



Fayette County Public Schools

Executive Summary Fayette County Public Schools Board Meeting Agenda Item

MEETING: Planning

DATE: 11/11/2024

TOPIC: Policy Updates

PREPARED BY: Shelley Chatfield

Recommended Action on: 11/25/2024

Action Item for Vote (REGULAR MEETING)

Superintendent Prior Approval: No

Recommendation/Motion: A motion is in order to adopt these revisions to FCPS Board Policies.

Background/Rationale: Policies are being updated for current job titles, department titles, practices, and procedures.

Strategic Priority:

- ☒ Student Achievement ☐ Unity, Belonging & Student Efficacy
- ☐ Highly Effective, Culturally Responsive Workforce
- ☐ Outreach & Engagement ☒ Organizational Health & Effectiveness

Data Considerations: None

Policy: 01.5

Fiscal Impact: None

Attachments(s): Revised Policies

PERSONNEL

- CERTIFIED PERSONNEL -

Hiring**SUPERINTENDENT'S RESPONSIBILITIES**

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

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

The Superintendent shall make all appointments, promotions, and transfers of certified personnel for positions authorized by the Board and, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent. Certified employees may be appointed by the Superintendent for any school year at any time after February 1 next preceding the beginning of the school year.

QUALIFICATIONS

The Superintendent shall employ only individuals who are certified for the positions they will hold and who possess qualifications established by Board policy, except in the case where no individual applies who is properly certified and/or who meets qualifications set by Board policy.

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

ELIGIBILITY

In determining the eligibility of a particular candidate for appointment to a position, the priority of the Superintendent shall be to employ that person, who by reasons of preparation, experience and ability to work effectively with students, other staff members, and citizens of the school community, will render the highest possible level of service.

Employees who are terminated and/or non-renewed for cause by the District, or who resigned and are not eligible for a position, shall not be considered for any future employment by the District.

CRIMINAL BACKGROUND CHECK AND TESTING

Applicants, employees, and student teachers assigned within the District shall undergo records checks and testing as required by applicable statutes, regulations, and Board policy.¹

The District shall not employ or permit the assignment of, the following individuals:

1. Those who have been convicted of violent offenses or sex crimes as defined by KRS 17.165;
2. Those who have been convicted of other crimes which bear a reasonable relationship to the position for which the individual is applying, or to which the individual may transfer within the District at a later time as determined by the Superintendent; or

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

3. Those who materially misrepresent their criminal history, credentials, or any other fact when applying for a position in the District.

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

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

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

"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/>.

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

REPORT TO SUPERINTENDENT

An employee shall report to the Superintendent if the employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal.

Hiring

HIRING OF RETIRED PERSONNEL

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

Persons who have previously retired from the District and who subsequently are rehired shall be credited with a maximum of twelve (12) sick leave days at the outset of their new period of employment.

JOB REGISTER

The Superintendent or the Superintendent's designee shall maintain at the District OfficeAKSS and on the District web site a job register listing all current job openings in the District. The register shall describe the duties and qualifications for each opening, and District employment policies shall be attached to the register. The job register shall be open to public inspection during District OfficeAKSS business hours.

VACANCIES POSTED

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted at District OfficeAKSS and on the District web site on a timely basis and shall refer interested persons to the District OfficeAKSS job register for additional information.

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

APPLICATIONS

Under procedures developed by the Superintendent, each application shall be reviewed and each applicant so notified upon initial application. Applications shall be kept on file for two (2) years. All applications for positions shall be made utilizing written or electronic forms furnished by the Department of Human Resources.

RELATIONSHIPS

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

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

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

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

The Superintendent shall not employ a relative of any employee to work under the direct or indirect supervision of that employee. "Relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, (including subcategories of in-law, half and step relatives).

Exception to the above is substitute personnel.

Hiring**JOB DESCRIPTION**

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

AFFIRMATIVE ACTION PLAN

All employment practices shall be in keeping with the Board approved Affirmative Action Plan.

EMPLOYEES SEEKING A JOB CHANGE

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

REFERENCES:

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

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

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

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

Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 02.4244; 03.132

PERSONNEL

03.111

- CERTIFIED PERSONNEL -**Medical Examination/Health Information****NEWLY EMPLOYED PERSONNEL**

All newly employed certified personnel, including substitute teachers, shall present documentation of a medical examination performed by a designated licensed physician, physician assistant (PA), or Advanced Practice Registered Nurse or by a licensed medical practitioner of the employee's choice. Through appropriate personnel documents, such as handbooks and/or job applications, employees shall be notified as to who will pay for medical examinations required for initial employment. If the exam is performed by a private practitioner of the employee's choice, the cost must be borne by the employee.¹ The examination must be performed within a ninety (90)-day period prior to initial employment.

REPORT

The medical examination shall be reported on the form required by Kentucky Administrative Regulation or an electronic medical record that includes all of the data equivalent to that on the Medical Examination of School Employees form. A copy of the form or electronic medical record and a statement indicating the employee's medical status must be filed with the Superintendent prior to assuming assigned duties.

TUBERCULOSIS SCREENING/TESTING

Each medical examination shall include a risk assessment for tuberculosis as required by Kentucky Administrative Regulation. Individuals identified by that assessment as being at high risk for TB shall be required to undergo a tuberculin skin test or a blood test for *Mycobacterium tuberculosis* (BAMT) as required by 702 KAR 1:160. A person who tests positive for TB shall be required to comply with the directives of the Board, local board of health and the Kentucky Department for Public Health, Cabinet for Health and Family Services, for further evaluation and treatment of the tuberculosis infection.^{1&2}

REQUIRED EXAMINATION FOR PRESENT PERSONNEL

When, in the opinion of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the essential job functions because of physical or mental health problems or when the employee poses a health risk to students or other employees, the Superintendent may, consistent with the Americans with Disabilities Act and the Family Medical Leave Act, require the employee to provide evidence of physical fitness in the form of an examination and report by a physician and, in the case of mental fitness, in the form of an examination and report by a certified psychologist or psychiatrist of the Superintendent's choosing.

The Board shall bear the cost of this examination.¹

SCHOOL TO REPORT

Local school authorities shall report immediately all known or suspected cases of communicable disease to the local health department. Diseases to be reported shall not include those considered confidential, such as HIV/AIDS, as set forth in Kentucky Administrative Regulation.²

Medical Examination/Health Information**MEDICAL CONFIDENTIALITY**

The Board will make every effort to respect and maintain the privacy of employees with reference to information concerning the medical condition of an employee and will only make such information available to individuals whom the Superintendent determines have an essential need for such information.

ALCOHOL/DRUG TESTING

If a supervisor has reason to believe an employee is under the influence of or impaired by alcohol or drugs in the workplace, the supervisor may require the employee to undergo alcohol testing by a portable breathalyzer test administered by a FCPS Law Enforcement Officer and/or blood/urine test administered by a medical facility of the District's choice. Refusal to submit to either such testing may be grounds for disciplinary action, including termination of employment. If test results confirm the employee was under the influence of alcohol or illegal drugs in the workplace, the employee shall be subject to disciplinary action including termination, or may be referred to a treatment program of the District's choice.

PRIVACY FOR PROTECTED HEALTH INFORMATION

The Fayette County School District is a hybrid entity for the purposes of the Health Insurance Portability and Accountability Act ("HIPAA")³ because its activities include covered and non-covered functions under HIPAA. The maintenance of protected health information shall comply with HIPAA and all other applicable legal requirements.

For information concerning the District's procedures for the protection of the privacy of protected health information, please refer to the "HIPAA Privacy Procedures Handbook" maintained by and available from the Privacy Official at the District Office~~AKSS~~. The Privacy Official also maintains any and all forms relating to the HIPAA privacy procedures. The procedures and forms are also available from the District's Health Care Components.

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REFERENCES:

²702 KAR 1:160; OAG 65-560; 902 KAR 2:020; KRS 214.181; KRS 214.625

Further references to pertinent case law, federal statute and Board policy are located in administrative procedures.

³Public Law 104-191

⁴45 C.F.R. 164.530(a)

20 U.S.C. 1232g

20 U.S.C. 1232g(a)(4)(B)(iv)

45 C.F.R. 164.501

45 C.F.R. 160.501

45 C.F.R. 160.203

45 C.F.R. 164.530(e)

45 C.F.R. 164.530(g)

45 C.F.R. 164.530(h)

Genetic Information Nondiscrimination Act of 2008

Americans with Disabilities Act

Family and Medical Leave Act of 1993

PERSONNEL

03.111
(CONTINUED)

Medical Examination/Health Information

RELATED POLICIES:

'03.1234, 03.14

PERSONNEL

- CERTIFIED PERSONNEL -

Salaries**SINGLE-SALARY BASIS**

All salaries for certified personnel shall be based on a single-salary schedule providing, at minimum, for the number of working days required by law.

A District may provide monetary compensation, in addition to that provided through the single salary schedule, to all classroom teachers employed in a school that is identified by the Kentucky Department of Education as being in targeted or comprehensive support and improvement status.

Although a school may submit a request for an increment for an extended employment position, extra service, or related adjustments, the Board must set increments in pay for positions requiring services beyond those normally expected of other positions if the duties rendered extend beyond the regular school day or require extended days.

Cost-of-living increases adjustments to the Certified Pay Schedules shall also be applied to the administrative additive salary schedule which is approved by the Board as a part of the salary schedule. ~~The Board shall approve any other changes to the administrative additive salary for administrative positions of the District upon the recommendation of the Superintendent.~~

EXTENDED EMPLOYMENT

Compensation for employment contracted beyond the number of work days approved by the Board for a position shall be prorated on the base pay for that position.

Extended employment positions shall be established and funded in the District and/or school level budgets, and specified in a letter from the District to the employee.

Addition of days to be worked beyond the original contract or additional days of extended employment for a position require prior Board notification before the change goes into effect.

EXTRA SERVICES, SUPPLEMENTS AND SUPERVISION

The Board shall annually establish a schedule of compensation for extra services, and supervision. The Board may also establish a schedule of compensation for special duty supplements.

NATIONAL BOARD CERTIFIED TEACHER (NBCT) SUPPLEMENT

As provided under law, teachers who attain certification from the National Board for Professional Teaching Standards on or before July 1, 2020, shall be given an annual salary supplement of two thousand dollars (\$2,000) for the life of the certificate. A teacher who attains certification after July 1, 2020, shall be given an annual salary supplement for the life of the certificate, in accordance with the amount appropriated for this purpose by the General Assembly. If an annual supplement amount appropriated by the General Assembly is less than two thousand dollars (\$2,000), the Board may provide an additional supplement up to the amount required for the total annual supplement to equal two thousand dollars (\$2,000).

Salaries**RANK AND EXPERIENCE**

The rank and experience of certified personnel shall be determined at time of hire. The Superintendent will validate all experience of professional personnel employed in the District.

Credits and/or rank changes to be considered in determining the salary of a teacher must be completed prior to September 15 with appropriate documentation submitted to the Department of Human Resources by December 30.

To assist with the budgeting process, candidates for NBCT certification shall notify the Superintendent/designee in writing prior to September 15 that certification is pending in order for the employee to receive any rank-related increase retroactive to the beginning of the school year.

EXCEPTION

The Superintendent's salary may be established without regard to the above-mentioned schedules.

PAYROLL DISTRIBUTION

Checks and direct deposit vouchers will be issued according to a schedule approved annually by the Board. The District shall furnish the employee with either a paper or electronic statement. If statements are provided electronically, employees shall be provided access to a computer and printer for review and printing of their statement.

At the close of the school year, employees who have completed all responsibilities and duties may request to be paid their remaining salary prior to the end of the fiscal year.

REQUIRED DOCUMENTS

Employees shall be responsible for providing the Superintendent with all required certificates, other credentials and health examinations prior to beginning work.

NOTICE OF SALARY

Not later than forty-five (45) days before the first student attendance day of the succeeding school year or June 15, whichever occurs earlier, the Superintendent shall notify all certified personnel of the best estimate of the salary for the coming year. All personnel shall be paid in accordance with Board-adopted salary schedules.

PAYROLL DEDUCTIONS

The Board shall approve all payroll deductions as specified by KRS 161.158 and Board Policy 03.1211.

REFERENCES:

KRS 157.075; KRS 157.320; KRS 157.350; KRS 157.360
KRS 157.390; KRS 157.395; KRS 157.397; KRS 157.420
KRS 160.290; KRS 160.291
KRS 161.1211; KRS 161.134; KRS 161.168; KRS 161.760
KRS 337.070; KRS 424.120
702 KAR 3:060; 702 KAR 3:070; 702 KAR 3:100; 702 KAR 3:310
16 KAR 1:040; OAG 97-25
29 C.F.R. Section 541.303; 29 C.F.R. section 541.602.29; C.F.R. section 541.710

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03.121
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Salaries

RELATED POLICIES:

03.114; 03.1211; 03.4

PERSONNEL

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- CERTIFIED PERSONNEL -

Personnel Records

One (1) master personnel file, documenting employment history and including information maintained in electronic format, shall be maintained for each employee. This file shall be maintained at the District office~~AKSS~~, including original summative evaluations, and shall be under the custody of the Superintendent or the Superintendent's designee. This file may be inspected by the employee.¹ The Superintendent shall develop procedures to ensure the security of the files.²

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The Principal/supervisor may maintain a personnel folder for employees under his/her supervision. These folders may contain:

1. Items used as reference and not forwarded to the master personnel file at the District office~~AKSS~~,
2. A copy of the employee's summative evaluation and other school-related correspondence to or from the employee, and
3. Other informational items that may or may not be maintained in the District's~~AKSS~~ master personnel file.

PUBLIC INSPECTION

Those portions of personnel records containing material of a personal nature, the disclosure of which would constitute an invasion of privacy, are not open for public inspection.³

MEDICAL INFORMATION

Medical information shall be maintained separately from an employee's personnel file.

District acquisition and disclosure of applicant and employee genetic information shall comply with applicable legal requirements.⁴

EVALUATIONS

Copies of summative evaluations of certified personnel shall be maintained in the official evaluation file under the custody of the immediate supervisor.

RELEASE OF RECORDS

Written requests for release of records shall be granted or denied in accordance with the CONFIDENTIALITY HANDBOOK.

Personnel Records

REFERENCES:

¹KRS 61.884

²KRS 61.876

³KRS 61.878

⁴Genetic Information Nondiscrimination Act of 2008

KRS 61.870; KRS 61.872; KRS 61.874; KRS 160.705; KRS 161.151

704 KAR 3:370

OAG 77-394; OAG 85-109; OAG 86-15; OAG 89-90; OAG 91-161; OAG 91-176

Kentucky Education Technology System (KETS)

Records Retention Schedule, Public School District

Americans with Disabilities Act; (P.L. 101-336); 42 U.S.C. 12112

RELATED POLICIES:

03.111; 10.11

PERSONNEL

- CERTIFIED PERSONNEL -

Grievances**GRIEVANCE**

Certified employees shall follow the District's specific grievance procedures as developed by the Superintendent and reviewed by the Board which include, but are not limited to, the opportunity for grievances to be addressed and resolved at each level of the chain of command from the point of origin, time limitations for the filing and appeal of a grievance, and procedures for the orderly review and appeal of each individual grievance. No reprisal shall be taken against any employee filing a grievance in accordance with this policy and the related procedures, nor shall any record of the proceedings be placed in the employee's personnel file.

The Board shall take action only on those grievances that fall within the authority of the Board.

GRIEVANCES AND APPEALS CHANNELS

The Board shall hear employee grievances only after unsuccessful resolution by the employee's supervisors.

The Board shall not, however, consider any grievance concerning personnel actions, unless the grievance is based on an alleged violation of constitutional, statutory, regulatory or policy provisions.

Before accepting a grievance appeal, the Board may seek legal advice as to whether the appeal falls within the requirements of this policy. Any personnel grievance not falling within those requirements shall be appealed only to the level of the Superintendent.

The Board shall not hear grievances concerning simple disagreement or dissatisfaction with a personnel action.

The proper channel for grievances and appeals is as follows:

1. Principal or immediate supervisor,
2. Appropriate Director or Chief,
3. Appropriate Assistant Superintendent or Deputy Superintendent~~Senior Director~~
4. Superintendent, and
5. Board of Education (as appropriate).

Employees are free to confer with the Superintendent whenever they so desire.

INDIVIDUAL IN NATURE

Grievances are individual in nature and must be brought by the individual grievant. If several employees file separate grievances or initiate separate appeals over the same issue, such grievances or appeals may be combined into a single grievance or appeal at the discretion of the Superintendent.

Grievances**HUMAN RIGHTS COMPLAINTS**

When an employee has not filed a grievance under this policy and a discrimination complaint is referred back to the schools by the Human Rights Commission to be addressed in accordance with this policy, the employee shall be granted an additional five (5) days to file the grievance. The five (5) day grace period shall begin on the day after the referral.

EXCEPTION

Harassment/Discrimination allegations shall be governed by policy 03.162.

REFERENCE:

OAG 78-204

RELATED POLICY:

03.162

PERSONNEL

-CERTIFIED PERSONNEL-**Evaluation****DEVELOPMENT OF SYSTEM**

An evaluation committee shall develop and recommend for approval by the Board and the Kentucky Department of Education a personnel evaluation system for all certified employees below the level of District Superintendent. The evaluation system shall be in compliance with and shall be implemented consistent with applicable statute and regulation. The District's certified evaluation plan shall be aligned with the Kentucky Framework for Personnel Evaluation.¹

PURPOSE

The purpose of the personnel evaluation system shall be to: support and improve performance of all certified school personnel and to inform individual personnel decisions. The District certified evaluation plan for certified personnel assigned to the District level for purposes of evaluation shall be specific to the evaluatee's job category.

FREQUENCY OF SUMMATIVE EVALUATIONS

At a minimum, summative evaluations shall occur annually for certified employees below the level of superintendent who have not attained continuing service status. Summative evaluations shall occur at least once every three (3) years for a teacher or other professional who has attained continuing service status, as well as principals, assistant principals, and other certified administrators.

REPORTING

Results of evaluations shall not be included in the accountability system under KRS 158.6455.

NOTIFICATION

The evaluation criteria and evaluation process to be used shall be explained to and discussed with certified school personnel no later than the end of the evaluatee's first thirty (30) calendar days of the school year as provided in regulation.

CONFIDENTIALITY

Evaluation data on individual classroom teachers shall not be disclosed under the Kentucky Open Records Act.

REVIEW

All employees shall be given a copy of their evaluations. All written evaluations shall be discussed with the evaluatee, and he/she shall have the opportunity to submit a written response to be included in the certified employee's personnel record. Both the evaluator and evaluatee shall sign and date the evaluation instrument.

A copy of all current employees' summative evaluations shall be maintained by the employee's immediate supervisor and shall be a part of the official personnel record.² Copies of formative evaluations shall be kept on file by the evaluator for a period of five (5) years.

APPEAL PANEL

The District shall establish a panel to hear appeals from summative evaluations as required by law.¹

Evaluation**ELECTION**

The certified employees shall elect ~~sixteentwelve~~ (162) members to serve on the Certified Evaluation Appeals Panel. Two (2) members and two (2) alternates elected by the elementary school certified staff of the District; two (2) members and two (2) alternates elected by the middle school certified staff of the District; ~~and two (2) members and two (2) alternates elected by the high school certified staff of the District~~ and two (2) members and two (2) alternates elected by the certified administrative staff of the District. Alternates are to serve in the event an elected member cannot serve. The Board shall appoint one (1) certified employee and one (1) alternate certified employee to the panel.

TERMS

All terms of panel members and alternates shall be for two (2) years and run from January 1 to December 31. Members may be reappointed or reelected for one (1) additional term.

CHAIRPERSON

The chairperson of the panel shall be the certified employee appointed by the Board.

APPEAL TO PANEL

Any certified employee who believes that he or she was not fairly evaluated on the summative evaluation may appeal to the panel within five (5) working days of the receipt of the summative evaluation. Both the evaluator and the evaluatee shall be given the opportunity, at least five (5) working days in advance of the hearing to review documents that are to be presented to the District evaluation appeals panel, and may have representation of their choosing.

APPEAL FORM

The appeal shall be signed and in writing on a form developed by the District evaluation committee. The form shall state that evaluation records may be presented to and reviewed by the panel.

CONFLICTS OF INTEREST

No panel member shall serve on any appeal panel considering an appeal for which s/he was the evaluator.

Whenever a panel member or a panel member's immediate family appeals to the panel, the member shall not serve for that appeal. Immediate family shall include father, mother, brother, sister, spouse, son, daughter, uncle, aunt, nephew, niece, grandparent, and corresponding in-laws.

A panel member shall not hear an appeal filed by his/her immediate supervisor.

BURDEN OF PROOF

The certified employee appealing to the panel has the burden of proof. The evaluator may respond to any statements made by the employee and may present written records which support the summative evaluation.

Evaluation**REVISIONS TO PREVIOUSLY APPROVED DISTRICT EVALUATION PLAN**

If a revision adding or removing a source of evidence or changing a decision rule or calculation in the summative rating formula in the District's certified evaluation plan is made by the local certified evaluation committee, the revised certified evaluation plan shall be reviewed and approved by the Board. If the Board determines that changes do not meet the requirements of KRS 156.557, the certified evaluation plan shall be returned to the certified evaluation committee for revision. The Superintendent shall submit proposed revisions to the evaluation plan to the Board for its review to ensure compliance with applicable statute and regulation. Upon adoption, all revisions to the plan shall be submitted to the Kentucky Department of Education for approval.

REFERENCES:

- ¹KRS 156.557; 704 KAR 3:370
- 703 KAR 5:225
- OAG 92-135, Thompson v. Board of Educ., Ky., 838 S.W.2d 390 (1992)

RELATED POLICIES:

- ²02.14; 03.15; 03.16

PERSONNEL

- CERTIFIED PERSONNEL -

Professional Development**PROGRAM TO BE PROVIDED**

The District shall provide a high quality, personalized, and evidence based professional development (PD) program that meets the goals established in KRS 158.6451, the Every Student Succeeds Act (ESSA), and in the local needs assessment. At the direction of the Superintendent or designee and in conjunction with each school, the PD coordinator shall facilitate the development and implementation of this program for all certified employees. School-wide programs may also include classified staff and parent members of school councils and committees.

The PD program for the District and each school shall be incorporated into the Comprehensive School/District Improvement Plan. Prior to the implementation of the program, the school PD plan shall be made public, and the District PD plan shall be posted to the District web site.

The program shall be based on the Board-approved Comprehensive District Improvement Plan and District Strategic Plan for the District, which is designed;

1. to help achieve student capacities established by KRS 158.645 and goals established by KRS 158.6451;
2. to support the District's mission, goals and assessed needs; and
3. to increase teachers' understanding of curriculum content and methods of instruction appropriate for each content area based on individual school plans.

These plans shall reflect individual needs of schools and be aligned with the Comprehensive School/District Improvement Plan, ESSA requirements, and teacher growth plans. ~~The District staff~~ **Professional Development Council** may recommend areas of focus to the Superintendent for professional development in the District based upon the District's Improvement and Strategic Plans, legal mandates, and local needs assessments. The Superintendent shall determine that the focus areas properly address the mission and goals of the District and meet existing legal requirements before recommending them to the Board for approval.

The Superintendent and Board may require any or all schools, or any or all classifications of personnel, to participate in training established by the District in one (1) or more of the approved areas of focus.

ACTIVE SHOOTER SITUATIONS

By November 1, annually, a minimum of one (1) hour of training on how to respond to an active shooter situation shall be required for all District employees with job duties requiring direct contact with students. The training shall be provided either in person, by live streaming, or via a video recording prepared by the Kentucky Department of Criminal Justice Training in collaboration with the Kentucky Law Enforcement Council, the Kentucky Department of Education, and the Center for School Safety and may be included in the four (4) days of professional development under KRS 158.070. When a staff member subject to the training requirements of this subsection is initially hired after the training has been provided for the school year, the District shall provide materials on how to respond to an active shooter situation.

Professional Development**SCHOOL RESPONSIBILITIES**

Each school shall coordinate professional development with the PD coordinator and, when appropriate, with other schools to maximize training opportunities.

The District Professional Development ~~Coordinator~~~~Council or its designee~~ shall review all individual school PD plans to determine that they meet current state and local mandates and directives, and address the identified focus areas approved by the Board.

~~The District Improvement and Strategic Plans shall be reviewed annually by the District Professional Development Council.~~

DOCUMENTATION

The school/District PD plan shall include the method for evaluating impact on student learning and using evaluation results to improve professional learning.

Documentation of completed professional development shall be required. Unless an employee is granted leave under an appropriate Board policy, failure to complete and document the required hours of professional development during the academic year shall result in a reduction in salary and may be reflected in the employee's evaluation.

REFERENCES:

KRS 156.095; KRS 156.492; KRS 156.553
KRS 158.070; KRS 158.645; KRS 158.6451
KRS 160.345
704 KAR 3:035; 704 KAR 3:325
P. L. 114-95 (Every Student Succeeds Act of 2015)

RELATED POLICIES:

03.1911; 09.22

PERSONNEL

- CLASSIFIED PERSONNEL -

Medical Examination/Health Information**BUS DRIVERS**

As a condition of employment, each school bus driver, including substitute drivers, shall pass a medical examination, to include a test for emotional stability, on initial employment and every two (2) years thereafter in accordance with KRS281A.175, 702 KAR 5:030, and 702 KAR 5:080.

Before being allowed to drive a bus, the driver must be free of any medical condition which could endanger the health or safety of students in the performance of duties.

OTHER NEWLY EMPLOYED CLASSIFIED PERSONNEL

As a condition of initial employment, all classified employees (except bus drivers), including substitute employees, shall pass a medical examination as indicated in 702 KAR 1:160. The examination shall be provided by a designated licensed physician, physician assistant (PA), or Advanced Practice Registered Nurse designated by the Board. If the employee elects to be examined by a private practitioner, the cost of examination shall be borne by the employee.¹

REPORT REQUIREMENTS

Unless a new employee is hired after the beginning of the school year, examinations shall be conducted prior to August 1 of the school year in which the person is employed.

Medical examinations shall be performed within a ninety (90)-day period prior to the initial employment.

The medical examination shall be reported on the form required by Kentucky Administrative Regulation or an electronic medical record that includes all of the data equivalent to that on the Medical Examination of School Employees form. A copy of the form or electronic medical record and a statement indicating the employee's medical status must be filed with the Superintendent prior to assuming assigned duties.

TUBERCULOSIS (TB) SCREENING/TESTING

Each medical examination shall include a risk assessment for TB as required by Kentucky Administrative Regulation. Individuals identified by that assessment as being at high risk for TB shall be required to undergo a tuberculin skin test or a blood test for Mycobacterium tuberculosis (BAMT) as required by 702 KAR 1:160. A person who tests positive for TB shall be required to comply with the directives of the Board, local board of health and the Kentucky Department for Public Health, Cabinet for Health and Family Services, for further evaluation and treatment of the TB infection.^{1, 2 & 3}

Medical Examination/Health Information**REQUIRED EXAMINATION**

When, in the opinion of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the essential job functions because of physical or mental health problems or when the employee poses a health risk to students or other employees, the Superintendent may, consistent with the Americans with Disabilities Act and the Family Medical Leave Act, require the employee to provide evidence of physical fitness in the form of an examination and report by a physician and, in the case of mental fitness, in the form of an examination and report by a certified psychologist or psychiatrist of the Superintendent's choosing.

SCHOOL TO REPORT

Local school authorities shall report immediately all known or suspected cases of communicable disease to the local health department. Diseases to be reported shall not include those considered confidential, such as HIV/AIDS, as set forth in Kentucky Administrative Regulation.²

MEDICAL CONFIDENTIALITY

The Board will make every effort to respect and maintain the privacy of employees with reference to information concerning the medical condition of an employee and will only make such information available to individuals whom the Superintendent determines have an essential need for such information.

ALCOHOL/DRUG TESTING

If a supervisor has reason to believe an employee is under the influence of or impaired by alcohol or drugs in the workplace, the supervisor may require the employee to undergo alcohol testing by a portable breathalyzer test administered by a FCPS Law Enforcement Officer and/or blood/urine test administered by a medical facility of the District's choice. Refusal to submit to either such testing may be grounds for disciplinary action, including termination of employment. If test results confirm the employee was under the influence of alcohol or illegal drugs in the workplace, the employee shall be subject to disciplinary action including termination, or may be referred to a treatment program of the District's choice.

PRIVACY FOR PROTECTED HEALTH INFORMATION

The Fayette County School District is a hybrid entity for the purposes of the Health Insurance Portability and Accountability Act ("HIPAA")³ because its activities include covered and non-covered functions under HIPAA. The maintenance of protected health information shall comply with HIPAA and all other applicable legal requirements.

For information concerning the District's procedures for the protection of the privacy of protected health information, please refer to the "HIPAA Privacy Procedures Handbook" maintained by and available from the Privacy Official at [the District Office](#) **LAKSS**. The Privacy Official also maintains any and all forms relating to the HIPAA privacy procedures. The procedures and forms are also available from the District's Health Care Components.

PERSONNEL

03.211
(CONTINUED)

Medical Examination/Health Information

REFERENCES:

¹KRS 161.145

²702 KAR 1:160; OAG 65-560; 902 KAR 2:020; KRS 214.181; KRS 214.625

702 KAR 5:030; KRS 281A.175

Further references to pertinent case law, federal statute and Board policy are located in administrative procedures; Public Law 104-191

45 C.F.R. 164.530(a); 20 U.S.C. 1232g; 20 U.S.C. 1232g(a)(4)(B)(iv)

45 C.F.R. 164.501; 45 C.F.R. 160.501

45 C.F.R. 160.203; 45 C.F.R. 164.530(e); 45 C.F.R. 164.530(g); 45 C.F.R. 164.530(h)

Genetic Information Nondiscrimination Act of 2008; Americans with Disabilities Act

Family Medical Leave Act of 1993

RELATED POLICIES:

³03.2234; 03.24

PERSONNEL

- CLASSIFIED PERSONNEL -

Reduction in Force**DETERMINING NECESSITY**

The Board shall establish the budget for the District.

The Superintendent shall have full authority to make a reduction in force at any time due to the following:

1. Reduction in funding,
2. Reduction in enrollment of students,
3. Changes in the District or school boundaries, or
4. Other compelling reasons as determined by the Superintendent.

Reduction of employees shall be made within ~~MUNIS~~ job classifications.

The Superintendent shall provide at least thirty (30) calendar days written notification to employees affected.

Reduction in force of classified employees shall be defined as total separation from employment in the District. Non-renewal of a part-time position when an employee holds more than one (1) position shall not be considered a reduction in force.

ORDER OF REDUCTION

Employees who have less than (4) years of continuous active service shall be reduced first.

In the event it is necessary to reduce classified employees who have more than four (4) years of continuous active service, the Superintendent shall make reductions within each ~~MUNIS~~ job classification affected based on the following:

1. Seniority in the District and qualifications required for the job classification.
2. If the length of service of two (2) or more employees is equal, then the date of notice to the Board of employment by the District and the date of receipt of the application for employment in a classified position shall be used as the second and third determinants, respectively.

RE-EMPLOYMENT

Employees with more than four (4) years of continuous active service in the District shall have the right of recall positions if positions become available for which they are qualified. Recall of those individuals shall be implemented according to District seniority with restoration of primary benefits, including all accumulated sick leave and appropriate education, and experience levels~~rank and step~~ on the current salary schedule based on total number of years of service in the District. In addition, should these employees be subject to a reduction in force, they shall be granted continuation of benefits under COBRA.

Reduction in Force**RE-EMPLOYMENT (CONTINUED)**

When employees with less than four (4) years of continuous service in the District are selected for reduction, they shall no longer be considered an employee and shall have no employee rights or benefits other than those granted under COBRA or applicable retirement systems.

Individuals who have been subject to a reduction in force may reapply for employment with the District if positions open in the future. However, a reduction in force does not guarantee future employment with the District or any preference or recall rights in the employment process for employees with less than four (4) years of District experience.

REFERENCE:

KRS 161.011

RELATED POLICIES:

02.4331

03.22

03.224

Construction and Alteration Priorities

APPROVAL NEEDED

Construction of driveways or roads across school grounds; renovation of the school buildings; or the construction of buildings, playing fields, tennis courts, or the erection of lighting systems for such fields or courts shall be done only after the approval of the project by the Board and appropriate ~~governmental~~state agencies. Administrative procedure shall clarify specification limits and parameters for all construction of buildings, playing fields and tennis courts, and the erection of lighting systems for such buildings, fields or courts. These specification limits and parameters will include the amount and/or number of buildings, fields, courts, or lighting systems that may be constructed or erected respectively at high schools, middle schools, and elementary schools.

Alterations to buildings and grounds other than those listed above shall require prior approval by the Superintendent/~~or his~~ designee.

BUILDING AND RENOVATION PRIORITIES

Renovation funds shall be apportioned in an equitable fashion. Buildings in greatest need of repair shall be dealt with first. Although the age of the building will be considered, it shall not necessarily be the sole, determining factor in deciding which building or renovation project is scheduled first.

Priorities shall be established as follows:

- 1) Highest priority for renovation, restoration and maintenance or improvement shall be given to addressing health, safety and code compliance issues. This priority shall address any hazards that could cause inhabitants to become ill or experience injury. Although programs and services must be accessible to students on all levels, the District is not obligated to provide all buildings with certain programs, such as those for gifted students and students with disabilities. However, when such programs are provided, they shall be accessible to all students assigned to the building who qualify.
- 2) The second priority shall be the structural integrity of the building. Buildings must be whole, without leaks, with sound walls and foundations and wiring, heating, ventilation and air conditioning systems that function appropriately. Renovations assigned this priority will prolong the life of the building.
- 3) The third priority shall be educational function. This priority shall address renovations or alterations of buildings to enable the use of teams at middle schools or the location of certain subject areas in proximity to others. Projects assigned this priority shall add to the efficiency and/or effectiveness of the building.
- 4) The fourth level of priority shall be building enhancement. This priority shall include modifying decorative elements or basic structure to improve the aesthetic qualities of the building. This priority level shall involve improvements which are not necessary to carry out basic services of the building.

Construction and Alteration Priorities

DONATIONS FOR CONSTRUCTION OR ALTERATION

Donations of money, materials and/or services for construction on or alteration of school property shall meet the following criteria:

1. Proposals shall be directly related to school purposes and involve proper expenditures of school funds.
2. The Principal and ~~Chief Director~~ shall recommend the project proposal before it is submitted to the Board for approval.
3. All plans shall comply with Board policies and administrative procedures pertaining to construction.

Donated funds for proposals not approved by the Board shall be returned to the appropriate organization/individual.

DONATIONS OF EQUIPMENT

A donation or loan of new or used equipment which is electrical and/or mechanical shall meet the following criteria:

1. The Principal and ~~Chief Director~~ shall certify that the equipment is needed.
2. All equipment shall meet applicable safety standards as verified by the Safety and Health Supervisor.

INTEGRATED PEST MANAGEMENT

In compliance with applicable Kentucky Administrative Regulation (302 KAR Chapter 29), the District shall implement a program of Integrated Pest Management (IPM) with the primary goal of controlling pests, general pests, and wood-destroying organisms with judicious use of pesticides.

The IPM program shall include, but not be limited to, the following components:

- Persons who apply pesticides in any District school building shall be certified in keeping with applicable statutes and regulations.
- Notification in compliance with Kentucky Administrative Regulation.

REFERENCES:

KRS 158.447
KRS 160.290; KRS 162.060
302 KAR 29:010; 302 KAR 29:020
302 KAR 29:050; 302 KAR 29:060
702 KAR 4:010; 702 KAR 4:020; 702 KAR 4:030
702 KAR 4:180

SCHOOL FACILITIES

DRAFT 10/8/24

05.7

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Recycling

RESPONSIBILITY

Provided there is a recycling facility within the county or within a reasonable distance in an adjoining area, and if the District is able to locate a recycling vendor to serve the District without a resulting negative fiscal impact, it is recommended that all Board-owned and operated facilities shall recycle white paper and cardboard and that each school/school council design a plan or procedures for recycling those materials. The Superintendent/designee shall establish a recycling plan for ~~the District~~It's About Kids Support Services.

REFERENCE:

KRS 160.294

Bus Driver Rights and Responsibilities

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

PRE-TRIP

Bus drivers shall conduct a pre-trip of their bus prior to moving their bus.

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WALKTHROUGH AT END OF RUN/ROUTE

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

DISCIPLINARY ACTION

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

DRIVER RIGHTS

Per KRS 158.110, a driver:

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

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

RELATED POLICY:

09.2261

TRANSPORTATION

06.32

Eligibility for Transportation**DISTANCE LIMITATION**

Only one residence designation can be assigned to students from which transportation decisions are based. Pupils shall be eligible to be transported ~~between to and from~~ their residence and district assigned school if their assigned bus stop is more than one (1) mile from their school. If traffic or other safety conditions make walking to school extremely hazardous, as determined by the Director of Transportation or designee a state-certified driver trainer, pupils may be eligible for transportation without regard to the distance to their school.

MODIFICATION

Notwithstanding the above, the Superintendent may extend the walking distance to school where conditions make it impractical to provide bus service.

EMPLOYEES NOT ELIGIBLE

The Board shall not transport employees of the District by school bus to or from work, except under emergency conditions declared by the Superintendent.

BLIND AND DEAF STUDENTS

Students attending schools for the blind or deaf shall be transported to and from their respective state schools in compliance with applicable existing statutes and regulations.¹

PRESCHOOL TRANSPORTATION

Students attending preschool programs of the District shall be transported in accordance with the provisions of 702 KAR 5:150 and other appropriate laws and regulations.

SPECIAL PROGRAMS

Transportation for students enrolled in Gifted/Talented Programs shall be established at centralized locations. Magnet Program stops are established based upon one (1) of two (2) criteria being met: a child on free/reduced lunch, or where there are at least 30 students at a centralized location.

Notwithstanding the above, for any student enrolled in either of the programs listed in this section and on free/reduced lunch, a closer neighborhood stop may be established if traffic or other safety conditions make walking to centralized location extremely dangerous as determined by the Director of Transportation or designee a state-certified driver trainer.

REFERENCES:

- ¹KRS 157.280
- KRS 158.110; KRS 158.115
- 702 KAR 5:020; 702 KAR 5:030
- 702 KAR 5:110 (Vocational Pupils)
- 702 KAR 5:120; 702 KAR 5:150
- OAG 80-390; OAG 82-392; OAG 83-294
- P. L. 114-95, (Every Student Succeeds Act of 2015), 20 U.S.C. § 6301 et seq.
- McKinney-Vento Act, 42 U.S.C. 11431 et seq.

Food/School Nutrition Services

The Board shall provide a school nutrition program in compliance with applicable state and federal statutes and regulations. It is the intent of the Board that school nutrition services be a self-supporting program.

MEALS/BREAKFAST AND LUNCH

~~The School Nutrition Program~~Cafeterias shall serve nutritious meals that meet or exceed the state and federal regulations~~complete hot or cold meals as defined by federal regulations.~~

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MEAL CHARGES

~~Upon selecting a reimbursable meal, paying students must pay for a meal via cash, check, MySchoolBucks, or prepaid meal account. Students may charge the first reimbursable meal if funds are not available. Second meals, ala cartes and single items, cannot be charged; must be paid for in advance or at the time of purchase. All parents shall be provided the written meal charge policy at the beginning of each school year or upon enrollment in the District for students transferring in mid-year. In addition, parents shall be advised of the available payment systems and meal prices are posted on the District website.~~

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~~The written meal charge policy shall be distributed to all school level staff including school nutrition employees involved in policy enforcement.~~

~~When a student accumulates more than three (3) meal charges, parents/households are notified regarding the meal debt throughout the year. the Superintendent/ designee shall initiate the established collection process to include notification of parents and appropriate follow-up. If parents have not contacted the Cafeteria Manager or submitted the amount indicated within ten (10) working days from the date of the final notice, the debt will be considered delinquent and may be directed to the Board Attorney.~~

Food Service funds may be used to collect delinquent meal charges.

Adults must pay for meals/ala carte items in advance via a meal account or at the time of purchase. Adult meals or a la carte items may not be charged.

~~Students shall not be permitted to charge a la carte items, nor shall adults be permitted to charge meals or a la carte items.~~

FOOD SERVICE/SCHOOL NUTRITION PROGRAM DIRECTOR

The District (or food service area to which the District belongs) shall appoint/select a Food Service/School Nutrition ~~Program~~ Director that meets the USDA Professional Standards for hiring requirements of school nutrition program directors requirements of Kentucky administrative regulations to oversee and manage the school nutrition service program. All Food Service/School Nutrition ~~Program~~ Directors shall meet minimum educational requirements and annual training requirements in accordance with federal and state law.

ANNUAL REPORT/PUBLIC FORUM

Immediately following the release of the annual school nutrition and physical activity report, the Board shall discuss the findings and seek public comment during a publicly advertised Board meeting.

Food/School Nutrition Services**ANNUAL REPORT/PUBLIC FORUM (CONTINUED)**

By January 31 of each year, the Board shall hold an advertised public forum to present a plan to improve student wellness, to include both school nutrition and student physical activity levels in the District.

The District shall compile a summary of findings and recommendations and submit the summary to the Kentucky Board of Education.

DISCRIMINATION COMPLAINTS

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. mail:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or

2. fax:

(833) 256-1665 or (202) 690-7442; or

3. email:

Program.Intake@usda.gov

This institution is an equal opportunity provider.

The District does not discriminate on the basis of race, color, national origin, sex, genetic information, age, or disability in its school nutrition program. In addition, the District does not discriminate on the basis of political affiliation, religion, sexual orientation or gender identity.

District personnel shall assist parents/guardians and students wishing to file a complaint consistent with Board Policy 09.13 Equal Educational Opportunities.

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Food/School Nutrition Services**DISCRIMINATION COMPLAINTS (CONTINUED)**

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or if all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (in Spanish).

USDA is an equal opportunity provider and employer.

SPECIAL DIETARY NEEDS

Students whose dietary needs qualify them for an adaptation under law shall be provided accommodations in keeping with local procedures.

All parents shall be provided notice of how to request meal accommodations and how to submit a grievance related to a request for modifications based on a disability, at the beginning of each school year or upon enrollment in the District for students transferring in mid-year.

REFERENCES:

KRS 156.160
KRS 158.852; KRS 158.856; KRS 160.290
702 KAR 6:010; 702 KAR 6:050
702 KAR 6:075; 702 KAR 6:090
7 C.F.R. part 15b; 7 C.F.R. §210.23; 7 C.F.R. §210.31; FNS Instruction 113
Section 504 of Rehabilitation Act of 1973, Americans with Disabilities Act
P.L. 111-296

RELATED POLICY:

07.16

Meal Pricing

The Superintendent/~~or~~ designee shall ~~annually~~ submit, for Board approval, a fee schedule governing the price of all meals and, in keeping with state and federal requirements, implement a process to protect the confidentiality of information concerning students as required by law.

Only District employees and contractors designated by the Superintendent/designee and representatives of agencies directly connected with the administration or enforcement of the District's School Nutrition Program shall have access to individual student eligibility information without parental consent. A list of designated District employees authorized to receive this information shall be maintained on an annual basis.

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School Nutrition Program shall maintain an accurate and up-to-date file on each student within the District who is eligible for participation in this program.

Food Service funds shall not be used to pay outstanding charges.

REFERENCES:

KRS 160.290
702 KAR 6:010
702 KAR 6:050
7 C.F.R. §245.6; 7 C.F.R. 210.18(q)
20 U.S.C. 1232g, 34 C.F.R. 99.1 – 99.67
42 U.S.C. §1751 et seq.
42 U.S.C. Section 1771 et seq.
P. L. 111-296

RELATED POLICIES:

03.16
03.26
09.14

Competitive Foods

MINIMAL NUTRITIONAL VALUE

The sale of competitive foods and beverages to students during the school day shall be in compliance with current federal and state regulations.

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Tools for Schools: Focusing on Smart Snacks | Food and Nutrition Service (usda.gov)

DEFINITIONS

"Competitive Food" shall mean all food and beverages sold to students on the school campus during the school day, other than those meals reimbursable under the programs authorized by the National School Lunch Act and the Child Nutrition Act.

"School-day" means the period of time from midnight before to thirty (30) minutes after the end of the official school day.

"School Campus" shall mean all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

SMART SNACK GUIDELINES LIMITED LOCATION

No school may sell competitive foods or beverages, whether from fundraisers, vending machines, school stores, canteens, classrooms, teacher or parent groups, during Window 1. During Window 2, food and beverages sold must conform with nutritional standards specified in state and federal regulations. This applies to any competitive foods or beverages sold via fundraisers, vending machines, school stores, canteens, classrooms, teacher or parent groups. During Window 3, any food and beverage item may be sold.

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Fund-raising activities held off of the school campus or not during the school day are not subject to regulatory requirements of 702 KAR 6:090 or federal competitive food limitations.

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Smart Snacks Product Calculator (healthiergeneration.org)

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Window 1 - 12:00 a.m. to thirty (30) minutes after the last lunch period, no food/beverage items may be sold in competition with National School Breakfast/Lunch Program.

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Window 2 - thirty (30) after the last lunch period, only food/beverage items that are Smart Snack Compliant may be sold.

Window 3 - thirty (30) after the close of school until 12:00 a.m., including when school is out such as weekends and breaks, any food/beverage item may be sold.

The sale or serving of foods shall be limited to the school cafeteria or those areas assigned to the Food Service Program within the school.

NUTRITIONAL STANDARDS

No school may sell competitive foods or beverages, whether from vending machines, school stores or canteens, classrooms, teacher or parent groups, from midnight before until thirty (30) minutes after the last school lunch period of the school day. From thirty (30) minutes after the last lunch period closes until thirty (30) minutes after the school day, food and beverages sold must conform with nutritional standards specified in state and federal regulations.

Fund-raising activities held off of the school campus or not during the school day are not subject to regulatory requirements of 702 KAR 6:090 or federal competitive food limitations.

Competitive Foods

RESPONSIBILITY

It shall be the responsibility of the school Principal to ensure that this policy is enforced in his/her building.

REFERENCES:

7 C.F.R. 210.11b

7 C.F.R. 220.12

KRS 156.160; KRS 158.850; KRS 158.854; 702 KAR 6:090

U. S. Dept. of Agriculture's *Dietary Guidelines for Americans*

Vending Machines

REQUEST

Vending machines will be installed in the school only at the request of the Principal and subject to approval by the Board.

BIDDING

The Board may bid the installation of vending machines, using specifications established by the Superintendent/designee.

STUDENT USE

Vending machine use by students shall be in compliance with current federal and state regulations regarding Windows 1-3.

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Window 1 - 12:00 a.m. to thirty (30) minutes after the last lunch period, no food/beverage items may be sold in competition with National School Breakfast/Lunch Program.

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Window 2 - thirty (30) after the last lunch period, only food/beverage items that are Smart Snack Compliant may be sold.

Window 3 - thirty (30) after the close of school until 12:00 a.m., including when school is out such as weekends and breaks, any food/beverage item may be sold.

During Windows 2-3, At the elementary school and middle school all grade levels during the school day, only may sell school-day-approved beverages shall be sold in vending machines, e.g. (water, one hundred percent [100%] fruit/vegetable juice, low-fat milk, (unflavored), non-fat milk (unflavored or flavored) as permitted by the school meal requirements.

For students at the high school level, only school-day-approved beverages may be sold in vending machines during the school day, e.g. (water, one hundred percent [100%] fruit/vegetable juice, low-fat milk (unflavored), non-fat milk (unflavored or flavored), as permitted by the school meal requirements.

In addition to the beverages listed above, other beverages as allowed in 7 C.F.R. Parts 210 and 220 may be available in vending machines at the high school level during Windows 2-3.

Size of beverages shall not exceed eight (8) ounces for elementary schools, twelve (12) ounces for middle schools and twenty (20) ounces for high schools. There are no portion size limits for plain water.

SALES

~~Any sales from vending machines shall be in compliance with applicable state and federal law and regulation. Specifically, competitive foods or beverages shall not be sold from midnight before until thirty (30) minutes after the last school lunch period of the school day. From thirty (30) minutes after the last lunch period closes until thirty (30) minutes after the school day, food and beverages sold must conform with nutritional standards specified in state and federal regulations.~~

REFERENCES:

KRS 156.160; KRS 158.854; KRS 160.290

7 C.F.R. 210.11b; 7 C.F.R. 220

702 KAR 6:090

RELATED POLICY:

07.111

School Nutrition Procurement

FOOD PURCHASING

The School Nutrition Program shall purchase food products and recurring common use items in compliance with the regulations stated in the Kentucky Model Procurement Code (MPC) and in a manner that provides full and open competition consistent with the standards in applicable federal regulations. Individual schools must submit requests for food according to the method approved by the School Nutrition Program.

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OPEN BIDDING

In all applicable cases, food, food products, supplies, and equipment purchased with school food service funds shall be procured in accordance with the process and procedures established in Policy 04.32 in a manner that provides full and open competition consistent with the standards in applicable federal regulations.

FEDERAL AWARDS/CONFLICT OF INTEREST

No employee, officer, or agent of the District may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

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The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. In determining whether an activity constitutes an impermissible acceptance of a gratuity or item of monetary value, the definition of "gratuity" (covering anything of more than fifty dollars [\$50] value) set forth in KRS 45A.445 shall apply. Violation of these standards may result in disciplinary action including, but not limited, to suspension, dismissal, or removal.

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USE OF DONATED COMMODITIES

The School Nutrition Program shall develop a program for the use of donated foods in compliance with the regulations of the USDA, the Kentucky Department of Education, and Kentucky Department of Agriculture. Commodity foods shall be used solely for the benefit of eligible persons served by the School Nutrition Program.

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DONATION OF PERISHABLES

Donation of leftovers, scraps, unused food, or commodities to organizations shall occur pursuant to procedures established by the School Nutrition Director and partnership agreements with the recipient organizations or agencies. Food items may be donated only if they are: food items deemed surplus after being served once as a leftover; perishable items deemed to go out of date before they can be used as intended in the Federal meal programs administered by School Nutrition Program; or perishable food items deemed surplus as a result of an unscheduled school closing. Donated surplus perishable food items shall be the sanitation and transportation responsibility of the recipient agency.

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School Nutrition Procurement**CONFLICT OF INTEREST (CONTINUED)**

~~The following conduct will be expected of all persons who are engaged in the award and administration of contracts supported by School Food Service Program Funds:~~

- ~~1. No employee, officer, or agent of the District shall participate in selection or in the award or administration of a contract supported by Program funds if a conflict of interest, real or apparent, would be involved. Conflicts of interest arise when one of the following has a financial or other interest in the firm selected for the award:
 - a) District employee, officer, or agent;
 - b) Any member of his/her immediate family;
 - c) His/her partner;
 - d) An organization that employs or is about to employ one of the above.~~
- ~~2. District employees, officers, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements. In determining whether an item is an impermissible gratuity or of monetary value, the definition of "gratuity" (covering anything of more than fifty dollars [\$50] value) set forth in KRS 45A.445 shall apply.~~
- ~~3. The purchase during the school day of any food or service from a contractor for individual use is prohibited.~~
- ~~4. The removal of any food, supplies, equipment, or school property such as records, recipe books, and the like is prohibited.~~
- ~~5. The outside sale of such items as used oil, empty cans, and the like will be sold by contract between the District and the outside agency. Individual sales by any school person to an outside agency or other school person is prohibited.~~

~~Failure of any employee to abide by the above-stated code may result in disciplinary action, including but not limited to, a fine, suspension, or dismissal.~~

REFERENCES:

2 C.F.R. 200.318; 2 C.F.R. 200.320
KRS 160.290; KRS 424.260
KRS 45A.345 – KRS 45A.460
702 KAR 6:010

RELATED POLICY:

04.32

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Financial Reports of School Nutrition ProgramLunchrooms

Financial records and reports for the School Nutrition Program shall be maintained in compliance with all federal and state regulations. Full cost accounting principles shall be applied to establish each school's expenditures and receipts.

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School Nutrition Program financial reports shall be made monthly. Complete financial and inventory records shall be available to the Board and Superintendent at all times.

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REPORTING RESPONSIBILITY

~~Financial reports of the school food service program shall be made monthly, by the Associate Director of School Food Services to the Superintendent/designee and periodically as required by state and federal agencies. Complete financial and inventory records shall be available to the Board and Superintendent at all times.~~

REFERENCES:

- KRS 160.290
- 702 KAR 6:010
- 702 KAR 6:020
- 702 KAR 6:075

STUDENTS

09.112

Magnet Schools/Specialized Programs and Gifted/Talented Programs Enrollment

ATTENDANCE AREA STUDENTS

In accordance with policy 09.11, students living in a magnet school/program's attendance area shall attend that magnet school. For a magnet school/program having an attendance area and requiring entrance criteria, the attendance area student shall not be required to meet entry criteria.

DEFINITIONS

Districtwide Application Process

A process managed and operated by the Office of Innovation to ensure equitable access and efficient practices for students and families interested in applying for and attending Magnet Schools/Programs, Specialized Schools/Programs, or Gifted and Talented Schools/Programs.

Districtwide Admissions Review Committee

A committee of no less than five (5) persons, including the Chief Innovation Officer, Chief Unity Officer, School Chief, Principal, and MASP Program Manager, or designee.

Traditional AI Schools

A school under the administrative control of a Principal and eligible to establish a school-based decision-making council. An AI school is not a program operated by, or as a part of, another school and is not established under Magnet or Specialized School/Program criteria.

Magnet School/Programs

A Magnet School or Program is a school or program organized around an area of interest (i.e., a theme or focus area), draws students from an entire community via the Districtwide Application Process, and has no specific entrance standards except an interest in the focus of the school.

A magnet school/program means a school/program organized around an area of interest (i.e., a theme or focus area), draws students from an entire community, and has no specific entrance standards except an interest in the focus of the school.

Magnet School/Program with Criteria

A magnet school/program with criteria means a school/program organized around an area of interest (i.e., a theme or focus area), draws students from an entire community, and has entrance standards beyond interest in the focus of the school for students who live outside the school's attendance area.

The Maxwell Spanish Immersion Magnet School does not have an attendance area. Magnet schools (Frederick Douglas Biomedical Magnet Program, the International Baccalaureate Program at Tates Creek High School, Bryan Station Middle School and Bryan Station High School Spanish Immersion Magnet Programs, and Lexington Traditional Magnet School) have attendance areas and may serve students outside the attendance area who meet program criteria or are selected in the lottery.

**Magnet Schools/ Specialized Programs and
Gifted/Talented Programs Enrollment***Gifted/Talented School/Program*

A gifted/talented school/program means a specialized school program designed to serve formally identified gifted and talented students in grades 4-12 in specific academic areas (such as science and math, language arts, or social studies) or specific areas of giftedness (such as creativity, leadership, or the visual and performing arts) and takes only students who meet the criteria as formally identified gifted students according to State regulation 704 KAR 3:285.

Gifted and Talented programs within schools (Math, Science, and Technology Center at Paul L. Dunbar High School; School for the Creative and Performing Arts (SCAPA) at Bluegrass and Lafayette High School, and the Liberal Arts Academy at Henry Clay High School) do not have attendance areas.

The Gifted and Talented Accelerated Elementary and Middle Feeder Schools are bound by feeder systems based upon the student's primary home address and the elementary school for which he/she is slated to attend.

Magnet School/Program with Criteria

A Magnet School/Program with Criteria means a school/program organized around an area of interest (i.e., a theme or focus area), draws students from an entire community via the Districtwide Application Process, and has entrance standards beyond interest in the focus of the school for students who live outside the school's attendance area.

Magnet Schools without an attendance area include:

Maxwell Dual Language Immersion Magnet School, Rise STEM Academy for Girls, George Washington Carver STEM School for Boys, STEAM, and Carter G. Woodson Academy for Boys: These schools draw students from an entire FCPS community via the Districtwide Application Process.

Magnet Schools with an attendance area include:

Dixie Magnet Elementary School, Lexington Traditional Magnet School, Breckinridge Elementary Innovative Leadership and Civic Engagement, Harrison Elementary Visual, Performing, and Digital Arts, and Crawford Middle Leadership Academy for Literacies and Civic Engagement: These schools have attendance areas and may serve students outside the attendance area who meet program criteria or are selected via the Districtwide Application Process.

Magnet Programs within A1 Schools include:

Frederick Douglas Biomedical Magnet Program, the International Baccalaureate Program at Tates Creek High School, Bryan Station Middle School Spanish Immersion, and Bryan Station High School Spanish Immersion Magnet Programs: These programs are housed within a Traditional A1 school and accept applications from the entire FCPS community for entry into the program via the Districtwide Application process.

**Magnet Schools/ Specialized Programs and
Gifted/Talented Programs Enrollment****Specialized School/Programs**

A Specialized School/Program means a school/program organized around an area of interest (i.e., a theme or focus area), draws students from an entire community via the Districtwide Application Process, and has no specific entrance standards except an interest in the focus of the school. Specialized programs are typically housed within A1 Schools.

Specialized School/Program with Criteria

A Specialized School/Program with Criteria means a school/program organized around an area of interest (i.e., a theme or focus area), draws students from an entire community via the Districtwide Application Process, and has entrance standards beyond interest in the focus of the school. Specialized Programs are typically housed within A1 Schools.

Specialized Schools without an attendance area include:

Virtual Learning Center at Success Academy and Re-engagement Center at Success Academy: These specialized schools draw students from the entire FCPS community via the Districtwide Application Process.

Specialized Programs within A1 Schools include:

Leestown Pre-engineering, Lafayette Pre-engineering, Academy for Information Technology @ BSHS, StationARTS @ Bryan Station: These specialized programs are housed within a traditional A1 school and accept applications from the entire FCPS community for entry into the program via the Districtwide Application Process.

Gifted/Talented School/Program

A Gifted/Talented School/Program means a specialized school program designed to serve formally identified gifted and talented students in grades 4-12 in specific academic areas (such as science and math, language arts, or social studies) or specific areas of giftedness (such as creativity, leadership, or the visual and performing arts) and takes only students who meet the criteria as formally identified gifted students according to 704 KAR 3:285.

Gifted and Talented Schools include:

School for the Creative and Performing Arts (SCAPA) of the Bluegrass (Grades 4-8): These schools draw students from an entire FCPS community via the Gifted and Talented Placement and the Districtwide Application Process.

Gifted and Talented programs within A1 Schools include:

Math, Science, and Technology Center at Paul L. Dunbar High School, School for the Creative and Performing Arts (SCAPA) at Lafayette High School (Grades 9-12), and the Liberal Arts Academy at Henry Clay High School) do not have attendance areas.

The Gifted and Talented Accelerated Elementary and Middle Programs are bound by feeder systems based upon the student's primary home address and the elementary school for which they are slated to attend.

**Magnet Schools/ Specialized Programs and
Gifted/Talented Programs Enrollment****ATTENDANCE AREA STUDENTS**

In accordance with policy 09.11, Unless otherwise stated, students who have applied through the Districtwide application process to a Magnet Program and have received acceptance through the Magnet process shall attend said Magnet Program regardless of area. Magnet Programs having an attendance area will be required to accept students into the area school through the normal enrollment process made available to all area students. Students residing in the magnet program attendance area will not be required to apply through the Districtwide application process. For a magnet school that has an attendance area and requires entrance criteria, the attendance area student shall not be required to meet entry criteria.

MAGNET SLOTS

The total number of slots in a magnet school or program is based on the building capacity and the projected enrollment of attendance area students. Calculating the total number of slots shall be the responsibility of the Office of Pupil Personnel.

The number of magnet slots offered in the magnet selection process are based on the following criteria:

- Currently enrolled students who are expected to remain
- Projected attendance area students
- Building capacity

OUT OF AREA

All out of area placements to Magnet Schools/Programs (not available to ~~Magnet-Specialized~~ Schools/Programs) must have the approval of the School Chief, Director of Pupil Personnel, and the ~~Chief Innovation Officer/Associate Director for Federal, State, and Magnet Programs~~.

In situations where one (1) or two (2) grade levels become significantly larger than the others, the number of slots offered at the entering grade level may be adjusted up or down to balance possible long term impacts on the school against the need to keep the whole school within capacity. The ~~Chief Innovation Officer/Associate Director for Federal, State, and Magnet Programs (ADFSMP)~~ shall make these adjustments in consultation with the Principal with review by the Director of Pupil Personnel.

The number of ~~m~~Magnet slots in ~~m~~Magnet ~~s~~Schools/~~p~~Programs without attendance areas, e.g., Maxwell shall be based on their building capacity minus any non-~~m~~Magnet District programs placed in the building. The number of slots per grade will be determined by agreement among the School Chief, the Principal, and the Office of Pupil Personnel.

MAGNET SLOTS

The total number of slots in a Magnet or Specialized School or Program is based on the building capacity and the projected enrollment of attendance area students. The Office of Pupil Personnel is responsible for calculating the total number of slots.

**Magnet Schools/ Specialized Programs and
Gifted/Talented Programs Enrollment****MAGNET SLOTS (CONTINUED)**

The number of Magnet and Specialized slots offered in the Magnet selection process is based on the following criteria:

- Currently enrolled students who are expected to remain
- Projected attendance area students
- Building capacity

DISTRICTWIDE APPLICATION PROCESS

The Districtwide application process for mMagnet Schools/Programs and Specialized Schools/Programs shall be managed by the Office of Innovation Magnet and Specialized Programs Support Services staff in accordance administrative procedures.

MAGNET ADMISSIONS REVIEW COMMITTEE

~~Except for the gifted/talented programs, the Magnet Admissions Review Committee (MARC) reviews student documents to determine student eligibility based on criteria. Students meeting criteria will be eligible for the selection process or lottery (Lexington Traditional Magnet School ONLY).~~

The MARC is composed of the following members:

- ~~School Chief or Designee~~
- ~~Principal or Designee~~
- ~~Guidance Counselors/School Representative from participating schools~~
- ~~Language Arts Content Specialists~~
- ~~Special Education Specialist~~
- ~~Content Area Specialist~~

ENTRANCE CRITERIA

Entrance criteria for Magnet Schools shall not apply to attendance area students. Entrance criteria for Magnet Programs within a traditional A1 school shall apply to any applicant, including attendance area students, to participate in the Magnet Program. Entrance criteria for applicable Magnet Schools, Specialized Schools, and Specialized Programs shall be submitted and approved by the Districtwide Admissions Review Committee and made public on the Specialized Programs' webpage and on the Districtwide Application Process webpage.

MAGNET LOTTERY

Lotteries are used as part of the magnet selection process for all Magnet Schools/ and Specialized Programs and shall be conducted in accordance with administrative procedures. For schools and programs with criteria, the lottery shall be composed of all applicants who meet the entrance criteria for the applicable school or program.

**Magnet Schools/ Specialized Programs and
Gifted/Talented Programs Enrollment**

LOTTERY (CONTINUED)

By the spring of each school year, applicable program offers for available slots will be made via the Districtwide Application Process.

Placement after spring of each school year shall be considered by the Magnet or Specialized Program Principal/Director and the Chief Innovation Officer.

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Magnet school program offers for available slots shall be made by January 31 of each school year.

Placement after January 31 of the school calendar for magnet programs shall be considered by the School Chief in conjunction with the school principal(s) and the Associate Director for Federal, State, and Magnet Programs when appropriate.

STUDENT ENROLLMENT STATUS

An attendance area student who moves out of the ~~m~~Magnet ~~s~~School/~~p~~Program attendance area may complete the magnet school/program.

A magnet, specialized program, or gifted student who withdraws from the District during a school year and who returns to the District during the same school year may be permitted to re-enroll in the school/program pending space availability and evaluation of staff/school personnel.

If any student wishes to leave the magnet/specialized program or gifted/talented program mid-year, the ~~Office of Innovation~~Associate Director for Federal, State, and Magnet Programs shall make the final decision in consultation with parents and school principals. The Office of Federal, State, and Magnet Schools shall require an exit form process for each program/school to gather data to support program needs and evaluation.

Newly enrolled students into the District who enter during the school year must wait and apply for a gifted or magnet/specialized program the following application period. Magnet schools/programs with specific criteria ~~may will~~ consult with the School Chief and the ~~Office of Innovation~~Associate Director for Federal, State, and Magnet Programs to determine available space. If space is available and no other students on a waiting list are eligible, the school may petition the District to implement a criterion review process to offer placement to newly enrolled students outside their attendance area.

MAGNET, SPECIALIZED, & GIFTED AND TALENTED PROGRAMS MATRICULATION

If the program has a matriculation program, there is no requirement to complete the Districtwide Application process.

**Magnet Schools/ Specialized Programs and
Gifted/Talented Programs Enrollment**

SELECTION PROCESS FOR MAGNET & SPECIALIZED PROGRAMS SELECTED STUDENTS

The selection process for magnet-selected students shall be as follows:

Magnet School/Program: (1) Application and (2) Lottery

Dixie Magnet Elementary School

Maxwell Dual Language Immersion (K-1)

International Baccalaureate Program at Tates Creek High School

Rise STEM Academy for Girls

George Washington Carver STEM School for Boys

Breckinridge Elementary Innovative Leadership and Civic Engagement (K-5)

Harrison Elementary Visual, Performing, and Digital Arts (K-5)

Crawford Middle Leadership Academy for Literacies and Civic Engagement (6-8)

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Magnet Schools with Criteria: (1) Application, (2) Meet Criteria, and (3) Lottery

Maxwell Dual Language Immersion Magnet (Grades 2-5)

Bryan Station Middle School (Dual Language Immersion)*

Lexington Traditional Magnet School Program

Bryan Station High School (Dual Language Immersion)*

Frederick Douglass Biomedical Magnet Program

Specialized Program with Criteria: (1) Application, (2) Meet Criteria, and (3) Lottery

Leestown Pre-Engineering

Lafayette Pre-Engineering

StationARTS at Bryan Station

Carter G Woodson Academy (6-12)

Virtual Learning Center at Success Academy

Re-engagement Center at Success Academy

**Does not apply to students matriculating from previous level.*

SELECTION PROCESS FOR MAGNET SELECTED STUDENTS

The selection process for magnet-selected students shall be as follows:

Magnet School Application and Lottery

Dixie Individually Prescribed Education Magnet

Maxwell Spanish Immersion Magnet (K-P1)

International Baccalaureate Program at Tates Creek High School

**Magnet Schools/ Specialized Programs and
Gifted/Talented Programs Enrollment**

Magnet Schools with Criteria: Application, Meet Criteria and Lottery

Maxwell Spanish Immersion Magnet (Grades 2-5)
Bryan Station Middle School (Spanish Immersion Program)
Lexington Traditional Magnet School Program
Bryan Station High School (Spanish Immersion Program)
Fredrick Douglass Biomedical Magnet Program
Tates Creek High School International Baccalaureate Program

DISTRICTWIDE ADMISSIONS REVIEW COMMITTEE

In certain instances, a committee review may be required to address extenuating circumstances in the eligibility of Magnet and Specialized Academic Programs. When this happens, a committee will be convened to find a resolution to said issue. Gifted/Talented programs will be excluded from this process as they have their own. The DARC convenes no less than five (5) persons to include the Chief Innovation Officer, Chief Unity Officer, a School Chief, a Principal, MASP Program Manager and/or designee(s).

ENTRANCE CRITERIA

Entrance criteria for magnet schools/programs shall not apply to attendance area students.

GIFTED/TALENTED PROGRAMS

Gifted/Talented ~~p~~Program applicants must meet the gifted education criteria outlined in 08.132 AP.1/Gifted and Talented Students and in ~~the state regulation~~ 704 KAR 3:285.

- Elementary Gifted & Talented Accelerated Program Grades 4-5
- School for the Creative and Performing Arts Grades 4-8
- Middle School Gifted & Talented Accelerated Program Grades 6-8
- School for the Creative and Performing Arts Grades 9-12
- Liberal Arts Academy Grades 9-12
- ~~Middle School Accelerated Cluster Program Grades 6-8~~
- Math, Science, and Technology Center Grades 9-12

MAGNET, SPECIALIZED PROGRAMS, AND GIFTED APPEALS AND GRIEVANCES

The process to appeal decisions related to magnet schools, specialized programs, or gifted/talented programs shall be addressed in administrative procedures 08.132 AP.1/Gifted and Talented Students and 09.112 AP.1/Gifted/Talented and Magnet School/Specialized Program Procedures Gifted/Talented and Magnet School/Specialized Program Procedures.

RELATED POLICY:

09.11

RELATED PROCEDURES:

08.132 AP.1; 09.112 AP.1

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

ADD TO STATUTE INDEX

STUDENTS

09.2242

Medicinal Cannabis

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

Please select one option.

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

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

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

1. Require medicinal cannabis be administered:

a. i. By a school nurse or under the supervision of appropriate school staff; or

ii. By the parent or legal guardian of the pupil who is a registered qualified patient;
and

b. Out of view of other students; and

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

REFERENCE:

KRS 218B.045

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Fund-Raising Activities

DEFINITION

Fund-raising is an organized activity of soliciting and collecting money for school or student organizations. Contributions and collections derived from school-sponsored fund-raising activities shall be deposited in the school's activity fund bank account or the District bank account.⁴

APPROVAL REQUIRED

All school-wide fund-raising activities, including the proposed use of the funds, must be approved by the Board.⁴ Requests must be channeled through the Principal to the School Director to be placed on the Board agendas in October and/or February of each school year. School-wide fund-raising activities that occur prior to presentation to the Board in October should be included for post approval.

All other fund-raising activities, including the proposed use of the funds, shall be approved by the Principal or a designee.

All funds raised for a specific purpose shall be used for that purpose.

CAMPAIGN RESTRICTIONS

No school or school group shall have more than six (6) school-wide fund-raising projects per year. A school-wide fundraising project is a for profit activity in which the proceeds benefit the entire school. This does not include "profit sharing" activities such as box top collections or "service activities" such as school pictures or market day. Elementary schools and middle schools are prohibited from conducting fund-raising activities which involve elementary or middle school students soliciting door-to-door.

No fund-raising shall occur during the instructional day.

CONDUCT OF ACTIVITIES

- All staff members and school-sponsored groups shall conduct fund-raising activities to benefit the entire group and shall not permit credit to be earned through fund-raising for an individual student in lieu of participation fees or related activity costs.
- Any support/booster organization wishing to be recognized by and/or affiliated with the District shall conduct fund-raising activities to benefit the entire group and shall not permit credit to be earned through fund-raising for an individual student. No dues, fees, or charges shall be assessed to students or parents.

PUPIL NOT COMPELLED

No student shall be compelled to participate in or meet any kind of quota in a fund-raising activity.¹ Students choosing not to participate in a fund-raiser shall not be excluded from benefitting from the fund-raiser or otherwise penalized in any way.⁴

SOLICITATION OF STUDENTS

There shall be no solicitation of students while they are under the supervision of school personnel without the approval of the Superintendent or Board.

Teachers shall not collect funds from students under their authority, except for school purposes or to aid group members who have been affected by a catastrophic event. Competition in giving among pupils of varying ability is not permitted.

School officials shall not send home coin cards or other comparable devices to be filled and returned by the student.

Fund-Raising Activities**CHARITABLE NON-PROFIT SOLICITATIONS**

The Superintendent shall develop procedures whereby charitable, non-profit organizations may solicit donations in the schools up to two (2) days each year.

Collections shall not take place in classrooms.

SUBSCRIPTION SALES OF PRINTED MATERIALS

The Superintendent shall provide written approval to the county clerk for all subscription sales of printed materials. This approval shall identify the product(s) being sold, the students involved as solicitors and the duration of sales.²

REFERENCES:

¹[KRS 158.290](#)

²[KRS 367.515](#) (3)

³[KRS 238.505](#); [KRS 238.535](#); [KRS 238.540](#)

⁴[Accounting Procedures for Kentucky School Activity Funds](#)

[KRS 156.160](#); [KRS 158.854](#)

[OAG 78-508](#); [OAG 79-330](#); [OAG 79-556](#)

RELATED POLICY:

04.312

Adopted/Amended: 7/27/2020

Order #: