

2024 KSBA Annual Update, Part 1
Policies Reviewed at the June 3, 2024 Policy Committee Meeting

702 KAR 3:330 Liability Insurance

- 01.11 General Powers and Duties of the Board
- 03.124 Insurance

HB 6 AN ACT relating to appropriations measures...

- 02.442 Comprehensive School Improvement Plan
 - Note: This policy was amended after 1st reading based on recommendation of the Board Policy Committee on 7/1/24.

HB 278 AN ACT relating to the protection of children.

- 03.11 Hiring (Certified)
- 03.21 Hiring (Classified)

HB 447 AN ACT relating to the transportation of students (emergency).

- 06.31 Bus Scheduling and Routing

HB 471 AN ACT relating to pre-enrollment for military-connected students.

- 09.126 Students of Military Families

HB 727 AN ACT relating to school district buildings.

- 04.5 Revenue Bonds

Legislative Oversight and Investigations Committee Recommendation

- 08.23 “Harmful to Minors” Complaint Resolution Process

Note: New text and strikethroughs represent KSBA’s sample language, except changes that are highlighted are recommendations from JCPS staff.

702 KAR 3:330 Liability Insurance

01.11 General Powers and Duties of the Board

03.124 Insurance

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

The Board is an agent of the Commonwealth of Kentucky to administer school functions delegated to local districts by the Kentucky General Assembly. The powers and duties of the Board are set forth in the Kentucky Revised Statutes as follows:

ESTABLISHMENT OF SCHOOLS

The Board shall have general control and management of the public schools in the District and may establish schools, educational programs, and provide for courses and other services as 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.¹

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.

If approved as a District of Innovation by the Kentucky Board of Education, the District may be granted waivers and exemptions from selected Kentucky Administrative Regulations, Kentucky Revised Statutes. 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.¹¹

SCHOOL FUNDS AND PROPERTY

The Board shall have control and management of all school funds and all school property of the District and may use its funds and property to promote public education.

ADMINISTRATION

The Board shall exercise generally all powers prescribed by law in the administration of its public school system, appoint the Superintendent of schools, create and abolish positions, approve job descriptions and classifications, and fix the compensation and terms of office of employees.¹

It is the goal of the Board that the District employ qualified personnel for all positions, establish fair and equitable procedures for transfers and promotions within the system; and provide, to the extent possible,

General Powers and Duties of the Board**ADMINISTRATION (CONTINUED)**

working conditions and resources that enable each employee to support the District's Mission to provide relevant, comprehensive, quality instruction in order to educate, prepare and inspire our students to learn.

MANAGEMENT

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

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.²

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.³ 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.⁴ 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.⁹ 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/her/their or her employment.¹³

As long as they pay the full cost of premiums required, Board members may choose to participate in any group life insurance¹² or any group medical or dental insurance provided by the District for employees.¹⁰

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.⁵

General Powers and Duties of the Board**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.⁶

LEVY OF TAX RATES

As part of the budgetary process, and within the means of the tax structure and within the limits of its taxing power, the Board shall set and levy general and special building fund tax rates in compliance with statutory and regulatory requirements, including those mandated by the Kentucky General Assembly for the support of public education to promote and support the highest quality instructional program possible. When necessary, the District shall seek additional resources to support an adequate program of instruction and the construction of needed school facilities.⁷

Following approval of the District's general budget for the ensuing fiscal year, the Board shall levy the required ad valorem tax according to statutory requirements. Additional revenues from local tax sources shall be levied as designated by law when properly authorized.

The Board shall levy a tax rate sufficient to qualify the district for state matching funds under Support Education Excellence in Kentucky (SEEK) or other state matching fund programs. Prior to levying any local tax, the Board shall conduct a public hearing on the proposed local tax rates.

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.⁸ Debt limitations imposed by law shall be scrupulously observed.

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.⁴

Professional service contracts for \$20,000 or more shall be submitted to the Board prior to approval. The Superintendent is authorized to contract for all other professional services necessary for carrying out the policies of the Board without prior Board approval.¹³ A list of all professional service contracts (regardless of dollar amount) shall be presented to the Board on a monthly basis.

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 intend to apply for grants on behalf of the District or District schools shall first contact the Department of Resource Development. All grants sought shall contribute to the District's strategic plan.

General Powers and Duties of the Board**APPLICATIONS FOR GRANTS** (CONTINUED)

Except as specifically permitted by law, all grant applications that require a contract or the commitment of District funds, time or resources shall be submitted to the Board for prior approval. When an application deadline prevents Board consideration, the Superintendent is authorized to approve submission of the grant. All grants awarded and all grant agreements shall be submitted to the Board for approval.

NATIONAL MOTTO

Pursuant to the mandate in KRS 158.195, each school in the District shall display a small poster (11" X 17") limited to the following language and displayed in a prominent location in the school:

The phrase "In God We Trust" first appeared on U.S. coins in 1864, largely because of increased religious sentiment existing during the Civil War. The phrase later became the national motto and, in 1957, made it onto printed U.S. bills.

RESPONSIBILITIES OF THE BOARD

The Board's chief concern is for the development and operation of the Jefferson County Public Schools in furthering the goals of quality education for each individual. Areas of action or functions which are proper responsibilities of the Board are as follows:

1. To promote and support the instructional program to the highest quality possible within the means of the tax structure;
2. To appoint a Superintendent of schools;
3. To oversee the administration of the schools in accordance with the Kentucky Revised Statutes and the policies of the Board, as permitted by law;
4. To set the general tax rates within the limits of its taxing power;
5. To examine and approve the annual budget;
6. To consider and pass upon the recommendations of the Superintendent, within the limits provided by the Kentucky Revised Statutes and federal law;
7. To receive from the Superintendent reports on the progress of the educational program;
8. To approve the purchase of building sites and enter into contracts for the erection of school buildings and additions necessary to provide adequate facilities for the school population;
9. To formulate and cause to be executed policies for the efficient operation of the District and all schools; and
10. To perform all other duties prescribed by the Kentucky Revised Statutes.

General Powers and Duties of the Board

REFERENCES:

¹KRS 160.290

²KRS 160.300

³KRS 160.310

⁴KRS 160.160

⁵KRS 160.330

⁶KRS 160.340

⁷KRS 160.470

⁸KRS 160.540

⁹KRS 160.345

¹⁰KRS 160.280

¹¹KRS 156.108; KRS 160.107; KRS 160.346; 701 KAR 5:140

¹²KRS 18A.205; KRS 18A.210

¹³[702 KAR 3:330](#)

¹⁴KRS 160.370

KRS 116.200; KRS 156.072; KRS 156.160; KRS 158.195

KRS 160.1590; KRS 160.1592; KRS 160.1593; KRS 160.1594; KRS 160.1595

KRS 160.1599; KRS 161.158; KRS 162.010; KRS 416.560

OAG 91-10; OAG 91-122; OAG 95-10; 702 KAR 3:220; 702 KAR 4:160

RELATED POLICIES:

01.41; 01.5; 01.7

03.124; 03.224; 04.92

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 insurance and other fringe benefits to District employees as recommended by the Superintendent. This may include state and District paid insurance plans as well as optional employee-paid programs.

The Board shall provide unemployment insurance¹, ~~and~~ workers' compensation² ~~and liability~~ insurance for all certified personnel. In accordance with 702 KAR 3:330, the District shall provide Certified Employee Liability Insurance in an amount not less than one (1) million dollars for the protection of the employee from liability arising in the course and scope of pursuing the duties of his/her/their or her employment.³ In addition, the State provides group health and life insurance to employees who are eligible as determined by Kentucky Administrative Regulation.⁴³

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:

¹KRS 341.050

²KRS 342.630

³[702 KAR 3:330](#)

⁴³702 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

HB 6 AN ACT relating to appropriations measures...

02.442 Comprehensive School Improvement Plan

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

FINANCIAL IMPLICATIONS: COST OF UPDATING THE WEBSITE

ADMINISTRATION

02.442

Comprehensive School Improvement Plan

RESPONSIBILITY

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

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

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

The primary purposes of the CSIP shall be:

- Improve student learning, growth, and development.
- Eliminate achievement gaps among groups of students and address targeted needs.
- Involve and communicate programmatic decisions and actions to all stakeholders to ensure representation of diversity of the student body.

FORM

Unless the school planning committee requests and is granted a waiver by the Board, the school committee shall use the platform provided by the Kentucky Department of Education. The CSIP structure shall include the components set out in 703 KAR 5:225, Every Student Succeeds Act of 2015 (ESSA), and the elements required by KRS 158.649.

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

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

The school plan shall serve as a resource for school/council decision making and shall be posted.

PUBLIC REVIEW

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

SCHOOL REPORT CARDS

Comprehensive School Improvement Plan

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 published by one of the following methods:

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

If b or c above is selected, the Superintendent shall be directed to publish notification in the newspaper of 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 School's internet landing page, the School's percentage of students scoring the following:

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

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

To provide context and more complete information regarding the state summative assessment results, the school School shall also display on the internet landing page a web link to the KDE School Report Card which provides demographic information regarding the school's student body and detailed results of the school's performance on the most recent Kentucky Summative Assessment.

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 achievement gaps among various groups of students shall be shared with the Board for its review and comment. The Board may share its comments, in writing, with the council.

REFERENCES:

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

ADMINISTRATION

02.442
(CONTINUED)

Comprehensive School Improvement Plan

RELATED POLICIES:

01.111; 02.432

HB 278 AN ACT relating to the protection of children.

03.11 Hiring (Certified)
03.21 Hiring (Classified)

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 such actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes.

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

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

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

EFFECTIVE DATE

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

QUALIFICATIONS

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

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

Hiring**PRE-EMPLOYMENT INQUIRIES**

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

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.¹

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

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

~~Initial e~~Employment shall be contingent on receipt of records documenting that the individual ~~has~~
~~not have been~~:

1. ~~Has not been~~ convicted of an offense that would classify a person as a violent offender under KRS 439.3401, a conviction for a felony a sex crime defined by KRS 17.500, or a misdemeanor offense under KRS Chapter 510;
2. ~~Is not is~~ required to register as a conviction as a violent sex offender as defined in KRS 17.165; or
- 1.3. ~~Has not been convicted of an offence~~other conviction, including a drug offense, determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job.

Employment shall terminate on receipt of a criminal history background check documenting a conviction for an offense listed above, unless the offense is a misdemeanor drug offense over five (5) years ago or a non-support felony offense. ~~An employee~~ Employees shall immediately notify ~~his/her~~ their supervisor if ~~the employee is they are~~ arrested for or charged with one of the offenses listed above. The supervisor shall immediately notify employee relations.

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

(CONTINUED)

Hiring

CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)

“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;PERSONNEL 03.11
2. Upheld at an administrative hearing conducted in accordance with KRS Chapter 13B and not appealed to a Circuit Court; or
3. Upheld by a Circuit Court in an appeal of the results of an administrative hearing conducted in accordance with KRS Chapter 13B.¹

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

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

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

REPORT TO SUPERINTENDENT

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

VACANCIES POSTED

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

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

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

REVIEW OF APPLICATIONS

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

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

RELATIONSHIPS

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

Hiring

RELATIONSHIPS (CONTINUED)

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

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

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

A relative of the Superintendent or any principal of the District who is otherwise ineligible for A regular full-time or part-time employee of the District;

- Accruing continuing contract status or any other right to continuous employment;
- Receiving fringe benefits other than those provided other substitutes; or
- Receiving preference in employment or assignment over other substitutes.

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

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

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

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

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

Hiring**RELATIONSHIPS (CONTINUED)**

Exception to the above is substitute personnel.

CONTRACT

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

JOB DESCRIPTION

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

INTENT

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

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT

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

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

EMPLOYEES SEEKING A JOB CHANGE

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

JOB SHARING

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

EXCHANGE OF TEACHERS

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

REFERENCES:

¹KRS 160.380

²KRS 161.605; 702 KAR 1:150

³P. L. 114-95, (Every Student Succeeds Act of 2015)
20 U.S.C. § 7926; 42 U.S.C. § 9843a(g)

Hiring

REFERENCES (CONTINUED):

45 C.F.R. § 1302.90

KRS Chapter 13B

KRS 17.160; KRS 17.165; KRS 17.500 to KRS 17.580

KRS 156.106; KRS 160.345; KRS 160.390

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

KRS 439.3401

KRS Chapter 510

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

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

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

Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 02.4244; 03.132

LEGAL: 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

03.21

- CLASSIFIED PERSONNEL -

Hiring

SUPERINTENDENT'S RESPONSIBILITIES

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

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

EFFECTIVE DATE

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

PRE-EMPLOYMENT INQUIRIES

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

CRIMINAL BACKGROUND CHECK AND TESTING

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

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

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

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

~~Initial e~~ Employment shall be contingent on receipt of records documenting that the individual:

1. ~~Has not~~ ~~hasdoes not have~~ been convicted of an offense that would classify a person as a violent offender under KRS 439.3401, a conviction for a felony sex crime defined by KRS 17.500, or a misdemeanor offense under KRS Chapter 510;.
2. ~~Is not is~~ required to register as a sex offender; ~~a conviction as a violent offender as defined in KRS 17.165, or~~
- 1.3. ~~Has not been convicted of an offense~~ ~~other conviction~~, including a drug offense, determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job.

Employment shall terminate on receipt of a criminal history background check documenting a conviction for an offense listed above, unless the offense is a misdemeanor drug offense over five (5) years ago or a non-support felony offense. ~~An employee~~ ~~Employees~~ shall immediately notify ~~his/her~~ their supervisor if ~~the employee is they are~~ arrested for or charged with one of the offenses listed above. The supervisor shall immediately notify employee relations.

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

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

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

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

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

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

REPORT TO SUPERINTENDENT

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

Hiring

EDUCATIONAL REQUIREMENTS

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

All paraprofessionals shall satisfy educational requirements specified by federal law.⁴

VACANCIES POSTED

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

Vacancies may also be posted and advertised outside the District.

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

REVIEW OF APPLICATIONS

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

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

RELATIONSHIPS

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

A relative of the Superintendent shall not be employed except as provided by KRS 160.380.¹

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

Hiring

RELATIONSHIPS (CONTINUED)

No employee shall be assigned to a school, office, or unit if the assignment would cause a relative of ~~the~~ ~~such an~~ employee to be a supervisor of the employee.

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

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

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

EMERGENCY HIRING

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

JOB DESCRIPTION

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

CONTRACT

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

JOB SHARING

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

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT

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

PERSONNEL

03.21
(CONTINUED)

Hiring

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT (CONTINUED)

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

EMPLOYEES SEEKING A JOB CHANGE

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

REFERENCES:

¹KRS 160.380

²702 KAR 5:080

³KRS 161.011

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

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

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

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

KRS Chapter 13B

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

KRS 156.070; KRS 160.345; KRS 160.390

KRS 335B.020; KRS 405.435

[KRS 439.3401](#)

[KRS Chapter 510](#)

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

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

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

Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221

HB 447 AN ACT relating to the transportation of students (emergency).

06.31 Bus Scheduling and Routing

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

RESPONSIBILITIES

The Superintendent/designee shall be responsible for preparing schedules and routes for all buses in accordance with applicable statutes and administrative regulations in the most efficient and effective routing system possible. This shall include a system for notifying parents/guardians, pupils, and drivers of their bus schedules and routes, including any changes that are made. For those schools serving breakfast, bus schedules shall be set so that students arrive in sufficient time to receive breakfast prior to the instructional 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.¹

INFORMATION TO BE PREPARED

The Superintendent/designee shall prepare or cause to be prepared the following information:

- Pupil transportation maps,
- Bus route descriptions, and
- Reports necessary for calculating the amount to which the District is entitled under the Fund for Excellence in Education in Kentucky.

REGULAR ROUTE VEHICLES

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

The District ~~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.²

REFERENCES:

¹KRS 158.070

²~~KRS 156.153~~

KRS 158.110

702 KAR 5:030

TRANSPORTATION

06.31
(CONTINUED)

Bus Scheduling and Routing

RELATED POLICY:

08.31

HB 471 AN ACT relating to pre-enrollment for military-connected students.

09.126 Students of Military Families

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.

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

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

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.¹

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).

Students of Military Families**SPECIAL EDUCATION SERVICES (CONTINUED)**

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 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:

¹KRS 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

HB 727 AN ACT relating to school district buildings.

04.5 Revenue Bonds

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.

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

REFERENCES:

702 KAR 3:020

KRS Chapter 62

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

KRS 162.100; KRS 162.170; KRS 162.180; KRS 162.185

KRS 162.190; KRS 162.200; KRS 162.280

KRS 162.290; KRS 162.300; KRS 162.360

KRS 162.385; KRS 162.520; KRS 162.580

KRS 162.600; KRS 162.620; KRS 162.990

Legislative Oversight and Investigations Committee Recommendation

08.23 “Harmful to Minors” Complaint Resolution Process

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 a parent/guardian 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/guardian.

The complaint resolution process shall require that:

- a) A complaint be submitted in writing to the Principal of the school where the student is enrolled;
- b) A complaint 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 ~~of a student~~ may request in writing to the school, after final disposition is determined by the Board, that the school shall ensure ~~the 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/~~guardian 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/~~guardian 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.

“Harmful to Minors” Complaint Resolution Process**COMPLAINT RESOLUTION PROCESS (CONTINUED)**

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

REFERENCES:

KRS 158.192

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

RELATED POLICIES:

03.16; 03.162; 03.1621; 03.26; 03.262; 03.2621

08.2322; 09.4281; 09.42811; 09.428111; 10.2