least twelve (12) months and not until the applicant shows proof of successful completion of a drug rehabilitation program or proof that the applicant is no longer engaging in illegal drug use.

**Drug-Free/Alcohol-Free Schools****EMPLOYEE DRUG TESTING PROGRAM (CONTINUED)**

If substance screening shows a confirmed positive result for which there is no current physician's prescription, a second confirming test may be requested by the DC. If the first or any requested second confirming test is positive, any job offer will be revoked.

*Employees*

The Board has established a random drug testing program for all certified and classified employees. The number and frequency of the random tests shall be determined by the Board's testing lab. ALL current employees must read the Random Drug Testing policies and accompanying procedures and must acknowledge in writing that they have read the policy and procedures and agree to be bound by the terms and conditions contained in the policy and procedures. All current employees must sign a "Consent to Perform Urinalysis Testing" form.

*Standards for Conduct*

Employees shall conduct themselves in a manner consistent with the following provisions:

- Employees on duty or in attendance at system-approved or school-related functions will not be under any degree of intoxication or exude an odor from alcohol.
- Employees shall not possess open alcoholic beverage containers while on duty, or on school property, or in attendance at system-approved or school-related functions.
- Employees on duty will not use or take prescription drugs above the level recommended by their prescribing physician and will not use prescribed drugs for purposes other than those for which they are intended.
- Employees will not dispense such drugs except as provided in Policy 09.2241.

**RETURN TO DUTY TESTING**

An employee who has been given the opportunity to undergo rehabilitation for drugs will, as a condition of returning to duty, be required to agree to a reasonable follow-up test designated by the Superintendent. The extent and duration of the follow-up testing will depend upon the safety or security nature of the employee's position and the nature and extent of the employee's substance abuse problem. The Superintendent shall review the conditions of continued employment with the employee prior to his/her return to work. Any such condition for continued employment shall be given to the employee in writing. The Superintendent may consult with the employee's rehabilitation program in determining an appropriate follow-up program, including the frequency of any substance screening contained in a follow-up testing program. In no instance shall the Superintendent order such screening more than one (1) time within a seventy-two (72) hour period.

Any employee subject to return to duty testing who has a confirmed positive drug test shall be in violation of this policy, which constitutes grounds for immediate termination in accordance with Board policy and state law.

**Drug-Free/Alcohol-Free Schools****REASONABLE SUSPICION TESTING**

When the Superintendent/designee reasonably suspects that an employee's work performance or on-the job behavior may have been affected in any way by illegal drugs or alcohol or that an employee has otherwise violated this policy, the employee may be required to submit a breath and/or urine sample for drug and alcohol testing. When a supervisor observes or is notified of behaviors or events that lead the supervisor to believe that their employee is in violation of this policy, the supervisor shall notify the DC. An employee who is required to submit to a drug/alcohol testing based on reasonable suspicion and refuses to do so shall be charged with insubordination, and appropriate action will be taken to terminate the employee in accordance with Board policy and state law.

An employee who tests positive on a reasonable suspicion test will be in violation of this policy, which will constitute grounds for termination in accordance with Board policy and state law.

The Superintendent/designee or the DC shall be the only individuals in the District authorized to make the determination that reasonable suspicion or cause exists to order a drug screen and shall be the only individuals who may order an employee to submit to a drug screen.

As defined in procedures to implement the employee drug testing program, reasonable suspicion testing procedures may be involved for either chronic and/or acute cases involving prohibited behaviors. Prior to substances screening, employee will sign a form acknowledging that the summary results will be transmitted to the DC and the Superintendent.

Drug and/or alcohol screening shall be conducted in accordance with the process utilized by the Board-approved, independent, certified laboratories using recognized techniques and procedures as set out in the District employee drug testing plan. In addition, the County Sheriff's Department may perform a breath analysis test.

**POST-DISCIPLINE DRUG TESTING**

Following determination by an administrative or judicial proceeding that s/he engaged in misconduct involving the illegal use of controlled substances, 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.

**CONFIDENTIALITY**

Records that pertain to required substance screens are recognized to be private and sensitive records. They will be maintained by the DC in a secure fashion to ensure confidentiality and privacy and be disclosed to the Superintendent only to the extent necessary to address any work-related safety risks occasioned by either the drug or alcohol use. The Superintendent will maintain any such records in a secure fashion to ensure confidentiality and privacy. Medical records, and information relating directly thereto, will be maintained in accordance with provisions of state law and used with the highest regard for employee privacy consistent with law and the purpose of achieving and maintaining a drug and alcohol free workplace. All personnel records and information regarding referral, evaluation, substance screen results, and treatment will be maintained in a confidential manner, and no entries concerning such will be placed in an employee's personnel file.



**Drug-Free/Alcohol-Free Schools****DISCIPLINARY ACTION**

Any employee in violation of the terms of this policy and the District's employee drug testing program shall result in the institution of termination proceedings pursuant to KRS 161.790. In addition, violations may result in notification of appropriate legal officials.

In determining whether and to what extent an employee will be disciplined or discharged for the conviction of a criminal drug law involving alcohol, illicit drugs, prescription drugs, or over-the-counter drugs, the Superintendent will consider the following factors:

- The degree to which the nature of the criminal offense reduces the Board's ability to maintain a safe working environment;
- The degree to which the nature of the criminal offense unreasonably endangers the safety of other employees and/or student;
- The degree to which the conviction unreasonably undermines public confidence in the Board's operations;
- The nature of the criminal offense;
- The nature of the employee's job with the Board;
- The existence of any explanatory or mitigation facts or circumstances;
- Whether the employee promptly reported the conviction; and
- Any other facts relevant to the employee, which may include, but not be limited to, years of service and record of performance with the District.

**NOTIFICATION BY EMPLOYEE**

Any employee convicted of any criminal drug statute involving use of alcohol, illicit drugs, prescription drugs, or over-the-counter drugs shall, within five (5) working days after receiving notice of a conviction, provide notification of the conviction to the Superintendent. Within thirty (30) days after receiving notice of a conviction, the Superintendent will take appropriate disciplinary action. Failure of the employee to report the conviction within the time prescribed and/or conviction of a criminal drug law will lead to disciplinary action up to and including discharge.

**PREVENTION PROGRAM**

The Superintendent shall establish a comprehensive and on-going drug-free/alcohol-free prevention program for all employees 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.

PERSONNEL

03.13251  
(CONTINUED)

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

**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; 08.1345; [09.2211](#); 09.2241

LEGAL: HB 278 AMENDS KRS 160.380 TO INCLUDE PROHIBITIONS ON THE SUPERINTENDENT HIRING ANY PERSON THAT HAS BEEN CONVICTED OF AN OFFENSE THAT WOULD CLASSIFY A PERSON AS A VIOLENT OFFENDER, BEEN CONVICTED OF A SEX CRIME (INCLUDING CERTAIN MISDEMEANOR OFFENSES) OR IS REQUIRED TO REGISTER AS A SEX OFFENDER.  
FINANCIAL IMPLICATIONS: COST OF CRIMINAL BACKGROUND CHECKS  
LEGAL: THE LINK TO THE CENTRAL REGISTRY CA/N CHECKS HAS CHANGED.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

- CLASSIFIED PERSONNEL -

**Hiring**

**SUPERINTENDENT'S RESPONSIBILITIES**

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

**EFFECTIVE DATE**

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

**QUALIFICATIONS**

The Superintendent shall employ only individuals who possess qualifications established by law, regulation, and Board policy except in the case where no individual applies who meets established qualifications.

**EDUCATIONAL REQUIREMENTS**

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

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

**CRIMINAL BACKGROUND CHECK AND TESTING**

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

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

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

**Hiring****CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)**

~~Initial e~~Employment shall be contingent on receipt of records documenting that the individual ~~has~~ does not ~~have been convicted of an offense that would classify a person as a violent offender under KRS 439.3401, a conviction for a felony~~ sex crime defined by KRS 17.500 or a misdemeanor offense under KRS Chapter 510, or is required to register as a sex offender, as a violent offender as defined in KRS 17.165 or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Employment shall also be contingent on receipt of a letter from the Cabinet provided by the individual documenting that the individual does not have an administrative finding of child abuse or neglect in records maintained by the Cabinet.

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

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

Probationary employment shall terminate on receipt of a criminal history background check documenting a conviction for a felony sex crime or as a violent offender.

The program and user instructions are on the Kentucky Online Gateway (KOG):  
<https://kog.chfs.ky.gov/home/>  
~~Link to DPP 156 Central Registry Check and more information on the required CA/N check:~~  
<http://manuals.sp.chfs.ky.gov/chapter30/33/Pages/3013RequestfromthePublicforCANChecksandCentralRegistryChecks.aspx>

Criminal records checks on persons employed in Head Start programs shall be conducted in conformity with 45 C.F.R. § 1302.90.

**REPORT TO SUPERINTENDENT**

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

**JOB REGISTER**

The Superintendent or the Superintendent's designee shall maintain in the Central Office a job register listing all current job openings in the District. The register shall describe the duties and qualifications for each opening, and District employment policies shall be attached to the register. The job register shall be open to public inspection during Central Office business hours.

**VACANCIES POSTED**

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted on the District website on a timely basis and shall refer interested persons to the Central Office job register for additional information. Postings of vacancies may be made with other agencies, as appropriate.

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**Hiring**

**REVIEW OF APPLICATIONS**

Under procedures developed by the Superintendent, each application shall be reviewed and retained for two (2) years.

**RELATIONSHIPS**

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

A relative may be employed as a substitute for a certified or classified employee if the relative is not:

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

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

**CONTRACT**

All regular full-time and part-time classified personnel shall enter into annual written contracts with the District.

**EMERGENCY HIRING**

During emergency situations, job openings may be filled without listing in the job register or posting in district buildings.

**JOB DESCRIPTION**

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

**INTENT**

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

**REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT FOR SUBSTITUTE CLASSIFIED EMPLOYEES**

Substitute classified employees shall be notified in writing by April 30 of each year as to whether they have reasonable assurance of continued employment for the following year. Employees who refuse assignments or who are continually unavailable for work may be terminated.

**EMPLOYEES SEEKING A JOB CHANGE**

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

**Hiring**

**REFERENCES:**

<sup>1</sup>KRS 160.380

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

<sup>3</sup>KRS 161.011

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

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

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

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

KRS Chapter 13B

KRS 17.160; KRS 17.165; KRS 17.500 to KRS 17.580

KRS 156.070; KRS 160.345; KRS 160.390

KRS 335B.020; KRS 405.435

KRS 439.3401

KRS Chapter 510

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

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

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

Records Retention Schedule, Public School District

**RELATED POLICIES:**

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221

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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**

#### **DEFINITIONS**

As used in this policy, the following definitions shall apply:

“Illegal use of drugs” means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C.A. 812). Such term does not include the use of a drug taken under the supervision of a licensed health care professional or other uses authorized by the Controlled Substances Act.

“Drug” or “illegal drug” means a controlled substance as defined in Schedules 1 through V of Section 202 of the Controlled Substances Act.

“Conviction” means a finding of guilt, a plea of guilty including a plea of no-contest, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

“Criminal Drug Law” means a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

“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.

“Substance abuse” shall refer to the misuse or illicit use of alcohol, drugs, or controlled substances, including marijuana, heroin, or cocaine.

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

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



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

**DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES (CONTINUED)**

- 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, employees shall not possess prescription drugs for the purpose of sale or distribution.

**WORKPLACE DEFINED**

Workplace shall mean the site for the performance of work done for the District including any place where work on a District program, project or activity is performed, including, but not limited to, a school building or other school premises and any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities. "Workplace" shall also include school-sponsored or school-approved activities, events or functions which are held off school property and in which students are under District jurisdiction including, but not limited to, field trips and athletic events.

**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'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 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.

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**EMPLOYEE DRUG TESTING PROGRAM**

*Pre-employment:*

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If substance screening shows a confirmed positive result for which there is no current physician's prescription, a second confirming test may be requested by the DC. If the first or any requested second confirming test is positive, any job offer will be revoked.

**Drug-Free/Alcohol-Free Schools****EMPLOYEE DRUG TESTING PROGRAM (CONTINUED)***Employees*

The Board has established a random drug testing program for all certified and classified employees. The number and frequency of the random tests shall be determined by the Board's testing lab. ALL current employees must read the Random Drug Testing policies and accompanying procedures and must acknowledge in writing that they have read the policy and procedures and agree to be bound by the terms and conditions contained in the policy and procedures. All current employees must sign a "Consent to Perform Urinalysis Testing" form.

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Employees shall conduct themselves in a manner consistent with the following provisions:

- Employees on duty or in attendance at system-approved or school-related functions will not be under any degree of intoxication or exude an odor from alcohol.
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An employee who has been given the opportunity to undergo rehabilitation for drugs will, as a condition of returning to duty, be required to agree to a reasonable follow-up test designated by the Superintendent. The extent and duration of the follow-up testing will depend upon the safety or security nature of the employee's position and the nature and extent of the employee's substance abuse problem. The Superintendent shall review the conditions of continued employment with the employee prior to his/her return to work. Any such condition for continued employment shall be given to the employee in writing. The Superintendent may consult with the employee's rehabilitation program in determining an appropriate follow-up program, including the frequency of any substance screening contained in a follow-up testing program. In no instance shall the Superintendent order such screening more than one (1) time within a seventy-two (72) hour period.

Any employee subject to return to duty testing who has a confirmed positive drug test shall be in violation of this policy, which constitute grounds for immediate termination in accordance with Board policy and state law.

**REASONABLE SUSPICION TESTING**

When the Superintendent/designee reasonably suspects that an employee's work performance or on-the job behavior may have been affected in any way by illegal drugs or alcohol or that an employee has otherwise violated this policy, the employee may be required to submit a breath and/or urine sample for drug and alcohol testing. When a supervisor observes or is notified of behaviors or events that lead the supervisor to believe that their employee is in violation of this policy, the supervisor shall notify the DC. An employee who is required to submit to a drug/alcohol testing based on reasonable suspicion and refuses to do so shall be charged with insubordination, and appropriate action will be taken to terminate the employee in accordance with Board policy and state law.

**Drug-Free/Alcohol-Free Schools****REASONABLE SUSPICION TESTING (CONTINUED)**

An employee who tests positive on a reasonable suspicion test will be in violation of this policy, which will constitute grounds for termination in accordance with Board policy and state law.

The Superintendent/designee or the DC shall be the only individuals in the District authorized to make the determination that reasonable suspicion or cause exists to order a drug screen and shall be the only individuals who may order an employee to submit to a drug screen.

As defined in procedures to implement the employee drug testing program, reasonable suspicion testing procedures may be involved for either chronic and/or acute cases involving prohibited behaviors. Prior to substances screening, employee will sign a form acknowledging that the summary results will be transmitted to the DC and the Superintendent.

Drug and/or alcohol screening shall be conducted in accordance with the process utilized by the Board-approved, independent, certified laboratories using recognized techniques and procedures as set out in the District employee drug testing plan. In addition, the County Sheriff's Department may perform a breath analysis test.

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**DISCIPLINARY ACTION**

Any employee in violation of the terms of this policy and the District's employee drug testing program shall result in the institution of termination proceedings pursuant to KRS 161.011. In addition, violations may result in notification of appropriate legal officials.

In determining whether and to what extent an employee will be disciplined or discharged for the conviction of a criminal drug law involving alcohol, illicit drugs, prescription drugs, or over-the-counter drugs, the Superintendent will consider the following factors:

- The degree to which the nature of the criminal offense reduces the Board's ability to maintain a safe working environment;
- The degree to which the nature of the criminal offense unreasonably endangers the safety of other employees and/or student;
- The degree to which the conviction unreasonably undermines public confidence in the Board's operations;
- The nature of the criminal offense;
- The nature of the employee's job with the Board;

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

**DISCIPLINARY ACTION (CONTINUED)**

- The existence of any explanatory or mitigation facts or circumstances;
- Whether the employee promptly reported the conviction; and
- Any other facts relevant to the employee, which may include, but not be limited to, years of service and record of performance with the District.

**NOTIFICATION BY EMPLOYEE**

Any employee convicted of a workplace violation of criminal drug statutes shall, within five (5) working days, provide notification of the conviction to the Superintendent. Within thirty (30) days after receiving notice of a conviction, the Superintendent will take appropriate disciplinary action. Failure of the employee to report the conviction within the time prescribed and/or conviction of a criminal drug law will lead to disciplinary action up to and including discharge.

**PREVENTION PROGRAM**

The Superintendent shall establish a comprehensive and on-going drug-free/alcohol-free prevention program for all employees 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.

**REFERENCES:**

[KRS 158.155](#); KRS 160.290; KRS 161.120; KRS 161.790  
KRS 217.900; KRS 218A.1430; KRS 218A.1447; [KRS 218B.045](#)  
34 C.F.R. Part 85

**RELATED POLICIES:**

03.2325; 08.1345; [09.2211](#); 09.2241

LEGAL: HB 727 CREATES A NEW SECTION OF KRS 162 TO ALLOW DISTRICTS TO ISSUE GENERAL OBLIGATION BONDS AND OBTAIN BANK LOANS FOR THE PURPOSE OF DEFRAYING THE COST OF CONSTRUCTING OR ACQUIRING ANY SCHOOL BUILDINGS AND APPURTENANCES FOR SCHOOL PURPOSES.

FINANCIAL IMPLICATIONS: COST OF ISSUING BONDS AND REVENUE FROM BOND SALES  
FISCAL MANAGEMENT

04.5

## **Revenue Bonds**

### **SALE**

A District may issue a bond, including general obligation bonds, sold directly to banks, private investors, and financial institutions for the purpose of defraying the cost of constructing or acquiring any school buildings and appurtenances for school purposes.

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The sale of any school revenue or school-voted bond issues is subject to the approval of the Commissioner of Education.

### **ISSUANCE**

School revenue or school-voted bonds will be issued in accordance with 702 KAR 3:020 and KRS Chapter 162.

### **FISCAL AGENTS**

The Board shall select the fiscal agent for the proposed bond issue. The fiscal agent shall employ appropriate bond counsel subject to the approval of the Board.

### **REFERENCES:**

702 KAR 3:020

KRS Chapter 62

KRS 162.080; KRS 162.085; KRS 162.090; ~~KRS 162.100~~

KRS 162.100; KRS 162.170; KRS 162.180; KRS 162.185

KRS 162.190; KRS 162.200; KRS 162.280

KRS 162.290; KRS 162.300; KRS 162.360

KRS 162.385; KRS 162.520; KRS 162.580

KRS 162.600; KRS 162.620; KRS 162.990

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 ~~e~~Code of ~~a~~Acceptable ~~b~~Behavior and ~~d~~Discipline and a description of instructional placement options for threatening or violent students. The committee that develops the plan for Board consideration shall include at least one (1) representative from each school in the District, as well as representatives from the community as required by law.

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

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

1. Complete the school safety coordinator training program developed by the Center for School Safety within six (6) months of his or her date of appointment;
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 resource officers, school-based mental health services providers, teachers, and other school personnel;
3. Provide training to school Principals on procedures for completion of the school security risk assessment;
4. Review all school security risk assessments completed within the District and prescribe recommendations as needed in consultation with the state school security marshal;
5. Advise the Superintendent annually of completion of required security risk assessments;
6. Formulate recommended policies and procedures, which shall be excluded from the application of KRS 61.870 to KRS 61.884, for an all-hazards approach including conducting emergency response drills for hostage, active shooter, and building lockdown situations in consultation and coordination with appropriate public safety agencies to include but not be limited to fire, police, and emergency medical services for review and adoption as part of the school emergency plan required by KRS 158.162. The recommended policies shall encourage the involvement of students, as appropriate, in the development of the school's emergency plan; ~~and~~
- ~~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 employees participating in the activities of a School Safety and Security Threat Assessment Team, acting in good faith upon reasonable cause in the identification of students, shall be immune from any civil or criminal liability that might otherwise be incurred or imposed from:

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

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

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

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

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



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

2. Identify the best available severe weather safe zones, in consultation with local and state safety officials and informed by guiding principles set forth by the National Weather Service and the Federal Emergency Management Agency, and post the location of the safe zones in each room;
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.
5. Maintain a portable AED in a public, readily accessible, well-marked location in every ~~middle and high~~ school building and, as funds become available, at school-sanctioned ~~middle and high school~~ athletic practices and competitions and:
  - a) Adopt procedures for the use of the portable AED during an emergency;
  - b) Adopt policies for compliance with KRS 311.665 to KRS 311.669 on training, maintenance, notification, and communication with the local emergency medical services system;
  - c) Ensure that a minimum of three (3) employees in the school and all interscholastic athletic coaches be trained on the use of a portable AED in accordance with KRS 311.667; ~~and~~
  - d) Ensure that all interscholastic athletic coaches maintain a cardiopulmonary resuscitation certification recognized by a national accrediting body on heart health; and

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

- 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 AED 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.

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

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

**PRECAUTIONS**

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

**REPORTING HAZARDS**

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

**COMMUNICATION SYSTEM**

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

SCHOOL FACILITIES

05.4  
(CONTINUED)

**Safety**

**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

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**RELATED POLICIES:**

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

09.214; 09.22; 09.221; 09.4 (entire section); 10.5

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**

#### **RESPONSIBILITIES**

All bus drivers shall meet the qualifications of and be in compliance with the responsibilities noted in Kentucky Administrative Regulations<sup>1</sup> and shall familiarize themselves with all policies and procedures related to pupil transportation promulgated by the Board. All bus drivers shall fully comply with the rules and regulations that are issued by the Department of Pupil Transportation.

#### **REPORT REQUIREMENTS**

Bus drivers shall report to the Superintendent or the Superintendent's designee all accidents or injuries involving school buses or students, all road hazards which arise or continue or exist, and all violations by operators of other motor vehicles which jeopardize the safety of students transported on the bus.

#### **MAINTENANCE**

Drivers shall be responsible for keeping their buses reasonably clean and for reporting all repairs or adjustments required for the safe and dependable operation of the buses to the Superintendent or the Superintendent's designee.

#### **SAFETY**

Safe and courteous driving shall be required of all drivers and careless driving, violation of traffic laws or Board policy and Department of Pupil Transportation regulations shall be grounds for dismissal. A driver shall not leave his/her bus at any time when students are on board before first securing the brake and removing the ignition key.

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

Bus drivers shall conduct a walkthrough of their buses at the end of each run to ensure that all students have disembarked at their designated stops.

#### **DISCIPLINARY ACTION**

Bus drivers who fail to observe/perform their responsibilities shall be subject to appropriate disciplinary action.

#### **STUDENT CONDUCT**

Bus drivers shall cooperate with the Principal to enforce regulations and procedures governing conduct of students while they are passengers on the bus.

#### **ELIGIBILITY**

Bus drivers shall transport only students designated as eligible under Board policy or by the Superintendent/designee.

**Bus Drivers' Rights and Responsibilities**

**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.

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**REFERENCES:**

KRS 158.110; KRS 189.370; KRS 189.375, KRS 189.450; KRS 189.540  
KRS 189.550; 702 KAR 5:080  
KRS 281A.170 to KRS 281A.175; KRS 281A.205

**RELATED POLICY:**

09.2261

LEGAL: HB 447 ALLOWS DISTRICTS TO UTILIZE VEHICLES OWNED, LEASED, OR CONTRACTED BY THE DISTRICT THAT WERE DESIGNED AND BUILT BY THE MANUFACTURER FOR PASSENGER TRANSPORTATION OF NINE (9) OR FEWER PASSENGERS, INCLUDING THE DRIVER, FOR TRANSPORTING STUDENTS TO AND FROM SCHOOL AND APPROVED SCHOOL ACTIVITIES UNDER AN ALTERNATIVE TRANSPORTATION PLAN APPROVED BY THE KENTUCKY DEPARTMENT OF EDUCATION AND SETS REQUIREMENTS FOR DRIVERS OF NON-SCHOOL BUS PASSENGER VEHICLES. FINANCIAL IMPLICATIONS: LESS COST USING A VAN THAN A TRADITIONAL SCHOOL BUS

TRANSPORTATION

06.31

### **Bus Scheduling and Routing**

#### **RESPONSIBILITY**

The Superintendent or designee shall be responsible for scheduling and routing all buses in keeping with applicable statutes and regulations. This shall include a system of notifying parents, pupils, and drivers of bus schedules and routes and, for those schools serving breakfast, arranging bus schedules so that buses arrive in sufficient time to provide breakfast prior to the student attendance day. If the District participates in the Federal School Breakfast Program, the Superintendent may also authorize up to fifteen (15) minutes of the student attendance day to provide the opportunity for children to eat breakfast during instructional time.<sup>1</sup>

Buses shall be routed only on public roads which are safe for bus travel.

#### **REGULAR ROUTE VEHICLES**

School buses shall be clearly marked as transporting students and shall undergo a safety inspection no less than once every thirty (30) days. Except in cases of emergencies or for the transportation of students with disabilities, only school buses as defined by applicable statute and administrative regulation shall be used for transporting students to and from school along regular bus routes.

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Districts may also use vehicles owned, leased, or contracted by the District that were designed and built by the manufacturer for passenger transportation of nine (9) or fewer passengers, including the driver, for transporting students to and from school and approved school activities under an alternative transportation plan approved by the Kentucky Department of Education.<sup>2</sup>

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#### **REFERENCES:**

<sup>1</sup>KRS 158.070

<sup>2</sup>KRS 156.153

KRS 158.110

702 KAR 5:030

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#### **RELATED POLICY:**

08.31

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 AND PICK-UP OF STUDENTS**

Subject to the following limitations, the school bus will pick up and discharge students on public roads and streets near their homes:

1. Students shall be required to walk to certain centralized bus stops on public roads where traffic hazards would not make it feasible to stop buses in front of their homes.
2. Students who live close together shall be required to assemble themselves at a certain point to be picked up by the bus.

Each day, a student will ride the bus to which s/he is assigned and will board and leave the bus at the same stop unless written permission to the contrary is granted by the Principal/designee. The Principal/designee shall grant permission to ride a bus other than the one to which the pupil is assigned only when an exigent circumstance exists in the family that requires the pupil to be taken to a different location for safety and supervision.

No permission shall be granted for transportation to work or for participation in other activities. All requests shall be for a single occurrence. Permission shall be granted only if, after evaluation and investigation, the request is considered to be valid. No verbal requests from pupils shall be considered. Bus drivers shall not honor any request unless it is submitted on the approved form and signed by the Principal or the Principal's designee. Permission to ride a different bus shall be granted only if it does not over-crowd the bus on which the pupil is being assigned temporarily.

Unless overriding factors exist, a student must reside one (1) mile or more from an established bus stop before a change to the route will be made. Bus stops are subject to approval by the Superintendent/designee.

The Principal/designee shall have authorization from a child's parents before granting approval for a child to ride a bus that is different from the child's assigned bus or before giving written permission for a child leave the bus at a stop other than his/her regular stop.

#### **PRESCHOOL STUDENTS**

Preschool students shall be transported in accordance with applicable regulations.<sup>1</sup>

#### **FOUR (4)-YEAR OLD STUDENTS**

All school buses transporting children shall be operated at a speed within the current posted speed on sections of the highways over which the bus travels, but at no time shall the bus shall the bus exceed 55 mph.

On no occasion is any bus to be driven at a speed that is not consistent with the current road conditions or in excess of the posted speed limit.

While being transported, each four (4) year old child shall be seated on school bus seats located approximately amidships of the school bus.

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

**Regular Bus Stops**

**EXCEPTION**

The driver may discharge a 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 5:150
- KRS 158.110
- KRS 189.370
- KRS 189.375
- KRS 189.540
- 702 KAR 5:080

**RELATED POLICIES:**

[06.34; 09.2261](#)

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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

### **PRINCIPAL AUTHORITY**

Consistent with the District Code of Acceptable Behavior and Discipline, the Principal/designee has authority to discipline pupils who ride school buses.

### **REPORTING VIOLATIONS**

Bus drivers ~~in accordance with the rules and regulations developed by the Department of Pupil transportation~~ shall promptly report any violation of District policy or school rules to the Principal. [Drivers may file a written or electronic complaint or report of student misconduct \(06.34 AP.2\) including a recommendation to revoke transportation privileges. Drivers may be heard at any disciplinary hearing relating, at least in part, to misconduct that occurred during the operator's transportation of the student.](#)

### **EJECTION OF PUPILS FROM THE BUS**

Drivers are in charge of their buses, and their first responsibility shall be to the safe transportation of their passengers. In the event that one or more pupils are behaving in a threatening or violent manner or in such a way as to endanger the safety of other pupils on the bus, the driver is to stop the bus immediately and contact the bus garage, Supervisor of Transportation or the school Principal by radio to report the situation. The driver is to follow the directions given by the bus garage in dealing with the situation. At no time is the driver authorized to order the offending pupil(s) from the bus. [Drivers shall only discharge students in compliance with Policy 09.2261.](#)

### **WITHHOLDING OF RIDING PRIVILEGES**

~~The Principal is authorized to withhold bus-riding privileges up to a maximum of ten (10) school days per occurrence in the case of habitual or serious conduct violations. The Principal shall notify the parents in cases where bus-riding privileges have been withheld. Drivers may, upon filing a written report to the Superintendent/designee, refuse future transportation to students in violation of the Code of Acceptable Behavior and Discipline until an interim or final determination of disciplinary action has been made.~~

~~The Principal is authorized to withhold bus riding privileges in accordance with the rules and regulations developed by the Department of Pupil transportation.<sup>1</sup> The Principal shall notify the parents in cases where bus riding privileges have been withheld.~~

~~The Superintendent/designee or the Principal shall suspend the bus riding privileges for the remainder of the school year upon receipt of a bus misconduct report which indicates that the student has been written up with a fifth (5th) offense.<sup>1</sup>~~

~~The bus driver is authorized to deny bus riding privileges for up to two (2) days for any student who commits any one of the following four (4) acts:~~

- ~~1. Physically or verbally threatens, intimidates, or harasses another student or driver,~~
- ~~2. Fighting on the bus or at the bus stop,~~
- ~~3. Any use of vulgar or obscene language, and/or~~
- ~~4. Failure to follow the driver's instructions after being warned that failure to comply with the driver's directions will lead to the student losing bus riding privileges.~~

**Conduct on Bus**

**RESTITUTION OF DAMAGES**

The parents or guardians may be held responsible for restitution of any damages, beyond normal usage, inflicted by their child. Bus riding privileges shall be withheld until arrangements have been made to pay for the damages.

**STUDENTS WITH SPECIAL NEEDS**

Students with special needs who exhibit inappropriate conduct shall be managed in accordance with their Individual Education Plan (IEP) and/or 504 Plan and the legal obligations and standards adopted by the Board.<sup>2</sup>

**REFERENCES:**

<sup>1</sup> ~~KRS 158.150~~; 702 KAR 5:030; ~~702 KAR 5:050~~ 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 158.150~~; 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

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RECOMMENDED: THE 2023 LEGISLATIVE OVERSIGHT AND INVESTIGATIONS COMMITTEE MADE RECOMMENDATIONS INDICATING THAT KDE SHOULD REVISE MODEL POLICY 08.23 TO INCLUDE THE FULL PROCESS FOR THE "HARMFUL TO MINORS" COMPLAINT RESOLUTION PROCESS OUTLINED IN KRS 158.192, BY INCLUDING THE PROVISION THAT PARENTS CAN REQUEST THAT THEIR CHILD NOT HAVE ACCESS TO A MATERIAL RETAINED FOLLOWING APPEAL TO LOCAL SCHOOL BOARDS. KSBA, IN COLLABORATION WITH KDE, HAS REVISED THIS POLICY.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

CURRICULUM AND INSTRUCTION

08.23

### **"Harmful to Minors" Complaint Resolution Process**

#### **"HARMFUL TO MINORS"**

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

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

#### **COMPLAINT RESOLUTION PROCESS**

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

The complaint resolution process shall require that:

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

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

A parent or guardian may request in writing to the school, after final disposition is determined by the Board, that the school shall ensure his or her student does not have access to the material, program, or event that the parent or guardian believes to be harmful to minors but was allowed to remain or be eligible for future participation.

The school shall ensure that the student whose parent or guardian has made a request does not have access to the material or is not allowed to participate in the program or event that the parent or guardian believes to be harmful to minors.

A parent or guardian not having filed the appeal may request in writing access to the appealed materials, programs, or events for review and shall abide by the school's and District's policies and procedures when requesting and reviewing such information.

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

**“Harmful to Minors” Complaint Resolution Process**

**REFERENCES:**

KRS 158.192  
Board of Educ., *Island Trees v. Pico*, 102 S.Ct. 2799 (1982)

**RELATED POLICIES:**

03.16; 03.162; 03.1621; 03.26; 03.262; 03.2621  
08.2322; 09.4281; 09.42811; 09.428111; 10.2

LEGAL: HB 471 AMENDS KRS 159.075 TO ALLOW THE USE OF MILITARY ORDERS AS PROOF OF RESIDENCY FOR ENROLLMENT OR COURSE REGISTRATION IN A SCHOOL AND PROHIBIT IN-PERSON ENROLLMENT OR COURSE REGISTRATION WHEN PREVENTED DUE TO OFFICIAL MILITARY DUTIES. FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.126

### **Students of Military Families**

The following are key provisions that apply to students from military families that are based on the compact agreed upon by states belonging to the Interstate Commission on Educational Opportunity for Military Children:

#### **ENROLLMENT**

A child of a military family may pre-enroll or participate in pre-admission in the District if the parent or guardian of the child:

- a) Is transferred to or is pending transfer to a military installation or to a reserve component within the state while on active military duty pursuant to an official military order.
- b) Is returning to the state after within one (1) year of being separated from the military with an honorable discharge, discharge under honorable conditions, or a general discharge under honorable conditions.

The District shall accept an application for enrollment and course registration by electronic means for the child, including enrollment in a specific school or program within the District.

The District shall not require the parent or guardian of a child to appear in person for enrollment or course registration, including enrollment in a specific school or program within the District, when the parent/guardian is prevented from doing so due to official military duties.

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The parent or guardian of a child of a military family shall provide proof of residence to the District within ten (10) days after the arrival date provided on official documentation. The parent or guardian may use, as proof of residence, military orders, or the address of:

1. A temporary on-post billeting facility;
2. A purchased or leased home or apartment;
3. Any federal government housing or off-post military housing, including off-post military housing that may be provided through a public-private venture; or
4. A home under contract to be built.

Until actual attendance or enrollment in the District, the child of a military family shall not:

1. Count for the purposes of average daily attendance; or
2. Be included in the state assessment and system.

To accommodate for temporary housing, if a child utilizes this section to enroll in the District, but the residence identified above has not yet become available, then the District shall allow the child to enroll and begin attending the District regardless of the child's temporary residence and subsequently be included in the District's calculation of average daily attendance under KRS 157.320, for a period of up to one (1) year from the parent's or guardian's reporting for duty date or separation date before being considered a resident of another District.<sup>1</sup>

**Students of Military Families****ENROLLMENT (CONTINUED)**

Students from a household of an active duty service member who are moving into the District shall be enrolled and appropriately placed as quickly as possible based on information provided in the student's unofficial records pending validation by the official record that the District shall request from the sending school.

Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent. A transitioning child of a military family who is placed in the care of a non-custodial parent or other person standing in loco parentis and living in a jurisdiction other than that of the custodial parent may continue to attend the school in which s/he was enrolled while residing with the custodial parent.

**TUITION**

Tuition shall not be charged for a transitioning child of a military family who is placed in the care of a non-custodial parent or other person standing in loco parentis and living in the jurisdiction other than that of the custodial parent.

**IMMUNIZATION REQUIREMENTS**

Students from military families shall have thirty (30) days from the date of enrollment to obtain required immunizations or additional time as may be determined by the Interstate Commission Compact rules.

**PLACEMENT**

Kindergarten and first grade students from a household of an active duty service member moving into the District from an accredited school in another state shall be allowed to continue placement at their current grade level, regardless of age.

Decisions about placement of students from military families in educational programs shall be based on current educational assessments conducted at the sending school or participation/placement in like programs in the sending state. Such programs include, but are not limited to the following programs:

1. Gifted and talented; and
2. English as a second language (ESL).

This shall not preclude the District/school from performing subsequent evaluations to ensure appropriate placement of a student.

**SPECIAL EDUCATION SERVICES**

The District shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program (IEP).

The District shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing Section 504 (Title II) Plan\*, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

\* In Kentucky, a student Title II Plan is the same as a Section 504 Plan.

**Students of Military Families****DEPLOYMENT-RELATED ABSENCES**

Students whose parent or legal guardian is an active member of the uniformed services, as defined by this compact, and has been called to active duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the Superintendent to visit with their parent or legal guardian relative to such leave or deployment.

**EXTRACURRICULAR PARTICIPATION**

The District shall facilitate the opportunity for transitioning children of military families to participate in extracurricular activities to the extent they are otherwise qualified, regardless of application deadlines.

**GRADUATION REQUIREMENTS**

The District shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another school district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the District shall provide alternative means of acquiring required coursework so that graduation may occur on time. Otherwise, the District shall ensure receipt of a diploma from the sending school district if the student completed graduation requirements of that district.

Exit exam scores from sending schools shall be accepted in accordance with the Interstate Commission Compact.

**CHILDREN OF CIVILIAN MILITARY EMPLOYEES**

Children of civilian military employees shall be afforded the same rights as children of military families under KRS 156.730 if the parents are required to move to perform their job responsibilities resulting in the students having to change schools.

**REFERENCES:**

<sup>1</sup>KRS 159.075  
KRS 156.730; KRS 156.735; KRS 157.320; KRS 158.020  
20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)  
Section 504 of the Rehabilitation Act; District 504 procedures  
Americans with Disabilities Act

**RELATED POLICIES:**

02.4241; 08.113; 08.131; 08.132; 08.13452; 08.222  
09.12; 09.121; 09.123; 09.124; 09.211; 09.3; 09.313

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**

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

#### **PROCEDURE TO BE ESTABLISHED**

The Superintendent shall establish procedures to promote effective notification of parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) and to ensure 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 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>

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

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

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

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

- Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer;
- Authorized representatives of a Kentucky state child welfare agency if such agency presents to the District an official court order placing the student whose records are requested under the care and protection of said agency. The state welfare agency representative receiving such records must be authorized to access the child's case plan.



**Student Records****DISCLOSURE OF RECORDS (CONTINUED)**

- 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.

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

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

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

**DISCLOSURE TO REPRESENTATIVES FOR FEDERAL OR STATE PROGRAM PURPOSES**

Personally identifiable student information may be released to those other than employees who are designated by the 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.

**STUDENT DIRECTORY INFORMATION**

The Principal or Superintendent is authorized to release Board approved directory information.

Approved "directory information" shall be: student names and addresses, telephone numbers, date and place of birth, student's school email address, major field of study, participation in officially recognized activities and sports, photograph/picture, grade level, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and most recent educational institution attended by student.

Any eligible student, parent, or guardian who does not wish to have directory information released shall notify the Superintendent in writing within thirty (30) calendar days after receiving notification of FERPA rights.

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

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.

**Student Records****STUDENT DIRECTORY INFORMATION (CONTINUED)**

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

**SURVEYS OF PROTECTED INFORMATION**

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

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

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

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

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

**STUDENTS WITH DISABILITIES**

The 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 that is listed as part of Kentucky's juvenile justice system in KRS 17.125 if the purpose of the release is to provide the juvenile justice system with the ability to effectively serve, prior to adjudication, the needs of the student whose records are sought. The authorities to which the data are released shall certify that any educational records obtained pursuant to this section shall only be released to persons authorized by statute and shall not be released to any other person without the written consent of the parent of the child. The request, certification, and a record of the release shall be maintained in the student's file.

**Student Records**

**JUVENILE COURT RECORDS**

Records or information received on youthful or violent offenders shall not be disclosed except as permitted by law. When such information is received, the 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>2</sup>

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**RECORDS OF MISSING CHILDREN**

Upon notification by the Commissioner of Education of a child's disappearance, the District in which the child is currently or was previously enrolled shall flag the record of such child in a manner that whenever a copy of or information regarding the child's record is requested, 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 as 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. In compliance with FERPA, notice to the parent is not required when a court order directs that disclosure be made without notification of the student or parent, or when the order is issued in the context of a dependency, neglect, or abuse proceeding in which the parent is a party. If the District receives such orders, the matter(s) may be referred to local counsel for advice.

STUDENTS

09.14  
(CONTINUED)

**Student Records**

**REFERENCES:**

<sup>1</sup>Section 152 of the Internal Revenue Code of 1986  
<sup>2</sup>KRS 158.153; KRS 610.320; KRS 610.340; KRS 610.345; [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; KRS 600.070  
702 KAR 1:140; 702 KAR 3:220; 20 U.S.C. 1232g et seq., 34 C.F.R. 99.1 - 99.67  
20 U.S.C. 1232h (Protection of Pupil Rights Amendment); 34 C.F.R. 98  
OAG 80-33; OAG 85-130; OAG 85-140; OAG 86-2; OAG 93-35  
Kentucky Family Educational Rights and Privacy Act (KRS 160.700; KRS 160.705  
KRS 160.710; KRS 160.715; KRS 160.720; KRS 160.725; KRS 160.730)  
20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)  
Kentucky Education Technology System (KETS)  
P. L. 114-95, (Every Student Succeeds Act of 2015)  
42 U.S.C. 11431 et seq. (McKinney-Vento Act)

**RELATED POLICIES:**

03.1323; 03.2323; 9.111; 09.12311; 09.43

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 boards of health 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.

Employees to whom health service responsibilities have been delegated must be approved in writing by the delegating physician or 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 the Kentucky Department of Education (KDE) or as allowed under KRS 158.838.

Employees to whom health service responsibilities have been delegated shall notify their immediate supervisor by April 15 of each year if they are not willing to perform the service(s) during the next school year.

#### **SAFETY PROCEDURES**

All pupils 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.

**Student Health and Safety**

**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>5</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) six (6)~~ 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. ~~The~~Such 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>

**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 live streaming, or via a video recording ~~information~~ to students in grades six (6) through twelve (12). 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 from ~~as 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>

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STUDENTS

09.22  
(CONTINUED)

**Student Health and Safety**

**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 158.4451](#)

KRS 156.160

KRS 158.836; KRS 158.838

702 KAR 5:030

**RELATED POLICY:**

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, the District requires employees to make reports required by state law in a timely manner. Supervisors and administrators shall inform employees of the following required reporting duties:

#### **KRS 158.154**

When the Principal has a reasonable belief that an act has occurred on school property 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, the Principal shall immediately report the act to the appropriate local law enforcement agency. For purposes of this section, "school property" means any public school building, bus, public school campus, grounds, recreational area, or athletic field, in the charge of the Principal.

#### **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's law enforcement agency and to either the local law enforcement agency or to the Kentucky State Police.

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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:

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- 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's law enforcement agency and to either the local law enforcement agency or to the Kentucky State Police.

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~~An administrator, teacher, or other employee shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if:~~

~~The person knows or has reasonable cause to believe that conduct has occurred which constitutes:~~



**Employee Reports of Criminal Activity****KRS 158.155 (CONTINUED)**

- ~~○ A misdemeanor or violation offense under the laws of this Commonwealth and relates to:~~
  - ~~• Carrying, possession, or use of a deadly weapon; or~~
  - ~~• Use, possession, or sale of controlled substances; or~~
- ~~○ Any felony offense under the laws of this Commonwealth; and~~
- ~~• The conduct occurred 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.~~

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**KRS 158.156**

Any employee of a school or a local board of education who knows or has reasonable cause to believe that a school student has been the victim of a violation of any 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 cause an oral or written report to be made to the Principal of the school attended by the victim. The Principal shall notify the parents, legal guardians, or other persons exercising custodial control or supervision of the student when the student is involved in an incident reportable under this section. The Principal shall file a written report with the local school board and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the original report.

**KRS 209A.100**

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

**KRS 209A.110**

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

**KRS 620.030**

Any person who knows or has 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 cause an oral or written report to be made to a local law enforcement agency or the Department of Kentucky State Police; the cabinet or its designated representative; the Commonwealth's Attorney or the County Attorney; by telephone or otherwise. Any supervisor who receives from an employee a report of suspected dependency, neglect, or abuse shall promptly make a report to the proper authorities for investigation.

STUDENTS

09.2211  
(CONTINUED)

**Employee Reports of Criminal Activity**

**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; 03.13253; 03.23253  
05.48  
09.227; 09.422; 09.423; 09.425; 09.426; 09.438

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 TO BE PROVIDED**

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

#### **OPIOID ANTAGONIST**

District schools may maintain an opioid antagonist for administration to any individual who may experience a life-threatening, opioid overdose while on Board-owned property or attending a District event. An opioid antagonist for such instances shall be administered following the protocols developed by the Kentucky Department of Public Health.

District schools may maintain epinephrine for administration to students who may have a life-threatening allergic reaction but have no written individual health plan in place. Epinephrine for such instances shall be administered following the protocols developed by the Kentucky Department of Public Health.

Epinephrine shall be stored in a minimum of two (2) locations in the school, including but not limited to the school office and the school cafeteria and shall keep epinephrine auto-injectors in a secure, accessible, but unlocked location. Staff should be made aware of the storage location in each school.

#### **FIRST-AID ROOM**

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

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

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

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

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>

STUDENTS

09.224  
(CONTINUED)

### **Emergency Medical Treatment**

#### **INFORMATION NEEDED**

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

#### **EMERGENCY CARE PROCEDURES**

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

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

#### **REFERENCES:**

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

<sup>2</sup>KRS 158.162

KRS 156.160; KRS 156.502; KRS 158.836; KRS 158.838

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

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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 by a 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:

1. 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
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

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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

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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 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>

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

Upon notification, the Principal 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 to conduct an independent investigation of the allegations after making the required report.

#### **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.

#### **INTERVIEWS**

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

**Child Abuse****AGENCY CUSTODY**

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

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

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

**REQUIRED TRAINING**

All ~~current~~ school administrators, certified personnel, office staff, instructional assistants, coaches, and extracurricular sponsors 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.

**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



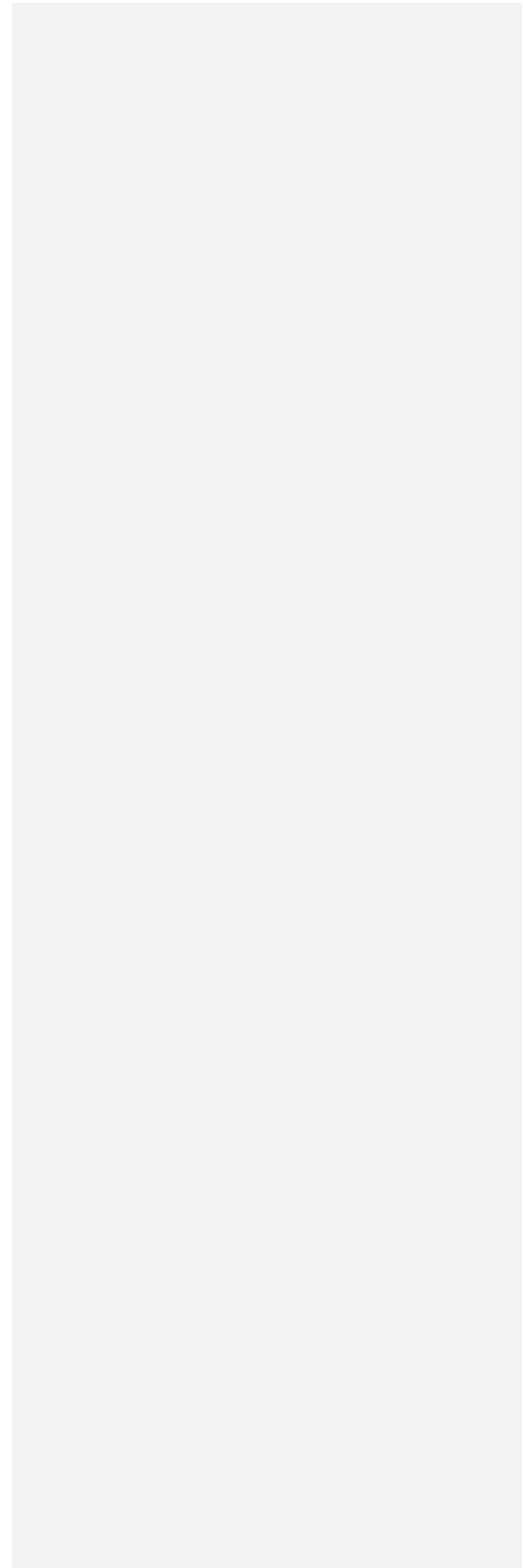
STUDENTS

09.227  
(CONTINUED)

**Child Abuse**

**RELATED POLICIES:**

09.1231; 09.3; 09.31; 09.42811; 09.4361; 10.5



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

09.42

### Student Conduct

The Superintendent/designee shall be responsible for overall implementation and supervision of the Board's ~~e~~Code of ~~a~~Acceptable ~~b~~Behavior and ~~d~~Discipline, based on statewide student discipline guidelines provided by the Kentucky Department of Education, ~~and~~ ~~e~~Each Principal shall be responsible for administration and implementation of the Code and the Policy within each school. The Principal shall apply the Code and the policy uniformly and fairly to each student without partiality or discrimination.

The Principal of each school, or school council in schools with SBDM, shall set school policy concerning the selection and implementation of appropriate discipline and classroom management techniques necessary to carry out the Code and the Policy.

For more information concerning student conduct, refer to the Code ~~of Pupil Conduct~~.

#### REFERENCES:

~~KRS 158.110~~; KRS 158.148

KRS 160.290

KRS 161.180

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#### RELATED POLICIES:

~~09.42611~~; 09.438

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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/Hazing**

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

#### **ACTIONS NOT TOLERATED**

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

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

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

#### **BULLYING DEFINED**

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

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

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

#### **HAZING DEFINED**

Per KRS 508.180, "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;
- 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;

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**Bullying/Hazing**

**HAZING DEFINED (CONTINUED)**

- 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:~~

- ~~10. Violate federal or state criminal law;~~
- ~~11. 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;~~
- ~~12. Endure brutality of a physical nature, including whipping, beating or paddling, branding, or exposure to the elements;~~
- ~~13. Endure brutality of a mental nature, including personal servitude, sleep deprivation, or circumstances which would cause a reasonable person to suffer substantial mental distress;~~
- ~~14. Endure brutality of a sexual nature; or~~
- ~~15. Endure any other activity that creates a reasonable likelihood of mental harm or physical injury to the minor or student.~~

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

**REPORTS**

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

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

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

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STUDENTS

09.422  
(CONTINUED)

### **Bullying/Hazing**

#### **REPORTS (CONTINUED)**

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

In certain cases, employees must do the following:

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

#### **OTHER CLAIMS**

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

#### **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))

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

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

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

No 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. 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, 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 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 shall not be considered in violation of this policy.

#### **DRUG TESTING PROGRAM/PLAN**

The Board has established a mandatory random drug and alcohol testing program for students suspected of drug and alcohol use.

#### **PENALTY**

Violation of this policy shall constitute reason for disciplinary action including suspension or expulsion from school and suspension or dismissal from athletic teams and/or other school-sponsored activities.

#### **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'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 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 on school property in violation of the law.~~

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**Use of Alcohol, Drugs and Other Prohibited Substances****DRUG TESTING PROGRAM PURPOSE**

In this day and time alcohol and other forms of drug abuse have grown to major proportions in our society. The middle- and high-school settings are not exempt from this phenomenon. Therefore, it is critical that educators and parents continually look for ways to institute programs that encourage a drug-free lifestyle for their students/children. It is to that end that this program is created to provide the appropriate action plan to address and foster a drug-free environment for the entire County middle- and high-school community.

The program consists of two components:

1. Education and Prevention Plan
2. Drug Testing Policy

**STUDENT DEFINED**

Students in the following categories (hereinafter referred to as "identified students") may be selected for drug testing:

Athlete, Extracurricular Activity Participant, Driver and/or Parked on School Property, and Any Other Student at Parental Request (referred to as Volunteer Pool)

Extracurricular activities shall also include any participation in any club or team in which there are competitions or similar activities held either off the school grounds or outside of regular class time to include, but not be limited to, Future Farmers of America, ROTC, DECA, FBLA, Beta Club, Academic Team, FCCLA, and HOSA."

**EDUCATION AND PREVENTION PLAN**

**Educational Seminars.** Each semester at least one (1) educational seminar on alcohol and drug abuse shall be conducted by qualified substance abuse educators. These seminars shall be accessible to all County middle- and high-school students but shall be required for all athletic and extracurricular team members and for students who will be driving or parking on school property. Each seminar participant shall be administered an assessment over the content of the seminar upon completion.

**Training in Drug Awareness.** County middle- and high-school teachers will be given an opportunity to receive training in drug awareness. Part of the training will enable each teacher to incorporate drug awareness information into his/her current curriculum. A keener teacher awareness of drug abuse signs and symptoms, as well as methods of referral, will be a direct result of the training. Instructional units on drug abuse, such as those currently taught in our health courses, will be enhanced by this teacher education component.

**Seminars for Parents/Guardians.** Educational seminars for parents/guardians that will address alcohol and other forms of drug abuse will be established in conjunction with other school programming. The central purpose of these sessions will be to provide parents/guardians with necessary information to parent toward drug prevention.

**ALCOHOL AND DRUG SAFETY POLICY**

All student athletes/extracurricular participant/drivers and their parents/guardians must read this policy and accompanying procedures and must acknowledge, in writing, that they have read the policy and procedures, understand the policy and procedures, and agree to be bound by the terms and conditions contained in the policy and procedures.



**Use of Alcohol, Drugs and Other Prohibited Substances****ALCOHOL AND DRUG SAFETY POLICY (CONTINUED)**

**Statement of Need.** All athletic and extracurricular team coaches/sponsors and the administration of County middle and high school recognize that the unlawful use of alcohol and other drugs seriously impairs the health, safety, education, and future success of middle- and high-school students engaged in that use. It is also recognized that the unlawful use of alcohol and other drugs is a potential problem for all middle- and high-school students.

Students engaged in interscholastic athletics and extracurricular activities often are viewed by fellow students as holding or enjoying positions of notoriety and are confronted by unique pressures and risks that make them particularly vulnerable to the harms presented by that use. Because of the potential notoriety derived from athletic and extracurricular participation, students also potentially impact or influence the attitudes and actions of other members of the student body. Finally, in order to deal effectively with drug and alcohol pressures and health risks, we believe that it is imperative to adopt a mandatory drug testing policy governing the illegal use of drugs by student participants in the County middle- and high-school athletic teams and extracurricular activities.

**Athletic teams and extracurricular activities** covered by this policy shall apply to all middle- and high-school varsity and subvarsity athletic and extracurricular activities, including, but not limited to, baseball, boys' basketball, girls' basketball, boys' cheerleading, girls' cheerleading, cross-country, football, softball, tennis, track, and wrestling. The subsequent addition of any extracurricular activity, varsity or subvarsity sport shall immediately be subject to this policy.

**Statement of Purpose.** This policy is intended to support the comprehensive educational policies and programs of the District in educating students and their parents/guardians as to the dangers inherent in the unlawful use of drugs. The policy is further intended to provide encouragement to middle- and high-school students who voluntarily choose to participate on athletic teams, in extracurricular activities, and/or to drive or park on school property to avoid such use and to strive to benefit from effective rehabilitation when such use has occurred.

Administrators shall not use information obtained in the course of administering the policy for disciplinary purposes other than those set forth herein. This policy is not designed to be used, nor shall it voluntarily be used in any manner, to provide a source of information for law enforcement agencies or for the prosecution of the student or to limit the student's participation in the school activities, other than the limitations imposed by this policy. Without a specific written authorization from the tested student or parent/guardian, if the student is under 18 years of age, the administrator shall not release any student's test results to any person other than those described within this policy or as required by law or a lawfully issued subpoena or court order.

In order to accomplish its purposes, this policy establishes a program for procedures to deter the unlawful use of drugs and alcohol and to provide for suspension and termination of participation on the teams when deterrence is unsuccessful. To determine compliance with the policy, it provides a testing program to identify student participants who are unlawfully using drugs. For these students this policy provides incentives for rehabilitation through possible reinstatement to the specific athletic team or extracurricular activity involved.

**Use of Alcohol, Drugs and Other Prohibited Substances****ALCOHOL AND DRUG SAFETY POLICY (CONTINUED)**

Consistent with its purposes, this policy also seeks to achieve the following objectives:

1. To protect District students from impairing their health, safety, education, and future success through the unlawful use of alcohol and other drugs.
2. To protect District students and their opponents from potential injury during competition resulting from the unlawful use of alcohol and other drugs.

TO PROTECT DISTRICT STUDENTS FROM THE POTENTIAL STIGMA OF UNSUBSTANTIATED ALLEGATIONS OF UNLAWFUL USE OF ALCOHOL AND OTHER DRUGS.

3. To assure students, parents, teachers, and the community that the health, safety, education, and future success of the student participants are the primary concerns of the District.

**Implementation, Review, and Evaluation.** All student participants and their parents/guardians must sign the “Student and Parent/Guardian Consent to Perform Urinalysis for Drug Testing” form before the student shall be permitted to try out for any athletic team, become a member of an extracurricular activity at the middle- and high-school levels, or be authorized to drive or park on school property. A Substance Abuse Prevention Committee (Committee) shall be established and shall have the overall responsibility for implementing this policy. The Committee may consist of the school Principals, Head Coaches of the athletic teams, designated sponsors of extracurricular activities, Athletic Director, Title IV Coordinator, School Health Coordinator, Counselor, Superintendent, and Board Members.

The Committee shall establish procedures as needed to implement the policy fairly and efficiently. In addition, the Committee shall review and evaluate the effectiveness of the drug testing policy on an annual basis. The evaluation shall include, but not be limited to, the effectiveness of the comprehensive educational and counseling program, substance testing program, procedural safeguards, and the list of drug substances tested. The Committee shall not have access to any of the test results. The Committee’s purpose is limited to procedures and evaluation of the policy.

**Applicability.** This policy applies to all students choosing to participate in any extracurricular activity, including students/players at the varsity and subvarsity levels and members of student clubs and organizations, and to students who drive or park on school property, and students in the volunteer pool.

**Education.** At least once each semester, all coaches/sponsors and appropriate certified staff shall require attendance at educational seminars on drug abuse for all student participants (as outlined in the Education and Prevention Plan section of this policy). These seminars shall be open to attendance by the student participants and their parents/guardians and shall be presented by qualified substance abuse educators. Those participating will be asked to demonstrate an understanding of the main components of the drug education seminar.

**Use of Alcohol, Drugs and Other Prohibited Substances****ALCOHOL AND DRUG SAFETY POLICY (CONTINUED)**

**Testing Program.** Testing shall be accomplished by the analysis of urine specimen obtained from the student participants. Collection and testing procedures shall be established, maintained, and administered to ensure:

1. Randomness of selection procedures
2. Proper student identification
3. Identification of each specimen with the appropriate student participant
4. Maintenance of the unadulterated integrity of the specimen
5. Integrity of the collection and testing process, as well as the confidentiality of test results (The specific testing process shall be on file at the testing laboratory approved by the Board.)

**Substances Tested.** Student participants' urine specimen shall be tested for the following, which include, but may not be limited to:

1. Amphetamines
2. Marijuana (THC)
3. Cocaine and its derivatives
4. Opiates
5. Phencyclidine (PCP)
6. Benzodiazepine
7. Propoxyphene
8. Barbituates
9. Other abused, illegal, or controlled substances as determined by the Committee

Students will be tested for alcohol by means of a breath test.

**Sanctions:****First Violation**

1. A student testing positive and his or her parent/guardian will receive notification of positive test results and will be afforded a due process hearing conducted by the Principal. At the due process hearing the student may appeal to conduct a retest of the original sample with an independent lab at student expense. The student will be suspended for the next four (4) consecutive interscholastic/extracurricular events or the next four (4) weeks of the season, whichever is greater in time. Student drivers may be denied permission to drive and/or park on school property for the next four (4) consecutive weeks of school. The suspension will begin the date that the results are received. If necessary, the suspension shall carry over to the student's subsequent participation on another athletic team/extracurricular activity and/or the following season. Before reinstatement after the first violation, the student participant must receive an assessment or evaluation for chemical dependency and must successfully complete recommendations that resulted from the chemical dependency assessment as evidenced by a written statement to that effect issued by a treatment counselor. Prior to readmission to participation to the athletic team/ extracurricular activity or reauthorization to drive, the student must submit to a new drug test administered in accordance with the same procedures utilized for random drug testing. A positive result shall be treated as a second violation.

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

2. If a student is reinstated to the athletic team/extracurricular activity or driving privileges following the first violation, the student's participation in another activity shall not be restricted solely because of the existence of the first violation, as long as the student has completed the period of suspension and was appropriately reinstated to the prior activity. If the student elects not to seek reinstatement to the activity after a first violation (either because of the student's own election or because the season concluded prior to the expiration of the student's period of suspension, the student is still required to serve the unexpired portion the suspension before becoming eligible for participation in any other extracurricular activity. A student serving a suspension for any sport may try out for a second sport if the student provides a negative drug test result from the testing laboratory under contract. If the student successfully makes the team or joins an extracurricular group, prior to participation, the student must serve the unexpired portion of the previous suspension. The student must complete all forms required for participation on another extracurricular activity, and the student must submit to a new drug test administered in accordance with the same procedures utilized for random drug testing. A positive result shall be treated as a second violation.

***Sanctions:*****Second Violation**

1. For a second violation, the student participant and his or her parent/guardian will receive notification of positive test results and will be afforded a due process hearing conducted by the Principal. At the due process hearing the student may appeal to conduct a retest of the original sample with an independent lab at student expense. The student participant shall be suspended for the next eighteen (18) consecutive interscholastic/extracurricular events or eighteen (18) consecutive weeks, whichever is greater in time. Student drivers with a second violation may be denied permission to drive and/or park on school property for the next eighteen (18) consecutive weeks of school. If necessary, the suspension shall carry over to the student's subsequent participation on another athletic team/extracurricular activity and/or the following season. Before reinstatement to the activity after a second violation, the student participant must successfully complete recommendations that resulted from the chemical dependency assessment as evidenced by a written statement to that effect issued by a treatment counselor. The student must submit to a new drug test administered in accordance with the same procedures utilized for random drug testing. A positive result shall be treated as a third violation.
2. If a student is reinstated to the activity following a second violation, the student's participation in another activity shall not be restricted solely because of the existence of the second violation, as long as the student has completed the period of suspension and the required chemical dependency program and was appropriately reinstated to the prior activity. If the student elects not to seek reinstatement to an activity after a second violation (either because of the student's own election or because the season concluded prior to the expiration of the student's period of suspension) the student is still required to serve the unexpired portion of the suspension before becoming eligible for any other extracurricular activity. A student serving a suspension for one sport/activity may try out for a second sport or join a second activity if the student provides a negative drug test result from the testing laboratory under contract.

**Use of Alcohol, Drugs and Other Prohibited Substances****Second Violation (continued)**

If the student makes the team, prior to participation, the student must serve the unexpired portion of the previous suspension. The student must submit to a new drug test administered in accordance with the same procedures utilized for random drug testing. A positive result shall be treated as a third violation.

**Third Violation**

The student and his or her parent/guardian will receive notification of positive test results and will be afforded a due process hearing conducted by the Principal. At the due process hearing the student may appeal to conduct a retest of the original sample with an independent lab at student expense. The student participant or driver shall be excluded from participation in any extracurricular activity for the remainder of the student's eligibility. A third violation shall disqualify the student's involvement in all extracurricular activities (varsity and subvarsity) or from driving/parking on school property for the remainder of his/her enrollment in the District.

***Notice to Participants.*** Prior to tryouts for an athletic team or joining an extracurricular activity, the Head Coach shall provide all students choosing to participate in the athletic team/extracurricular activity and their parents/guardians with a written copy of this policy. Parents of students wishing to take drivers education or to park on school property shall also be provided a copy. Each student who chooses to participate and a parent/guardian of that student shall be required to sign a statement indicating that they have received, read, and understand and fully agree to be bound by the terms, conditions, and procedures under this policy.

**PREVENTION PROGRAM**

The Superintendent shall establish a comprehensive and on-going drug-free/alcohol-free prevention program for all students which shall include notice to students and parents 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/student assistance programs; and
5. Penalties that may be imposed upon students for violations of this policy.

STUDENTS

09.423  
(CONTINUED)

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

**REFERENCES:**

KRS 156.070; 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 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**

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. Students who violate these prohibitions while under the supervision of the school shall be subject to penalties set forth in the ~~local~~ Code of ~~a~~Aacceptable ~~b~~Behavior and ~~d~~Discipline.

#### **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 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.

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**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
- 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

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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 shall be subject to appropriate disciplinary action, including suspension or expulsion.<sup>1</sup>

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

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

#### **EDUCATIONAL PERSONNEL**

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

#### **REMOVAL OF STUDENTS**

School administrators, teachers, or other school personnel may immediately remove or cause to be removed threatening or violent students from a classroom setting 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:

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

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

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

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

**Assault and Threats of Violence**

**REMOVAL OF STUDENTS (CONTINUED)**

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

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

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

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

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

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

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

**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’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:

- h. Assault resulting in serious injury;
- i. A sexual offense;
- j. Kidnapping;
- k. Assault with the use of a weapon;
- l. Possession of a firearm or deadly weapon in violation of the law;

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**Assault and Threats of Violence**

**REPORT TO LAW ENFORCEMENT AGENCY (CONTINUED)**

m. The use, possession, or sale of a controlled substance in violation of the law; or

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n. 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’s law enforcement agency and to either the local law enforcement agency or to the Kentucky State Police.

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

**DOMESTIC/DATING VIOLENCE REPORTING AND EDUCATION**

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

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

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

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

**NOTIFICATIONS**

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

STUDENTS

09.425  
(CONTINUED)

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

#### **NOTIFICATIONS (CONTINUED)**

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 official who has knowledge of the student's behavior prior to the assignment or contact.

#### **REFERENCES:**

<sup>1</sup>KRS 158.150

<sup>2</sup>KRS158.1559

KRS 158.154; [KRS 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

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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**

#### **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 his/her 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 should not be administered in a manner that is humiliating, degrading, or unduly severe or in a manner that would cause the pupil to lose status before his/her peer group. Teachers should guard against making remarks to other pupils concerning a student's shortcomings.

**Student Disciplinary Processes****TREATMENT OF PUPILS (CONTINUED)**

Unless an administrator or the Board, based on a student's school-related misconduct, acts under authority of KRS 158.150, no school, school administrator, teacher, or other school employee shall expel or punish a student based on information contained in a delinquency/conviction record received by the employee from any source. Administrators may act to protect staff and students when the student's conduct, as reflected in the records, 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.

**COUNCIL RESPONSIBILITY**

Each school council shall select and implement discipline and classroom management techniques for the school. In non-SBDM schools, the Principal shall make these decisions in compliance with Board policy.

**REPORTING**

Each school shall annually provide to the [KDE 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.

**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.

STUDENTS

09.43  
(CONTINUED)

**Student Disciplinary Processes**

**REFERENCES:**

<sup>1</sup>KRS 158.153  
<sup>2</sup>KRS 158.4416  
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](#); 08.14; 09.14; 09.429; 09.438

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

STUDENTS

09.435

## **Expulsion**

### **BOARD MAY EXPEL**

The Board may expel or extend the expulsion of any student from the regular school setting for misconduct as defined by law. Provision of educational services will be required unless the Board determines, on the record and supported by clear and convincing evidence, that the expelled student posed a threat to the safety of other students or school staff and could not be placed in a state-funded agency program.<sup>1</sup>

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

1. Through clear and convincing evidence to have made threats that pose a danger to the well-being of students, faculty, or staff of the District;
2. To have brought a weapon to a school under its jurisdiction per Board Policy 05.48.

The Board may expel a student for longer than twelve (12) months.

Behavior that may be determined to pose a threat shall include, but not be limited to, the physical assault, battery, or abuse of others on or off school property (and the incident is likely to substantially disrupt the educational process); the threat of physical force; being under the influence of drugs or alcohol; the use, possession, sale, or transfer of drug or alcohol; the carrying, possessing, or transfer of weapons or dangerous instruments; and any other behavior that may endanger the safety of others.

The Superintendent shall present to the Board for its approval options for providing or ensuring that educational services are provided to expelled students.

In lieu of expelling a student, or upon the expiration of a student's expulsion, the Superintendent may place a student into an alternative program or setting if the Superintendent determines placement of the student in his or her regular school setting is likely to substantially disrupt the educational process or constitutes a threat to the safety of other students or school staff.

### **HEARING AND RECORDS REQUIRED**

Action to expel, extend the expulsion, or place in an alternative program or setting a student shall not be taken until the parent, guardian, or other person having legal custody or control of the student has had an opportunity for a hearing before the Board.<sup>1</sup> The special education and disciplinary records of IDEA eligible students shall be sent to the Board for review before the decision is made to expel.<sup>3</sup> If applicable, a bus driver shall have the opportunity to 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 or to misconduct by the student's parent or guardian.

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**Expulsion****HEARING AND RECORDS REQUIRED (CONTINUED)**

Within thirty (30) days prior to the end of a student's expulsion, the Board shall review the details of the expulsion and current factors and circumstances, including if ending the expulsion will substantially disrupt the education process or constitute a threat to the safety of students or school staff, to determine if the expulsion shall be extended for a period not to exceed twelve (12) months. The expulsion review process shall be used prior to the end of each expulsion period until the Board ends the expulsion or the student is no longer subject to compulsory attendance under KRS 159.010.

**BOARD DECISION FINAL**

The Board may establish an appeals committee and delegate authority to hear appeals to the committee. Otherwise, the Board's decision shall be final.<sup>1</sup>

**STUDENTS WITH DISABILITIES**

In cases which involve students with disabilities, procedures mandated by federal and state law for students with disabilities shall be followed. (Students with disabilities who are eligible for services under federal law may be expelled for behavior unrelated to their disabilities, as long as legally required procedural safeguards are followed. Educational services must continue for IDEA eligible students who are expelled.)<sup>1&3</sup>

**TRANSFER OF RECORDS**

Records transferred to another school must reflect the charges and final action of an expulsion hearing if the student was expelled for homicide, assault, or an offense in violation of state law or school regulations governing weapons, alcohol or drugs. Records of a student facing an expulsion hearing on charges described above shall not be transferred until the expulsion hearing process is completed.<sup>2</sup>

**REFERENCES:**

<sup>1</sup>KRS 158.150

<sup>2</sup>KRS 158.155

<sup>3</sup>20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA); 707 Chapter 1; Section 504 of the Rehabilitation Act of 1973, as amended

[KRS 158.110](#), KRS 159.010

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

**RELATED POLICIES:**

05.48; [06.22](#); [06.34](#); 09.12; [09.226](#); [09.2261](#); 09.423; 09.425; 09.426; 09.43; 09.431; 09.434

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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 Discipline Code of Acceptable Behavior and Discipline**

#### **DEVELOPMENT**

In accordance with KRS 158.148 the Board shall ~~adopt~~<sup>develop</sup> a student Code of Acceptable Behavior and Discipline code, based on statewide student discipline guidelines provided by the Kentucky Department of Education (KDE), that shall be posted at each school, referenced in all school handbooks, and provided to school employees, parents, legal guardians, ~~or other persons exercising custodial control or supervision~~. As required by KRS 158.148, a process shall be developed to provide information to those parties and to train employees.

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

#### **REVIEW**

The Board shall update the ~~student discipline eCode~~ 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.

STUDENTS

09.438  
(CONTINUED)

**Student Discipline Code of Acceptable Behavior and Discipline**

**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

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