

## Volunteers

### **DEFINITION**

Volunteers are defined as adults who assist teachers, administrators, or other staff in public school classrooms, schools, or District programs and who do not receive compensation for their assistance. Volunteers are encouraged to use their time and effort to support school and District programs. The Superintendent shall develop procedures that encourage volunteers to assist in school and/or District programs and to facilitate effective communication with persons who volunteer.

Teacher education students or students enrolled in an educational institution and who participate in observations and educational activities under direct supervision of a local school teacher or administrator in a public school shall not be considered volunteers.

Classified hourly employees shall not be permitted to volunteer for duties related to their primary job.

### **SUPERVISION OF VOLUNTEERS**

All volunteers shall provide assistance only under the direction and supervision of a member of the professional administrative and teaching staff.<sup>1</sup>

Volunteers who assist in the District on a scheduled and/or continuing basis shall be provided with the same liability insurance coverage as a District employee and shall be provided with a written task description detailing responsibilities and expectations, as well as specific qualifications that may be required.

### **RECORDS CHECK**

The District shall conduct, at District expense, a state criminal records check on all volunteers who have contact with students on a regularly scheduled and/or continuing basis, or who have supervisory responsibility for children at a school site or on school-sponsored trips.

Pursuant to [KRS 160.380](#), the Superintendent/designee also may require volunteers to submit to a state and national criminal (fingerprint) history background check and to provide a clear CA/N check, defined in [KRS 160.380](#) as “a letter from the Cabinet for Health and Family Services indicating that there are no ~~administrative substantiated~~ findings of child abuse or neglect relating to a specific individual.” With prior approval of the Superintendent/designee, the background checks will be conducted at District expense.

The required criminal records check shall be repeated every five (5) years for continuing volunteers.

No volunteer shall be utilized to supervise students, or deemed to have the authority to supervise students, unless the volunteer has been designated to supervise students by the Principal and approved by the Superintendent/designee, and the volunteer has undergone the required records check.

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

## **Volunteers**

### **BASIS FOR DISQUALIFICATION**

The Superintendent/designee shall have the authority to disqualify any individual from participating in school and/or District programs as a volunteer.

Applicants with the following convictions shall not be authorized to volunteer:

1. Any conviction for sex-related offenses;
2. Any conviction for offenses against minors;
3. Any conviction for felony offenses except as provided in number 5 below;
4. Any conviction for deadly weapon-related offenses;
5. Any conviction for felony drug-related offenses within the past seven (7) years;
6. Any conviction for misdemeanor drug-related offenses within the past five (5) years;
7. Any conviction for violent, abusive, threatening or harassment related offenses;
8. Other convictions determined by the Superintendent/designee to bear a reasonable relationship to the ability of the applicant to serve as a volunteer.

Volunteers shall immediately notify the school Principal or the Volunteer Talent Center if they are convicted of or plead guilty to one of the criminal offenses listed above.

### **WORK-BASED SITE SUPERVISORS**

Work-based learning site supervisors are considered volunteers. Pursuant to [KRS 160.380](#) and [KRS 161.148](#), prior to being assigned to supervise a student for more than one (1) day in a work-based learning experience, the site supervisor shall have undergone a state criminal background check either as required by their employer at the time of employment or within the past twelve (12) months, whichever is the more recent.

### **TRANSPORTATION OF STUDENTS**

Volunteers who transport students shall annually complete a Volunteer Auto Insurance Affidavit and shall provide the Superintendent/designee with a copy of their driving record from the Kentucky Department of Transportation. Any traffic citation received during the year or any loss of the volunteer's auto liability insurance shall be reported to the Superintendent/designee prior to transporting students.

### **ORIENTATION**

The Superintendent/designee shall develop orientation materials and procedures to be provided to all volunteers in the District. These materials shall include, but not be limited to, pertinent policies and safety and emergency procedures.

### **REFERENCES:**

<sup>1</sup>[KRS 161.148](#)  
[KRS 160.380](#); [KRS 161.044](#)

### **RELATED POLICIES:**

03.5; 08.113; 08.1131

Adopted/Amended: 8/4/2020  
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## **Student Records**

Except as otherwise provided by law, student education records are those records recorded in any medium that are directly related to a student and maintained by the District or by a party acting for the District.

### **TYPES OF STUDENT RECORDS**

Student records include, but are not limited to:

1. Personal and family data;
2. Evaluation and test data;
3. Medical and psychological reports;
4. Records of school achievement, progress reports and portfolios;
5. Records of conferences with students and/or parents (including Individual Education Programs for exceptional children);
6. Copies of correspondence concerning a student;
7. Photographs/video records of a student;
8. Discipline records;
9. Other information or data that may be useful in working with a student and/or required by state or federal law.

Student records shall be retained as required by law.

### **DEFINITION**

As used in this policy, and in accordance with the federal Family Educational Rights and Privacy Act (FERPA), “parent” means “a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.”

### **PROCEDURE TO BE ESTABLISHED**

The Superintendent/designee shall develop procedures for the development, maintenance, use, storage, dissemination, and destruction of student records and to promote effective notification of parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) and to ensure District compliance with applicable state and federal student record requirements.

### **DISCLOSURE OF RECORDS**

Student records shall be made available for inspection and review to the parent(s) of a student or to an eligible student on request. Legal separation or divorce alone does not terminate a parent’s record access rights. Eligible students are those 18 years of age or older or those duly enrolled in a post-secondary school program. In general, FERPA rights pass to the eligible student upon either of those events. Parents may be provided access to the educational records of an eligible student 18 years old or older if the student is dependent under federal tax laws.<sup>1</sup> An eligible student who is not a dependent has right to prohibit the disclosure of personally identifiable information in education records to their parent/guardian if the student has submitted a signed affidavit stating that they are not a dependent as defined under Section 152 of the Internal Revenue Code and requesting to prohibit disclosure to their parents.

## **Student Records**

### **DISCLOSURE OF RECORDS (CONTINUED)**

Student records shall be developed, maintained, stored, used, released, disseminated, and destroyed in compliance with applicable state and federal laws and regulations.

State and federal laws and regulations assuring parent/student rights to review and access student records, and to provide for the privacy and confidentiality of student records shall be followed.

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

Authorized District personnel also may disclose personally identifiable information to the following:

- Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer;
- School officials (such as teachers, instructional aides, administrators, including health or medical staff and law enforcement unit personnel) and other service providers (such as contractors, consultants, and volunteers used by the District to perform institutional services and functions) having a legitimate educational interest in the information.

### **ACCESS TO INFORMATION REGARDING THE BIOLOGICAL SEX OF STUDENT**

[KRS 158.189](#) defines "Biological sex" to mean "the physical condition of being male or female, which is determined by a person's chromosomes, and is identified at birth by a person's anatomy." Except as provided in [KRS 156.070\(2\)\(g\)](#) and in accordance with 34 CFR § 99.31 implementing the federal Family Educational Rights and Privacy Act, District and school officials/staff may only access student education record information in which the District determines they have a legitimate educational interest.

The biological sex of a student is required under state law to be entered into the student data system based on the student's birth certificate, or if no birth certificate is provided, based on information provided by the parent/guardian to the school or District. Such information may only be accessed by an employee who has a legitimate educational interest to comply with state or federal law and who has been trained and given registrar rights to access information in the student data system. Beyond that limited use, there is no legitimate educational interest in knowing the biological sex of a student defined in [KRS 158.189](#).

Beyond requesting a birth certificate of a student from a parent/guardian as permitted under law, District and school officials and staff are prohibited from asking a student or parent/guardian for information regarding or requiring proof of a student's biological sex based on a student's chromosomes or anatomy.

## **Student Records**

### **DISCLOSURE TO REPRESENTATIVES FOR FEDERAL OR STATE PROGRAM PURPOSES**

Personally identifiable student information may be released to those other than employees who are designated by the Superintendent in connection with audit, evaluation, enforcement, or compliance activities regarding Federal or State programs. Such designation must be executed in writing with the authorized representative and specify information as required by 34 C.F.R. Part 99.35.

### **DUTY TO REPORT**

If it is determined that the District cannot comply with any part of FERPA or its implementing regulations due to a conflict with state or local law, the District must notify the Family Policy Compliance Office (FPCO) within forty-five (45) days of the determination and provide the text and citation of the conflicting law.

### **DIRECTORY INFORMATION**

The Superintendent/designee is authorized to release student directory information to organizations or individuals upon written request. A student's name, school, mailing address, guardian email address, grade level, honors and awards, photograph (including use of student photographs in school District publications, in school District social media, on the school District's website and to news media), video or film of students when filmed by the District for educational purposes or for promotional use or filmed by news media, and major field of study shall constitute directory information. Photos and video that would generally be considered harmful or an invasion of privacy if disclosed are not directory information. A student's date of birth shall constitute directory information only for purposes of the U.S. Department of Education Free Application for Federal Student Aid (FAFSA) Completion Project. The Superintendent/designee shall develop a form to permit parents and eligible students to opt-out of the release of directory information.

Information about the living situation of a student designated as homeless is not to be treated as directory information and is not to be disclosed unless prior written consent is given or unless the information meets one of FERPA's exceptions to required consent. The living situation is not considered directory information.

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

Parents/guardian/eligible students must either permit release of all directory information or opt out of release of all directory information.

Unless the parent/guardian or student who has reached age eighteen (18) requests in writing that the District not release such information, the student's name, address, and telephone number shall be released to Armed Forces recruiters and institutions of higher education upon their request.

### **SURVEYS OF PROTECTED INFORMATION**

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

## **Student Records**

### **SURVEYS OF PROTECTED INFORMATION (CONTINUED)**

A parent/eligible student also shall be notified of and given opportunity to opt the student out of participation in the following activities:

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

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

These requirements do not apply to evaluations administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA).

### **WELL-BEING QUESTIONNAIRES, ASSESSMENTS, OR HEALTH SCREENING FORMS**

Prior to a well-being questionnaire or assessment, or a health screening form being given to a student for research purposes, the District shall provide the student's parent/guardian with access to review the material and shall obtain parent/guardian consent. Parental consent shall not be a general consent to these assessments or forms but shall be required for each assessment or form.

A parent's refusal to consent shall not be an indicator of having a belief regarding the topic of the assessment or form.<sup>2</sup>

### **STUDENTS WITH DISABILITIES**

The District's special education policy and procedures manual shall include information concerning records of students with disabilities.

### **RECORDS RELEASE TO JUVENILE JUSTICE SYSTEM**

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

## **Student Records**

### **JUVENILE COURT RECORDS**

Records or information received regarding a child who has been adjudicated as a youthful or violent offender shall not be disclosed except as permitted by law. When such information is received, the Superintendent shall notify the Principal of the school in which the child is enrolled. The Superintendent may designate an employee of the District to receive notices and carry out the Superintendent's responsibilities. The Superintendent/designee shall provide the clerk and the court-designated worker with notice of any designation and the name and contact information for the Superintendent's designee. The Principal shall then release the information as permitted by law.

Only the Superintendent/designee and school administrative, transportation, and counseling personnel or teachers or other school employees with whom the student may come in contact, shall be privy to this information, which shall be kept in a locked file when not in use and opened only with permission of the administrator. Notification in writing of the nature of offenses committed by the student and any probation requirements shall not become a part of the child's student record.

If the petition is dismissed or informally adjusted, the clerk shall notify the Superintendent or the Principal of the disposition, and all records of the incident or notification created in the District or the school shall be destroyed and shall not be included in the child's school records. For purposes of destruction, education records created by the school shall not be destroyed. The District or school may request a statement of facts from the county attorney in a juvenile case.<sup>3</sup>

### **RECORDS OF MISSING CHILDREN**

Upon notification by the Commissioner of Education of a child's disappearance, the District shall flag the record of the child in a manner that whenever a copy of or information regarding the child's record is requested, the District shall be alerted to the fact that the record is that of a missing child. Instead of forwarding the records of a child who has been reported missing to the agency, institution, or individual making the request, the District shall notify the Justice Cabinet.

### **COURT ORDER/SUBPOENA**

Prior to complying with a lawfully issued court order or subpoena requiring disclosure of personally identifiable student information, school authorities shall make a documented effort to notify the parent or eligible student. However, in compliance with FERPA, when a lawfully issued court order or subpoena requires disclosure be made without notification of the student or parent, the District shall comply with that requirement. If the District receives such an order, the matter may be referred to the General Counsel for advice.

**Student Records****REFERENCES:**

<sup>1</sup>[KRS 158.153](#); [KRS 610.320](#); [KRS 610.340](#); [KRS 610.345](#)

<sup>2</sup>[KRS 158.191](#)

<sup>3</sup>[KRS 635.010](#)

[KRS 7.110](#); [KRS 15A.067](#); [KRS 17.125](#); [KRS 158.032](#); [KRS 159.160](#); [KRS 159.250](#)

[KRS 160.990](#); [KRS 161.200](#); [KRS 161.210](#)

[KRS 365.732](#); [KRS 365.734](#)

[702 KAR 001:140](#); [702 KAR 003:220](#)

20 U.S.C. 1232g, 34 C.F.R. 99.1 - 99.67

20 U.S.C. 1232h (Protection of Pupil Rights Amendment); 34 C.F.R. 98

[OAG 80-33](#); [OAG 85-130](#); [OAG 85-140](#); [OAG 86-2](#); [OAG 93-35](#)

Kentucky Family Educational Rights and Privacy Act ([KRS 160.700](#); [KRS 160.705](#)

[KRS 160.710](#); [KRS 160.715](#); [KRS 160.720](#); [KRS 160.725](#); [KRS 160.730](#))

20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)

Kentucky Education Technology System (KETS)

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

42 U.S.C. 11431 et seq. (McKinney-Vento Act)

**RELATED POLICIES:**

09.111; 09.12311; 09.43

Adopted/Amended: 7/23/2024

Order #: 2024-097



## Facilities Development and Construction

The Board shall provide adequate school facilities to meet the instructional needs of the pupils and staff, to provide for school activities, and to serve the community of which the school shall be an integral part. Money expended for school construction shall provide the best school facilities possible at the most economical cost. Monies shall be allocated to cover the cost of additional schools or classrooms and/or schools shall be reopened for regular use only after it is determined that such actions will facilitate the positive implementation of the student assignment plan.

In compliance with applicable statutes and administrative regulations, the Local Planning Committee shall prepare a school facilities plan for approval by the Board.<sup>2</sup>

### **REQUIREMENTS FOR CONTRACTORS**

Each contractor performing work pursuant to a construction contract shall require that all employees of the contractor and all employees of its subcontractor(s) who will work on a District construction site shall ~~submit to a state and federal criminal background check, provide proof of a satisfactory drug screen and~~ provide proof of eligibility to work in the United States of America. ~~Each such contractor and subcontractor, as a condition of eligibility to perform work pursuant to a construction contract, shall certify to the District that it uses the federal E-Verify program to confirm the legal status of its newly hired employees. Persons convicted of felony sex offenses, drug trafficking, or violent crime using a weapon or testing positive for controlled substances shall not be permitted to work on District construction sites.~~

~~These~~ This provisions shall become part of the contractual obligation of the contractor and shall be reflected in the bid specifications, or, if the contract is not subject to bid requirements, in the negotiations with the contractor.

The Board supports continued educational opportunities for the Jefferson County workforce and encourages contractors to utilize apprenticeship training programs.

~~“Contractor” shall refer to any adult who is permitted access to school grounds pursuant to a current construction contract. The term “contractor” includes an employee of a contractor.~~

“Contractor” shall refer to any adult who is permitted access to school grounds pursuant to a current contract to perform construction or facilities-related service or maintenance. The term “contractor” includes an employee of a contractor. The term “contractor,” as used in this policy, does not include any adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity.

### **CONSTRUCTION CONTRACTS - MINORITY/WOMEN PARTICIPATION**

The Board provides equal opportunities to all of its bidders with respect to the bidding and award of construction contracts. The Board is committed to increasing the accessibility of contracting opportunities to business enterprises that are owned by minorities and women. [Minorities include Black Americans, Asian Americans, Hispanic Americans, American Indians, American Eskimos, and American Aleuts] The Board will make every effort possible to ensure that minority-owned and women-owned businesses and businesses that utilize a diverse workforce are provided a fair and equitable opportunity to participate in the procurement of District construction contracts.

## **Facilities Development and Construction**

### **AWARDING OF CONTRACTS**

A construction contract shall be officially awarded to the successful bidder by action of the Board at a regular or special meeting. The awardee (successful bidder) and the architect and/or engineer shall receive formal notice of the awarding of the contract.

The architect and/or engineer shall prepare the contract documents (plans and specifications) in accordance with the policies and other requirements of the Board. The Operations Division ~~of Facilities/Transportation~~ shall prepare the contract in accordance with the provisions as set forth in the plans and specifications. The contract and copies of the performance and payment bond shall be executed in triplicate.

### **SELECTION OF ARCHITECT AND/OR ENGINEER**

The Board may contract for professional services by an architectural or engineering firm without formal advertising.

The Superintendent shall be authorized to appoint an Architectural and Engineering Selection Committee for recommendation of firms. The criteria for the selection of an architect and/or engineer shall be approved by the Board. The Superintendent shall recommend firms to the Board for approval.

### **DEVELOPMENT PLANS AND SPECIFICATIONS**

The project architect shall advise the administration and Board on phases of the facility development program for which the architect has technical training and experience.

The architect shall perform other services as follows:

1. Translate the educational program for which the facilities are needed into building design and specifications.
2. Advise the Board on letting of contracts.
3. Provide periodic site inspections to familiarize himself/herself with the progress of the work.
4. Recommend approval and acceptance of completed facilities.
5. Supplement his/her services, when necessary, by consulting specialists such as landscape architects and heating, ventilating, electrical, structural, and acoustical engineers.

### **ADVICE SOUGHT**

When the Board engages in a major construction project, it will seek the advice of employees and citizens of the school district, as appropriate, in determining the scope and educational specifications of the construction project.<sup>1</sup>

**Facilities Development and Construction**

**REFERENCES:**

<sup>1</sup>[Kentucky School Facilities Planning Manual](#)  
[702 KAR 004:160](#)  
[KRS 157.615](#); [KRS 157.620](#); [KRS 157.622](#); [KRS 158.447](#)  
[KRS 162.010](#); [KRS 162.060](#); [KRS 162.070](#); [KRS 162.080](#); [KRS 162.090](#)  
[KRS 162.100](#); [KRS 162.120](#); [KRS 162.160](#)  
[KRS 162.290](#); [KRS 162.300](#); [KRS 322.360](#)  
[KRS 424.260](#); KRS Chapter 45A  
[702 KAR 004:005](#); [702 KAR 004:050](#); [702 KAR 004:100](#)  
[702 KAR 004:170](#); [702 KAR 004:180](#)  
[750 KAR 001:010](#); [750 KAR 001:030](#)

**RELATED POLICIES:**

04.32  
05.12

Adopted/Amended: 6/10/2013  
Order #: 2013-095

## **Model Procurement Code Purchasing**

### **AUTHORITY**

The Kentucky Model Procurement Code contains specific provisions in [KRS 45A.345](#) to 45A.460 that may be adopted by local public agencies, including local boards of education. The Board has adopted the local public agency provisions of the Code. [KRS 45A.343](#) provides that no other statutes governing purchasing shall apply to the local public agency upon adoption of these provisions. The Board has adopted procurement regulations, not inconsistent with the local public agency provisions, as permitted by [KRS 45A.360](#). The Superintendent shall develop procedures for the implementation of the local public agency provisions of the Code and the Board's procurement regulations.

### **GENERAL PURCHASING REQUIREMENTS**

All contracts and purchases shall comply with the local public agency provisions of the Code and the Board's procurement regulations. All contracts and purchases shall be made through competitive sealed bidding<sup>1</sup> or competitive negotiation, both of which may include the use of a reverse auction, unless the purchase or contract satisfies the requirements for noncompetitive negotiation or small purchases.

### **SMALL PURCHASES**

District small purchase procedures may be used for any contract in which the aggregate amount does not exceed [forty thousand dollars \(\\$40,000.00\)](#).<sup>4</sup>

### **SUPERINTENDENT TO APPROVE CONTRACTS**

The Board shall authorize the Superintendent to approve contracts, in accordance with small purchase procedures adopted by the Board, for any contract for which a determination is made that the aggregate amount of the contract does not exceed twenty thousand dollars (\$20,000) and require the Superintendent to provide a quarterly report to the Board on any purchases made under this provision.<sup>5</sup>

### **IDENTIFYING FORMER BUSINESS NAMES**

All contractors submitting bids on any District construction project over twenty thousand dollars (\$20,000) shall submit a list identifying all former business names under which the contractor had operated in the past five (5) years.

### **TRAINING AND APPRENTICESHIP PROGRAMS**

The Board supports the development and use of training and apprenticeship programs by bidders and their subcontractors to improve the skills of their employees and the quality of workmanship on District construction projects.

The District shall develop and implement purchasing procedures, in accordance with the Kentucky Model Procurement Code ([KRS 45A.345](#) to 45A.460); KRS Chapters 136, 139, 141, 337, 338, 341, and 342; related administrative regulations; and other pertinent state and federal laws, that actively promote increasing training and apprenticeship programs. The Superintendent will develop procedures that, to the extent permitted by law, recognize a contractor's participation in an apprenticeship or training program applicable to the craft to be performed on a project to be one of the criteria considered.

## **Model Procurement Code Purchasing**

### **PURCHASING FROM MINORITY, WOMEN, AND VETERAN-OWNED ENTERPRISES**

The Board supports the purchase of goods; construction, renovation and repair services; and other services from minority, women, and veteran business enterprises (M/W/VBE) by the District.

The District shall develop and implement purchasing procedures, in accordance with the Kentucky Model Procurement Code ([KRS 45A.345](#) to 45A.460); KRS Chapters 136, 139, 141, 337, 338, 341, and 342; related administrative regulations; and other pertinent state and federal laws, that actively promote increasing opportunities for M/W/VBE to become vendors providing goods and services to the District.

This policy and related procedures shall establish expectations of good faith efforts by prospective vendors for M/W/VBE participation and include mechanisms to document and measure those efforts.

### **LEADERSHIP**

District leadership shall take an active role to ensure effective implementation of this policy. The Superintendent, Chief Operations Officer, Chief Financial Officer, and Chief Equity Officer shall:

1. Review the results of the performance of the District's implementation of this policy with internal management personnel on a periodic basis;
2. Articulate in written and verbal communication, internally and externally, the District's interest in achieving the goal of increasing opportunities for M/W/VBE participation with District procurement;
3. Issue periodic reports to the Board and to other internal and external stakeholders; and
4. Engage in other leadership activities contributing to increasing the utilization and meeting of M/W/VBE goals of this policy.

### **ADMINISTRATION**

The Purchasing Department and Facility Planning Department shall incorporate procedures established under this policy as part of their financial and management responsibilities over District procurement processes. The Chief Equity Officer/designee shall be responsible for supporting effective implementation of this policy.

### **DEFINITIONS**

As used in this policy:

**Construction, renovation, and repair services** means the erection, construction, alteration, or repair of District facilities.

**Goods** means supplies, materials, and equipment.

**Other services** means services procured by District that are not construction, renovation, and repair services.

**Model Procurement Code Purchasing****DEFINITIONS (CONTINUED)**

**Minority Business Enterprise (MBE)** means a business that is certified as being at least fifty-one percent (51%) controlled by one (1) or more racial/ethnic minority persons of either sex. A racial/ethnic minority person shall be described as follows: Black or African American, Asian, American Indian and Alaska Native, Native Hawaiian and Other Pacific Islander, Hispanic or Latino.

**Woman Business Enterprise (WBE)** means a business that is certified as being at least fifty-one percent (51%) controlled by one or more non-minority women.

**Veteran Business Enterprise (VBE)** means a small business that is certified as being at least fifty-one percent (51%) controlled by one (1) or more veterans, and that has one or more veterans managing day-to-day operations and also making long-term decisions.

**M/WBE** means a minority and women business enterprise.

**M/W/VBE** means a minority, women and veteran-business enterprise.

**CERTIFICATION OF M/W/VBE**

M/W/VBE are certified and classified by a variety of entities. The District shall accept M/W/VBE certification from any bona fide certifying entity, including, but not limited to Louisville Metro Government, the Kentucky Finance and Administration Cabinet, Tri-State Minority Supplier Development Council, and the National Women's Business Enterprise Council. Additionally, District staff may classify businesses that are not certified by the above entities if a business demonstrates that it meets the certifying entities' definition of an M/W/VBE.

**SUPPORT FOR M/W/VBE VENDOR UTILIZATION**

The District shall maintain a master database of MBE, WBE, and VBE vendors, and establish procedures for its use, to assist District staff responsible for bidding and purchase process in meeting good faith effort requirements.

The District shall establish an ongoing outreach effort to M/W/VBE vendors, including, but not limited to providing information and guidance regarding doing business with the District, assisting vendors with the District's e-procurement system. The District shall establish and maintain partnerships with existing management and technical assistance providers to assist M/W/VBE in securing and meeting performance expectation for District contracts.

**M/W/VBE GOALS AND GOOD FAITH EFFORT**

**For Construction, Renovation, and Repair Services Projects**, the District's goals are as follows:

1. Fifteen percent (15%) MBE participation;
2. Ten percent (10%) WBE participation; and
3. VBE participation at a rate established by the Chief Equity Officer and the Chief Financial Officer based on research of best practices of peer school districts and other governmental entities.

## **Model Procurement Code Purchasing**

### **M/W/VBE GOALS AND GOOD FAITH EFFORT (CONTINUED)**

Bidders who utilize subcontractors shall make good faith efforts to meet the District's M/W/VBE goals for subcontractors used for each project on which they bid. Bidders who do not meet the goals shall submit documentation of their good faith efforts in soliciting pricing, as set forth in the District's procedures for bidders. Award of contract shall be conditional upon the bidder's satisfaction of these requirements.

### **PURCHASE OF GOODS AND OTHER SERVICES**

District staff shall make good faith efforts to utilize M/W/VBE vendors in accordance with standards and documentation requirements set forth in District purchasing procedures. At a minimum, District staff responsible for soliciting three price quotes for non-bid items shall make a good faith effort to include at least one M/W/VBE vendor per bid, identified utilizing the master database maintained by the Chief Equity Officer/designee and other means.

### **DETERMINATION OF ANNUAL GOALS**

Each year, the Chief Equity officer/designee shall establish a goal-setting work group to set aspirational goals for M/W/VBE utilization the next fiscal year in the following categories:

1. Construction;
2. Architecture and Engineering;
3. Professional Services;
4. Goods; and
5. Other Services.

### **DOCUMENTATION, REPORTING, AND EVALUATION**

The Chief Equity Officer/designee shall establish procedures for the collection, maintenance, and tracking of records at the District, division, department and school level relating to implementation of this policy to include, but not be limited to:

1. Documentation of compliance with the good faith effort requirements including periodic site visits; and
2. Statistics regarding the utilization of M/W/VBE by District Divisions, Departments, and Schools.

The Chief Equity Officer shall:

1. Submit quarterly written reports to the Board regarding the implementation of this policy; and
2. Conduct periodic formal evaluations of the effectiveness of the M/W/VBE program.

### **ETHICAL STANDARDS**

To avoid conflicts that may arise during the decision-making process for procurement of services and products for the District, employees shall adhere to the ethical standards set out in [KRS 45A.455](#) and the Board's procurement regulations.

### **Model Procurement Code Purchasing**

#### **REPORTING AND CONSEQUENCES OF STATUTORY VIOLATIONS BY CONTRACTORS**

In accordance with [KRS 45A.343](#), the District shall establish procedures to require a contractor and all subcontractors performing work under a contract to:

1. Reveal any final determination of a violation within the previous five (5) year period pursuant to KRS Chapters 136, 139, 141, 337, 338, 341, and 342, relating to corporate, sales, use, and income taxes; wages and hours, OSHA violations; unemployment compensation; and workers' compensation; and
2. Be in continuous compliance with the provisions of KRS Chapters 136, 139, 141, 337, 338, 341, and 342 for the duration of the contract.

A contractor's failure to reveal a final determination of a violation or to comply with these statutes for the duration of the contract shall be grounds for:

1. Cancellation of the contract; and
2. Disqualification of the contractor from eligibility for future contracts for a period of two (2) years.

#### **BIDDER'S STATEMENT ON STAFFING CAPABILITIES**

The District shall establish procedures requiring a signed assurance from a bidder that labor under its direction as a self-performing contractor, or skilled labor provided by any subcontractor, will be paid as employees with appropriate withholdings and benefits.

#### **PROCEDURES SETTING FORTH ADDITIONAL REQUIREMENTS FOR BIDDERS**

The Chief Financial Officer shall establish procedures for the following:

1. A written plan for employee drug testing that covers all employees of the bidder who will perform work on a District project [if drug testing is required by state or federal law](#);
2. Receipt of the name and management experience of each bidder's project managers and superintendents that the bidder intends to assign to work on a District project;
3. Proof of any professional or trade license required by state law for any trade or specialty area required for a project being bid;
4. Disclosure of any suspension or revocation of a professional or trade license of the bidding company or person employed by the bidding company;
5. Evidence that the bidder has a bond issued by a surety authorized to do business in Kentucky, as required by administrative regulations promulgated by the Kentucky Board of Education;
6. Post-bid submissions from a bidder within seventy-two (72) hours after bids are due disclosing the name, address, and type of work of each first-tier subcontractor, including individuals serving independent contractors; and
7. Receipt of a written assurance from a bidder that payroll documents indicating proper tax withholding for it and all subcontractors under the bidder shall be available for inspection upon request by Superintendent/designee.



**Model Procurement Code Purchasing****PUBLIC-PRIVATE PARTNERSHIPS**

The Board may utilize a public-private partnership delivery method. Public-private partnerships shall comply with [KRS 65.028](#) and other applicable state laws and 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.<sup>3</sup>

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, "gratuity" means a payment, loan, subscription, advance, deposit of money, services, or anything of more than twenty-five dollars (\$25.00) in value, present or promised, unless consideration of substantially equal or greater value is received. Violation of these standards may result in disciplinary action including, but not limited, to suspension, dismissal, or removal.

**RECIPROCAL PREFERENCE FOR RESIDENT BIDDERS**

A public purpose is served by providing a preference to Kentucky residents in contracts by the Board. To the extent permitted by law, the Chief Finance Officer shall adopt procedures for all contracts funded or controlled by the Board to implement a preference for a Kentucky resident bidder against a non-resident bidder that is equal to the preference given or required by the state of the non-resident bidder. Geographical preferences relating to school nutrition service purchases may be utilized only as permitted by applicable federal law.<sup>2</sup>

**USE OF NON-RESIDENT SUBCONTRACTORS**

A bidder that is awarded a contract for a construction, renovation, or repair services project that utilizes subcontractors shall make an effort to subcontract with resident businesses of the Commonwealth. Bidders that utilize subcontractors based outside of Kentucky shall submit documentation of their efforts to solicit pricing from subcontractors based in the Commonwealth.

**EXEMPTIONS**

Federal regulatory requirements do not provide a bidding exception for purchase of perishables using school nutrition service funds. Such purchase must follow applicable federal regulations.<sup>3</sup>

**Model Procurement Code Purchasing****BACKGROUND CHECKS**

The Superintendent may require an adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity to submit, at no expense to the District, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation and to provide a clear CA/N check, defined in [KRS 160.380](#) as “a letter from the Cabinet for Health & Family Services indicating that there are no substantiated findings of child abuse or neglect relating to a specific individual.”<sup>6</sup>

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

**OPEN RECORDS**

All information submitted by a bidder or a subcontractor pursuant to a bid specification are public records subject to review pursuant to the Open Records Act as set forth in [KRS 61.870](#) to [KRS 61.884](#).

**REFERENCES:**

<sup>1</sup>Includes the State Bid List

<sup>2</sup>[KRS 160.303](#); [200 KAR 005:400](#); [KRS 45A.494](#)

<sup>3</sup>2 C.F.R. 200.318

<sup>4</sup>[KRS 45A.385](#);

<sup>5</sup>[KRS 160.370](#)

<sup>6</sup>[KRS 160.380](#)

[KRS 156.076](#); [KRS 160.290](#)

[KRS 45A.070](#); [KRS 45A.343](#); [KRS 45A.345](#); [KRS 45A.352](#); [KRS 45A.360](#); [KRS 45A.370](#)

[KRS 45A.380](#); [KRS 45A.420](#); [KRS 45A.445](#); [KRS 45A.455](#)

[KRS 45A.460](#); [KRS 45A.620](#)

[KRS 65.027](#); [KRS 65.028](#)[KRS 160.151](#); [KRS 162.070](#); [KRS 164A.575](#); [KRS 176.080](#)

[200 KAR 005:355](#)

[OAG 79-501](#); [OAG 82-170](#); [OAG 82-407](#)

Kentucky Educational Technology Systems (KETS)

**RELATED POLICIES:**

05.1; 06.4; 07.13

Adopted/Amended: 7/25/2023

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