

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

DRAFT 7/2/24, REVISED

PERSONNEL

03.13251

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- CERTIFIED PERSONNEL -

Drug-Free/Alcohol-Free Schools

DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES

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

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and
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.
4. Medicinal Cannabis: no employee shall manufacture, distribute, dispense, be under the influence of, purchase, possess, use, consume, or attempt to purchase or obtain, sell or transfer medicinal cannabis in the workplace or in the course of the performance of duties for or on behalf of the school, including at any school worksite or school function.

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

DEFINITIONS

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

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

Prohibited substances include:

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

3. Medicinal cannabis.

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AUTHORIZED DRUGS

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

Drug-Free/Alcohol-Free Schools

WORKPLACE DEFINED

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

SUSPENSION/TERMINATION/NON-RENEWAL

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

ALTERNATIVE

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

REPORTING

Any school employee who knows or has reasonable cause to believe that a person has violated KRS 158.155 shall immediately report 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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~~Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.~~

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NOTIFICATION BY EMPLOYEE

Any employee convicted of a workplace violation of criminal drug statutes shall, within five (5) working days, provide notification of the conviction to the Superintendent.

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.

Drug-Free/Alcohol-Free Schools

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.

MEDICINAL CANNABIS (KRS 218B.040)

Pursuant to KRS 218B.040 the comprehensive and on-going drug-free/alcohol-free prevention program shall include notice to all employees that use, consumption, distribution, or being under the influence of medicinal cannabis while on the job or in the performance of work duties is prohibited. The Superintendent/designee may exercise his/her ability to determine an employee's impairment, even when the employee is a cardholder under KRS 218B, through behavioral assessments of supervisors and/or co-workers, testing, and/or medical assessment. Employees who are determined to be impaired by the use of cannabis, including cardholding employees, may be discharged from employment and shall not be eligible to receive benefits under KRS Chapter 341.

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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.040; KRS 218B.045
16 KAR 1:030; 701 KAR 5:130; 34 C.F.R. Part 85

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RELATED POLICIES:

03.1325; 08.1345; 09.2211; 09.2241

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REFERENCES:

KRS 158.155; KRS 160.290; KRS 217.900
KRS 218A.1430; KRS 218A.1447; KRS 218B.040; KRS 218B.045
34 C.F.R. Part 85

RELATED POLICIES:

03.2325; 08.1345; 09.2211; 09.2241

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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

[DRAFT 7/3/24](#)

TRANSPORTATION

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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

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 shall stop the bus and contact the bus garage or Superintendent's designee to send someone to pick up the student or, if the behavior warrants, the driver shall call law enforcement. If calls for assistance are unsuccessful, the driver is authorized to order the offending student from the bus if the student is in the sixth (6th) grade or above. 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.¹ [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.² 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 \(risk of physical harm or otherwise makes it unsafe\), 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.²

VIDEO RECORDING EQUIPMENT

Video cameras may be installed in the District's school buses to record student behavior during transportation to and from school and school-related events. Evidence of student misbehavior recorded on video may be used to discipline students as otherwise provided by policy and state law regulations.

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Conduct on Bus

RESTITUTION OF DAMAGES

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

STUDENTS WITH SPECIAL NEEDS

Students with special needs who exhibit inappropriate conduct shall be managed in accordance with their Individual Education Plan (IEP) and/or 504 Plan and the legal obligations and standards adopted by the Board.³

REFERENCES:

¹KRS 158.150; 702 KAR 5:030; 702 KAR 5:080

²702 KAR 5:050

³20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA); Section 504 of Rehabilitation Act of 1973

KRS 158.110; KRS 160.705; 702 KAR 5:100

RELATED POLICIES:

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

RELATED PROCEDURE:

[06.34 AP.2](#)

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