

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

THIS APPLICABILITY NEEDS TO BE DISCUSSED WITH COUNSEL.

ADMINISTRATION

02.31

School Resource Officers (SROs)

DEFINITION

"School Resource Officer" or "SRO" means an officer whose primary job function is to work with youth at a school site who has specialized training to work with youth at a school site and is:

- (a)
 1. A sworn law enforcement officer certified under KRS 15.380 to KRS 15.404; or
 2. A special law enforcement officer appointed pursuant to KRS 61.902 and certified under KRS 15.380 to KRS 15.404; or
 3. A police officer appointed as a certified SRO; and

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(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;
3. Directly by a local Board of Education;¹ or
4. ~~Directly by the Kentucky School for the Blind (KSB) or the Kentucky School for the Deaf (KSD).~~

ASSIGNMENT

- ~~By August 1, 2022,~~ The Board shall ensure, for each campus in the District, that at least one (1) certified SRO is assigned to and working on-site full-time in the school building or buildings on the campus. If sufficient funds and qualified personnel are not available for this purpose for every campus, the Board shall fulfill the requirements on a per campus basis, as approved in writing by the State School Security Marshal, until a certified SRO is assigned to and working on-site full-time on each campus in the District. KSB/D are generally considered local districts. A contract directly with the school or with KDE would be covered by (b)(1).

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BOARD MAY AUTHORIZE POLICE DEPARTMENT

KRS 158.471 provides that the Board is authorized to establish a police department for the District, appoint police officers and other employees, prescribe distinctive uniforms for the police officers of the District, and designate and operate emergency vehicles. Police officers appointed shall take an appropriate oath of office in the form and manner consistent with the constitution of Kentucky. Police officers shall be granted with the protections provided in KRS 15.520 and shall be certified in accordance with KRS 15.380.³

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

TRAINING REQUIREMENTS

~~All School Resource Officers (SROs)~~ with active SRO certification shall successfully complete forty (40) hours of annual in-service training that has been certified or recognized by the Kentucky Law Enforcement Council for SROs. Any SRO who fails to successfully complete training

requirements within the specified time periods, including approved extensions, shall lose his/her SRO certification and shall no longer serve in the capacity of an SRO in a school.

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

THIS APPLICABILITY NEEDS TO BE DISCUSSED WITH COUNSEL.

ADMINISTRATION

02.311

Kentucky Guardians

DEFINITION

"Kentucky Guardian" or "Guardian" means an employee of the Commissioner/Designee ~~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;

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Kentucky Guardians

HIRING (CONTINUED)

2. A psychological suitability screening to determine the person's suitability to perform Guardian duties; and
3. A polygraph examination to determine the person's suitability to perform Guardian duties;
- h) Has passed the following courses provided by the Department of Criminal Justice Training (DOCJT):
 1. Active Shooter Response;
 2. Enhanced Handgun Performance; and
 3. Patrol Rifle;
- i) Has passed the marksmanship qualification requirement for a retired peace officer as specified in KRS 237.140;
- j) Has been honorably discharged from the Armed Forces of the United States within the five (5) years immediately preceding an initial contract to be a Guardian as evidenced by a Department of Defense form DD 214, or is a retired Kentucky state trooper, retired special or sworn law enforcement officer, or former federal law enforcement officer. Each agency that employed a retired Kentucky state trooper, retired special law enforcement officer, or sworn law enforcement officer shall provide to the retired individual proof of prior employment in a prompt and efficient manner, without charge to the individual; and
- k) Has met any other requirements imposed by Board, which may include but are not limited to a preemployment written examination

TRAINING REQUIREMENTS

Each Guardian shall be required to complete annual firearm proficiency testing and shall meet the standard in the same manner as set forth in KRS 237.140(4)(a) to (c).

Each Guardian shall be required to complete the course requirements for School Resource Officer (SRO) Training I (SRO I).

The Board may require the completion of any additional courses and training as determined to be necessary by the Board.

Any cost associated with training shall be the responsibility of the Guardian unless otherwise agreed to by the Board. The Kentucky Law Enforcement Council shall not charge more to Guardians for tests, assessments, or training completed than what is customarily charged to any other type of applicant tested, assessed, or trained by the council.

EMPLOYMENT

The Board employing a Guardian shall collaborate with the local police department, local sheriff, area post of the Department of Kentucky State Police, and the State School Security Marshal in order to adopt District policy regarding:

Kentucky Guardians

EMPLOYMENT (CONTINUED)

- a) The job description of the Guardian, including but not limited to the scope of duties, responsibilities, and direct supervisor of the Guardian;
- b) The uniform to be worn by Guardians that would best suit the needs of the schools while also allowing outside agencies to easily identify Guardians;
- c) The procedures, processes, and chain of command to be used during an emergency in which law enforcement agencies are called to the school; and
- d) The type of firearm and ammunition to be used by the Guardian, if any.

IMMUNITY

The Board shall be immune from civil or criminal liability in all claims arising out of any action of a Guardian.

Guardians shall possess all the immunities and defenses now available or hereafter made available under state law to sheriffs, constables granted peace officer powers, and police officers in any suit brought against them in consequence of acts done in the course of their employment.

Nothing requires the Board to hire or provide Guardians. Participation by the Board in the use of a Guardian is voluntary and subject to the availability of District funds. Any board that opts to participate shall do so at its own expense.

REFERENCES:

- 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 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

COMMISSIONER/DESIGNEE'S ~~PRINCIPAL'S~~ RESPONSIBILITIES

All appointments, promotions, and transfers of certified personnel for positions authorized by the Commissioner/Designee shall be made by the Commissioner/Designee.

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

When a vacancy needs to be filled in less than fifteen (15) days to prevent disruption of necessary instructional or support services of KSB/KSD, the ~~Principal~~ Commissioner/Designee 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 Commissioner/Designee has been approved by the Commissioner of Education.

EFFECTIVE DATE

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

QUALIFICATIONS

The Commissioner/Designee 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.

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

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

CRIMINAL BACKGROUND CHECK AND TESTING

Applicants, employees, and student teachers assigned within KSB/KSD 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:

Hiring

CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)

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

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

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

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

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

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

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

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

REPORT TO COMMISSIONER

An employee shall report to the Commissioner/Designee 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.

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Hiring

JOB REGISTER

The ~~Commissioner or the Commissioner's designee~~ Commissioner/Designee shall maintain in the school human resources office a job register listing all current job openings at KSB/KSD. The register shall describe the duties and qualifications for each opening, and school employment policies shall be attached to the register. The job register shall be open to public inspection during school office business hours.

VACANCIES POSTED

Under procedures developed by the Kentucky Department of Education, a listing of all KSB/KSD job openings shall be posted in the school human resources office on a timely basis and shall refer interested persons to the statewide job posting system as described above for additional information. Postings of vacancies may be made with other agencies, as appropriate.

When a vacancy for a teaching position occurs at KSB/KSD, the Commissioner/Designee shall conduct a search to locate minority candidates to be considered for the position.

REVIEW OF APPLICATIONS

Under procedures developed by the Kentucky Department of Education, each application shall be reviewed and each applicant so notified upon initial application. Applications for candidates not employed shall be retained for two (2)~~three (3)~~ years.

RELATIONSHIPS

The Commissioner/Designee shall not employ a relative of a member of the Kentucky Board of Education (KBE).

A relative of a member of the KBE 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 KSB/KSD;
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.¹

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

CONTRACT

Except for noncontracted substitute teachers, all certified personnel shall enter into written contracts with ~~KSB/KSD~~ The Kentucky Department of Education.

JOB DESCRIPTION

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

INTENT

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

Hiring**REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT**

Each year all full-time and part-time certified employees shall be notified in writing by the last day of school if they have reasonable assurance of continued employment for the following school year.

Certified 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, KDE employees assigned to KSB/KSD employees are prohibited from assisting a school employee, contractor, or agent in obtaining a new job if the individual knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law and such school employee, contractor, or agent does not meet the exceptions outlined in 20 U.S.C. § 7926.

REFERENCES:

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)

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 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

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

Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 02.4244; 03.132

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

PERSONNEL

03.124

- CERTIFIED PERSONNEL -

Insurance

INSURANCE

The Kentucky Department of Education shall provide unemployment insurance¹ and workers' compensation² insurance for all certified personnel. In accordance with 702 KAR 3:330, the District Kentucky Department of Education shall provide Certified Employee Liability Insurance in an amount not less than one (1) million dollars for the protection of the employee from liability arising in the course and scope of pursuing the duties of his or her employment.³ This insurance coverage is intended solely for protection from liability for acts that are not subject to sovereign or official immunity. In addition, the State provides group health and life insurance to employees who are eligible as determined by Kentucky Administrative Regulation.⁴

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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](#)

⁴702 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)

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RELATED POLICIES:

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

LEGAL: HB 5 AMENDS KRS 158.155 TO REQUIRE SCHOOL EMPLOYEES TO REPORT CERTAIN ENUMERATED CRIMES TO LAW ENFORCEMENT.
NOTE: IF YOUR POLICY CONTAINS DRUG TESTING LANGUAGE IT SHOULD BE REVIEWED BY YOUR BOARD ATTORNEY.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

PERSONNEL

03.13251

- CERTIFIED PERSONNEL -

Drug-Free/Alcohol-Free Schools

DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES

KSB/KSD 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.

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-Family~~ 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.

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 and school policy, except as prohibited by policy 09.2242, 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 KSB/KSD including any place where work on a KSB/KSD 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 KSB/KSD 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 Commissioner/Designee may choose that an employee who violates the terms of the KSB/KSD's drugfree/alcoholfree workplace policies shall satisfactorily participate in a Kentucky Personnel Cabinet approved drug/alcohol abuse assistance or rehabilitation program. If the employee fails to satisfactorily participate in such a program, the employee may be suspended, nonrenewed 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 Commissioner/Designee, KSB/KSD's SRO or law enforcement agency and either the local law enforcement agency or the Kentucky State Police.

~~Employees of the KSB/KSD 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.~~

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 Commissioner/Designee.

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, an employee 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 Regulations for a period not to exceed twelve (12) months from the date of such reprimand or disciplinary action.

PERSONNEL

03.13251
(CONTINUED)

Drug-Free/Alcohol-Free Schools

PREVENTION PROGRAM

The Principal 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 KSB/KSD's policies and related procedures on drug-free/alcohol-free schools;
2. The requirement for mandatory compliance with the KSB/KSD's established standards of conduct, including those that prohibit use of alcohol, drugs and other controlled and prohibited substances;
3. Information about available drug/alcohol counseling programs and available rehabilitation/employee assistance programs; and
4. Penalties that may be imposed upon employees for violations of this policy.

REFERENCES:

| [KRS 158.155](#); KRS 160.290; KRS 160.380
| KRS 161.120; KRS 161.175; KRS 161.790
| KRS 217.900; KRS 218A.1430; KRS 218A.1447; [KRS 218B.045](#)
| 16 KAR 1:030; 701 KAR 5:130; 34 C.F.R. Part 85

RELATED POLICIES:

| 03.1325; 08.1345; [09.2211](#); 09.2241

LEGAL: SB 2 AMENDS KRS 158.162 TO REQUIRE A COPY OF THE DATA CREATED THROUGH THE SCHOOL MAPPING DATA PROGRAM AS PART OF EACH SCHOOL'S EMERGENCY PLAN AND ALLOWING FOR THE USE OF SECONDARY LOCKING MECHANISMS ON CLASSROOM DOORS, NOTWITHSTANDING ANY PROVISIONS OF THE KENTUCKY BUILDING CODE PROMULGATED PURSUANT TO KRS CHAPTER 198B TO THE CONTRARY.

FINANCIAL IMPLICATIONS: COST OF CREATING THE SCHOOL MAPPING DATA

LEGAL: HB 169 AMENDS KRS 158.162 TO REQUIRE THE DISTRICT TO MAINTAIN A PORTABLE AUTOMATED EXTERNAL DEFIBRILLATOR (AED) IN EVERY SCHOOL BUILDING AND SUBMIT AN ANNUAL REPORT TO KDE ON THE NUMBER AND LOCATION OF EACH AED IN EVERY SCHOOL BUILDING, THE NAME, SCHOOL, AND TRAINING DATE OF EACH DISTRICT EMPLOYEE AND INTERSCHOLASTIC ATHLETIC COACH IN THE DISTRICT TRAINED IN THE USE OF AEDS; AND THE PROGRESS MADE TOWARDS HAVING AN AED AT ALL SCHOOL-SANCTIONED ATHLETIC PRACTICES AND COMPETITIONS.

FINANCIAL IMPLICATIONS: COST OF PURCHASING AEDS AND TIME SPENT ON TRAINING AND REPORTING

LEGAL: HB 446 AMENDS KRS 158.148 REVISING TWO-WAY COMMUNICATION SYSTEM BY REMOVING THE WORD "EXISTING" IN FRONT OF EMERGENCY.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

SCHOOL FACILITIES

05.4

Safety

BOARD TO ADOPT PLAN

The Kentucky Board of Education shall adopt a plan for immediate and long-term strategies to address school safety and discipline, which shall be reviewed annually and revised, as needed. This plan shall utilize information gathered from the KSB/KSD assessment of school safety and student discipline required by law and shall include the Board's eCode of aAcceptable bBehavior and dDiscipline and a description of instructional placement options for threatening or violent students. The committee that develops the plan for Board consideration shall include at least one (1) representative from each school in the KSB/KSD, as well as representatives from the community as required by law.

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

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

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.

KSB/KSD SCHOOL SAFETY COORDINATOR

The ~~Principals of KSB and KSD~~ Commissioner/Designee shall appoint an individual at each school to serve as the School Safety Coordinator (SSC) and primary point of contact for public school safety and security functions.¹ The SSC shall:

1. Complete the school safety coordinator training program developed by the Center for School Safety within six (6) months of his or her date of appointment;
2. Designate a school safety and security threat assessment team at each school in the KSB/KSD consisting of two (2) or more staff members to identify and respond to students exhibiting behavior that indicates a potential threat to school safety or security. Members of a threat assessment team may include school administrators, school counselors, school resource officers, school-based mental health services providers, teachers, and other school personnel;
3. Provide training to school Principals on procedures for completion of the school security risk assessment;
4. Review all school security risk assessments completed within the KSB/KSD and prescribe recommendations as needed in consultation with the state school security marshal;
5. Advise the Principals annually of completion of required security risk assessments;
- ~~6.~~ Formulate recommended policies and procedures, which shall be excluded from the application of KRS 61.870 to KRS 61.884, for an all-hazards approach including conducting emergency response drills for hostage, active shooter, and building lockdown situations in consultation and coordination with appropriate public safety agencies to include but not be limited to fire, police, and emergency medical services for review and adoption as part of the school emergency plan required by KRS 158.162. The recommended policies shall encourage the involvement of students, as appropriate, in the development of the school's emergency plan; ~~and~~
- ~~6.7.~~ Maintain the copies of the school mapping data created through the School Mapping Data Program to be made available to appropriate public safety agencies, but which shall be excluded from the application of KRS 61.870 to 61.884; and
- ~~7.8.~~ Ensure each school campus is toured at least once per school year, in consultation and coordination with appropriate public safety agencies, to review policies and procedures and provide recommendations related to school safety and security.

The SSC, and any school employees participating in the activities of a School Safety and Security Threat Assessment Team, acting in good faith upon reasonable cause in the identification of students, shall be immune from any civil or criminal liability that might otherwise be incurred or imposed from:

Safety**SCHOOL EMERGENCY PLANNING (CONTINUED)**

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

PRINCIPALS TO REPORT

No later than November 1 of each year, the ~~Principals-Commissioner/Designee~~ shall report to the Center for School Safety the number and placement of School Resource Officers (SROs) in the KSB/KSD. The report shall include the source of funding and method of employment for each position.

AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)

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

The schools 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 Kentucky Board of Education shall require the Principal of the Kentucky School for the Blind and the Principal of the Kentucky School for the Deaf to adopt an emergency plan for each school that shall include:

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

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

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

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

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

1. Licensed athletic trainers, school nurses, and athletic directors; and

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

SCHOOL FACILITIES

05.4
(CONTINUED)

Safety

SCHOOL EMERGENCY PLANNING (CONTINUED)

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

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

1. Establish and post primary and secondary evacuation routes in each room by any doorway used for evacuation;
2. Identify the best available severe weather safe zones, in consultation with local and state safety officials and informed by guiding principles set forth by the National Weather Service and the Federal Emergency Management Agency, and post the location of the safe zones in each room;
3. Develop school procedures to follow during an earthquake;
4. Develop and adhere to practices to control access to the school. Practices shall include but not be limited to:
 - Controlling outside access to exterior doors during the school day;
 - Controlling the main entrance of the school with electronically locking doors, a camera, and an intercom system;
 - Controlling access to individual classrooms;
 - Requiring classroom doors to be equipped with hardware that allows the door to be locked from the outside but opened from the inside;
 - Requiring classroom doors to remain closed and locked during instructional time, except in instances when only one (1) student and one (1) adult are in the classroom or when approved in writing by the State School Security Marshal;
 - Requiring classroom doors with windows to be equipped with material to quickly cover the window during a building lockdown;
 - [Allowing for the use of secondary locking mechanisms on classroom doors, notwithstanding any provisions of the Kentucky Building Code promulgated pursuant to KRS Chapter 198B to the contrary;](#)
 - Requiring all visitors to report to the front office of the building, provide valid identification, and state the purpose of the visit; and
 - Providing a visitor's badge to be visibly displayed on a visitor's outer garment.
5. Maintain a portable AED in a public, readily accessible, well-marked location in every ~~middle and high~~ school building and, as funds become available, at school-sanctioned ~~middle and high school~~ athletic practices and competitions and:
 - a) Adopt procedures for the use of the portable AED during an emergency;

- b) Adopt policies for compliance with KRS 311.665 to KRS 311.669 on training, maintenance, notification, and communication with the local emergency medical services system;

Safety**SCHOOL EMERGENCY PLANNING (CONTINUED)**

- c) Ensure that a minimum of three (3) employees in the school and all interscholastic athletic coaches be trained on the use of a portable AED in accordance with KRS 311.667; ~~and~~
 - d) Ensure that all interscholastic athletic coaches maintain a cardiopulmonary resuscitation certification recognized by a national accrediting body on heart health; and
 - e) No later than November 1 of each school year, submit an annual report to the Kentucky Department of Education on:
 - i. The number and location of each portable AED in every school building;
 - ii. The name, school, and training date of each ~~KSB/KSD~~ Kentucky Department of Education employee assigned to KSB/KSD and interscholastic athletic coach in the District trained in the use of a portable AED; and
 - iii. The progress made towards having a portable AED at all school-sanctioned athletic practices and competitions; and
6. Require development of an event-specific emergency action plan for each school-sanctioned nonathletic event held off-campus to be used during a medical emergency, which may include the provision of a portable AED. The plan shall:
- a) Include a delineation of the roles of staff and emergency personnel, methods of communication, any assigned emergency equipment including a portable AED, a cardiac emergency response plan, and access to and plan for emergency transport; and
 - b) Be in writing and distributed to any member of school personnel attending the school-sanctioned event in an official capacity.

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

By August 1 of each year, the Principal s of the Kentucky School for the Blind and the Principal of the Kentucky School for the Deaf shall report to the Kentucky Department of Education on the number of portable AEDs at each school.²

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.

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Safety

COMMUNICATION SYSTEM

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

REFERENCES:

¹KRS 158.4412

²KRS 158.1621

[KRS Chapter 198B](#)

KRS 61.870 to KRS 61.884

[KRS 158.110](#)

KRS 158.148; KRS 158.162; KRS 158.164; KRS 158.4410; [KRS 158.4433](#); KRS 158.445

KRS 160.290; KRS 160.445

KRS 311.665 to KRS 311.669; KRS 311.667; KRS 411.148

702 KAR 1:180

RELATED POLICIES:

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

09.22; 09.221; 09.4 (entire section); 10.5

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LEGAL: HB 446 AMENDS KRS 158.110 TO REQUIRE DEVELOPMENT OF A DISTRICT TRANSPORTATION SERVICES POLICY BASED ON THE STATEWIDE TRANSPORTATION SERVICES POLICY GUIDELINES INCLUDING DRIVER RIGHTS AND THE STANDARD FOR STUDENT BEHAVIOR, REPORTING, AND PROTECTION FROM RETALIATION ON SCHOOL-SPONSORED TRANSPORTATION.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TRANSPORTATION

06.22

Bus Drivers' Rights and Responsibilities

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

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WALKTHROUGH AT END OF RUN

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

DISCIPLINARY ACTION

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

DRIVER RIGHTS

Per KRS 158.110, a driver:

1. May refuse to provide further transportation upon written report to Superintendent/Commissioner/Designee/designee;
2. May be heard at any disciplinary hearing against a student relating, at least in part, to misconduct that occurred during the operator's transportation of the student:
 - a. A driver's recommendation shall be considered as a factor for interim or final determination of disciplinary action; and
 - b. A driver is permitted, to the extent permitted by law, to receive written notice from the Superintendent/designee/Commissioner/Designee of the investigation, disciplinary action imposed, and reasoning in response to reported misconduct; and
3. Shall be provided the opportunity to be heard and to make a recommendation regarding future transportation of the student during any disciplinary hearing relating, at least in part, to misconduct by the student's parent or guardian and the impact upon a student's transportation privileges.

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Any action under this policy related to students with disabilities shall be in compliance with applicable state and federal laws.

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REFERENCES:

¹702 KAR 5:080; 702 KAR 5:150

KRS 158.110

KRS 189.370; KRS 189.375; KRS 189.380; KRS 189.450; KRS 189.540; KRS 189.550

KRS 281A.170 to KRS 281A.175; KRS 281A.205

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RELATED POLICY:

09.2261

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

TRANSPORTATION

06.31

Bus Scheduling and Routing

RESPONSIBILITY

The KSB/KSD shall be responsible for scheduling and routing all buses in keeping with applicable statutes and regulations. This shall include a system of notifying parents, pupils, and drivers of bus schedules and routes and, for those schools serving breakfast, arranging bus schedules so that buses arrive in sufficient time to provide breakfast prior to the student attendance day. If the KSB/KSD participates in the Federal School Breakfast Program, the KSB/KSD 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

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

REGULAR ROUTE VEHICLES

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

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Districts KSB/KSD may also use vehicles owned, leased, or contracted by the Kentucky Department of Education 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

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REFERENCES:

¹KRS 158.070

²KRS 156.153

KRS 158.110

702 KAR 5:030

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RELATED POLICY:

08.31

LEGAL: HB 446 AMENDS KRS 158.110 TO REQUIRE DEVELOPMENT OF A DISTRICT TRANSPORTATION SERVICES POLICY BASED ON THE STATEWIDE TRANSPORTATION SERVICES POLICY GUIDELINES INCLUDING THE STANDARD FOR STUDENT BEHAVIOR, REPORTING, AND PROTECTION FROM RETALIATION ON SCHOOL-SPONSORED TRANSPORTATION.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TRANSPORTATION

06.33

Regular Bus Stops

DISCHARGE OF PUPILS

The bus driver shall discharge pupils at their regularly scheduled stops only, except with written authorization from the Principal/designee to discharge a pupil at another location.¹ Preschool students shall be transported in accordance with applicable regulations.²

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

EXCEPTION

The driver may discharge a pupil for disciplinary reasons in accordance with Policies 06.34 and 09.2261 of this manual and with 702 KAR 5:080.¹

REFERENCES:

¹702 KAR 5:080

²702 KAR 5:150

KRS 158.110

KRS 189.370

KRS 189.375

KRS 189.540

RELATED POLICIES:

[06.34; 09.2261](#)

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LEGAL: HB 446 AMENDS KRS 158.110 TO REQUIRE DEVELOPMENT OF A DISTRICT TRANSPORTATION SERVICES POLICY BASED ON THE STATEWIDE TRANSPORTATION SERVICES POLICY GUIDELINES INCLUDING DRIVER RIGHTS AND THE STANDARD FOR STUDENT BEHAVIOR, REPORTING, AND PROTECTION FROM RETALIATION ON SCHOOL-SPONSORED TRANSPORTATION.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

TRANSPORTATION

06.34

Conduct on Bus

PRINCIPAL AUTHORITY

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

REPORTING OF VIOLATIONS

Bus drivers shall promptly report any violation of KSB/KSD 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 Commissioner's designee to send someone to pick up the student or, if the behavior warrants, the driver shall call law enforcement. At the first reasonable opportunity, the driver shall notify the Principal of the school where the pupil attends or the Commissioner's designee 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 busriding privileges up to a maximum of ten (10) school days per occurrence in the case of habitual or serious conduct violations. The Principal shall notify the parents in cases where busriding privileges have been withheld. Drivers may, upon filing a written report to the Superintendent/designee/Commissioner/Designee, refuse future transportation to students in violation of the Code of Acceptable Behavior and Discipline until an interim or final determination of disciplinary action has been made.

The ~~Commissioner or the Commissioner's designee~~ Principal/Designee may withhold ~~busriding~~ busriding privileges up to the remainder of the school year.

RESTITUTION OF DAMAGES

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

STUDENTS WITH 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~~ applicable state and federal law.²

TRANSPORTATION

06.34
(CONTINUED)

Conduct on Bus

REFERENCES:

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

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

CURRICULUM AND INSTRUCTION

08.23

"Harmful to Minors" Complaint Resolution Process

"HARMFUL TO MINORS"

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

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

COMPLAINT RESOLUTION PROCESS

This complaint resolution policy shall be used to address complaints submitted by parents or guardians alleging that material, a program, or an event that is harmful to minors has been provided or is currently available to a student enrolled at KSB/KSD 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 Kentucky Board of Education, that the school shall ensure his or her student does not have access to the material, program, or event that the parent or guardian believes to be harmful to minors but was allowed to remain or be eligible for future participation.](#)

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

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

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

“Harmful to Minors” Complaint Resolution Process

REFERENCES:

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

RELATED POLICIES:

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

LEGAL: SB 11 AMENDS KRS 610.345 TO REQUIRE NOTICE TO SCHOOLS PRIOR TO FILING OF A PUBLIC OFFENSE PETITION AGAINST A CHILD IN CERTAIN CASES AND ALLOWS THE SUPERINTENDENT TO DESIGNATE AN EMPLOYEE OF THE DISTRICT TO RECEIVE NOTICES AND CARRY OUT THE SUPERINTENDENT'S RESPONSIBILITIES.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.14

Student Records

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

PROCEDURE TO BE ESTABLISHED

The Principal shall establish procedures to promote effective notification of parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) and to ensure compliance with applicable state and federal student record requirements.

DISCLOSURE OF RECORDS

Student records shall be made available for inspection and review to the parent(s) of a student or to an eligible student on request. Legal separation or divorce alone does not terminate a parent's record access rights. Eligible students are those 18 years of age or older or those duly enrolled in a post-secondary school program. In general, FERPA rights pass to the eligible student upon either of those events. Parents may be provided access to the educational records of an eligible student 18 years old or older if the student is dependent under federal tax laws.¹

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.

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

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

Authorized KSB/KSD 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 KSB/KSD an official court order placing the student whose records are requested under the care and protection of said agency. The state welfare agency representative receiving such records must be authorized to access the child's case plan.

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

- School officials (such as teachers, instructional aides, administrators, including health or medical staff and law enforcement unit personnel) and other service providers (such as contractors, consultants, and volunteers used by KSB/KSD to perform institutional services and functions) having a legitimate educational interest in the information.

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

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

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

DISCLOSURE TO REPRESENTATIVES FOR FEDERAL OR STATE PROGRAM PURPOSES

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

DUTY TO REPORT

If it is determined that KSB/KSD cannot comply with any part of FERPA or its implementing regulations due to a conflict with state or local law, KSB/KSD 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. Approved "directory information" shall be: name, address, phone number, date and place of birth, student's school email address, major field of study, participation in officially recognized activities and sports, photograph/picture, grade level, weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, and most recent educational institution attended. Any eligible student or parent/guardian who does not wish to have directory information released shall notify the Principal 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.

KSB/KSD allows for disclosure of directory information only to specific parties for specific purposes. Such limitations are specified in the student directory information notification.

Student Records**DIRECTORY INFORMATION (CONTINUED)**

Unless the parent/guardian or student who has reached age 18 requests in writing that KSB/KSD 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

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

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

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

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

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

STUDENTS WITH DISABILITIES

KSB/KSD's special education policy and procedures manual shall include information concerning records of students with disabilities.

RECORDS RELEASE TO JUVENILE JUSTICE SYSTEM

Once a complaint is filed with a court-designated worker alleging that a child has committed a status offense or public offense, schools shall provide all records specifically requested in writing, and pertaining to that child to any agency that is listed as part of Kentucky's juvenile justice system in KRS 17.125 if the purpose of the release is to provide the juvenile justice system with the ability to effectively serve, prior to adjudication, the needs of the student whose records are sought. The authorities to which the data are released shall certify that any educational records obtained pursuant to this section shall only be released to persons authorized by statute and shall not be released to any other person without the written consent of the parent of the child. The request, certification, and a record of the release shall be maintained in the student's file.

Student Records

JUVENILE COURT RECORDS

Records or information received on youthful or violent offenders shall not be disclosed except as permitted by law. When such information is received, the Principal shall be notified. 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/Commissioner/Designee or the Principal of the disposition, and all records of the incident or notification created in the District or the school shall be destroyed and shall not be included in the child's school records. For purposes of destruction, education records created by the school shall not be destroyed. The District or school may request a statement of facts from the county attorney in a juvenile case.²

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RECORDS OF MISSING CHILDREN

Upon notification by the Commissioner of Education of a child's disappearance, if the child is currently or was previously enrolled at KSB/KSD, the school shall flag the record of such child in a manner that whenever a copy of or information regarding the child's record is requested, KSB/KSD shall be alerted to the fact that the record is that of a missing child. Instead of forwarding the records of a child who has been reported missing to the agency, institution, or individual making the request, KSB/KSD shall notify the Justice Cabinet.

COURT ORDER/SUBPOENA

Prior to complying with a lawfully issued court order or subpoena requiring disclosure of personally identifiable student information, school authorities shall make a documented effort to notify the parent or eligible student. In compliance with FERPA, notice to the parent is not required when a court order directs that disclosure be made without notification of the student or parent, or when the order is issued in the context of a dependency, neglect, or abuse proceeding in which the parent is a party. If KSB/KSD receives such orders, the matter(s) may be referred to counsel for advice.

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. 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)

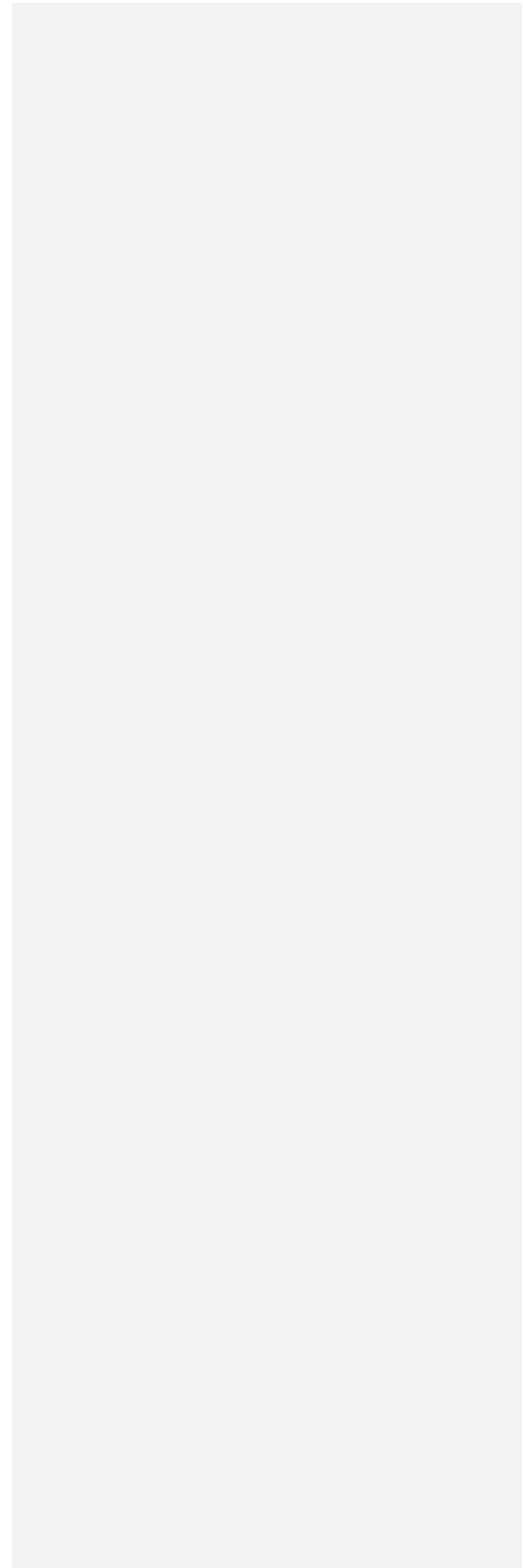
STUDENTS

09.14
(CONTINUED)

Student Records

RELATED POLICIES:

09.111; 09.12311; 09.43



LEGAL: SB 2 CREATES AMENDS KRS 158.4451 TO REQUIRE DISTRICTS TO PROVIDE AN ANONYMOUS REPORTING TOOL THAT ALLOWS STUDENTS, PARENTS, AND COMMUNITY MEMBERS TO ANONYMOUSLY SUPPLY INFORMATION CONCERNING UNSAFE, POTENTIALLY HARMFUL, DANGEROUS, VIOLENT, OR CRIMINAL ACTIVITIES, OR THE THREAT OF THESE ACTIVITIES, TO APPROPRIATE PUBLIC SAFETY AGENCIES AND SCHOOL OFFICIALS.

FINANCIAL IMPLICATIONS: COST OF OBTAINING ANONYMOUS REPORTING TOOL AND PROVIDING TRAINING ON THE USE OF SUCH

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

FINANCIAL IMPLICATIONS: TIME SPENT ON AND COST OF PROVIDING TRAINING

STUDENTS

09.22

Student Health and Safety

PRIORITY

Student health, welfare and safety shall receive priority consideration by KSB/KSD.

Rules and regulations on health and safety promulgated by the Kentucky Board of Education under Kentucky statute and by local and state boards of health relating to student safety and sanitary conditions shall be implemented at KSB/KSD.

HEALTH SERVICES TO BE PROVIDED

In keeping with applicable legal requirements, only licensed medical professionals or school employees who have been appropriately trained and authorized to do so shall provide health services to students.

Employees to whom health service responsibilities have been delegated must be approved in writing by the delegating physician or nurse. The approval form shall state the employee consents to perform the health service when the employee does not have the administration of health services in his/her contract or job description as a job responsibility, possesses sufficient training and skills, and has demonstrated competency to safely and effectively perform the health service. The approval form shall be maintained as required by law. Delegation of health service responsibilities shall be valid only for the current school year.¹

If the delegation involves administration of medication, KSB/KSD will maintain proof that the employee has completed the required training provided by the Kentucky Department of Education (KDE).

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

SAFETY PROCEDURES

All pupils shall receive annual instruction in school bus safety.

The Health Nurse/Supervisor shall develop procedures designed to promote the safety of all students. Said procedures shall specify specific responsibilities for line positions having responsibility for student supervision.

ANONYMOUS REPORTING TOOL

The KSB/KSD shall provide an anonymous reporting tool that allows students, parents, and community members to anonymously supply information concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.

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Student Health and Safety

ANONYMOUS REPORTING TOOL (CONTINUED)

The KSB/KSD may use the Kentucky Office of Homeland Security’s anonymous reporting tool or provide an alternative anonymous reporting tool that meets the same requirements and shall develop and provide a comprehensive training and awareness program on the use of the chosen anonymous reporting tool.⁵

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STUDENT IDENTIFICATION BADGES

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

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

SUICIDE PREVENTION STAFF TRAINING

All employees with job duties requiring direct contact with students in grades ~~four (4)~~^{six (6)} through twelve (12) shall ~~each school year~~^{annually} complete a minimum one (1) hour of high-quality evidence-based suicide prevention training, including risk factors, warning signs, protective factors, response procedures, referral, postvention, and the recognition of signs and symptoms of possible mental illness. ~~The such~~ training shall be in-person, by live streaming, or via video recording and may be included in the four (4) days of professional development required by statute. The KSB/KSD shall provide suicide prevention materials for review by any employee subject to training hired during a year in which the in-person, live streaming, or video recording training is not required.^{2 & 3}

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SUICIDE PREVENTION STUDENT LESSONS

~~By September 15 of each year, e~~Each public school shall provide two (2) evidence-based suicide prevention awareness lessons each school year, the first by September 15 and the second by January 15, either in person, by live streaming, or via a video recording ~~information~~ to students in grades six (6) through twelve (12). The school shall provide an opportunity for any student absent on the day the evidence-based suicide prevention awareness lesson was initially presented to receive the lesson at a later time. The information may be obtained from as provided by the Cabinet for Health and Family Services or a commercially developed suicide prevention training program.²

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SEIZURE DISORDER MATERIALS

All staff employed by the Kentucky Department of Education and assigned to KSB/KSD shall, upon hiring, complete at least one (1) hour of self-study review of seizure disorder materials, ~~no later than July 1, 2019~~. At least one (1) hour of self-study review of seizure disorder materials shall also be required for all principals, guidance counselors, and teachers hired after July 1, 2019.³

STUDENTS

09.22
(CONTINUED)

Student Health and Safety

REFERENCES:

¹KRS 156.501; KRS 156.502; 702 KAR 1:160

²KRS 156.095

³KRS 158.070

⁴KRS 158.038

⁵[KRS 158.4451](#)

KRS 156.160

KRS 158.836; KRS 158.838

702 KAR 5:030

RELATED POLICY:

09.2241

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

STUDENTS

09.2211

Employee Reports of Criminal Activity

To promote the safety and well-being of students, KSB/KSD requires employees to make reports required by state law in a timely manner. Supervisors and administrators shall inform employees of the following required reporting duties:

KRS 158.154

When the Principal has a reasonable belief that an act has occurred on school property or at a school-sponsored function involving assault resulting in serious physical injury, a sexual offense, kidnapping, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a controlled substance in violation of the law, or damage to the property, the Principal shall immediately report the act to the appropriate local law enforcement agency. For purposes of this section, "school property" means any school building, bus, 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 school's law enforcement agency or School Resource Officer (SRO) and to either the local law enforcement agency or to the Kentucky State Police.

Any school employee shall immediately report to the District's school's law enforcement agency or SRO 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 school's law enforcement agency or SRO and to either the local law enforcement agency or to the Kentucky State Police.

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

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

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

- ~~a. A misdemeanor or violation offense under the laws of this Commonwealth and relates to:~~
- ~~i. Carrying, possession, or use of a deadly weapon; or~~
 - ~~Use, possession, or sale of controlled substances; or~~
 - ~~a. Any felony offense under the laws of this Commonwealth; and~~
 - ~~a) The conduct occurred on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.~~

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KRS 158.156

Any employee of KSB/KSD who knows or has reasonable cause to believe that a school student has been the victim of a violation of any felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event shall immediately cause an oral or written report to be made to the Principal of the school attended by the victim. The Principal shall notify the parents, legal guardians, or other persons exercising custodial control or supervision of the student when the student is involved in an incident reportable under this section. The Principal shall file a written report with the ~~local school board~~ Kentucky Board of Education and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the original report.

KRS 209A.100

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

KRS 209A.110

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

KRS 620.030

Any person who knows or has reasonable cause to believe that a child is dependent, neglected, or abused, or is a victim of human trafficking, or is a victim of female genital mutilation, shall immediately cause an oral or written report to be made to a local law enforcement agency or the Department of Kentucky State Police; the cabinet or its designated representative; the Commonwealth's Attorney or the County Attorney; by telephone or otherwise. After making that report, the employee shall then immediately notify the Principal of the suspected abuse. Any supervisor who receives from an employee a report of suspected dependency, neglect, or abuse shall promptly make a report to the proper authorities for investigation.

STUDENTS

09.2211
(CONTINUED)

Employee Reports of Criminal Activity

REFERENCES:

KRS 158.154; KRS 158.155; KRS 158.156
KRS 209A.100; KRS 209A.110
KRS 508.125; KRS 525.070; KRS 525.080; KRS 527.070; KRS 527.080
KRS 620.030

RELATED POLICIES:

03.13251; 03.23251; 03.13253; 03.23253
05.48
09.227; 09.422; 09.423; 09.425; 09.426; 09.438

LEGAL: HB 169 AMENDS KRS 158.162 TO REQUIRE THE DISTRICT TO MAINTAIN A PORTABLE AUTOMATED EXTERNAL DEFIBRILLATOR (AED) IN EVERY SCHOOL BUILDING AND SUBMIT AN ANNUAL REPORT TO KDE ON THE NUMBER AND LOCATION OF EACH AED IN EVERY SCHOOL BUILDING; THE NAME, SCHOOL, AND TRAINING DATE OF EACH DISTRICT EMPLOYEE AND INTERSCHOLASTIC ATHLETIC COACH IN THE DISTRICT TRAINED IN THE USE OF AEDS; AND THE PROGRESS MADE TOWARDS HAVING AN AED AT ALL SCHOOL-SANCTIONED ATHLETIC PRACTICES AND COMPETITIONS.

FINANCIAL IMPLICATIONS: COST OF PURCHASING AEDS, AND TRAINING AND REPORTING

STUDENTS

09.224

Emergency Medical Treatment

FIRST AID TO BE PROVIDED

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

FIRST-AID ROOM

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

KSB/KSD shall have employees trained in accordance with the law to administer or help administer emergency medications.

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

AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)

KSB/KSD shall maintain a portable AED in a public, readily accessible, well-marked location in every ~~middle and high~~ school building and, as funds become available, at school-sanctioned ~~middle and high school~~ athletic practices and competitions. A minimum of three (3) employees in the school and all interscholastic athletic coaches shall be trained on the use of a portable AED.²

INFORMATION NEEDED

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

EMERGENCY CARE PROCEDURES

Schools shall have emergency care procedures comporting with regulation¹ and may utilize the Kentucky Department of Education's Health Services Reference Guide (HSRG) as a resource.

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

STUDENTS

09.224
(CONTINUED)

Emergency Medical Treatment

REFERENCES:

¹702 KAR 1:160

²KRS 158.162

KRS 156.160; KRS 156.502

KRS 158.836; KRS 158.838

Kentucky Department of Education Health Services Reference Guide (HSRG)

RELATED POLICIES:

05.4

09.21

09.22

09.2241

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

STUDENTS

09.2242

Medicinal Cannabis

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Effective January 1, 2025, the Board elects to prohibit the use of medical cannabis on school property pursuant to KRS 218B.045. Notwithstanding that prohibition, the school shall not refuse to enroll, or otherwise penalize, a person solely for his or her status as a cardholder, unless failing to do so would violate federal law or regulations and cause the school to lose a monetary or licensing-related benefit under federal law or regulations." ~~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.~~

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- 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:
- ~~— 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~~
- ~~— Include a process by which a school nurse or other school staff member may by written acknowledgement (09.2242 AP.2) refuse to administer or supervise the administration of medicinal cannabis.~~

REFERENCE:

KRS 218B.045

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LEGAL: HB 446 AMENDS KRS 158.110 TO REQUIRE DEVELOPMENT OF A DISTRICT TRANSPORTATION SERVICES POLICY, POLICY BASED ON THE STATEWIDE TRANSPORTATION SERVICES POLICY GUIDELINES BY THE FIRST DAY OF THE 2024-2025 SCHOOL YEAR, INCLUDING THE STANDARD FOR STUDENT BEHAVIOR, REPORTING, AND PROTECTION FROM RETALIATION ON SCHOOL-SPONSORED TRANSPORTATION.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.2261

Transportation Services Policy

The Board shall adopt a ~~District~~ Transportation Services Policy based on the Statewide Transportation Services Policy Guidelines, provided by the Kentucky Department of Education and shall update the policy every two (2) years.¹

REFERENCES:

¹KRS 158.110

RELATED POLICIES:

06.22; 06.34

09.226; 09.422

09.438

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LEGAL: HB 271 AMENDS KRS 620.030 TO ALLOW A WRITTEN REPORT, INCLUDING BUT NOT LIMITED TO ELECTRONIC SUBMISSION, OF DEPENDENCY, NEGLECT, OR ABUSE OF A CHILD.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED
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 ~~oral~~ report, the employee shall then immediately notify the Principal of the suspected abuse. If the Principal is suspected of child abuse, the employee shall notify the Commissioner/designee.

Upon notification, the Principal or the Commissioner/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, KSB/KSD 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 KSB/KSD, 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 KSB/KSD 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 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.

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 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

RELATED POLICIES:

09.1231; 09.3; 09.31; 09.42811; 10.5

LEGAL: HB 446 AMENDS KRS 158.110 TO REQUIRE DEVELOPMENT OF A DISTRICT TRANSPORTATION SERVICES POLICY BASED ON THE STATEWIDE TRANSPORTATION SERVICES POLICY GUIDELINES INCLUDING THE STANDARD FOR STUDENT BEHAVIOR, REPORTING, AND PROTECTION FROM RETALIATION ON SCHOOL-SPONSORED TRANSPORTATION.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.42

Student Conduct

The Principal/designee shall be responsible for overall implementation and supervision of the KSB/KSD's Code of Acceptable Behavior and Discipline and the Transportation Services Policy, based on statewide student discipline guidelines provided by the Kentucky Department of Education, and the Each Principal shall be responsible for administration and implementation of the Code and the Policy within the school. The Principal shall apply the Code and the Policy uniformly and fairly to each student without partiality or discrimination.

The Principal of the school, shall set school policy concerning the selection and implementation of appropriate discipline and classroom management techniques necessary to carry out the Code and the Policy.

REFERENCES:

KRS 158.110; KRS 158.148

KRS 160.290

KRS 161.180

RELATED POLICIES:

09.42611; 09.438

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. Such behavior is disruptive of the educational process and interferes with the ability of other students to take advantage of the educational opportunities offered.

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

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

BULLYING DEFINED

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

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

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

HAZING DEFINED

Per KRS 508.180, "hazing" is defined as a direct action which substantially endangers the physical health of a minor or student for the purpose of recruitment, initiation into, affiliation with, or enhancing or maintaining membership or status within any organization, including but not limited to actions which coerce or force a minor or a student to:

- a) Violate federal or state criminal law;
- b) Consume any food, liquid, alcoholic liquid, drug, tobacco product, or other controlled substance which subjects the minor or student to a risk of serious physical injury;

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Bullying/Hazing

HAZING DEFINED (CONTINUED)

- c) Endure brutality of a physical nature, including whipping, beating or paddling, branding, or exposure to the elements;
- d) Endure brutality of a sexual nature; or
- e) Endure any other activity that creates a reasonable likelihood of serious physical injury to the minor or student.

~~an action which endangers the mental or physical health of a minor or student for the purpose of recruitment, initiation into, affiliation with, or enhancing or maintaining membership or status within any organization*, including but not limited to actions which cause, coerce, or force a minor or a student to:~~

- ~~2. Violate federal or state criminal law;~~
- ~~3. Consume any food, liquid, alcoholic liquid, drug, tobacco product, or other controlled substance which subjects the minor or student to a risk of mental harm or physical injury;~~
- ~~4. Endure brutality of a physical nature, including whipping, beating or paddling, branding, or exposure to the elements;~~
- ~~5. Endure brutality of a mental nature, including personal servitude, sleep deprivation, or circumstances which would cause a reasonable person to suffer substantial mental distress;~~
- ~~6. Endure brutality of a sexual nature; or~~
- ~~7. Endure any other activity that creates a reasonable likelihood of mental harm or physical injury to the minor or student.~~

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

REPORTS

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

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

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

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STUDENTS

09.422
(CONTINUED)

Bullying/Hazing

REPORTS (CONTINUED)

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

In certain cases, employees must do the following:

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

OTHER CLAIMS

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

REFERENCES:

¹KRS 158.150
KRS 158.148
KRS 158.156
KRS 160.290
KRS 508.180
KRS 525.080
Bethel School District No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549 (1986)
Mahanoy Area School District v. B. L., 594 US _ (2021)
Tinker v. Des Moines Independent School District, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)

RELATED POLICIES:

03.162; 03.262; [06.34](#); 09.13; [09.2261](#); 09.421; 09.425; 09.426; 09.4281; 09.42811; 09.438
09.2211 (re reports required by law)

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

Use of Alcohol, Drugs and Other Prohibited Substances

DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES

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

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

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

DEFINITIONS

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

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

Prohibited substances include:

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

AUTHORIZED MEDICATION

Use of a drug authorized by and administered in accordance with a prescription from a physician or dentist [and school Policy 09.2242](#) 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 school's law enforcement agency or School Resource Officer (SRO) and either the local law enforcement agency or the Kentucky State Police.

Employees of KSB/KSD shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school-sponsored or sanctioned event. In addition, when they have reasonable belief that a violation has taken place, the Principal shall immediately report to law enforcement officials

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when an act has occurred on school property or at a school-sponsored function that involves student possession of a controlled substance on school property in violation of the law.

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

The Principal shall establish a comprehensive and on-going drug-free/alcohol-free prevention program for all students which shall include notice to students and parents of the following:

1. The dangers of drug/alcohol/substance abuse in the schools;
2. KSB/KSD's policies and related procedures on drug-free/alcohol-free schools;
3. The requirement for mandatory compliance with KSB/KSD's established standards of conduct, including those that prohibit use of alcohol, drugs and other controlled and prohibited substances;
4. Information about available drug/alcohol counseling programs and available rehabilitation/student assistance programs; and
5. Penalties that may be imposed upon students for violations of this policy.

REFERENCES:

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 KSB/KSD 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 activity.

Evidence-based, age-appropriate nicotine prevention and cessation material shall be distributed to all students at the beginning of each school year, and students shall have access to the material throughout the school year.

Adequate notice shall be provided to students, parents and guardians, school employees, and the general public.

Signage shall be posted on or in all property, including any vehicle that is owned, operated, leased, or contracted for use by the 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 ~~local e~~Code of ~~a~~Acceptable ~~b~~Behavior and ~~d~~Discipline.

PENALTIES

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

1. For the first incident, the school counselor or other school-based mental health services provider shall provide to the parent or guardian and the student evidence-based, age-appropriate nicotine cessation information to include but not be limited to materials, programs, and referrals for treatment;
2. A second incident shall result in providing information listed above and disciplinary action as determined by the State and included in the ~~District~~KSB/KSD Code of Acceptable Behavior and Discipline; and
3. Third and subsequent incidents may result in an in-school or out-of-school suspension. The school shall provide the opportunity for a student to complete an evidence-based, age-appropriate nicotine education program during an in-school suspension.

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STUDENTS

09.4232
(CONTINUED)

Tobacco, Alternative Nicotine, or Vapor Products

REPORTING

No later than August 1 of each year, the KSB/KSD Principals Board shall submit a report to the Kentucky Department of Education that includes:

- a. The number of behavior incidents for each alternative nicotine product, tobacco product, and vapor product, listed by school and grade; and
- b. The number of incidents for which medical intervention was provided, listed by school, grade, and product.

REFERENCES:

KRS 158.149; KRS 160.290; KRS 160.340; KRS 161.180
KRS 438.050; KRS 438.305; ~~KRS 438.345~~; KRS 438.350
OAG 81-295; OAG 91-137
P. L. 1114-95, (Every Student Succeeds Act of 2015)

RELATED POLICIES:

03.1327; 05.31; 06.221; 09.438; 10.5

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

STUDENTS

09.425

Assault and Threats of Violence

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

STUDENTS

Any student who threatens, physically assaults, batters or abuses another student shall be subject to appropriate disciplinary action, including suspension or expulsion.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 or from the LEA/KSB/KSD’s transportation system pending any further disciplinary action that may occur. Threatening or violent behavior shall include, but not be limited to:

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

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

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

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

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

Assault and Threats of Violence

REPORT TO LAW ENFORCEMENT AGENCY (CONTINUED)

h. 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 KSB/KSD's law enforcement agency and to either the local law enforcement agency or to the Kentucky State Police.

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

DOMESTIC/DATING VIOLENCE REPORTING AND EDUCATION

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

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

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

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

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STUDENTS

09.425
(CONTINUED)

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

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LEGAL: SB 2 AMENDS KRS 158.4416 INCLUDING THE DEFINITION OF TRAUMA-INFORMED APPROACH PLAN, AND REQUIRES THE PLAN TO BE REVIEWED AND UPDATED ANNUALLY, INCORPORATED INTO THE ANNUAL COMPREHENSIVE DISTRICT IMPROVEMENT PLAN (CDIP), AND SUBMITTED TO KDE.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.43

Student Disciplinary Processes

SCHOOL-RELATED ACTIVITIES

The authority of KSB/KSD in matters of student behavior is not limited to school buildings and grounds or to times when the pupil is on his/her way to or from school, but extends to any activity which is school-related or school-sponsored.

TRAUMA-INFORMED APPROACH PLAN

“Trauma-informed approach” means incorporating principles of trauma awareness and trauma-informed practices, ~~as recommended by the federal Substance Abuse and Mental Health Services Administration,~~ in a school in order to foster a safe, stable, and understanding learning environment for all students and staff and ensuring that all students are known well by at least one (1) adult in the school setting.

The KSB/KSD shall develop a plan for implementing a trauma-informed approach. The plan shall be based on the Trauma-Informed Toolkit from [the Kentucky Department of Education \(KDE\)](#) and include but not be limited to:

- a) strategies for enhancing trauma awareness throughout the school community;
- b) conducting an assessment of the school climate including but not limited to inclusiveness and respect for diversity;
- c) developing trauma-informed discipline policies;
- d) collaborating with the Department of Kentucky State Police, the local sheriff, and the local chief of police to create procedures for notification of trauma-exposed students; and
- e) providing services and programs designed to reduce the negative impact of trauma, support critical learning, and foster a positive and safe school environment for every student.²

[The trauma-informed approach plan shall be reviewed and updated annually, incorporated into the annual Comprehensive District Improvement Plan \(CDIP\) required by 703 KAR 5:225, and submitted to the KDE.](#)

TREATMENT OF PUPILS

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

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

Student Disciplinary Processes

TREATMENT OF PUPILS (CONTINUED)

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

SERIOUS PROBLEMS

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

REFERENCES:

¹KRS 158.153
2KRS 158.4416
KRS 158.150; KRS 158.449
KRS 160.290; KRS 160.340; KRS 160.345
KRS 161.180; KRS 610.345
[703 KAR 5:225](#)
P. L. 105-17

RELATED POLICIES:

[01.111](#); 08.14; 09.14; 09.429; 09.438

LEGAL: HB 446 AMENDS KRS 158.110 TO REQUIRE DEVELOPMENT OF A DISTRICT TRANSPORTATION SERVICES POLICY BASED ON THE STATEWIDE TRANSPORTATION SERVICES POLICY GUIDELINES INCLUDING DRIVER RIGHTS AND THE STANDARD FOR STUDENT BEHAVIOR, REPORTING, AND PROTECTION FROM RETALIATION ON SCHOOL-SPONSORED TRANSPORTATION.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.435

Expulsion

KENTUCKY BOARD OF EDUCATION (KBE) MAY EXPEL

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

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

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

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

The KSB/KSD may expel a student for longer than twelve (12) months.

The Kentucky Department of Education (KDE) shall present to the KBE for its approval options for providing or ensuring that educational services are provided to expelled students.

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

Procedures mandated by state and federal law for students with disabilities shall be followed.

HEARING AND RECORDS REQUIRED

Action to expel, extend the expulsion, or place in an alternative program or setting a student shall not be taken until the parent, guardian, or other person having legal custody or control of the student has had an opportunity for a hearing before the KBE.¹ The KBE may request to review applicable special education and disciplinary records before the decision is made to expel.³ [If applicable, a bus driver shall have the opportunity to be heard at any disciplinary hearing against a student relating, at least in part, to misconduct that occurred during the operator's transportation of the student or to misconduct by the student's parent or guardian.](#) Parents may submit additional documentation.

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

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

Any action under this section as it relates to students with disabilities shall be in compliance with applicable federal law.

KBE DECISION FINAL

The KBE may establish an appeals committee and delegate authority to hear appeals to the committee. Otherwise, the KBE's decision shall be final.¹

STUDENTS WITH DISABILITIES

Procedures mandated by federal and state law for students with disabilities shall be followed.^{1&3}

TRANSFER OF RECORDS

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

REFERENCES:

¹KRS 158.150

²KRS 158.155

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

[KRS 158.110](#), KRS 159.010

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

RELATED POLICIES:

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

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LEGAL: HB 446 AMENDS KRS 158.110 TO REQUIRE DEVELOPMENT OF A DISTRICT TRANSPORTATION SERVICES POLICY INCLUDING THE STANDARD FOR STUDENT BEHAVIOR, REPORTING, AND PROTECTION FROM RETALIATION ON SCHOOL-SPONSORED TRANSPORTATION.
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

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

STUDENTS

09.438

Student Discipline Code of Acceptable Behavior and Discipline

DEVELOPMENT

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

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

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

REVIEW

KSB/KSD shall update the student discipline eCode at least every two (2) years.

REPORTING OF DATA

As directed by the ~~Kentucky Department of Education (KDE),~~ KSB/KSD shall report to the Center for School Safety when a student has been disciplined by the school for a serious incident, as defined by KDE; charged criminally for conduct constituting a violation under KRS Chapter 508; or charged criminally under KRS 525.070 or KRS 525.080 in relation to a serious incident.

Data collected on an individual student committing a reportable incident shall be placed in the student's disciplinary record.

No later than August 1 of each year, the KSB/KSD shall submit a report to the KDE that includes the number of:

- a) Behavior incidents for each tobacco product, alternative nicotine product, or vapor product, listed by school and grade; and
- b) Incidents for which medical intervention was provided, listed by school, grade and product.

STUDENTS

09.438
(CONTINUED)

Student Discipline Code of Acceptable Behavior and Discipline

REFERENCES:

[KRS 158.110](#)

KRS 158.148; [KRS 158.149](#); KRS 158.153; KRS 158.154; KRS 158.156; KRS 158.165

KRS 158.444; KRS 160.295

KRS 525.070; KRS 525.080

RELATED POLICIES:

09.2211; [09.2611](#); 09.3; 09.42; 09.421; 09.422; ~~09.425~~; 09.426

09.42811; 09.43; 09.431; 09.434; 09.4341; 09.435

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