



FLOYD COUNTY BOARD OF EDUCATION  
Anna Whitaker Shepherd, Superintendent  
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Eastern, KY 41622  
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William Newsome, Jr., Board Chair - District 3  
Linda C. Gearheart, Vice-Chair - District 1  
Dr. Chandra Varia, Member - District 2  
Keith Smallwood, Member - District 4  
Steve Slone, Member - District 5

**Consent Agenda Item (Action Item):** First Reading Annual Policy (#47)/Procedures (#28)  
Update

**Applicable State or Regulations:** BOE Policy 01.5

**Fiscal/Budgetary Impact:** As noted on individual policies.

**History/Background:** KSBA provides revised and model policies and procedures annually as part of our policy service. Policies have been reviewed with department leads and board attorney. The BOE will need to take action regarding 09.2242 as after review, an option will have to be selected regarding the use of medical cannabis by students.

**Recommended Action:** Approve as presented

**Contact Person(s):** Angela Duncan

\_\_\_\_\_  
Principal

*Angela Duncan*  
Director

*Anna Whitaker Shepherd*  
Superintendent

**Date:** June 10, 2024

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 WAIVERS 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 the 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.

**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 an official or individual capacity, or both, on account of an act made in the scope and course of the 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 the 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 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 FUNDS**

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**

**CONTRACT 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.

**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

**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.

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

#### IMPROVEMENT PLANNING

The Board may designate the length of time for completing implementation of the Comprehensive District Improvement Plan, which earmarks state and federal categorical funds to address priority needs, goals and objectives in the District. By February 1 each School/District Comprehensive Improvement Planning Committee shall review the school and District action plans and update components related to current achievement gap targets, as necessary. Revisions shall be forwarded to the District level committee to review for implications concerning the District plan.

#### 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 federally mandated testing/accountability instruments;

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

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

The plan shall be updated as scheduled by the Board of Education and the Superintendent. The plan shall address, but not be limited to, the Standards and Indicators for School Improvement, Core Content for Assessment and the Kentucky Academic Standards. Strategies and Activities should be Best Practices, Research Based, strategies proving successful in other districts or strategies that are proving successful in our District that should be continued. The District Plan shall 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. All schools will turn in a mid-year and year-end report regarding the implementation and impact of strategies from the CSIP in December and May to the Plan Coordinator. The District will turn in a mid-year and year-end report regarding the implementation and impact of strategies from the plan in January and June to the Plan Coordinators. The Superintendent's report concerning CDIP/CSIP to the Board shall be written and submitted in February and July each year and include all school and District data.

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 and the Superintendent, the Board shall review annual targets in the Comprehensive School Improvement Plan and the Comprehensive District Improvement Plan specifically 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 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.

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

The plan shall be completed between November 1 and January 1 of each school year and presented to the Board for approval.

The Superintendent shall submit required assurances to the KDE, no later than September 30 of each year.

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**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 District Plan (CDIP) shall serve as a resource for Board decision making. The Superintendent shall develop methods of implementing the District Plan.

**SCHOOL PLANS**

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

**DISTRICT REPORT CARDS**

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

As outlined in KRS 160.463, a copy of the report card is to be 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

**District Planning**

**SUMMATIVE ASSESSMENT RESULTS (CONTINUED)**

- 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)

**RELATED POLICIES:**

02.44; 02.441; 02.442; 04.1

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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:<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~~ 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~~ 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, at the time of his or her~~ election, ~~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~~ been removed from membership on a Board of Education for cause; and
8. ~~Does not have 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~~ 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 becomes interested in any contract with or claims against the Board, moves his/her residence from the division for which s/he was chosen, attempts to influence the employment 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 does anything that would render one ineligible for re-election,<sup>1</sup>

**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

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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:

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 unexpired term, then a new vacancy shall exist on November 1 and that vacancy shall be filled by the Board as prescribed by law.

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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

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**RELATED POLICY:**

01.2



### In-service Training

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

Annual in-service training for all 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 members with zero (0) to three (3) years of experience;
2. Eight (8) hours for members with four (4) to seven (7) years of experience; and
3. Four (4) hours for members with eight (8) or more years of experience.

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

For all members of boards of education who begin initial service on or after January 1, 2015, the in-service training requirements 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 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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**Moved down [1]:** 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.

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**In-service 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.

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**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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and eight (8) hours for Board members with more than eight (8) years of experience. Required annual training hours shall include:  
Three (3) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation for members with zero (0) to three (3) years experience;  
Two (2) hours of finance, one (1) hour of ethics, and one (1) hour of superintendent evaluation for members with four (4) to seven (7) years experience; and  
One (1) hour of finance, one (1) hour of ethics annually, and one (1) hour of superintendent evaluation biennially for members with eight (8) or more years experience.

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**In-service Training**

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

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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" 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**

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.

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#### **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**

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. The cost of the training will be paid by the Board of Education.

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The SRO shall be easily identified in the school setting by wearing uniforms while on duty.





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.

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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;

### 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:**

- 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.

Each school shall keep its data for needs assessment on file for a period of five (5) years.

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 school 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 the 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.

**Comprehensive School Improvement Plan****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.

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 for eliminating 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.

ADMINISTRATION

02.442  
(CONTINUED)

**Comprehensive School Improvement Plan**

**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)

**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 RESPONSIBILITIES

All appointments, promotions, and transfers of certified personnel for positions authorized by the Board shall be made by the Superintendent who, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes and, if a school-based position is to be filled, shall be submitted with a certified statement reflecting the school's entitlement, current staffing, the reason(s) why the position was vacant, and the financial impact of the employment.

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.

#### EFFECTIVE DATE

Personnel actions 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 established qualifications set by Board policy.

A "qualified applicant" is an individual who:

1. Holds proper certification for the position sought;
2. Has no actions pending or sanctions applied against his/her administrative and/or teaching certificate;
3. Is not currently under contractual agreement with another board of education and said agreement cannot be terminated without violating KRS 161.780(1); and



**Hiring**

**QUALIFICATIONS (CONTINUED)**

- 4. Has not been formally placed at another school within this District no later than thirty (30) days before the first student attendance day of the school year unless released from placement by the Superintendent pursuant to Policy 03.1311 (Transfer).

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."

Employment shall be contingent on receipt of records documenting that the individual ~~has not been convicted of an offense that would classify a person as a violent offender under KRS 439.3401, a sex crime defined by KRS 17.500 or a misdemeanor offense under KRS Chapter 510, is required to register as a sex offender,~~ 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.

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"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.

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## **Hiring**

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

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

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 in the Central Office and in each school building 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.

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**

The Superintendent shall release all applications to the Department Lead for District level positions. The Lead shall select no fewer than five (5) applicants for District positions, unless there were fewer than five (5) applicants.

The Superintendent shall appoint members of an Interview Committee. The Interview Committee, which may include the Superintendent, shall be composed of at least three (3) members, one (1) of whom shall be a building Principal. All applicant interviews shall be arranged through the Office of Human Resources.

Applications for candidates not employed shall be retained for ~~two (2)~~ years.

To be considered an applicant for a position, the person must have the following information on file in the District Office of Human Resources:

1. Completed application form;
2. Copy of valid Kentucky teaching certificate or Intern Statement of Eligibility, if required;

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**Hiring**

**REVIEW OF APPLICATIONS (CONTINUED)**

3. Official transcript of all college work and/or a copy of the person's high school diploma or High School Equivalency Diploma; and
4. Three (3) letters of recommendation on the required form.

**RELEASE OF APPLICATIONS**

Only complete applications shall be released to schools or to the Department Lead.

**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.

**CONTRACT**

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

**JOB DESCRIPTION**

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

**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.

PERSONNEL

03.11  
(CONTINUED)

**Hiring**

**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; 03.1311; 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

#### INSURANCE

The Board shall provide unemployment insurance<sup>1</sup> and workers' compensation<sup>2</sup> 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> In addition, the State provides group health and life insurance to employees who are eligible as determined by Kentucky Administrative Regulation.<sup>4</sup>

#### 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

Consolidated Omnibus Budget Reconciliation Act

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

#### RELATED POLICIES:

~~01.11;~~ 03.1211; 03.123; 03.12322; 03.1241; 03.14

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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

03.13251

- CERTIFIED PERSONNEL -

### Drug-Free/Alcohol-Free Schools

#### **PURPOSE**

The Board is committed to a safe working environment, to making adequate provisions for the safety and health of its employees at their place of employment, and to the safety and health of the students we serve as well as the general public. The Board recognizes that no greater responsibility exists for the Board than to ensure the protection of our children.

The Board recognizes that substance abuse in our nation and community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills. The Board and its employees share a commitment to create and maintain a drug-free workplace.

The Board is responsible for the instruction and well-being of the students entrusted to its care. A consistent message needs to be communicated by the Board that the use of illegal drugs, the use of prohibited substances, the abuse of alcohol, and the misuse of prescription drugs are unacceptable.

Provisions of the Drug Free Workplace Act, 41 U.S.C.A. 702, require federal grant recipients to establish a drug-free workplace. Employees must be provided with a statement notifying them of the prohibitions pertaining to controlled substances, consequences of violations, and compliance with the drug-free policy as a condition of employment.

#### **POLICY GOALS AND OBJECTIVES**

1. To establish, promote and maintain a safe, healthy working and learning environment for employees and students.
2. To assist the affected employee in locating a rehabilitation program for employees with a self-admitted or detected substance-abuse problem.
3. To promote public trust of the District and its employees.
4. To eliminate substance abuse problems in the workplace.
5. To aid in the reduction of absenteeism, tardiness, and sub-standard job performance.
6. To provide a clear standard of job performance for District employees.
7. To provide a consistent model of substance-free behavior for students.

**Drug-Free/Alcohol-Free Schools****EMPLOYEE CONDUCT**

Substance abuse is the misuse or illicit use of alcohol, drugs, prohibited substances, or controlled substances. Use of illegal drugs or alcohol by employees interferes with the educational and work process. Employees on duty or on the Board's property, or in attendance at system-approved or school-related functions shall not manufacture, distribute, dispense, possess, use, sell or transfer illegal drugs, prohibited substances, or drug paraphernalia, nor shall they be under the influence of such drugs. Employee results that are flagged by the drug testing company as safety sensitive will be reported to the Superintendent. The Superintendent may request a physician's statement that outlines any and all work restrictions as a result of prescription medication use. Illegal drugs and prohibited substances include the following:

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

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

An employee convicted of a workplace violation of criminal drug law offense shall notify the Superintendent of such conviction no later than five (5) calendar days after such conviction.

Within thirty (30) calendar days after receiving notice of a conviction, the Superintendent shall take appropriate disciplinary action and/or refer the employee to an appropriate substance-abuse rehabilitation program.

Failure of the employee to report the conviction within the time prescribed may lead to disciplinary action up to and including discharge.

**ALCOHOL AND DRUGS**

Alcohol, prescription drugs, many prohibited substances, and over-the-counter drugs are illegal and readily available. These drugs when abused over time or used in combination with one another can result in chemical dependency or poly-drug addiction. Employees shall conduct themselves in a manner consistent with the following provisions.

Employees on duty or on Board property shall not be under any degree of intoxication. Employees shall not manufacture, sell or use alcoholic beverages while on Board property or on duty.

Employees on duty shall not use or take prescription drugs above the level recommended by the prescribing physician or use over-the-counter medications in a manner as to impair work performance and shall not use prescribed drugs or prohibited, for purposes other than those for which they are intended. Employees shall not dispense such drugs except as provided in Board policy 09.2241.

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

**BOARD CONTRACTED FACILITY**

Drug screening shall be conducted by Board-approved, independent, certified laboratories utilizing recognized techniques and procedures, more specifically described in procedures 03.13251 AP.1/03.23251 AP.1. The contract with such facility shall specify the substances to be tested for which may include but not be limited to: (to be determined after consultation with drug laboratory).

**PRE-EMPLOYMENT TESTING**

All employees occupying a safety sensitive position where a Commercial Driver's License (CDL) is required are subject to pre-employment drug testing, as defined in Board policy 06.221.

**TESTING**

All Floyd County Board of Education employees operating a vehicle owned by the Floyd County School system will submit to drug testing according to DOT guidelines following an accident.

**RANDOM SCREENING**

The Floyd County Board of Education has established a random drug-testing program for employees in a safety-sensitive position. The procedure is set forth in 03.13252 AP.1/03.23251 AP.1.

**PHYSICAL EXAMINATION/SCREENING BASED UPON REASONABLE SUSPICION**

The Superintendent/designee, with such assistance and input of the employees' supervisors as deemed necessary, is authorized to make the determination that reasonable suspicion or cause exists to order a drug screen of employees in safety-sensitive positions. Circumstances under which substance screening may be considered include, but are not limited to, the following:

1. Observed use, possession, or sale of illegal drugs and/or illegal use, possession, sale, or abuse of alcohol and/or the illegal use or sale of prescription drugs.
2. Apparent physical state of impairment of motor functions.
3. Marked changes in personal behavior not attributable to other factors.
4. Employee involvement in or contribution to an accident where the use of alcohol or drugs is reasonably suspected or employee involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury.

**Drug-Free/Alcohol-Free Schools****PHYSICAL EXAMINATION/SCREENING BASED UPON REASONABLE SUSPICION (CONTINUED)**

**Deleted:** 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.



5. A formal allegation made by a duly authorized law enforcement officer.

The circumstances under which substance screening may be considered are limited to employee conduct on duty or during working hours, or on or in Board property, or at school-related functions of the District.

Prior to substance screening, employees shall sign an acknowledgement that the summary result shall be transmitted to the Superintendent. Failure to comply will be considered insubordination and appropriate disciplinary actions shall occur.

#### **DISCIPLINARY ACTION**

Employees are hereby notified of the provisions of this policy and employees determined to be in violation shall be subject to discipline that extends up to and including termination as noted in Floyd County Board of Education policies 03.17 and 03.27.

#### **CONFIDENTIALITY**

Records that pertain to required substance screens are recognized to be private and sensitive records. They shall be maintained 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 shall keep any such records in a secure fashion to maintain confidentiality and privacy. Medical records, and information relating directly thereto, shall be maintained in accordance with provisions of Kentucky law and used with the highest regard for employee privacy consistent with the law and purpose of achieving and maintain a drug-free workplace. All personnel records and information regarding referral, evaluation, substance screening results shall not be placed in an employee's personnel file.

#### **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.

#### **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**

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

1. **Illegal use of drugs** means the use or purchase 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.
2. **Drug or illegal drug** means a controlled substance as defined in Schedules I through V of the Controlled Substances Act and any substance listed in KRS Chapter 218A as a controlled substance or any other substance that may be added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to KRS 218A.020.
3. **Conviction** means a finding of guilt, 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.
4. **Criminal Drug Law** means a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance
5. **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.
6. **Prohibited substances** include:
  - a. All prescription drugs obtained without authorization, and
  - b. 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.

**Percentage of Personnel in Random Drug Testing Program** full time employees randomly tested at 40%.

**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  
41 U.S.C.A. 702 (Drug Free Workplace Act)  
21 U.S.C.A. 812 (Controlled Substances Act)

**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: 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

- 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 and, if a school-based position is to be filled, shall be submitted with a certified statement reflecting the school's entitlement, current staffing, the reason(s) why the position was vacant, and the financial impact of the employment.

**EFFECTIVE DATE**

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

**HIRING OF RETIRED PERSONS**

The Superintendent may rehire at full pay classified personnel (62 years of age or older) who have retired from the District and are receiving Social Security and County retirement benefits.

**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."

Employment shall be contingent on receipt of records documenting that the individual ~~has not been convicted of an offense that would classify a person as a violent offender under KRS 439.3401, a sex crime defined by KRS 17.500 or a misdemeanor offense under KRS Chapter 510, is required to register as a sex offender,~~ 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.

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"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;



**Hiring**

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

- 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/>.~~

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.

**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>

**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 in the Central Office and in each school building 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.

**REVIEW OF APPLICATIONS**

Applications for candidates not employed shall be retained for ~~two (2)~~ years.

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**Hiring****REVIEW OF APPLICATIONS (CONTINUED)**

Only complete applications shall be released to school and Department Leads. The Superintendent shall release all applications to the District Lead. The Lead will select no fewer than five (5) qualified applicants to interview. The Interview Committee, which may include the Superintendent, shall be composed of at least three (3) members, one (1) of whom shall be a building Principal. All applicant interviews shall be arranged through the Office of Human Resources.

To be considered an applicant for a position, the person must have the following information on file in the Office of Human Resources:

1. Completed application form;
2. Current license, if required, by position;
3. Official transcript of all college work and/or a copy of the person's high school diploma or High School Equivalency Diploma; and
4. Three (3) letters of recommendation on the required form.

**HIRING 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>

**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.

**CONTRACT**

All regular full-time and part-time employees shall receive a contract.

**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.

**Hiring****EMPLOYEES SEEKING A JOB CHANGE**

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

**REFERENCES:**

<sup>1</sup>KRS 160.380  
<sup>2</sup>702 KAR 5:080, KRS 160.345, KRS 160.390  
<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 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  
13 KAR 3:030; 702 KAR 3:320  
Kentucky Local District Classification Plan  
Records Retention Schedule, Public School District

**RELATED POLICIES:**

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221

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

#### **PURPOSE**

The Board is committed to a safe working environment, to making adequate provisions for the safety and health of its employees at their place of employment, and to the safety and health of the students we serve as well as the general public. The Board recognizes that no greater responsibility exists for the Board than to ensure the protection of our children.

The Board recognizes that substance abuse in our nation and community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills. The Board and its employees share a commitment to create and maintain a drug-free workplace.

The Board is responsible for the instruction and well-being of the students entrusted to its care. A consistent message needs to be communicated by the Board that the use of illegal drugs, the abuse of alcohol, and the misuse of prescription drugs are unacceptable.

Provisions of the Drug Free Workplace Act, 41 USCA 702, require federal grant recipients to establish a drug-free workplace. Employees must be provided with a statement notifying them of the prohibitions pertaining to controlled substances, consequences of violations, and compliance with the drug-free policy as a condition of employment.

#### **POLICY GOALS AND OBJECTIVES**

1. To establish, promote and maintain a safe, healthy working and learning environment for employees and students.
2. To assist the affected employee in locating a rehabilitation program for employees with a self-admitted or detected substance-abuse problem.
3. To promote public trust of the District and its employees.
4. To eliminate substance abuse problems in the workplace.
5. To aid in the reduction of absenteeism, tardiness, and sub-standard job performance.
6. To provide a clear standard of job performance for District employees.
7. To provide a consistent model of substance-free behavior for students.

#### **EMPLOYEE CONDUCT**

Substance abuse is the misuse or illicit use of alcohol, drugs, or controlled substances.



**Drug-Free/Alcohol-Free Schools****EMPLOYEE CONDUCT (CONTINUED)**

Use of illegal drugs or alcohol by employees interferes with the educational and work process. Employees on duty or on the Board's property, or in attendance at system-approved or school-related functions shall not manufacture, distribute, dispense, possess, or use illegal drugs, or drug paraphernalia, nor shall they be under the influence of such drugs. An employee convicted of a workplace violation of criminal drug law offense shall notify the Superintendent of such conviction no later than five (5) calendar days after such conviction. Within thirty (30) calendar days after receiving notice of a conviction, the Superintendent shall take appropriate disciplinary action and/or refer the employee to an appropriate substance-abuse rehabilitation program.

Failure of the employee to report the conviction within the time prescribed may lead to disciplinary action up to and including discharge.

**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.

**ALCOHOL AND DRUGS**

Alcohol, prescription drugs, and over-the-counter drugs are illegal and readily available. These drugs when abused over time or used in combination with one another can result in chemical dependency or poly-drug addiction. Employees shall conduct themselves in a manner consistent with the following provisions.

Employees on duty or on Board property shall not be under any degree of intoxication. Employees shall not manufacture, sell or use alcoholic beverages while on Board property or on duty.

Employees on duty shall not use or take prescription drugs above the level recommended by the prescribing physician or use over-the-counter medications in a manner as to impair work performance and shall not use prescribed drugs for purposes other than those for which they are intended. Employee results that are flagged by the drug testing company as safety sensitive will be reported to the Superintendent. The Superintendent may request a physician's statement that outlines any and all work restrictions as a result of prescription medication use. Employees shall not dispense such drugs except as provided in Board policy 09.2241.

**BOARD CONTRACTED FACILITY**

Drug screening shall be conducted by Board-approved, independent, certified laboratories utilizing recognized techniques and procedures, more specifically described in procedures 03.13251 AP.1/03.23251 AP.1. The contract with such facility shall specify the substances to be tested for which may include but not be limited to: (to be determined after consultation with drug laboratory)

**PRE-EMPLOYMENT TESTING**

All employees occupying a safety sensitive position where a Commercial Driver's License (CDL) is required are subject to pre-employment testing, as defined in Board policy 06.221.

PERSONNEL

03.23251  
(CONTINUED)

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

**RANDOM SCREENING**

The Floyd County Board of Education has established a random drug-testing program for employees in a safety-sensitive position. The procedure is set forth in 03.13252 AP.1/03.23251 AP.1

**PHYSICAL EXAMINATION/SCREENING FOR DRIVERS OF FLOYD COUNTY SCHOOL VEHICLES**

All employees driving Floyd County School vehicles will be required to complete a post-accident drug and alcohol test upon request of the Superintendent based on U.S. DOT regulations.

**PHYSICAL EXAMINATION/SCREENING BASED UPON REASONABLE SUSPICION**

The Superintendent/designee, with such assistance and input of the employees' supervisors as deemed necessary, is authorized to make the determination that reasonable suspicion or cause exists to order a drug screen of employees in safety-sensitive positions. Circumstances under which substance screening may be considered include, but are not limited to, the following:

1. Observed use, possession, or sale of illegal drugs and/or illegal use, possession, sale, or abuse of alcohol and/or the illegal use or sale of prescription drugs.
2. Apparent physical state of impairment of motor functions..
3. Marked changes in personal behavior not attributable to other factors.
4. Employee involvement in or contribution to an accident where the use of alcohol or drugs is reasonably suspected or employee involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury.
5. A formal allegation made by a duly authorized law enforcement officer.

The circumstances under which substance screening may be considered are limited to employee conduct on duty or during working hours, or on or in Board property, or at school-related functions of the District.

**PHYSICAL EXAMINATION/SCREENING BASED UPON REASONABLE SUSPICION (CONTINUED)**

Prior to substance screening, employees shall sign an acknowledgement that the summary result shall be transmitted to the Superintendent. Failure to comply will be considered insubordination and appropriate disciplinary actions shall occur.

**DISCIPLINARY ACTION**

Employees are hereby notified of the provisions of this policy and employees determined to be in violation shall be subject to discipline that extends up to and including termination as noted in Floyd County Board of Education policies 03.17 and 03.27.

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

Records that pertain to required substance screens are recognized to be private and sensitive records. They shall be maintained 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 shall keep any such records in a secure fashion to maintain confidentiality and privacy. Medical records, and information relating directly thereto, shall be maintained in accordance with provisions of Kentucky law and used with the highest regard for employee privacy consistent with the law and purpose of achieving and maintain a drug-free workplace. All personnel records and information regarding referral, evaluation, substance screen results shall not be placed in an employee's personnel file.

**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/ 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,;
4. Information about available drug/alcohol counseling programs and available rehabilitation/employee assistance programs; and
5. Penalties that may be imposed upon employees for drug/alcohol abuse violations.

**DEFINITIONS AS USED IN THIS POLICY**

**Illegal use of drugs** means the use or purchase 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 the Controlled Substances Act and any substance listed in KRS Chapter 218A as a controlled substance or any other substance that may be added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to KRS 218A.020.

**Conviction** means a finding of guilt, 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.

**Percentage of Personnel in Random Drug Testing Program** full time employees randomly tested at 40%.

PERSONNEL

03.23251  
(CONTINUED)

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

**REFERENCES:**

[KRS 158.155](#); KRS 160.290; KRS 161.120; KRS 161.790  
KRS 217.900; KRS 218A.1447; [KRS 218B.045](#)  
34 C.F.R. Part 85  
41 U.S.C.A. 702 (Drug Free Workplace Act)  
21 U.S.C.A. 812 (Controlled Substances Act)

**RELATED POLICIES:**

03.1325; 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 162.170; 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

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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 Code of Acceptable Behavior and Discipline and a description of instructional placement options for threatening or violent students. The committee that develops the plan for Board consideration shall include at least one (1) representative from each school in the 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.

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**Safety****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.

**DISTRICT SCHOOL SAFETY COORDINATOR**

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

1. Complete the school safety coordinator training program developed by the Center for School Safety within six (6) months of 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 by 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;
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
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.

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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:



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

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

**SUPERINTENDENT TO REPORT**

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

**AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)**

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

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

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

**SCHOOL EMERGENCY PLANNING**

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

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

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

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

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

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

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



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

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

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

1. Establish and post primary and secondary evacuation routes in each room by any doorway used for evacuation;
2. Identify the best available severe weather safe zones, in consultation with local and state safety officials and informed by guiding principles set forth by the National Weather Service and the Federal Emergency Management Agency, and post the location of the safe zones in each room;
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 school building and, as funds become available, at school-sanctioned 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;

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

- 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;
  - d) Ensure that all interscholastic athletic coaches maintain a cardiopulmonary resuscitation certification recognized by a national accrediting body on heart health; and
  - e) No later than November 1 of each school year, submit an annual report to the Kentucky Department of Education on:
    - i. The number and location of each portable 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.

**Safety****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 emergency. The process may include, but is not limited to, use of intercoms, telephones, and two-way radios.

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**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

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KRS 160.290; KRS 160.445

KRS 311.665 to KRS 311.669; KRS 311.667; KRS 411.148

702 KAR 1:180

**RELATED POLICIES:**

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

LEGAL: 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 Driver Rights and Responsibilities

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

#### **ACCIDENT REPORTS**

Drivers are responsible for having each accident investigated at the time of occurrence and reporting such accident to the Superintendent's office immediately.

#### **MAINTENANCE**

Drivers shall be responsible for keeping their bus reasonably clean and for reporting all repairs or adjustments required for the safe and dependable operation of the bus.

#### **SAFETY**

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

#### **SCHOOL BUS IDLING**

This applies to the operation of every District-owned school bus.

The purpose of this is to reduce student, driver and community exposure to diesel exhaust particulate matter by limit unnecessary idling of school buses.

Measures:

1. When school bus drivers arrive at loading or unloading areas to drop off or pick up passengers, they should turn off their buses as soon as possible to eliminate idling time and reduce harmful emissions. The school bus should not be restarted until it is ready to depart and there is a clear path to exit the pick up area. Exceptions include conditions that would compromise passenger safety, such as:
  - a. Extreme weather conditions
  - b. Idling in traffic
2. At the bus parking area, limit the idling time during early morning warm up to what is recommended by the manufacturer (generally three (3) – five (5) minutes) in all but the coldest weather.
3. Buses should not idle while waiting for student during field trips, extracurricular activities or other event where students are transported off school grounds.
4. In colder weather, schools are directed to provide a space inside the school where bus drivers who arrive early can wait.

**Bus Driver Rights and Responsibilities**

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**SCHOOL BUS IDLING (CONTINUED)**

- 5. In colder weather, if the warmth of the bus is an issue, idling is to be at a very minimum and occur outside the school zone. The “warmed” bus is to enter the school zone as close to pick up time as possible to maintain warmth and then shut down.
- 6. All drivers shall receive a copy of this policy at the beginning of every school year.

**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.

**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:**

- <sup>1</sup>702 KAR 5:080; 702 KAR 5:150
- KRS 158.110
- KRS 189.370; KRS 189.375; KRS 189.380; KRS 189.450; KRS 189.540; KRS 189.550
- KRS 281A.170 to KRS 281A.175; KRS 281A.205

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**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 FOR**

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.~~

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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>~~

Deleted: 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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#### **PRIVATE INDIVIDUAL CONTRACTS**

In extreme situations, the Board may contract with private individuals to provide transportation for students who live on side roads inaccessible to bus traffic. In such cases, the contract shall be for transportation to an existing bus route only.

The vehicle used and the driver of said vehicle shall meet all safety and maintenance and training requirements, respectively, of regular school buses and drivers.

The distance traveled from the residence of the student(s) to the existing bus route shall be one (1) mile or more.

#### **REFERENCES:**

<sup>1</sup>KRS 158.070

~~<sup>2</sup>KRS 156.153~~

KRS 158.110

KRS 158.115

702 KAR 5:030

702 KAR 5:060

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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 THE STANDARD FOR STUDENT BEHAVIOR, REPORTING, AND PROTECTION FROM RETALIATION ON SCHOOL-SPONSORED TRANSPORTATION.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TRANSPORTATION

06.33

### **Regular Bus Stops**

#### **DISCHARGE OF PUPILS**

Pupils shall be discharged at their regularly scheduled stops only, except with authorization from the Principal/designee to discharge a pupil at another location.<sup>1</sup> Preschool students shall be transported in accordance with applicable regulations.<sup>2</sup>

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

#### **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>

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#### **REFERENCES:**

- <sup>1</sup>702 KAR 5:080
- <sup>2</sup>702 KAR 5:150
- KRS 158.110
- KRS 189.370
- KRS 189.375
- KRS 189.540

#### **RELATED POLICIES:**

06.34; 09.2261

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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 OF VIOLATIONS**

The bus drivers 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.

#### **DISCHARGE OF PUPILS FROM 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 authorized to order the offending pupils from the bus. In the event a pupil is discharged for disciplinary reasons, the driver shall make every effort to do so near a house or open business establishment. At the first reasonable opportunity, the driver shall notify the Principal of the school where the pupil attends or the Superintendent and the student's parent or legal guardian.<sup>1</sup> 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 Superintendent or the Superintendent's designee may withhold bus-riding privileges up to the remainder of the school year.

#### **RESTITUTION OF DAMAGES**

The parents or guardians may be held responsible for restitution of any damages, beyond normal usage, inflicted by their child.

#### **STUDENTS WITH DISABILITIES**

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

TRANSPORTATION

06.34  
(CONTINUED)

**Conduct on Bus**

**REFERENCES:**

<sup>1</sup>KRS 158.150; 702 KAR 5:030; 702 KAR 5:080

<sup>2</sup>20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA); Section 504 of Rehabilitation Act of 1973

KRS 158.110; KRS 160.705; 702 KAR 5:100

**RELATED POLICIES:**

[06.22](#); [09.226](#); [09.2261](#); [09.425](#); [09.434](#); [09.438](#)

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**RELATED PROCEDURE:**

[06.34 AP.2](#)



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.

**DIRECTORY INFORMATION**

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

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

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****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 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)

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**RELATED POLICIES:**

09.111; 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.~~

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~~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>~~

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**STUDENT IDENTIFICATION BADGES**

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

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

**SUICIDE PREVENTION STAFF TRAINING**

All employees with job duties requiring direct contact with students in grades ~~four (4)~~ through twelve (12) shall ~~each school year~~ 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~~ 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>

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**SUICIDE PREVENTION STUDENT LESSONS**

~~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 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~~ 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>

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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**Deleted:** 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 158.156**

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.

**Deleted:** ~~KRS 158.155 (CONTINUED)~~

**Deleted:** 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.



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.

#### **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 cardiopulmonary resuscitation for infants and children.

#### **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.

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

The District shall maintain a portable AED in a public, readily accessible, well-marked location in every school building and, as funds become available, at school-sanctioned 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>

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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.

#### **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.

STUDENTS

09.224  
(CONTINUED)

**Emergency Medical Treatment**

**EMERGENCY CARE PROCEDURES (CONTINUED)**

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.

Please select one option.

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 BASED ON THE STATEWIDE TRANSPORTATION SERVICES POLICY GUIDELINES INCLUDING THE STANDARD FOR STUDENT BEHAVIOR, REPORTING, AND PROTECTION FROM RETALIATION ON SCHOOL-SPONSORED TRANSPORTATION.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.226

### Conduct on School Bus

#### **PUPILS' RESPONSIBILITIES**

Pupils shall conform to transportation rules and regulations prescribed under state statutes<sup>1</sup>, state and local regulations, and the [District Transportation Services Policy](#).

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

The [District Transportation Services Policy](#) shall be provided to all transported students and their parents/guardians. Each student and **at least one (1) of their parents/guardians** shall **acknowledge in writing** the receipt, comprehension, and agreement of adherence to the [Transportation Services Policy](#).

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#### **PUPILS TO WAIT AT ASSIGNED STOP**

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

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

Pupils shall not cross the roadway when entering the school bus until signaled to do so by the bus driver.

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

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

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#### **SEATING**

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

#### **SEATED UNTIL COMPLETE STOP**

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

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

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

#### **CHANGING SEATS**

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

#### **PUPIL NOISE**

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

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STUDENTS

09.226  
(CONTINUED)

**Conduct on School Bus**

**REFERENCES:**

~~KRS 156.160; KRS 156.070; KRS 158.110;~~  
~~KRS 160.290; KRS 160.340; KRS 189.540~~

**RELATED POLICIES:**

~~06.22; 06.34; 09.2261~~

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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.~~

**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>

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After making that 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.

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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, after making the required report, to conduct an independent investigation of the allegations in order to determine appropriate personnel action.

### **WRITTEN REPORT**

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

### **WRITTEN RECORDS**

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

### **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 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, within ninety (90) days of being hired, and then every two (2) years thereafter.

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**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

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 Code of Acceptable Behavior and Discipline, based on statewide student discipline guidelines provided by the Kentucky Department of Education. 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.

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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.

#### 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.~~

\*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.

**PROGRAM TO ADDRESS**

Each school, with assistance from the Superintendent/designee, shall implement a comprehensive program with the following goals to address bullying and hazing:

1. To send a clear message to students, staff, parents, and community members that such behavior will not be tolerated.
2. To train staff and students in taking pro-active steps to prevent such behaviors from occurring.
3. To implement procedures for immediate intervention, investigation, and confrontation to students engaged in prohibited behavior.
4. To initiate efforts to change the prohibited behavior of students through education on acceptable behavior, discussions, counseling, and appropriate negative consequences.

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<b>Deleted:</b> an action which endangers the mental or physical health of a minor or student for the purpose of recruitment, initiation into, affiliation with, or enhancing or maintaining membership or status within any organization*, including but not limited to actions which cause, coerce, or force a minor or a student to:¶ Violate federal or state criminal law;¶ Consume any food, liquid, alcoholic liquid, drug, tobacco product, or other controlled substance which subjects the minor or student to a risk of mental harm or physical injury;¶ Endure brutality of a physical nature, including whipping, beating or paddling, branding, or exposure to the elements;¶ Endure brutality of a mental nature, including personal servitude, sleep deprivation, or circumstances which would cause a reasonable person to suffer substantial mental distress;¶ Endure brutality of a sexual nature; or¶ Endure any other activity that creates a reasonable likelihood of mental harm or physical injury to the minor or student.
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STUDENTS

09.422  
(CONTINUED)

**Bullying/Hazing**

**PROGRAM TO ADDRESS (CONTINUED)**

1. To foster a productive partnership with parents and community members in order to help maintain a safe and civil environment.
2. To help develop peer support networks, social skills, and confidence for all students.
3. To recognize and praise positive, supportive behaviors of students toward one another on a regular basis.

**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.

The District Code shall specify that reports of alleged instances of bullying or hazing shall be made to the Principal/ designee. 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.

As directed by the Superintendent/designee, each Principal shall report on a periodic basis the number of bullying/hazing incidents and progress made toward reducing reoccurrence.

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.

**NOTIFICATION**

Within forty-eight (48) hours of receiving a serious allegation of bullying, District personnel shall attempt to notify parents by phone or registered mail of both student victims and students who have been accused of bullying.

**Bullying/Hazing****PROHIBITION**

Bullying is prohibited at all times on school property and off school grounds during school-sponsored activities or on school transportation. School staff shall provide for a prompt and equitable resolution of complaints concerning bullying. This policy extends to any/all student language or behavior including, but not limited to, the use of electronic or online methods and interferes with the ability of other students to take advantage of the educational opportunities offered. The provisions of this policy shall not be interpreted as applying to speech otherwise protected under the state or federal constitutions where the speech does not otherwise materially or substantially disrupt the education process, as defined by policy 09.426, or where it does not violate provisions of this policy.

**DISCIPLINARY ACTION**

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

**GUIDELINES**

Students who believe they have been a victim of an act of bullying or who have observed incidents involving other students that they believe to be an act of bullying shall report it. In each school building, the Principal/designee is the person responsible for receiving reports of bullying. The Principal/designee then shall provide the following:

1. Investigation of allegations of bullying to commence as soon as circumstances allow, but not later than twenty-four (24) hours of the original written complaint. A written report of all findings of the investigation shall be completed within ten (10) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency. The Principal/designee may take interim measures to protect complainants during the investigation.
2. A process to identify and implement, within three (3) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the bullying. If corrective action is not required, an explanation shall be included in the report.
3. A process to be developed and implemented to communicate requirements of this policy to all students, which may include, but not be limited to, the following:
  - Written notice provided in publications such as handbooks, codes, and/or pamphlets.
  - Such other measures as determined by the School Principal/designee.

**CONFIDENTIALITY**

District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of both victim and the person accused of violations.

**Bullying/Hazing**

**APPEAL**

Upon the completion of the investigation and correction of the conditions leading to the bullying, any party may appeal in writing any part of the findings and corrective actions to the Superintendent. (Reference the appeal process in the Floyd County Schools Student Handbook & Code of [Acceptable Behavior and Discipline](#).)

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**RETALIATION PROHIBITED**

No one shall retaliate against an employee or student because s/he files a written grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of bullying of an individual or because s/he has opposed language or conduct that violates this policy. Upon the resolution of allegations, the Superintendent shall take steps to protect employees and students against retaliation.

**FALSE COMPLAINTS**

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

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

The Floyd County grade range for terms of drug testing as applies to this policy is grades 6-12.

**DRUGS AND ALCOHOL**

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 drug substances and drug paraphernalia;
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.

**DRUGS DEFINED**

Controlled substance means any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance which may be added by the Kentucky Department of Health Services under regulations pursuant to KRS 218A.010.

**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.

**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. 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.

**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.~~

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**Deleted:** 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.¶



**Use of Alcohol, Drugs and Other Controlled 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 (2) components:

1. Education and Prevention Plan
2. Drug Testing Policy

**EDUCATION AND PREVENTION PLAN**

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.

**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 training. Instructional units on drug abuse, such as those currently taught in our health courses, will be enhanced by this teacher education component. When substance abuse is suspected, teachers will confidentially consult with the Principal and counselor.

**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 participants/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.

**STATEMENT OF NEED**

All athletic and extracurricular team coaches/sponsors and the administration of County middle and high schools 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.

**Use of Alcohol, Drugs and Other Controlled Substances****STATEMENT OF NEED (CONTINUED)**

Athletic teams and extracurricular activities covered by this policy shall apply to all middle and high school varsity and sub varsity athletic and extracurricular activities including, but not limited to, baseball, boys basketball, girls basketball, cheerleading, cross country, football, softball, tennis, track, volleyball, wrestling, academic teams, archery and clubs. All students who participate in these activities are covered under this policy. All students who drive a vehicle onto school grounds are also covered by the policy. The subsequent addition of any extracurricular activity, varsity or sub varsity 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 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 eighteen (18) years of age, the administrator shall not release any student's test results to any person other than those described within this policy (Superintendent or his/her designee, Principal, Assistant Principal, Counselor, DPP) or as required by law or a lawfully issued subpoena or court order.

In order to accomplish its purposes, this policy established 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 in this policy provides incentives for rehabilitation through possible reinstatement to the specific athletic team or extracurricular activity involved.

**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 drugs;
3. To protect District students from the potential stigma of unsubstantiated allegations of unlawful use of alcohol and other drugs;
4. 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.

**Use of Alcohol, Drugs and Other Controlled Substances****IMPLEMENTATION AND REVIEW**

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 review and evaluate the effectiveness of the drug testing policy on an annual basis.

**APPLICABILITY**

This policy applies to all students choosing to participate in any extracurricular activity, including students/players at the varsity and sub varsity levels, and to students who drive or park on school property. Parents/Guardians may voluntarily place their child into the volunteer pool which tests ten percent (10%) annually at the expense of the Floyd County Board of Education. Parents must sign the consent to test form with an agreement for mandatory drug counseling program for all students who test positive.

**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 substances which will be determined after consultation with the drug testing company.

**FREQUENCY**

The first year of implementation, all students participating in extracurricular activities shall be subject to random testing to include fifty percent (50%) of the total number of student participants. The second year and each year thereafter this population will be subject to random testing to include sixty percent (60%) of the total number of student participants annually.

**Use of Alcohol, Drugs and Other Controlled Substances****SANCTIONS****FIRST VIOLATION**

1. A student testing positive will be suspended for the next six (6) consecutive interscholastic/extracurricular events or the next six (6) weeks of the season, whichever is greater in time. Student drivers shall be denied permission to drive and/or park on school property for the next six (6) consecutive weeks of school. The suspension will begin on 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 any activity not required by the school for educational purposes, and/or the following season.

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 has concluded prior to the expiration of the student's own election or because the season has concluded prior to the expiration of the student's period of suspension) the student is still required to serve the unexpired portion of the previous suspension.

**SECOND VIOLATION**

1. 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 the 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 the activity after the second violation (either because of the student's own election or because the season has concluded prior to the expiration of the student's period of suspension) the student is still required to serve the unexpired portion of the previous suspension. The student must complete all forms required for participation on another extracurricular activity. A student serving a suspension for one (1) 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. If the student makes the team, prior to participation, the student must serve the unexpired portion of the previous suspension.

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

**THIRD VIOLATION**

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 sub varsity) 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 and/or activity sponsor 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 who 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, understand and fully agree to be bound by the terms, conditions, and procedures under the 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 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 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 drug/alcohol abuse violations.

**REFERENCES:**

OAG 82-633; OAG 93-32  
 KRS 158.150; KRS 158.154; KRS 158.155  
 KRS 160.290; KRS 161.180  
 KRS 218A.020; KRS 217.900; KRS 218A.1447; ~~KRS 218B.045~~  
 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).

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**RELATED POLICIES:**

09.221; 09.2241

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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 standards while under the supervision of the school shall be subject to penalties set forth in the Code of Acceptable Behavior and Discipline. For purposes of this policy, the term parent also includes the person serving as guardian.

#### 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 438.350  
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

#### 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>

#### 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.

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>

#### 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.

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 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.

**Assault and Threats of Violence**

**REMOVAL OF STUDENTS (CONTINUED)**

A written report of violent acts is to be submitted to the Superintendent or designee.

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.~~

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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;~~
- e. ~~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~~



**Assault and Threats of Violence**

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

~~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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**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.

**Deleted:** 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.¶

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.

Any District employee assigned to work directly on a continuing basis with, a student who has 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 prior to the assignment.



STUDENTS

09.425  
(CONTINUED)

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

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

The Board does recognize in rare and limited cases, legitimate acts of self defense do occur and in those instances, the student who is acting to defend his or her person from an unprovoked attack should not be automatically considered in violation of this Policy.

#### **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

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#### **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

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 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.

**Deleted:** , as recommended by the federal Substance Abuse and Mental Health Services Administration,

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.~~

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

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

**SERIOUS PROBLEMS**

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

**COUNCIL RESPONSIBILITY**

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

In non-SBDM schools, the Principal shall make these decisions in compliance with Board policy.

**REPORTING**

Each school shall annually provide to the KDE, 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.

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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~~; ~~09.226.1~~; 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

### Code of Acceptable Behavior and Discipline

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#### DEVELOPMENT

In accordance with KRS 158.148 the Board shall adopt a student Code of Acceptable Behavior and Discipline, 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. As required by KRS 158.148, a process shall be developed to provide information to those parties and to train employees.

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

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The Code also shall include a process addressing how students can report Code 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.

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#### REVIEW

The Board shall update the Code at least every two (2) years.

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#### REPORTING OF DATA

As directed by the 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.

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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)

**Code of Acceptable Behavior and Discipline**

Deleted: Student 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

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**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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- CERTIFIED PERSONNEL -

**Athletic Directors, Coaches and Assistant Coaches**

Any middle or high school coach (head or assistant, paid or unpaid) shall successfully complete all training required by the District, the Kentucky Board of Education, the Kentucky High School Athletic Association, and state law and regulation. This shall include safety and first aid training and providing the school documentation of successful completion of a cardiopulmonary resuscitation (CPR) course that includes the use of an automated external defibrillator and first aid training, conducted by an instructor or program approved by a college or university, the American Red Cross or American Heart Association,  Certification shall require use in-person instruction with certification updated as required by the approving agency.<sup>3</sup> All interscholastic athletic coaches shall maintain a CPR certification through the American Red Cross or American Heart Association.<sup>4</sup>

Nonfaculty coaches and nonfaculty assistants shall complete District training that includes information on the physical and emotional development of students of the age with which they will be working, the District's and school's discipline policies, procedures for dealing with discipline problems, and safety and first aid training. Follow-up training shall be provided annually.<sup>2</sup>

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**SELECTION OF ATHLETIC DIRECTORS, HEAD COACHES AND ASSISTANT COACHES**

The Principal shall select the athletic director, where appropriate, and coach for each sport and the Superintendent shall complete the hiring action. However, under [KRS 156.070](#) and related regulations, non-teaching personnel may be selected to serve as coaches.

**REQUIREMENTS**

**Athletic Director**

- Full time certified employee for high schools.
- Full-time certified or classified employee for K-8 programs.
- Member of the school faculty where serving.

**Head Coach and Assistant Coach – All High School Sports**

- Employee of the District. Employment may be either full-time or part-time and either certified or classified.
- Successful completion of KHSAA coaching requirements.
- If not certified, successful completion of Floyd County Schools Volunteer Training is required. Certification is for two (2) years.
- If not a full time employee, an annual criminal records check under [KRS 160.380](#) and [KRS 161.1851](#) shall be required.

**Head Coach and Assistant Coach – All Middle and Elementary School Sports**

- Successful completion of Floyd County Schools coaching seminar.
- Current CPR/First Aid Certification.



PERSONNEL

03.1161  
(CONTINUED)

**Coaches and Assistant Coaches**

**SELECTION OF ATHLETIC DIRECTORS, HEAD COACHES AND ASSISTANT COACHES  
(CONTINUED)**

- If not certified, successful completion of Floyd County Schools Volunteer Training is required. Certification is for two (2) years.
- If not a full-time employee, an annual criminal records check shall be required.
- Successful completion of the KHSAA Sports Safety Course

\*Cheerleading and dance are considered sports by the Floyd County Schools and are subject to these requirements.

**REFERENCES:**

<sup>1</sup>[KRS 160.380](#)

<sup>2</sup>[KRS 161.185](#)

<sup>3</sup>[702 KAR 007:065](#)

<sup>4</sup>[KRS 158.162](#)

Kentucky High School Athletic Association (KHSAA)

[KRS 156.070](#); [KRS 160.445](#); [KRS 161.044](#); [KRS 161.180](#)

[OAG 73-206](#); [OAG 76-555](#)

**RELATED POLICIES:**

03.2141; 03.5; 09.221; 09.31; 09.311

Adopted/Amended: 8/11/2023

Order #: 20372



**- CLASSIFIED PERSONNEL -****Nonteaching Coaches and Assistant Coaches**

Any middle or high school coach (head or assistant, paid or unpaid) shall successfully complete all training required by the District, the Kentucky Board of Education, the Kentucky High School Athletic Association, and state law and regulation. This shall include safety and first aid training and providing the school documentation of successful completion of a cardiopulmonary resuscitation (CPR) course that includes the use of an automated external defibrillator and first aid training, conducted by an instructor or program approved by a college or university, the American Red Cross, American Heart Association, or other bona fide accrediting agency. Initial certification shall use in-person instruction with certification updated as required by the approving agency.<sup>2</sup> All interscholastic athletic coaches shall maintain a CPR certification recognized by ~~the American Red Cross or American Heart Association.~~<sup>3</sup>

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

**REFERENCES:**

<sup>1</sup>[KRS 161.185](#)

<sup>2</sup>[702 KAR 007:065](#)

<sup>3</sup>[KRS 158.162](#)

Kentucky High School Athletic Association (KHSAA)

[KRS 156.070](#); [KRS 160.445](#)

**RELATED POLICIES:**

03.1161

09.221

09.311

Adopted/Amended: 8/11/2023

Order #: 20372

**Driver and Substitute Driver Training**

**RESPONSIBILITY**

The Transportation Director shall be responsible for providing the annual required in-service school bus driver training in accordance with [702 KAR 005:030](#) and [702 KAR 005:080](#).

All training requirements include both regular and substitute drivers.

**FIRST AID AND CARDIOPULMONARY RESUSCITATION (CPR) TRAINING REQUIRED**

All school bus drivers, student transportation technicians, and employees that transport students shall, at a minimum, receive basic first aid, ~~CPR, and AED~~ training by a person with a valid certificate in first-aid training, including CPR, ~~AED~~ from the American Red Cross; or ~~American Heart Association~~, that can be verified by documentary evidence.<sup>1</sup>

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**COMMERCIAL DRIVER'S LICENSE**

The Board may pay the fee for the commercial driver's license required for all bus drivers and substitute bus drivers. Any license certification beyond what is required to drive school buses must be paid for by the individual.

**REFERENCES:**

- [<sup>1</sup>702 KAR 005:080](#)
- [KRS 189.370](#)
- [KRS 189.375](#)
- [KRS 189.380](#)
- [KRS 189.450](#)
- [KRS 189.540](#)
- [KRS 189.550](#)
- [KRS 189.580](#)
- [KRS 189.635](#)
- [702 KAR 005:030](#)
- [702 KAR 005:010](#)

Adopted/Amended: 7/26/2021  
Order #: 19873

### Safety (Athletics)

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

#### **SUPERVISION**

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

At every football or basketball contest between two (2) county teams, the Principal or the Principal's designee from each school shall be present.

#### **TRAINING**

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

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

Any middle or high school coach (head or assistant, paid or unpaid) shall successfully complete training as required by the District, the Kentucky Board of Education, the Kentucky High School Athletic Association, and state law and regulation. This shall include safety and first aid training and providing the school documentation of successful completion of a cardiopulmonary resuscitation (CPR) course that includes the use of an automated external defibrillator (AED) and first aid training, conducted by an instructor or program approved by a college or university, the American Red Cross, American Heart Association. Initial certification shall use in-person instruction with certification updated as required by the approving agency.<sup>4</sup> All interscholastic athletic coaches shall maintain a CPR certification recognized by a national accrediting body on heart health.<sup>5</sup>

Deleted: , or other bona fide accrediting agency.

Non-faculty coaches and non-faculty assistants shall complete District training that includes information on the physical and emotional development of students of the age with which they will be working, the District's and school's discipline policies, procedures for dealing with discipline problems, and safety and the first aid training. Follow-up training shall be provided annually.<sup>3</sup>

#### **EMERGENCY ACTION PLAN**

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

#### **CARDIAC EMERGENCY RESPONSE PLAN**

A written cardiac emergency response plan that clearly identifies the location of each AED shall be rehearsed by simulation prior to the beginning of each athletic season by all: licensed athletic trainers, school nurses, and athletic directors; and interscholastic coaches and volunteer coaches of each athletic team active during that athletic season.

**Safety (Athletics)****CONCUSSIONS**

When an interscholastic coach, school athletic personnel, or contest official suspect that a student athlete has sustained a concussion during an athletic practice or competition, the student shall be removed from play and evaluated by a physician or licensed health care provider, as specified in statute, who shall determine if a concussion has occurred. Upon the completion of the required evaluation, the coach may return the student to play if it is determined that no concussion has occurred. If no physician or licensed health care provider is present to perform the required evaluation, the coach shall not return the student to play or participate in subsequent practices or athletic competitions until written clearance is provided.

A student athlete deemed to be concussed shall not be permitted to participate in any athletic practice or competition occurring on the day of the injury or, unless a physician provides written clearance, participate in any practice or athletic competition held on a subsequent day.

**SAFETY AND SECURITY**

The Principal of each school shall meet with the Division of Safety and Security personnel at the beginning of each school year to develop procedures to promote the safety and control of spectators and participants before, during, and after athletic contests. The host school is responsible for providing safety and security for athletic contests.

Facilities used for practices and athletic competitions should be checked daily for safety and health hazards.

**MEDICAL EXAMINATION**

Each student seeking eligibility to participate in any school athletic activity must pass an annual medical examination performed and signed by a medical practitioner as required by law.<sup>2</sup>

The required physical examination and parental authorization shall include acknowledgement of receipt of information on the nature and risk of concussion and head injury, including the continuance of playing after concussion or head injury.<sup>1</sup>

**REFERENCES:**

- <sup>1</sup>[KRS 160.445](#)
- <sup>2</sup>[KRS 156.070](#)
- <sup>3</sup>[KRS 161.185](#)
- <sup>4</sup>[702 KAR 007:065](#)
- <sup>5</sup>[KRS 158.162](#)

**RELATED POLICIES:**

- 03.1161
- 03.2141

Adopted/Amended: 8/11/2023  
Order #: 20372

EXPLANATION: HB 449 AMENDS KRS 160.180 TO EXPAND THE ACCEPTABLE DOCUMENTATION FOR EVIDENCING A SCHOOL BOARD CANDIDATE'S COMPLETION OF HIGH SCHOOL.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

POWERS AND DUTIES OF BOARD OF EDUCATION

01.3 AP.21

**Application for Board Vacancy**

Name of School District: _____			
[Division # ____ (for county school systems) or the District at large (for independent school systems)]			
Name: _____			Birthdate: _____
Last	First	MI	
Address: _____			
Street or Box #		State	Zip Code
Telephone: _____			
Business		Home	Cell
Email Address: _____			

1. Have you been a citizen of Kentucky for a minimum of at least the last three (3) years?  Yes  No
2. Are you registered to vote in the Division (in the case of a county school District) or District (in the case of an independent school District) you wish to serve?  Yes  No
3. Are you an officer of, or employed by, any city, county, consolidated local government, or other municipality?  Yes  No  
If yes, please identify. \_\_\_\_\_
4. Does the School District where you reside presently employ you?  Yes  No
5. Do you have any relatives employed by the District?  Yes  No  
If yes, please indicate their relationship to you:  
 Brother  Sister  Husband  Wife  Son  Daughter  Father  Mother  
 Other \_\_\_\_\_
6. Have you ever been a member of any local Board of Education in Kentucky?  Yes  No  
If so, which District \_\_\_\_\_ and when \_\_\_\_\_?
7. Do you currently hold any elective federal, state, county, or city office?  Yes  No  
If yes, please identify. \_\_\_\_\_
8. Do you own or are you a stockholder in a business involved in sales or other contracts with the Board or with individual schools of the District?  Yes  No  
If yes, please identify. \_\_\_\_\_
9. Do you work for a company that provides any goods or services to the District or with the individual schools of the District? Do you receive any commissions or other benefits as a result of any contracts or business with the District?  Yes  No  
If yes, please describe. \_\_\_\_\_
10. Have you ever been fined or convicted for violation of any law? Are you now facing any charges for any violation of law?  Yes  No  
If yes, please describe. \_\_\_\_\_



**Application for Board Vacancy**

11. Do you serve on any county, city, or joint agency government boards?  Yes  No  
If yes, please describe. \_\_\_\_\_

12. Do you currently hold a leadership position with any organization that provides financial support or raises funds in the name of the District, a school in the District, or students of the District?  Yes  No

13. Have you completed at least the twelfth (12<sup>th</sup>) grade or been issued a High School Equivalency Diploma?  Yes  No

14. Please circle the highest level of formal education you have completed:  
GRADE SCHOOL      HIGH SCHOOL      COLLEGE      GRADUATE SCHOOL  
1 2 3 4 5 6 7 8      9 10 11 12      1 2 3 4      1 2 3 4

Note: Application must include an affidavit signed under penalty of perjury certifying completion of the twelfth (12<sup>th</sup>) grade, a transcript evidencing completion of the twelfth (12<sup>th</sup>) grade, or if appropriate, the results of a twelfth (12<sup>th</sup>) grade equivalency examination.

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\_\_\_\_\_  
High School Attended                      Address                      Dates Attended/Graduated

\_\_\_\_\_  
College/University Attended              Address                      Dates Attended/Degree

\_\_\_\_\_  
Graduate Schools Attended              Address                      Dates Attended/Degree

15. List schools or school related activities in which you are currently involved or with which you have had previous involvement: \_\_\_\_\_  
\_\_\_\_\_

16. Work Experience (Please provide employment history and attach current resume.)

a. \_\_\_\_\_  
Current Employer    Address

\_\_\_\_\_  
Date of Employment    Duties

b. \_\_\_\_\_  
Previous Employer    Address

\_\_\_\_\_  
Date of Employment    Duties

c. \_\_\_\_\_  
Previous Employer    Address

\_\_\_\_\_  
Date of Employment    Duties

**Application for Board Vacancy**

17. Please describe why you are interested in serving on the local Board of Education:

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18. Please describe the benefits that you believe strong public schools bring to a community:

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**Application for Board Vacancy**

19. Please describe one (1) goal or objective that you think the local Board of Education should seek to complete during your service on the Board:

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**Note: Board members must complete annual in-service training as required by law.**

This application constitutes my letter of intent to seek appointment to the Board under KRS 160.190, and I hereby affirm that to the best of my knowledge the information being submitted on this application and any required attachments thereto is accurate and that I am eligible to be appointed to the Board under law.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Application for Board Vacancy**

**COUNTY CLERK'S CERTIFICATION**

**RESIDENCE AND VOTER REGISTRATION FOR SCHOOL BOARD APPOINTMENT**

COUNTY CLERK: Please complete this form as it applies to the legal residence status of the applicant for school board appointment.

\_\_\_\_\_ who resides at \_\_\_\_\_  
Name Address

is a resident and registered voter in \_\_\_\_\_ School District [Division # \_\_\_\_ (for county school systems) or the District at large (for independent school systems).]

Certified by: \_\_\_\_\_

\_\_\_\_\_ County Clerk's Office Date: \_\_\_\_\_

NOTE: This form must be completed by the County Clerk and returned to Central Office along with the other four (4) pages of the application.

**RELATED PROCEDURE:**

01.3 AP.2

EXPLANATION: SB 2 CREATES AMENDS KRS 158.4451 TO REQUIRE DISTRICTS TO PROVIDE TRAINING ON 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

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

FINANCIAL IMPLICATIONS: COST OF PROVIDING TRAINING



PERSONNEL

03.19 AP.23

**District Training Requirements**

SCHOOL YEAR: \_\_\_\_\_ This form may be used to track completion of local and state employee training requirements that apply across the District and maintain a record for the information of the Superintendent and Board.

TOPIC	LEGAL CITATION	RELATED POLICY	EMPLOYEES OR OTHERS AS DESIGNATED		DATE COMPLETED
			CERTIFIED	DESIGNATED	
District planning committee members.		01.11		✓	
Board member training hours.	KRS 160.180; 702 KAR 1:115; 701 KAR 8:020	01.83		✓	
Superintendent training program to be completed within two (2) years of taking office.	KRS 160.350	02.12		✓	
Certified Evaluation Training.	KRS 156.557; 704 KAR 3:370	02.14/03.18	✓		
Supervisors shall receive appropriate training to equip them to meet the standards of Personnel Management.		02.3		✓	
All School Resource Officers (SROs) 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.	KRS 158.4414	02.31		✓	
Council member training hours.	KRS 160.345	02.431		✓	
Employees authorized to use Criminal History Record Information (CHRI) will complete Security Awareness Training via Criminal Justice Information Services (CJIS)	KRS 160.380	03.11 AP.2521		✓	
Initial/follow-up training for coaches of interscholastic athletic activities or sports.	KRS 160.445; KRS 161.166; KRS 161.185; 702 KAR 7:065	03.1161 03.2141 09.311		✓	
Asbestos Containing Building Material (ACBM), Lockout/Tagout and personal protective equipment (PPE) training for designated employees.	40 C.F.R. Part 763 401 KAR 58:010 803 KAR 2:308 OSHA 29 C.F.R. 1910.132 29 C.F.R. 1910.147 29 C.F.R. 1910.1200	03.14/03.24		✓	
Bloodborne pathogens.	OSHA 29 C.F.R. 1910.1030	03.14/03.24		✓	
Behaviors prohibited/required reporting of harassment/discrimination.	34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights Guidance	03.162/03.262		✓	

**District Training Requirements**

TOPIC	LEGAL CITATION	RELATED POLICY	EMPLOYEES OR OTHERS AS DESIGNATED		DATE COMPLETED
			CERTIFIED	ALL DESIGNATED	
Title IX Sexual Harassment	34 C.F.R. § 106.45	03.1621/03.2621/09.428111	✓		
Teacher professional development/learning.	KRS 156.095	03.19	✓		
Active Shooter Situation <a href="#">training each year by November 1.</a>	KRS 156.095	03.19/03.29		✓	
Instructional leader training.	KRS 156.101	03.1912		✓	
The Superintendent shall develop and implement a program for continuing training for selected classified personnel.		03.29		✓	
Training of the instructional teachers' aide with the certified employee to whom s/he is assigned.	KRS 161.044	03.5		✓	
Orientation materials for volunteers.	KRS 161.048	03.6		✓	
Integrated Pest Management (7a) Certification.	302 KAR 29:060	05.11		✓	
Training for designated personnel on use and management of equipment.		05.4		✓	
Automated external defibrillators (AEDs), training on use of such.	KRS 158.162	03.1161/03.2241		✓	
School Safety Coordinator (SSC) training program developed by the Kentucky Center for School Safety (KCSS)	KRS 311.667	05.4/09.311/09.224		✓	
School Principal training on procedures for completion of the required school security risk assessment.	KRS 158.4412	05.4		✓	
Fire drill procedure system.	KRS 158.162	05.41	✓		
Lockdown drill procedure system.	KRS 158.162	05.411	✓		
	KRS 158.164				
Severe Weather/Tornado drill procedure system.	KRS 158.162	05.42	✓		
	KRS 158.163				
Earthquake drill procedure system.	KRS 158.162	05.47	✓		
	KRS 158.163				
First Aid and Cardiopulmonary Resuscitation (CPR) Training.	702 KAR 5:080	06.221		✓	
Annual in-service school bus driver training.	702 KAR 5:030	06.23		✓	
Designated training for School Nutrition Program Directors and food service personnel.	KRS 158.852	07.1		✓	
	7 C.F.R. §210.31	07.16			
Teachers of gifted/talented students required training on identifying and working with gifted/talented students. All other personnel working with gifted students shall be prepared through appropriate professional development to address the individual needs, interests, and abilities of the students.	704 KAR 3:285	08.132	✓		

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**District Training Requirements**

TOPIC	LEGAL CITATION	RELATED POLICY	EMPLOYEES OR OTHERS AS DESIGNATED		DATE COMPLETED
			CERTIFIED	DESIGNATED	
KDE to provide training to address the characteristics and instructional needs of students at risk of school failure and most likely to drop out of school.	KRS 156.095	08.141	✓	✓	
Student training on appropriate online behavior on social networking sites and cyberbullying awareness and response.	47 U.S.C. 254/Children's Internet Protection Act; 47 C.F.R. 54.520	08.2323		✓	
Confidentiality of student record information.	34 C.F.R. 300.623	09.14	✓	✓	
Student suicide prevention training: <u>Provide two (2) suicide prevention awareness lessons each school year.</u> <u>Staff training for student suicide prevention training: Minimum of one (1) hour per each school year.</u> [Employees with job duties requiring direct contact with students in grades four (4) through twelve (12).]	KRS 156.095; KRS 158.070	09.22		✓	
<u>Anonymous reporting tool: Develop and provide a comprehensive training and awareness program on the use of the chosen anonymous reporting tool for students, parents, and community members.</u>	<u>KRS 158.445</u>	<u>09.22</u>	✓		
At least one (1) hour of self-study review of seizure disorder materials required for all principals, guidance counselors, and teachers by July 1, 2019, and for all principals, guidance counselors, and teachers hired after July 1, 2019.	KRS 158.070	09.22		✓	
Training for school personnel authorized to give medication.	KRS 158.838 KRS 156.502 702 KAR 1:160	09.22 09.224 09.2241		✓	
Training on employee reports of criminal activity.	KRS 158.148; KRS 158.154; KRS 158.155; KRS 158.156; KRS 620.030	09.2211	✓		

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**District Training Requirements**

TOPIC	LEGAL CITATION	RELATED POLICY	EMPLOYEES OR OTHERS AS DESIGNATED		DATE COMPLETED
			CERTIFIED	DESIGNATED	
Personnel training on restraint and seclusion and positive behavioral supports.	704 KAR 7:160	09.2212	✓	✓	
Personnel training child abuse and neglect prevention, recognition, and reporting.	KRS 156.095	09.227	✓	✓	
Age appropriate training for students during the first month of school on behaviors prohibited/required reporting of harassment/discrimination.	34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights Guidance	09.42811		✓	
Training to build capacity of staff and administrators to deliver high-quality services and programming in the District's Alternative Education Program.	704 KAR 19:002	09.4341		✓	
Student discipline code.	KRS 158.148; KRS 158.156; KRS 158.444; KRS 525.070; KRS 525.080	09.438	✓		
Intervention and response training on responding to instances of incivility.		10.21	✓		
Training for Supervisors of Student Teachers.	16 KAR 5:040			✓	
Career Tech – If funds available, High School teachers to receive training regarding embedding reading, math, and science in career tech courses.	KRS 158.818			✓	
Committee for Mathematics Achievement – training for teachers based on available funds.	KRS 158.842		✓		
KDE to provide or facilitate statewide training for teachers and administrators regarding content standards, integrating performance assessments, communication, and higher order thinking.	KRS 158.6453 (SB 1)		✓		
Grants regarding training for state-funded community education directors.	KRS 160.156			✓	
Local Board to develop and implement orientation program for adjunct instructors.	KRS 161.046			✓	
KDE shall provide technical assistance and training for multi-tiered system of supports upon District request.	KRS 158.305			✓	

PERSONNEL

03.19 AP.23  
(CONTINUED)

**District Training Requirements**

THIS IS NOT AN EXHAUSTIVE LIST -- CONSULT OSHA/ADA AND BOARD POLICIES FOR OTHER TRAINING REQUIREMENTS. For training provided in person, participants should sign in at the end of the meeting to document their attendance. The sign-in sheet shall be maintained in paper or electronic format as required by the Kentucky *Records Retention/Public School District Schedule*.



EXPLANATION: 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 MISDEMEANOR OFFENSES) OR IS REQUIRED TO REGISTER AS A SEX OFFENDER.  
FINANCIAL IMPLICATIONS: COST OF CRIMINAL BACKGROUND CHECKS

PERSONNEL

03.21 AP.254

### Driving Record Violations and Personnel Actions

#### **NEW/RETURNING SCHOOL BUS DRIVERS**

The District shall perform a driving history check on school bus drivers prior to initial employment and after a break in service (excluding summers). Decisions to employ or re-employ an individual shall be contingent on receipt of records revealing no driving history convictions that would, as determined by the Superintendent, affect the individual's ability to perform the job. Driver applicants and current drivers are subject to checks of the Federal Motor Carrier Safety Administration Clearinghouse (FMCSA) and related rules as described in Policy 06.221.

A person shall not be employed as a school bus driver if convicted within the past five (5) years of driving a motor vehicle under the influence or driving while intoxicated.

#### **CURRENT EMPLOYEES**

Current bus drivers shall undergo driving records checks at intervals determined by Board policy. Those whose driving record checks reveal the following violations are subject to appropriate disciplinary action, up to and including, termination/nonrenewal.

1. Speeding/major - speeding more than sixteen (16) miles per hour faster than the speed limit within the last two (2) years;
2. Speeding/minor – speeding less than sixteen (16) miles faster than the speed limit more than once within the last two (2) years;
3. Collision resulting in a citation being issued to applicant for being at fault;
4. Under the influence of alcohol or any illegal drugs while on duty or with remaining driving responsibilities that same day;
5. Revocation of driver's license;
6. Conviction for driving under the influence (DUI) or driving while intoxicated (DWI);
7. Conviction for reckless driving;
8. Citation for any moving motor vehicle violation including driving under the influence (DUI) or driving while intoxicated (DWI) and reckless driving;
9. Citation for violation of state or local law governing motor vehicle traffic control other than a parking violation;
10. Conviction of an offense that would classify a person as a violent offender under KRS 439.3401, for a sex crime defined by KRS 17.500 or a misdemeanor offense under KRS Chapter 510, or is required to register as a sex offender;
11. Failure to notify the Superintendent if the classified 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; or

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**Deleted:** as a violent offender as defined in KRS 17.165

PERSONNEL

03.21 AP.254  
(CONTINUED)

**Driving Record Violations and Personnel Actions**

**CURRENT EMPLOYEES (CONTINUED)**

12. Other criminal or moving vehicle violation, as determined by Superintendent/ designee to bear a reasonable relationship to the ability of the individual to perform the job.

**NOTE:** 702 KAR 5:080 requires school bus drivers to immediately report to the Superintendent/designee any violations falling under points five through nine (5-9) above.

EXPLANATION: HB 449 AMENDS KRS 160.570 REMOVING THE LIMIT OF DEPOSITORIES A DISTRICT MAY APPOINT.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

FISCAL MANAGEMENT

04.2 AP.1

### **Depositories**

#### **SELECTION OF DEPOSITORY(IES)**

The Superintendent shall notify the Board if a depository or depositories are to be selected with an effective date of July 1.

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#### **INVITATION TO BID**

The Superintendent shall recommend to the Board for its approval an invitation to bid for bank depository services. Following consideration of bids received, selection of depository(ies) to provide services will be placed on the Board agenda as an action item no later than the June Board meeting.

#### **BIDDING**

Prior to the June Board meeting, the Superintendent/designee shall prepare and send the bid documents to local financial institutions meeting the requirements of KRS 160.570 and capable of providing the necessary services.

EXPLANATION: 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

06.0 AP.1

**Implementation of System**

District personnel shall comply with requirements established in Kentucky Administrative Regulations, the Statewide Transportation Services Policy Guidelines, the Pupil Transportation Management Manual, and other documents and forms prepared and distributed by the Kentucky Department of Education, Division of Pupil Transportation, and Board Policy 09.2261.

EXPLANATION: 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 AP.1

**Driver Rights and Responsibilities**

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Bus driver qualifications and responsibilities are found in state regulation, local transportation manuals, as applicable, and in documents distributed by the Kentucky Department of Education.

**DRIVER RIGHTS**

Driver rights are delineated in KRS 158.110 and Board Policy 06.22.



EXPLANATION: 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 AP.1

**Conduct on Bus**

**RULES OF CONDUCT**

Specific rules of conduct on school buses can be found in the Student Code of Conduct and/or in the student handbook.

**ENFORCEMENT**

Bus drivers will assist the Principal and Central Office personnel in enforcing the rules of conduct on school buses. If any pupil persists in violating these rules, the driver shall notify the Principal. The Principal may withhold bus-riding privileges (consistent with Board policies 06.34 and 09.2261) if the pupil continues to disobey the rules. If withholding of bus-riding privileges becomes necessary, the Principal shall notify the parents and inform the appropriate Central Office personnel.

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EXPLANATION: THE ADMINISTRATIVE OFFICE OF THE COURTS (AOC) HAS DEVELOPED THEIR OWN FORM AOC-JW-8 FOR CERTIFYING THIS INFORMATION. THIS FORM IS RECOMMENDED TO BE RESCINDED AND THEIR FORM TO BE USED INSTEAD.  
FINANCIAL IMPLICATIONS: TIME SAVINGS NOT HAVING TO FILL OUT MULTIPLE FORMS

STUDENTS

09.14 AP.2

**Juvenile Justice Agency Certification Form**

**Deleted:** Date: \_\_\_\_\_ ¶  
Name of Agency Receiving Records: \_\_\_\_\_ ¶  
The \_\_\_\_\_ Schools  
have released education records of ¶  
\_\_\_\_\_, who was  
born on \_\_\_\_\_ ¶  
*Student's Name* ¶  
to the above named agency. On behalf of the above named  
agency, I certify that the student records received shall not be  
released to anyone except those authorized by law to receive  
them without the written consent of the parent of the above  
named child. ¶  
\_\_\_\_\_  
*Printed Name of Agency Representative* ¶  
\_\_\_\_\_  
*Signature of Agency Representative . Date* ¶

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 AP.2

**Medicinal Cannabis Administration**

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~~I (the school nurse or other school staff member) refuse to administer or supervise the administration of medicinal cannabis on school property.~~

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Name: \_\_\_\_\_ Title: \_\_\_\_\_

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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EXPLANATION: HB 446 AMENDS KRS 158.110 TO REQUIRE DEVELOPMENT OF A DISTRICT TRANSPORTATION SERVICES POLICY BASED UPON KDE TRANSPORTATION SERVICES POLICY GUIDELINES. AND AT LEAST ONE (1) PARENT OR GUARDIAN OF EACH STUDENT TO ACKNOWLEDGE IN WRITING THE RECEIPT, COMPREHENSION, AND AGREEMENT OF ADHERENCE TO THE TRANSPORTATION SAFETY POLICY WITHIN SEVEN (7) DAYS OF THE STUDENT'S FIRST DAY OF ATTENDANCE DURING EACH SCHOOL YEAR. PER KRS 148.158, KDE SHALL DEVELOP OR UPDATE AS NEEDED AND DISTRIBUTE TO ALL DISTRICTS BY AUGUST 31 OF EACH EVEN-NUMBERED YEAR THE TRANSPORTATION SERVICES POLICY GUIDELINES.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.2261 AP.2

**Transportation Services Policy Acknowledgement Form**

Per KRS 148.158, the Superintendent/designee shall require every student in the District and at least one (1) parent or guardian of each student to acknowledge in writing the receipt, comprehension, and agreement of adherence to the Transportation Services Policy within seven (7) days of the student's first day of attendance during each school year. Failure to submit written acknowledgement by a student or their parent or guardian may be grounds for revocation of a student's transportation privileges until the acknowledgment is properly received.

**I ACKNOWLEDGE THE RECEIPT, COMPREHENSION, AND AGREEMENT OF ADHERENCE TO THE TRANSPORTATION SERVICES POLICY (09.2261) PROVIDED BY THE DISTRICT.**

SCHOOL: \_\_\_\_\_ DATE: \_\_\_\_\_

STUDENT NAME (PRINTED) \_\_\_\_\_ STUDENT SIGNATURE \_\_\_\_\_

PARENT/GUARDIAN NAME (PRINTED) \_\_\_\_\_ PARENT/GUARDIAN SIGNATURE \_\_\_\_\_

Per KRS 148.158, the Kentucky Department of Education shall develop or update as needed and distribute to all districts by August 31 of each even-numbered year the Transportation Services Policy Guidelines.

EXPLANATION: 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

STUDENTS

09.227 AP.1

### Child Abuse/Neglect/Dependency

#### **MAKING A REPORT**

District employees who receive information from or about a student that causes them to know or gives them reasonable cause to believe that a child is dependent, neglected, abused, or is a victim of human trafficking, or is a victim of female genital mutilation, will promptly make an oral or written report, including but not limited to electronic submission, to the proper authorities listed in Policy 09.227 and may assist the student in making such a report. All employees who know or have reasonable cause to believe that a child is dependent, neglected, or abused have the responsibility to report. Any attempt to prevent such a report is illegal.

The individual making an oral report should make a personal record of the report, including the date and time of report and name of the individual to whom the report was made.

The confidentiality of identifying information pertaining to individuals making a report is protected as provided by KRS 620.050.

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EXPLANATION: 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

09.43 AP.1

### **Juvenile Court Records**

#### **RECEIPT BY PRINCIPAL**

~~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.~~

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**Deleted:** When the Principal receives juvenile court records or other information as permitted by KRS 610.345, s/he shall ascertain that the student named in the confidential record is currently enrolled in his/her school.

The Principal receiving this information shall retain the information in a locked file. Records or information disclosed to the Principal pursuant to this procedure shall not be disclosed to any other person, including school personnel, except the following:

1. School administrative, transportation, and counseling personnel,
2. Any teacher to whose class the student has been assigned,
3. Any school employee with whom the student may come in contact, or
4. Others as may be permitted by law.

The Principal is required by law to release the information to employees of the school having responsibility for classroom instruction or counseling of the child.

Those persons receiving this confidential information shall sign a confidentiality statement (09.43 AP.22).

~~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.~~

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#### **STUDENTS NOT ENROLLED IN THE SCHOOL**

If the juvenile is not currently enrolled in the school, the Principal shall return the records to the court and notify the clerk that the child is not enrolled.

In addition, the Principal shall return the records to the court and notify the clerk if the juvenile is changing school assignment within the District, transferring to a school in another district, graduating, or withdrawing from school.

#### **RELATED PROCEDURES:**

- 09.14 AP section
- 09.43 AP.22

## FRYSC Coordinator Personnel Evaluation Addendum

As it states in the FRYSC contract, center staff must be evaluated “...according to local district policy but at a minimum, biennially, *utilizing position-specific protocols.*” \* Districts are encouraged to adopt an evaluation tool that reflects the unique, many-faceted work of the FRYSC coordinator. For those districts that have that option, there are samples of FRYSC-specific evaluation tools on the DFRYSC website, ‘District Contact Requested Documents’ page (<https://www.chfs.ky.gov/agencies/dfrcvs/dfrysc/Pages/dist.aspx>).

Most FRYSC coordinators are classified staff. We realize that for some school districts, board policy only allows certain types of evaluation tools for classified employees – thus it may not be feasible for them to replace their current tool with an alternate, FRYSC-specific one.

We have created a short, but comprehensive addendum sheet for those districts that must use a generic classified evaluation tool for their FRYSC coordinators’ personnel evaluations (on next page). This addendum should be used in addition to the generic tool currently in use. Feel free to adapt the rating scale language to coincide with other district forms, if needed.

\*FRYSC FY23 Contract PONS3 – Section 2.01 B3

## FRYSC Coordinator Evaluation Addendum

School Year: \_\_\_\_\_ Employee: \_\_\_\_\_ Evaluation Date: \_\_\_\_\_

Evaluator(s): \_\_\_\_\_ Title: \_\_\_\_\_

\_\_\_\_\_ Title: \_\_\_\_\_

\_\_\_\_\_ Title: \_\_\_\_\_

**1 = Does Not Meet Expectations   2 = Area for Growth   3 = Effective   4 = Exemplary**

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>Comments</b>
1. Utilizes a strengths-based approach in their work with families and students.					
2. Assists students and families in obtaining appropriate community resources.					
3. Seeks out collaborative community partners and programs, attends community meetings, and promotes center activities throughout the community.					
4. Collaborates and communicates with Principal, District Contact, and SBDM Council on center programming and operation.					
5. Participates in Comprehensive Plan, school committees and/or attends staff and PLC meetings.					
6. Builds relationships and collaborates with school personnel (school nurse, administration, guidance counselor, teachers and support staff) to identify students in need of services and for program development.					
7. Holds a minimum of 5 advisory council meetings a year, every other month, and maintains all advisory council meeting documents.					
8. Maintains required records, reports, and data on Infinite Campus and the FRYSC Counts system in a timely manner.					
9. Conducts everyday activities of the center's operation, including:					
A. Maintains accurate budgets for FRYSC state and donated funds, school funds, board funds and uses those funds appropriately					
B. Supervises center support staff					
C. Maintains confidentiality					
D. Submits required FRYSC documents on time					
E. Maintains an equitable presence at each school the center serves					
10. Attends required training sessions on the local, regional, and state level.					
11. Prepares and submits a complete Continuation Program Plan bi-annually to the Division of Family Resource and Youth Services Centers.					

*Continued next page*

**FRYSC Evaluation Addendum, continued**

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>Comments</b>
12. Ensures that components and requirements of the Continuation Program Plan are implemented.					
13. Collects data and evaluates activities and programs for impact.					
14. Seeks to move services, activities, and programs to higher quality.					

**12/1/2022**



## **Inspection of Board Records**

### **INSPECTION OF RECORDS**

Residents\* of the Commonwealth desiring to examine records that are not exempt from public disclosure may do so during regular working hours. Regular working hours shall be posted at the main entrance of the Central Office.

The principal office of the District is located at 422 KY RT 550, Eastern, KY 41622.

The official custodian/designee to whom requests for access to records should be submitted is the Superintendent of the Floyd County Schools and email address is [openrecordsrequests@floyd.kyschools.us](mailto:openrecordsrequests@floyd.kyschools.us)

Fees for hard copies shall be 10 cents a page. Fees for other media (if applicable) shall be based on actual cost to the District.

The requesting party shall submit a written application that shall:

- be signed;
- include the applicant's name printed legibly;
- include mailing address (and email address if applicable); and
- include a statement of the manner in which the applicant is a resident of the Commonwealth of Kentucky.\*

The applicant shall hand deliver, mail, send via facsimile, or send via email the written application to the custodian/designee at the above address describing the records the applicant wishes to access. Written requests comporting with the above or the written form set forth in regulation by the Kentucky Attorney General may be utilized by the requesting party.

Unless a longer period applies under state law or Executive Order, a response by or on behalf of the District is due within five (5) days (not including weekends or holidays) of receipt of the request. If records are in active use or storage or otherwise unavailable, the District response will explain in detail the cause for a delay beyond five (5) days and state the earliest date on which the records will be available. Requests may be denied if the records are exempt from disclosure under [KRS 61.878](#) or if the request imposes an unreasonable burden or is intended to disrupt essential functions of the District as provided in [KRS 61.872](#).

A resident of the Commonwealth may inspect public records during regular office hours. If s/he resides outside the county and precisely describes the responsive records, s/he may receive responsive, nonexempt records by mail upon the District's receipt of copying fees and costs of mailing.

Applicants requesting copies of public records for a commercial purpose ([KRS 61.874](#)) shall provide a certified statement to the District stating the commercial purpose for which the records shall be used and shall be required to enter into a contract with the District. The contract shall state the fee required by the District to produce copies to be used for a commercial purpose.

**Inspection of Board Records**

**INSPECTION OF RECORDS (CONTINUED)**

\*Resident is defined under KRS 61 870(10) as: an individual residing in the Commonwealth; a domestic business entity with a location in the Commonwealth; a foreign business entity registered with the Kentucky Secretary of State; an individual that is employed and works at a location or locations within the Commonwealth; an individual or business entity that owns real property within the Commonwealth; any individual or business entity that has been authorized to act on behalf of an individual or business entity described above; or a news-gathering organization as defined in [KRS 189.635\(8\)\(b\)](#)1.a. to e.

Review/Revised:7/26/2021



**Procurement**

- A. Conditions, including emergencies, and procedures under which purchases may be made by means other than competitive sealed bids.

Purchasing officers are authorized to acquire goods, services, or construction through noncompetitive negotiation under the following circumstances, providing a written determination is made that competitive bidding is not feasible. If available, quotes from three (3) suppliers shall be secured if for purchases exceeding \$1,000. At least one (1) of the following conditions shall be met:

1. An emergency has been determined.

An emergency condition is a situation that creates a threat to public health, welfare, or safety such as may arise by reason of floods, epidemics, riots, and equipment failures. The existence of such a condition creates an immediate and serious need to supplies, services, or construction that cannot be met through normal procurement procedures and the lack of which would seriously threaten (a) the functioning of the District; (b) the preservative or protection of property; (c) the health or safety of any person. When such conditions exist, the Superintendent and designated purchasing agents are authorized to purchase through noncompetitive negotiation. The determination of an emergency and the details of the procurement shall be stated in writing and reported to the Board at its next regular meeting.

2. The product or service to be procured is available from a single source.
3. A necessity is temporarily unavailable from the contracted supplier.

When a particular necessity is temporarily unavailable from the contract supplier and the purchasing officer makes a written determination to that effect, the purchasing officer has the authority to treat such items as a single source of services or products and has authority to proceed to procure the same by noncompetitive negotiation.

4. Contracts for services.

The District may contract for the services of licensed professionals such as attorney, physician, psychiatrist, psychologist, certified public accountant, registered nurse, or educational specialist; technicians such as plumber, electrician, carpenter, or mechanic; or an artist such as a sculptor, aesthetic painter, or musician; printers for special projects. This provision shall not apply to architects or engineers providing construction management services rather than professional architect or engineer services.

Noncompetitive negotiations for services of licensed professionals shall occur only when specialized training is required of the contractor, when a specific program or service can be delivered by only one or a few individuals, or when travel costs and time dictate constraints on the bidding process.

5. The contract is for the purchase of perishable items, as indicated in applicable federal and state law, purchased with funds other than school nutrition service funds on a weekly or more frequent basis.

Purchase of such items with school nutrition service funds shall be done consistent with methods authorized by federal regulation (7 C.F.R. §3016.36).

**Procurement**

6. The contract or purchase is for replacement parts where the need cannot be reasonably anticipated and stockpiling is not feasible.
7. The contract is for proprietary items for resale.
8. Items for resale include printed documents; stocks and inventories for school bookstores; candies; soft drinks, and, all other items that are sold to students and to the general public. Supplies that must be processed prior to resale such as food purchases for the lunchroom are not included as items for resale.
9. The contract or purchase relates to an enterprise in which the buying or selling by students is a part of the educational experience.
10. The contract or purchase is for expenditures made on authorized trips outside the boundaries of the service area of the agency.
11. The contract or purchase is for purchase of supplies that are sold at public auction or by receiving sealed bids.
12. The contract is for group life insurance, group health and accident insurance, group professional liability insurance, worker's compensation insurance, or unemployment insurance.
13. The contract or purchase is for a sale of supplies at reduced prices that will afford a purchase at savings to the school district.
14. The contract or purchase is from a state, U.S. Government, or other public agency.
15. The contract or purchase is from a state, U.S. Government, or other public agency price contract.
16. Specifications cannot be made sufficiently specific to permit an award on the basis of either the lowest bid price or the lowest evaluated bid price.
17. Sealed bidding is inappropriate because the available sources of supply are limited.
18. The bid prices received through sealed bidding are unresponsive or unreasonable.

**B. Reverse Auction**

Competitive bidding or competitive negotiation for goods and leases may include use of a reverse auction, which is to be conducted as provided in KRS 45A.365 (competitive sealed bidding) or KRS 45A.370 (competitive negotiation).

**C. Rejection of bids, consideration of alternate bids, and waiver of informalities in offers.**

The conditions for bidding shall be applicable to and incorporated in all invitations for bids. Failure to comply with such conditions shall be cause for rejection of the bid. The Board or its designee retains the right to waive any informalities in offer.

**D. Confidentiality of technical data and trade secrets information submitted by actual and prospective bidders or offerors.**

Technical data and trade secrets information submitted by actual and prospective bidders are exceptions to the open records requirements and shall be rated confidentially.

Procurement

## E. Partial, progressive and multiple awards.

The District purchasing officer is authorized, when feasible, to advertise for bids as a discount from a price list or catalog. The conditions shall state that multiple awards may be made. When multiple awards are made, purchases at the contract discount may be made from such price lists or catalogs without further negotiation. However, any changes in the price list exceeding ten percent (10%) during the period of the contract shall disqualify such items from purchase.

## F. Supervision of store rooms and inventories, including determination of appropriate stock levels, and the management, transfer, sale or other disposal of government-owned property shall be the responsibility of the purchasing officer of the district.

## G. Definitions and classes of contractual services and procedures for acquiring them.

The District may obtain the services of various classes of professionals, technicians, and artists by noncompetitive negotiation when specialized training is required of the contractor, when a specific program or service can be delivered by only one or a few individuals, or when travel costs and time dictate constraints on the bidding process.

## H. Procedures for the verification and auditing of local public agency procurement records.

The Superintendent shall maintain sufficient records for the Board to verify all purchasing agreements and purchases made through such agreements. Financial records of all transactions related to the purchase of goods and services for the District or individual schools are subject to an annual financial audit.

## I. Annual reports from those vested with purchasing authority as may be deemed advisable in order to insure that the requirements of this policy are complied with.

## 1. Each staff member authorized to approve purchase orders shall:

- a) Keep a copy of all purchase orders issued.
- b) Maintain a log to include the name of the vendor from which products or services were obtained.
- c) Record the purpose of the product or service.
- d) Record how the decision was made to purchase from the vendor (bid, negotiation, single source, state price contract, etc.)
- e) List other vendors contacted and their cost for the product or service.

## 2. All Board policies and District procedures pertaining to procurement, whether promulgated under KRS 45A.345 to 45A.460 or otherwise, shall be maintained in the District Central Office and shall be available to the public upon request at a cost not to exceed the cost of reproduction.

## J. Except as permitted by law, every invitation for bid or request for proposals shall provide that an item equal to that named or described in the specifications may be furnished.

**Procurement**

For federal funds, the following methods must be used:

- i. Micro purchases up to \$10,000 may be made without obtaining quotes.
- ii. Small purchases between \$10,000 and \$40,000 may be made after soliciting at least three (3) quotes from qualified sources.
- iii. Purchases over \$40,000 must be conducted in accordance with state law, including sealed bids, requests for proposals and reverse auctions, as appropriate.
- iv. Noncompetitive procurements at any price are allowed with federal funds in the following circumstances: (i) micro purchases; (ii) single source; (iii) emergency/exigency does not permit delay from publicly advertising; (iv) prior approval from the awarding agency to conduct a noncompetitive procurement; (v) ran a competitive solicitation but did not receive responses.

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**-CERTIFIED PERSONNEL-**

**Appeals/Hearings**

**PURPOSE**

An Appeals Panel shall be established in accordance with KRS Chapter 156 and [704 KAR 003:370](#). Based on issues identified in an employee’s appeal documentation, the Panel shall determine whether the employee has demonstrated that a procedural violation has occurred under the District’s evaluation plan and whether the summative evaluation is supported by the evidence.

The burden of proof that an employee was not fairly and/or correctly evaluated on the summative evaluation rests with the employee who appeals to the Panel.

**APPEALS**

Pursuant to Board Policy 03.18, any certified employee who believes that s/he was not fairly evaluated on the summative evaluation may appeal to the Evaluation Appeals Panel in accordance with the following procedures:

1. Both the evaluatee and evaluator shall submit three (3) copies of any appropriate documentation to be reviewed by members of the Appeals Panel in the presence of all three (3) members. The parties will exchange copies of documentation by or before the day it is submitted to the Panel. The members of the Appeals Panel will be the only persons to review the documentation. All documentation will be located in a secure place in the Central Office except during Appeals Panel meetings. Confidentiality will be maintained. Copies of the documentation as submitted to the Panel shall not be carried away from the established meeting by either parties involved or the Panel members.
2. The Panel will meet, review all documents, discuss, and prepare questions to be asked of each party by the Chairperson. Additional questions may be posed by Panel members during the hearing.
3. The Panel will set the time and place for the hearing, and the Chairperson will provide written notification to the appealing employee and his/her evaluator of the date, time, and place to appear before the Panel to answer questions.
4. Legal counsel and/or chosen representative may be present during the hearing to represent either or both parties.
5. The hearing will be audiotaped and a copy provided to both parties if requested in writing. The original will be maintained by the District.
6. Only Panel members, the evaluatee and evaluator, legal counsel, witnesses, and the employee’s chosen representative will be present at the hearing.
7. Witnesses may be presented, but will be called one at a time and will not be allowed to observe the proceedings.

The local Board of Education shall establish an evaluation appeals panel for certified personnel, which shall consist of two (2) members elected by the certified employees of the District and one (1) member appointed by the Board of Education who is a certified employee of the Board. Certified employees who feel that they were not fairly and/or correctly evaluated may submit an appeal to the panel for a timely review of their evaluation.

12. The election for the evaluation appeals panel shall be conducted by the District Contact Person using the following criteria:

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- A nomination form shall be used to seek nominations of persons whose names will be placed on a ballot unless the nominee(s), when contacted, indicate(s) otherwise.
- Ballots shall be prepared and distributed to each certified staff member. Elections shall be by secret ballot.
- Ballots shall be collected and counted by the secretary at each school.
- A tally sheet shall be forwarded from each school to the District Contact Person. Ballots shall be kept on file in the Principal's office of each school for two (2) school years.
- The District Contact Person shall total the votes. Tally sheets shall be kept on file for two (2) school years.
- The two (2) persons receiving the highest number of votes shall serve on the panel. The two persons receiving the third and fourth highest number of votes shall serve as alternates on the panel.
- The Board of Education shall appoint one (1) certified employee to serve on the appeals panel and one (1) certified employee to serve as an alternate.
- Elections and appointments shall be completed during the month of September.

Evaluation Appeals Panel

APPEALS (CONTINUED)

- The length of term for an appeals panel member shall be one (1) year beginning on July 1 and ending on June 30.
- The chairperson of the panel shall be the Board appointed member.

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Appeals/Hearings

HEARINGS

The following procedures will be implemented during the hearings:

1. The Chairperson of the Appeals Panel will convene the hearing, review procedures, and clarify the Panel's responsibilities.
2. Each party will be allowed to make a statement of claim. The evaluatee will begin.
3. The evaluatee may present relevant evidence in support of the appeal.
4. The evaluator may present evidence in support of the summative evaluation.
5. The Panel may question the evaluatee and evaluator.
6. The Chairperson may disallow materials and/or information to be presented or used in the hearing when s/he determines that such materials and/or information is not relevant to the appeal or when the materials were not exchanged between the parties as provided in this procedure.
7. Each party (evaluator and evaluatee) will be asked to make closing remarks.
8. The chairperson of the Panel will make closing remarks.
9. The decision of the Panel, after sufficiently reviewing all evidence, may include, but not be limited to, the following:
  - a. Upholding all parts of the original evaluation.
  - b. Voiding the original evaluation or parts of it.
  - c. Ordering a new evaluation by a second certified employee who shall be a trained evaluator.
10. The chairperson of the Panel shall present the Panel's decision to the evaluatee, evaluator, and the Superintendent within fifteen (15) working days from the date the appeal is filed.
11. The Superintendent may take appropriate action consistent with the Panel's decision.
12. The Panel's decision and the original summative evaluation form shall be placed in the employee's evaluation file. In the case of a new evaluation, both evaluations shall be included in the employee's personnel file.
13. The Panel's decision may be appealed to the Kentucky Board of Education based on grounds and procedures contained in statute and regulation.

Review/Revised: 7/16/2007

### **Employment of Students**

Secondary school students who are enrolled in a District high school or are pursuing a diploma in a District-maintained program, and are otherwise in good standing, may be employed on a seasonal or part-time basis by the schools generally in accordance with classified personnel procedures. The scope and duration of the student's employment shall be at the discretion of the school Principal/designee and the employment shall be at-will. Students employed under this Policy shall not be eligible for renewal of employment or recall under [KRS 161.011](#).

#### **SUPERINTENDENT MAY EMPLOY**

The Superintendent may employ student workers for non-instructional duties in positions authorized by the Board.

#### **DEFINITION**

As used in this policy and in relation to the Student Worker program, the term "student worker" means a student employee of the District who works under the direction of a professional administrative, teaching or operational employee of the District in performing, within the limits of training and competency, certain functions for the District.

#### **EDUCATIONAL REQUIREMENTS AND QUALIFICATIONS**

Secondary school students who are enrolled in a District high school or are pursuing a diploma in a District-maintained program and are otherwise in good standing, may be employed on a seasonal or part-time basis by the schools generally in accordance with classified personnel procedures.

Students may no longer work for the District as a student worker after the date of his or her graduation.

#### **SUPERVISION**

Student workers shall be under the direct supervision of one or more permanent, full time employees of the District. During the school year, student workers will be supervised by Certified personnel when working during the school day.

Each student worker shall have a job description that limits assigned duties to the scope of the student's competencies.

#### **HIRING**

All student workers shall enter into a written agreement with the District.

Student workers shall be exempt from meeting background records check requirements and health certification beyond that required of enrolled students.

#### **LENGTH OF DUTY**

Student workers shall not exceed 18 hours per week and / or more than 3.5 hours per day when school is in session.

Student workers shall not exceed hours of work guidelines and other child labor restrictions set forth by [803 KAR 001:100](#) and the Kentucky Labor Cabinet.

Students employed under this Policy shall not be eligible for renewal of employment or recall under [KRS 161.011](#).

**Employment of Students**

**STUDENT WORKER SALARY AND PAYMENT SCHEDULE**

Student Workers shall be paid on a per hour basis according to the salary schedule approved by the Board.

Payment shall be made on the next scheduled pay date for students.

**ORIENTATION**

The Superintendent/designee shall develop orientation materials to be provided to student workers. These materials shall include, but not be limited to, pertinent policies and safety and emergency procedures.

**REFERENCES:**

- [KRS 337.010](#)
- [705 KAR 004:041](#)
- [705 KAR 004:051](#)
- [803 KAR 001:100](#)