

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 as described in KRS 158.4414, who has specialized training to work with youth at a school site pursuant to KRS 158.4414, and who is:

- (a)
 - 1. A sworn law enforcement officer; certified under KRS 15.380 to KRS 15.404;
 - 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 pursuant to KRS 158.471; 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;

ASSIGNMENT

Pursuant to KRS 158.4414, each Area Technology Center (ATC) shall cooperate with the local Board of Education and Superintendent of the home District on the assignment of at least one (1) certified SRO to the campus where the ATC is located.

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.

FIREARM REQUIREMENT

Each SRO shall be armed with a firearm, notwithstanding any provision of local Board policy, local school council policy, or memorandum of agreement.²

GUARDIANS

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

School Resource Officers (SROs)**GUARDIANS (CONTINUED)**

Beginning with the 2025-2026 school year, the Board that has met the requirement for each campus in the District, that at least one (1) certified SRO is assigned to and working on-site full-time in the school building or buildings on the campus, may employ one (1) or more Guardians to provide additional school safety and security measures within the District.²

REFERENCES:

¹KRS 158.441

²KRS 158.4414

KRS 158.471

KRS 15.380 to KRS 15.404; KRS 15.520

KRS 61.902; KRS 70.290

KRS 158.4415; KRS 158.4431

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

RELATED POLICIES:

02.311; 05.48; 09.4361

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.¹

HIRING

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

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

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

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:

¹KRS 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 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

Drug-Free/Alcohol-Free Workplace

The Office of Career and Technical Education (OCTE) is committed to providing a safe environment for its students, faculty, and staff. Kentucky TECH has defined conduct in relation to the use, possession, distribution, storage, manufacture, or sale of illegal or unauthorized drugs and being under the influence of alcohol on Kentucky TECH property or at any sponsored event. Conduct that violates this definition poses unacceptable risks and disregard for the health, safety, and welfare of members of the Kentucky TECH community and shall result in disciplinary action up to and including suspension or termination.

Being under the influence of alcohol or other drugs on the OCTE's property or any sponsored event is prohibited. The use, possession, distribution, manufacture, or sale of illegal or unauthorized drugs on the OCTE's property by employees or students is prohibited. Any student or staff member who violates these defined standards of conduct shall be subject to appropriate disciplinary action up to and including suspension or termination.

Accordingly, the OCTE is in compliance with the Drug-Free Workplace Act of 1988, which requires recipients of federal funds to certify that they have met requirements designed to promote a drug-free workplace. In compliance with this Act, and at the direction of the Governor, all state employees are notified that:

- A. The unlawful manufacture, distribution, dispensation, possession or use of any controlled substance is strictly prohibited in the workplace and any employee found to be in violation will be subject to disciplinary action by the Appointing Authority for misconduct which may include sanctions up to and including dismissal from state service, in accordance with State Law.
- B. The Personnel Cabinet will continue to improve drug-free awareness programs through employee assistance and, in cooperation with state agencies, to eradicate the dangers that drugs in the workplace create for our employees. State-supported health insurance provides coverage for employees referred to or seeking treatment for drug and alcohol related problems.
- C. Compliance with drug-free workplace requirements is a condition of continued employment with State government for all state employees. Each employee is obligated to report any conviction he or she receives as a result of a violation of any criminal drug statute or violation occurring in the workplace within five (5) days of such conviction. As required by Federal law, the employee shall report their conviction to his/her appointing authority. Additionally, the agency is obligated to report such conviction to the federal grantor within ten (10) days after it receives notice.
- D. Employees found to be in violation of drug-free workplace requirements may face disciplinary action up to and including dismissal or may be required to satisfactorily participate in a drug abuse assistance or treatment program.

Drug-Free/Alcohol-Free Workplace

It is the duty and responsibility of all supervisors to inform employees of this policy. Employees are advised to contact their supervisor or the Personnel Cabinet's Employee Assistance Program at (502) 564-5788 with any questions concerning this directive.

This policy has been shared with all current employees and their signature obtained on the related form indicating they understand the policy. New hires will be required to review and sign this document as part of their personnel paperwork packet. This signed document shall be included in the employee's personnel file.

AGENCY STATEMENT OF SANCTIONS

Faculty and staff are subject to disciplinary action ranging from a minimum of a warning to a maximum of termination.

EMPLOYEE VIOLATIONS

On the first occurrence, proof of drug abuse by an employee shall result in referral to the Kentucky Employee Assistance Program (KEAP), suspension for ten (10) days without pay, and a report of drug abuse evidence to the police. On any further occurrence of drug abuse, an employee shall be dismissed from employment in the Kentucky TECH System. Resignations will not be accepted in lieu of dismissal.

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.

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.

REFERENCES:

KRS 158.155; KRS 218B.045
KRS 218A.1447
41 U.S.C.A. §§701-707 ([Drug-Free Workplace Act of 1988](#))

RELATED POLICIES:

03.1291; 03.1325; 09.2211; 09.2241

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

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.

AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)

Pursuant to KRS 158.162, the local Board of Education shall maintain Automated External Defibrillators (AEDs) in designated locations throughout the Area Technology Center (ATC). An AED shall be used in emergency situations warranting its use in accordance with KRS 311.665 to KRS 311.669.

The local Board of Education 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 Principal shall 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
2. 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.

Safety

SCHOOL EMERGENCY PLANNING (CONTINUED)

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

Following the end of each school year, a school nurse within the District, 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.

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; and
4. Develop and adhere to practices to control access to the school.
5. Maintain the 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
6. Maintain a portable AED provided by the District in a public, readily accessible, well-marked location in every ATC building; and:
 - a) Adopt procedures for the use of the portable AED during an emergency;
 - b) Adopt policies for compliance with KRS 311.665 to KRS 311.669 on training, maintenance, notification, and communication with the local emergency medical services system;
 - c) Ensure that a minimum of three (3) employees in the school be trained on the use of a portable AED in accordance with KRS 311.667; 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 ATC employee and interscholastic athletic coach in the ATC 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.

Safety

SCHOOL EMERGENCY PLANNING (CONTINUED)

7. Require development of an event-specific emergency action plan for each school-sanctioned nonathletic event held off-campus to be used during a medical emergency, which may include the provision of a portable AED. The plan shall:
 - a) Include a delineation of the roles of staff and emergency personnel, methods of communication, any assigned emergency equipment including a portable AED, a cardiac emergency response plan, and access to and plan for emergency transport; and
 - b) Be in writing and distributed to any member of school personnel attending the school-sanctioned event in an official capacity.

No later than November 1 of each school year, the Principal shall send verification to the Associate Commissioner that the school is in compliance with school emergency planning requirements.

By August 1 of each year, the Principal shall report to the Kentucky Department of Education (KDE) on the number of portable AEDs at each school within the OCTE.¹

SAFETY SIGNS

The following is a suggested list of safety signs that may be posted in the shop/classrooms to emphasize the importance of good safety practices:

- | | |
|------------------------------------|--|
| 1. Asbestos | 15. Machine Lockout |
| 2. Auto Lift Safety | 16. Metal Shop Safety Rules |
| 3. Compressed Air | 17. NOT AN EXIT |
| 4. DANGER – Hands and Fingers | 18. Out of Order |
| 5. DANGER – High Voltage | 19. Oxyacetylene Safety |
| 6. Do Not Start | 20. Protective Eyewear Required |
| 7. Electric Welding Safety | 21. Universal Precautions |
| 8. Electricity Shop Safety Rules | 22. Unlawful possession of a weapon |
| 9. Emergency Eyewash | 23. Visitors Report to Main Office Before
Entering Shops/classrooms |
| 10. Emergency Eyewash Instructions | 24. Warning -This Machine Will Coast |
| 11. EXIT | 25. Wear face shield (battery charger) |
| 12. Fire Extinguisher | 26. Wear face shield (charging station) |
| 13. Hazardous Materials in Use | 27. Wood Shop Safety Rule |
| 14. Hearing Protection Required | |

Safety

SAFETY PUBLICATIONS

The Principal shall have resource information available in the school to ensure that the school is complying with all federal and state requirements. The Kentucky Department of Labor, Office of Occupational Safety and Health, Division of Education and Training, has available a variety of publications and forms relating to safety, wage and hour laws, child labor laws, wage discrimination, general industry standards, and construction standards at no cost. Instructional and informational publications are also available.

Training information and publications can be found on this website:

<https://elc.ky.gov/Pages/index.aspx>

COLOR CODING

Color coding shall be used as part of the school's safety and emergency procedures.

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.

WORKPLACE/SCHOOL VIOLENCE

KDE is committed to providing a safe and secure environment for its employees, students, and customers. Acts of violence such as physical assault, threatening behavior or verbal abuse in Cabinet operated facilities, on area technology center premises, on school buses, or at school sponsored or sanctioned events shall not be tolerated.

In the event that an individual's (employee, student, or customer) actions are perceived to endanger someone's safety and well-being; supervisory personnel, building security, and/or appropriate law enforcement agencies shall be notified immediately. The KDE Safety - Desk Guide – Emergency Telephone Numbers or *local district form* must be completed and maintained at the secretary/receptionist's desk and/or other locations deemed appropriate.

Other acts of violence that are of a less threatening nature should be promptly reported to supervisory personnel. Use of the KDE *Safety - Violent Incident Report Form* is recommended.

A *Safety - Violent Incident Report Form* shall be completed and forwarded to the OCTE, Safety Officer, when a situation warrants.

Employees or students that engage in acts of violence shall be subject to disciplinary action up to and including dismissal/expulsion. In the event that an individual's (employee or customer) actions are perceived to endanger the safety and well-being of any employee or customer, appropriate law enforcement agencies including building security, police departments, county sheriffs, and state police and supervisory personnel should be notified immediately.

Safety

REFERENCES:

¹KRS 158.1621
KRS Chapter 198B
KRS 61.870 to KRS 61.884
KRS 158.110
KRS 158.162; KRS 158.164; KRS 158.4410; KRS 158.4433
KRS 311.667; KRS 311.665 to KRS 311.669
702 KAR 1:180; 780 KAR 3:065; 780 KAR 6:005
[Domestic Violence and Sexual Assault in the Public Workplace](#)

RELATED POLICIES:

03.14; 05.2; 05.41; 05.411; 05.42; 05.47; 09.221; 09.4 (entire section)

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 process 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 processes 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: 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.

The School shall comply with rights given to parents and eligible students by the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; CFR Part 99) and to ensure 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 eighteen (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 eighteen (18) years old or older if the student is dependent under federal tax laws.¹

After a student reaches the age of eighteen (18) or is attending an institution of postsecondary education, the rights that were the parents accrue to the student. The parents' rights cease when the student takes over.

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.

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

In addition, considering the totality of the circumstances, the School 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.

Contractors, consultants, volunteers, and other parties to whom the School or the Kentucky Department of Education (KDE) has outsourced services or functions may access student records provided they are:

- Under the School'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.

Student Records

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 Principal 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.

FERPA gives parents of students enrolled in Kentucky TECH schools and eligible students access to official records and data pertaining to those students and the right to deny access to those records to others unless authorized by law. FERPA denies Federal funds to any school district that does not allow parents access to their children's records. Parents and eligible students shall be allowed to inspect and review all materials that are incorporated into the student's cumulative record and be granted a hearing to challenge the contents of the records if requested.

Release of any information contained in student records maintained by the School to any person other than those permitted under law shall be done only upon written consent from the student's parents or the eligible student, specifying what is to be released, and to whom. A copy of records to be released shall be made available to the parents or eligible students.

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

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

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 to 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 School receives such orders, the matter(s) may be referred to KDE counsel for advice.

Student Records

DUTY TO REPORT

If it is determined that the School cannot comply with any part of FERPA or its implementing regulations due to a conflict with state or local law, the Principal 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 Principal is authorized to release student directory information as designated by the local board(s) of education. Approved “directory information” may include: 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 must notify the superintendent of the sending district 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 School allows for disclosure of directory information only to specific parties for specific purposes as specified in the local district student directory information notification.

Unless the parent/guardian or student who has reached age eighteen (18) requests in writing that the local 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 School 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.

Student Records

SURVEYS OF PROTECTED INFORMATION (CONTINUED)

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

STUDENTS WITH DISABILITIES

The local 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.

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 and the local superintendent/designee notifies the Principal of the school in which the child is enrolled, the Principal shall then release the information as permitted by law. Only the Principal 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 county attorney may, upon request by the school district or the school, provide a statement of the facts in the case, not to include the complainant's name.

RECORDS RETENTION

Student record information shall be kept on file in the School office while the student is enrolled. Upon graduation/withdrawal, the student record shall be moved to inactive files and maintained for a minimum of three (3) years. If the student does not re-enroll within three (3) years after graduation/withdrawal, the inactive record shall be archived and maintained permanently in fireproof storage.

Student Records**REFERENCES:**

¹Section 152 of the Internal Revenue Code of 1986
²KRS 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. § 1232g; CFR Part 99
20 U.S.C. 1232h (Protection of Pupil Rights Amendment); 34 C.F.R. 98
OAG 80-33; OAG 85-130; OAG 85-140; OAG 86-2; OAG 93-35
Kentucky Family Educational Rights and Privacy Act (KRS 160.700; KRS 160.705
KRS 160.710; KRS 160.715; KRS 160.720; KRS 160.725; KRS 160.730)
20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)
Kentucky Education Technology System (KETS)
P. L. 114-95, (Every Student Succeeds Act of 2015)
42 U.S.C. 11431 et seq. (McKinney-Vento Act)

RELATED POLICIES:

09.12311; 09.43

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

STUDENTS

09.2211

Employee Reports of Criminal Activity

To promote the safety and well-being of students, employees shall make state law required reports 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.

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

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

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.

Employee Reports of Criminal Activity**KRS 158.156**

Any employee of a school who knows or has reasonable cause to believe that a student is 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 at the time the student was involved in an incident reportable under this section. The Principal shall file a written report with the Associate Commissioner of Career and Technical Education and the local law enforcement agency or the KSP 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 KSP; 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.

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

EXPLANATION: HB 829 CREATES KRS 218B.045 WHICH REQUIRES THE BOARD TO ENACT A POLICY BY DECEMBER 1, 2024, TO EITHER PERMIT OR PROHIBIT THE USE OF MEDICINAL CANNABIS BY A STUDENT ON SCHOOL PROPERTY.
IF THE BOARD DOES NOT PERMIT THE USE OF MEDICINAL CANNABIS, THIS FORM IS NOT NEEDED.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.2242

Medicinal Cannabis

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

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

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

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

1. Require medicinal cannabis be administered:
 - a. i. By a school nurse or under the supervision of appropriate school staff; or
 - ii. By the parent or legal guardian of the pupil who is a registered qualified patient;
and
 - b. Out of view of other students; and
2. Include a process by which a school nurse or other school staff member may by written acknowledgement (09.2242 AP.2) refuse to administer or supervise the administration of medicinal cannabis.

REFERENCE:

KRS 218B.045

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 ATC shall adhere to the local board adopted 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.¹

REFERENCES:

¹KRS 158.110

RELATED POLICIES:

06.22; 06.34

09.226; 09.422

09.438

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 neglected¹, 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 620.030.²

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 Associate Commissioner of Career and Technical Education/designee.

Upon notification, the Principal or the Associate Commissioner of Career and Technical Education/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 school 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 school, 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 school 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.

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 parent³ and shall provide the Cabinet access to a child subject to an investigation or assessment without parental consent.⁴

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 **ATC** shall complete KBE 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.

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:

¹KRS 600.020

²KRS 620.030; KRS 620.040

³OAG 85-134; OAG 92-138

⁴KRS 620.072

KRS 17.160; KRS 17.165; KRS 17.545; KRS 17.580

KRS 156.095; KRS 199.990; KRS 209.020; KRS 508.125

KRS 620.050; KRS 620.146

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

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

STUDENTS

09.227
(CONTINUED)

Child Abuse

RELATED POLICIES:

09.1231; 09.3; 09.31; 09.42811; 09.4361; 10.5

LEGAL: HB 446 AMENDS KRS 158.110 TO REQUIRE DEVELOPMENT OF A DISTRICT TRANSPORTATION SERVICES POLICY 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.¹
- 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 (cyber-bullying).
- 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;

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.

REPORTS

Students that believe they are victims of bullying/hazing shall be directed to report such incidents to school personnel for appropriate action.

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

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

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

Bullying/Hazing**REPORTS (CONTINUED)**

In certain cases, employees must do the following:

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

OTHER CLAIMS

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

REFERENCES:

- ¹KRS 158.150
- KRS 158.148
- KRS 158.156
- 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; 06.34; 09.13; 09.2261; 09.421; 09.425; 09.426; 09.42811
- 09.2211 (re reports required by law)

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

Use of Alcohol, Drugs and Other Prohibited Substances

DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES

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

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

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

DEFINITIONS

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

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

Prohibited substances include:

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

AUTHORIZED MEDICATION

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

PENALTY

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

REPORTING

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

Use of Alcohol, Drugs and Other Prohibited Substances

REFERENCES:

KRS 156.070; KRS 158.150; KRS 158.154; KRS 158.155

KRS 160.290; KRS 161.180

KRS 217.900; KRS 218A.020; KRS 218A.1430; KRS 218A.1447; KRS 218B.045

OAG 82-633; OAG 93-32

Clark County Board of Education vs. Jones, KY. App., 625 S. W. 2d 586 (1981).

Board of Ed. of Tecumseh Public School District, Independent School Dist. No. 92 of
Pottawatomie Cty. v. Earls, ___ U.S. ___, 242 F.3d 1264 (2002).

RELATED POLICIES:

09.2211; 09.2241

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

FINANCIAL IMPLICATIONS: PROVIDING MATERIALS AND LOSS OF ADA

STUDENTS

09.4232

Tobacco, Alternative Nicotine, or Vapor Products

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

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 state, clearly stating that the use of all such products is prohibited at all times and by all persons on or in the property.

School employees shall enforce the policy. Students who violate these prohibitions while under the supervision of the school shall be subject to penalties set forth in the school board's Code of Acceptable Behavior and Discipline.

PENALTIES

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

1. For the first incident, the ATC shall notify the local district so that the local district 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. The ATC shall notify the local district of a second incident which shall result in providing information listed above and disciplinary action as determined by the local Board's District Code of Acceptable Behavior and Discipline; and
3. The ATC shall notify the local district of the third and any subsequent incidents which may result in an in-school or out-of-school suspension. The local district shall provide the opportunity for a student to complete an evidence-based, age-appropriate nicotine education program during an in-school suspension.

STUDENTS

09.4232
(CONTINUED)

Tobacco, Alternative Nicotine, or Vapor Products

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; 10.5

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

STUDENTS

09.425

Assault and Threats of Violence

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

STUDENTS

Any student who threatens, physically assaults, batters or abuses another student shall be subject to appropriate disciplinary action, including suspension or expulsion.¹

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 534.030.²

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 action¹ up to and including expulsion from school and/or legal action.

REMOVAL OF STUDENTS

School administrators, teachers, or other school personnel may immediately remove or cause to be removed threatening or violent students from a classroom setting 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 consistent with the School's code of conduct if the disruptive behavior persists.

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.

The Principal/designee shall review the removal to determine if further disciplinary action is warranted or if the student is to be returned to the classroom.

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

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

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 09.42811/Grievances.

REPORT TO LAW ENFORCEMENT AGENCY

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

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

- 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.

Assault and Threats of Violence**DOMESTIC/DATING VIOLENCE REPORTING AND EDUCATION**

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

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

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

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

NOTIFICATIONS

As soon as the Principal/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 school employee assigned to work directly with, or who comes in contact with, a student with a documented history of physical abuse of a school employee or of carrying a concealed weapon on school property or at a school function, shall be notified in writing of the student's history by the Principal or designee, guidance counselor or other official who has knowledge of the student's behavior prior to the assignment or contact.

Assault and Threats of Violence

REFERENCES:

¹KRS 158.150
²KRS158.1559
KRS 158.154; KRS 158.155; KRS 160.290
KRS 161.155; KRS 161.190; KRS 161.195
KRS 209A:020; KRS 209.160
KRS 209A.100; KRS 209A.110; KRS 209A.130
KRS 211.160; KRS 403.720; KRS 456.010
KRS 508.025; KRS 508.075; KRS 508.078; KRS 525.080
KRS 527.070; KRS 532.060; KRS 534.030; KRS 620.030
702 KAR 5:080

RELATED POLICIES:

03.123; 03.13253; 03.223; 03.23253; 05.4; 05.48
06.34; 09.14; 09.2211; 09.422; 09.423; 09.426; 09.4281; 09.429; 09.4341