

Legal Status of the Board

CORPORATE POWERS

1. The Jefferson County Public School District shall be made up of the entire geographic area of Jefferson County, Kentucky, with the exception of the area included within the boundaries of the Anchorage Independent School District.
2. The District is under the management and control of the Board of Education consisting of seven (7) members. Each member shall be elected by the voters of the member's respective division on a non-partisan ballot, in a November general election, for a term of four years.
3. The Board shall always act as a body politic and corporate with perpetual succession. No individual member and no group comprised of less than the full membership shall act to bind the Board.
4. The Board shall be known as the "Board of Education of Jefferson County, Kentucky."
5. The Board may sue and be sued; make contracts; expend funds necessary for liability insurance premiums and for the defense of any civil action brought against an individual Board member in the member's official or individual capacity, or both, on account of an act made in the scope and course of the member's performance of legal duties as a Board member; purchase, receive, hold, and sell property; issue its bonds to build and construct improvements; and do all things necessary to accomplish the purposes for which it is created.

DISTRICT NOTICE OF NONDISCRIMINATION

The District does not discriminate on the basis of race, color, national origin, age, religion, marital or parental status, political affiliations or beliefs, sex (including sexual orientation or gender identity), gender expression, veteran status, genetic information, disability, or limitations related to pregnancy, childbirth, or related medical conditions in its programs and activities and provides equal access to its facilities to the Boy Scouts and other designated youth groups.²

The District shall comply with all applicable provisions of the Civil Rights Act of 1964; the Equal Educational Opportunities Act of 1974; Title IX of the Education Amendments of 1972; the Individuals with Disabilities Education Act of 1990; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; and the Age Discrimination Act of 1975, and shall provide annual assurances of compliance to the Kentucky Department of Education.

NOTICE OF CONTACT INFORMATION RELATING TO DISCRIMINATION CONCERNS

Notice of the name, work address and telephone number of the Title IX Coordinator and the Section 504 Coordinator for the District shall be provided to employees, applicants for employment, students, parents/guardians, and other beneficiaries such as participants in activities offered to the public.

WEBSITE ACCESSIBILITY

The District is committed to ensuring accessibility of its website for students, employees, visitors, and members of the community with disabilities. All pages on the District's website shall conform to Level AA of the Web Content Accessibility Guidelines (WCAG) 2.0 developed by the World Wide Web Consortium (W3C) Web Accessibility Initiative (WAI), or updated equivalents of these guidelines.

Legal Status of the Board**WEBSITE ACCESSIBILITY(CONTINUED)**

Under District developed administrative procedures, students, parents, and members of the public may present a complaint regarding a violation of the Americans with Disabilities Act (ADA), Section 504 related to the accessibility of any official District web presence which is developed by, maintained by, or offered through the District or third party vendors and open sources.

REFERENCES:

¹KRS 160.160

²Americans with Disabilities Act

KRS Chapter 344

Section 504 of the Rehabilitation Act of 1973

Title VI of the Civil Rights Act of 1964

42 U.S.C. 200e, Civil Rights Act of 1964, Title VII

20 U.S.C. 1681, Education Amendments of 1972, Title IX

Genetic Information Nondiscrimination Act of 2008

20 U.S.C. 7905 (Boy Scouts of America Equal Access Act)

Web Content Accessibility Guidelines

Bostock v. Clayton County, Georgia 140 S. Ct. 1731 (2020)

H.R. 1065 (EH) - Pregnant Workers Fairness Act

RELATED POLICIES:

03.113; 03.212; 09.13; 03.162; 03.262; 09.42811

05.3; 09.3211; 10.5

District Racial Equity Policy

FINDINGS

The Board hereby finds and declares the following:

- The Board acknowledges persistent gaps in academic achievement, attendance, learning, expectations, opportunities and access, sense of belonging, and disciplinary outcomes among student groups based on race and ethnicity.
- The Board recognizes that Students of Color (i.e., students who have a racial identity other than White) have been disadvantaged by long-standing inequities in our society, the causes of which are multi-faceted, and reflect historical, social, and institutional factors.
- The Board believes that as a diverse urban school district whose student population is mostly Students of Color, the District must take a systemic approach to ensure that students have equitable learning opportunities, experiences, and outcomes.

DEFINITIONS

As used in the policy, “racial educational equity” means a systemic approach to eliminate inequities and improve education opportunities, experiences, and outcomes for all students, that validates and affirms race by examining those historical, social, and institutional factors present in education.

COMMITMENTS

In accordance with the Board’s findings, the Board commits to remedying these inequities and guaranteeing fair treatment and equitable access to a quality education for all students. The District must take these historical, social, and institutional factors into account in educating Students of Color, so the District can achieve and maintain racial educational equity for all students.

To achieve and maintain racial educational equity for all students, the Board commits the District to promoting the success of all students and work actively to eliminate institutional and structural policies and practices that perpetuate inequities among racial groups and thereby contribute to disproportionality of access and outcomes.

When implementing the provisions of this policy, the District shall comply with all applicable provisions of the Civil Rights Act of 1964; the Equal Educational Opportunities Act of 1974; Title IX of the Education Amendments of 1972; the Individuals with Disabilities Education Act of 1990; Section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act of 1990.

SYSTEM-WIDE RACIAL EDUCATIONAL EQUITY PLAN

The Superintendent shall prepare and submit to the Board for approval, a System-wide Racial Educational Equity Plan that contains strategies for achieving and maintaining racial educational equity for all students.

This racial educational equity plan shall align with the Policy Directives of this District Racial Equity Policy which shall:

1. Utilize research or evidence-based strategies and practices at the classroom, school, and District level;

District Racial Equity Policy**SYSTEM-WIDE RACIAL EDUCATIONAL EQUITY PLAN (CONTINUED)**

2. Establish clear goals and metrics for improvement and accountability through a data-driven process;
3. Be subject to review and renewal by the Superintendent, and approval by the Board, at least once every three (3) years;
4. Require each Central Office Division and Department to develop strategies to be included in the system-wide plan; and
5. Require each school to develop a school-based racial equity plan, including clear goals and metrics for improvement and accountability, in alignment with the Policy Directives of this District Racial Equity Policy.

School, Division, and Department strategies shall be aligned to the system-wide plan, and be developed based on school, Division, or Department-level data. A school's strategy (specific to literacy and numeracy) shall be incorporated into the school's Comprehensive School Improvement Plan (CSIP). Division and Department strategies shall be incorporated into the District's Comprehensive District Improvement Plan (CDIP).

Progress Monitoring Structure

- Progress monitoring meetings for the System-wide Racial Educational Equity Plan shall occur six (6) times during the course of the school year to visit racial equity work occurring at the Central Office and school level. These meetings shall occur with the Central Office Representative for the respective departments and school zones. During these meetings, divisions shall review their racial equity strategies as outlined in the JCPS Racial Educational Equity Plan and progress toward goals. The department representative shall speak to the work that is occurring as it relates to their identified strategies and progress with the inclusion of data centered on those goals and next steps. Leadership from the Schools Division shall highlight the progress being made toward attainment of school-identified racial equity goals.
- Each school shall be required to complete and submit to the Diversity, Equity, Poverty (DEP) Division their Equity Monitoring Progress Tool (EMPT) during the spring of each school year. A team from DEP shall review each school's EMPT and provide feedback. In turn, each school's Racial Equity Committee (REC) will develop their Racial Equity Plan (REP), including goals based on opportunities for growth and feedback. Goals shall include measurable student outcomes and will be submitted at the beginning of each school year. As a means to monitor progress, each school will report progress on their goals and action steps four (4) times during the course of the school year.
- Each school shall reference how school racial equity funds will be used to address the strategies within their school racial equity plan.

District Racial Equity Policy**SYSTEM-WIDE RACIAL EDUCATIONAL EQUITY PLAN (CONTINUED)****Students**

The system-wide plan shall include strategies to:

1. Raise the achievement of all students while minimizing the gaps among Students of Color and White students, balancing those efforts across intersectionality (including but not limited to race, gender, household income, special education status and linguistic diversity).
2. Eliminate or alter school and District procedures and practices that create systemic racial disparities in educational opportunities and outcomes, including, but not limited to, disciplinary practices, grading procedures, identification of students for special education/gifted services, and access to programs and courses for enhanced or accelerated learning.
3. Increase the diversity of school and District staff to more closely reflect the racial, ethnic, and linguistic make-up of the District's student population.
4. Improve the sense of belonging at all schools, the Central Office, and all District facilities such that all students, families, and staff feel welcome and respected. School, Division, Department, and building-level culture and climate data (e.g. Comprehensive School Survey, Impact Kentucky Working Conditions Survey, etc.) shall be used to develop the strategies.
5. Establish in all schools a culture of teaching and learning that maintains high expectations for all students and staff, promotes engagement in academic innovation, and provides personalized and systemic supports for students and teachers.
6. Provide teachers and other school-based personnel with ongoing technical, pedagogical, socio-emotional, and curriculum training and support throughout their careers, to improve school academic outcomes, sense of belonging, and to create an environment of respect and support among students, faculty, and staff.

POLICY DIRECTIVES

The system-wide plan shall be developed and implemented by the Superintendent to address the following policy directives:

1. Diversity in Curriculum, Instruction, and Assessment

The District shall:

- a) Identify, develop, utilize, and prioritize District-wide implementation of evidence-based planning and instructional practices, such as those lifted in the Affirming Racial Equity (ARE) Tool, that have been shown to improve learning outcomes for Students of Color at all achievement levels in order to minimize the prevalent and persistent learning outcome gaps among Students of Color and White students.

District Racial Equity Policy**POLICY DIRECTIVES (CONTINUED)**

- b) Adopt high-quality instructional resources and develop professional learning for school staff in alignment with Kentucky Academic Standards to implement that more effectively and accurately include the contributions and historical relevance of African-American, Latinx, Asian-American, and other non-White cultures; the experiences of People of Color; and the history of immigration, indigenous peoples, and ethnic diasporas and their impact on U.S. history, culture, and society.

2. School Culture and Climate

The District shall:

- a) Provide ongoing mandatory professional development for all school and District staff that
 - 1. Creates a culture of high expectations for all students;
 - 2. Provides teachers with knowledge and tools to provide students with ongoing opportunities to understand racial identity and its impact;
 - 3. Helps identify and address racism (personal and structural), racial trauma, and implicit bias;
 - 4. Trains school and District staff to implement restorative practice strategies;
 - 5. Increases the cultural competence of school and District staff; and
 - 6. Equips and empowers school and District staff to eliminate racial and ethnic disparities in learning opportunities and to minimize the prevalent and persistent learning outcome gaps among Students of Color and White students.
- b) Employ strategies listed under paragraph a) of this subsection to reduce racial disproportionality in disciplinary actions.

3. Programmatic Access

The District shall:

- a) Increase enrollment and implement strategies to support the successful completion of enhanced or accelerated educational programs and courses by Students of Color, including, but not limited to, magnet and optional programs, programs for Gifted and Talented students, Advance Program, Advanced Placement, Dual Credit, International Baccalaureate, Cambridge International, internships, apprenticeships, career and technical programs, and enrichment and extended learning opportunities.
- b) Provide informational sessions in which students and families are educated on their options within these programs and evaluate outcomes as it relates to enrollment and completion; with data to be monitored via the system-wide racial educational equity plan.

4. Staffing and Classroom Diversity

District Racial Equity Policy**POLICY DIRECTIVES (CONTINUED)**

The District shall:

- a) Attract, recruit, hire, and retain staff and leadership that more closely reflect the racial, ethnic, and linguistic diversity of the student body of the District.
- b) Incorporate as part of the application and hiring process for positions Grade 9 and above, the completion of an Equity Screener.
- c) Provide training to District and school administrators and school-based decision making councils to increase capacity for non-biased interview processes, as well as strategies for increasing staff racial diversity in an urban school district, where a majority of students are Students of Color.

5. Evaluating Board Policies and Administrative Procedures

The District shall:

- a) Conduct comprehensive reviews at least one (1) time every five (5) years of existing Board policies and administrative procedures, including but not limited to this policy, using the Racial Equity Analysis Protocol (REAP), and propose changes to policies and administrative procedures, as needed, to achieve and maintain racial educational equity.
- b) Utilize the REAP when developing recommendations for staffing, budget allocations, curriculum selection, evidence of learning (i.e. grading) protocols adopting alternative discipline practices, and contract procurement.

Schools shall:

- a) Conduct comprehensive reviews at least one (1) time every five (5) years of existing policies and procedures, using the REAP, and proposing changes to policies and procedures, as needed.
- b) Utilize the REAP in the development of new policies and procedures, to achieve and maintain racial educational equity.

ADVISORY COUNCIL FOR RACIAL EQUITY

The Superintendent shall establish an Advisory Council for Racial Equity (ACRE) with management and facilitation by the Diversity, Equity, and Poverty Division.. The advisory council will advise and provide feedback on challenges and issues with racial equity in the district based on the racial equity policy. In addition, the advisory council will provide technical support to schools and District leadership that includes, but is not limited to, the development of school and division and department racial equity improvement strategies.

ACRE shall reflect the racial, ethnic, and linguistic diversity of the student population of the district, and have a proven commitment to racial educational equity. The member selection process shall include the representative organization of members and shall be as follows:

- a) A teacher representative selected by the Jefferson County Teachers Association;

District Racial Equity Policy**ADVISORY COUNCIL FOR RACIAL EQUITY (CONTINUED)**

- b) An administrator representative selected by the Jefferson County Association of School Administrators;
- c) A non-administrative classified employee representative selected by the leaders of the associations that represent classified employees of the District;
- d) Two (2) parent representatives selected by ACRE from nominees submitted by the 15th District PTA or an independent PTO;
- e) Two (2) community representatives selected by the Superintendent.

The advisory council shall:

- a) Be comprised of individuals who have a commitment to racial educational equity;
- b) Include representation from several different geographic areas of the District;
- c) Include parent, teacher, classified staff member, administrator, and community member representation; and
- d) Reflect, insofar as practicable, the racial and ethnic composition of the student population of the District.

Vacancies shall be filled with the individuals selected by ACRE, in accordance with the parameters for membership set forth in this section.

ACCOUNTABILITY

- a) The Superintendent or designee shall meet at least bi-monthly with the Advisory Council for Racial Equity (ACRE) to receive status reports, concerns, and provide support.
- b) The Superintendent shall report at least two (2) times per year to the Board regarding the implementation of this policy at the classroom, school, and District levels, and progress on meeting the measurable goals established in the system-wide plan.
- c) The Superintendent or designee, in collaboration with ACRE , shall host community conversations two (2) times per year to hear from community members regarding issues relating to racial educational equity, and to provide status reports to community members regarding implementation of the System-wide Education Equity Plan.
- d) The Board shall monitor progress toward implementation of this policy and the reduction of gaps in achievement, learning, expectations, opportunities, and disciplinary outcomes, which are in alignment with the Student Outcome-Focused Governance Goals and Guardrails adopted by the Board. This shall be considered as part of the Superintendent's evaluation.

District Racial Equity Policy

RELATED POLICIES

01.111; 02.442; 03.133; 03.1912; 03.233
08.132; 08.141; 08.2; 08.51; 09.13; 09.42811
IA; IB

- CERTIFIED PERSONNEL -

Equal Employment Opportunity

The District shall promote equal opportunities through a vigorous set of policies and practices designed to ensure that all qualified candidates have access to opportunities~~affirmative action program as an integral part of personnel policy and practice in the~~ employment, and that all employees received support for professional growth~~development~~, advancement, and equitable~~treatment of employees~~.

NONDISCRIMINATION

The Superintendent shall adhere to a policy of equal employment opportunity in all personnel matters. The District shall not discriminate in recruitment, employment, retention, promotion, demotion, transfer, or dismissal on the basis of race, color, national origin, age, religion, marital or parental status, political affiliations or beliefs, sex (including sexual orientation or gender identity), gender expression, veteran status, genetic information, disability, or limitations related to pregnancy, childbirth, or related medical conditions.²

The District shall comply with all applicable employment provisions of the Civil Rights Act of 1964; the Equal Educational Opportunities Act of 1974; Title IX of the Education Amendments of 1972; the Individuals with Disabilities Education Act of 1990; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; and the Age Discrimination Act of 1975.

As required by Title IX, the District does not discriminate on the basis of sex regarding admission to the District or in the educational programs or activities operated by the District. Inquiries regarding Title IX Sexual Harassment may be referred to the District Title IX Coordinator (TIXC), the Assistant Secretary for the Office of Civil Rights, or both.¹

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INDIVIDUALS WITH DISABILITIES

No qualified person with a disability, as defined by law, shall, on the basis of the disability, be subject to discrimination in employment.³

District employment practices shall be in accordance with the Board-approved procedures addressing requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

No human immunodeficiency virus (HIV) related test shall be required as a condition of hiring, promotion, or continued employment, unless the absence of HIV infection is a bona fide occupational qualification for the job in question as defined in KRS 207.135.

REASONABLE ACCOMMODATION

Employees who have a long-term or permanent disability may request the District supervisor to provide reasonable accommodations necessary for them to perform the essential duties of the position. Medical information obtained as part of an employee request shall be confidential.⁴

Equal Employment Opportunity**REASONABLE ACCOMMODATION (CONTINUED)**

If assistive technology is deemed necessary for an employee, every effort will be made to obtain that technology in a timely fashion.

The District shall engage in a timely, good faith and interactive process to determine reasonable accommodations for an employee's limitations related to pregnancy, childbirth, or related medical conditions. Reasonable accommodation shall be provided as required by law.

ADVISING EMPLOYEES

The Superintendent shall inform all school employees of the provisions of this policy.¹

REFERENCES:

¹34 C.F.R. § 106.8

²KRS 161.164; KRS Chapter 344; 42 U.S.C. 2000e, Civil Rights Act of 1964, Title VII

³29 U.S.C.A. 794

⁴29 U.S.C. section 1630.14

KRS 207.135; 34 C.F.R. 104.3 - 104.14

Americans with Disabilities Act

Kentucky Education Technology System (KETS)

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

Genetic Information Nondiscrimination Act of 2008

Bostock v. Clayton County, Georgia 140 S.Ct. 1731 (2020)

H.R. 1065 (EH) - Pregnant Workers Fairness Act

RELATED POLICIES:

03.133; 03.1621; 03.212; 03.2621; 05.11

- CLASSIFIED PERSONNEL -**Equal Employment Opportunity**

The District shall promote equal opportunities through a vigorous set of policies and practices designed to ensure that all qualified candidates have equal access to opportunities for affirmative action program as an integral part of personnel policy and practice in the employment, and receive support for professional growth development, advancement, and equitable treatment of employees.

NONDISCRIMINATION

The Superintendent shall adhere to a policy of equal employment opportunity in all personnel matters. The District shall not discriminate in recruitment, employment, retention, promotion, demotion, transfer, or dismissal on the basis of race, color, national origin, age, religion, marital or parental status, political affiliations, or beliefs, sex (including sexual orientation or gender identity), gender expression, veteran status, religion, genetic information, disability, or limitations related to pregnancy, childbirth, or related medical conditions.²

As required by Title IX, the District does not discriminate on the basis of sex regarding admission to the District or in the educational programs or activities operated by the District. Inquiries regarding Title IX Sexual Harassment may be referred to the District Title IX Coordinator (TIXC), the Assistant Secretary for the Office of Civil Rights, or both.¹

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No human immunodeficiency virus (HIV) related test shall be required as a condition of hiring, promotion, or continued employment, unless the absence of HIV infection is a bona fide occupational qualification for the job in question as defined in KRS 207.135.

Equal Employment Opportunity**REASONABLE ACCOMMODATION**

Employees who have a long-term or permanent disability may request the District supervisor to provide reasonable accommodations necessary for them to perform the essential duties of the position. If assistive technology is deemed necessary for an employee, every effort will be made to obtain that technology in a timely fashion. Medical information obtained as part of an employee request shall be confidential.⁴

The District shall engage in a timely, good faith and interactive process to determine reasonable accommodations for an employee's limitations related to pregnancy, childbirth, or related medical conditions. Reasonable accommodation shall be provided as required by law.

ADVISING EMPLOYEES

The Superintendent shall inform all school employees of the provisions of this policy.¹

REFERENCES:

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²KRS 161.164; KRS Chapter 344; 42 U.S.C. 2000e, Civil Rights Act of 1964, Title VII

³29 U.S.C.A. 794

⁴29 U.S.C. section 1630.14

KRS 207.135

34 C.F.R. 104.3 - 104.14

Americans with Disabilities Act; Section 504 of the Rehabilitation Act of 1973

Kentucky Education Technology System (KETS)

Title IX of the Education Amendments of 1972

Genetic Information Nondiscrimination Act of 2008

Bostock v. Clayton County, Georgia 140 S.Ct. 1731 (2020)

H.R. 1065 (EH) - Pregnant Workers Fairness Act

RELATED POLICIES:

03.113; 03.1621; 03.233; 03.2621; 05.11

Equal Educational Opportunity^{ies}

STATEMENT OF CONCERN REGARDING THE PROVISIONS OF SENATE BILL 150 (2023 RS)

As a public school system, the District is obliged to serve all children whose parents/guardians wish to enroll their children in a District school. KRS 160.290 requires the Board to “make and adopt, and may amend or repeal, rules, regulations, and bylaws...for the management of the schools.” Board must therefore adopt policies that ensure that all students have equal access to educational opportunities and are protected from discrimination.

The Board believes that Senate Bill 150 (2023 RS), which targets transgender students simply because of their non-conforming gender identity, is discriminatory, may create barriers to access to equal educational opportunity, may limit the rights of parents/guardians, and may endanger the health, safety, and lives of hundreds of children in District schools.

By forbidding the Board to adopt a policy to prohibit the intentional, repeated, and ongoing misgendering of students, Senate Bill 150 (2023 RS) nullifies the rights of trans-affirming parents/guardians to make personal decision impacting the education of their children and may create barriers to transgender students having equal access to educational programs and activities. The legislation creates uncertainty regarding the degree to which the confidentiality of students must be protected by employees, possibly creating dangerous, potentially life-threatening situations for some students. Certain provisions of Senate Bill 150 (2023 RS) may create a mechanism for systematic and repeated trauma of children through a misguided bathroom policy, which may cause increased levels of anxiety, depression, and potential self-harm of transgender children.

While not settled law, the persuasive authority of a majority of opinions in federal U.S. Courts of Appeals and District Courts suggest that many of the school-related provisions of Senate Bill 150 (2023 RS) may violate Title IX of the Education Amendments Act of 1972 or the Equal Protection Clause of 14th Amendment to the U.S. Constitution, or both. The Board strongly supports efforts for impacted children and their parents/guardians to seek relief through the courts to protect their rights to equal educational opportunities in public schools. The Board looks forward to clarification from the courts that will hopefully ensure equal educational opportunity for all students. Until that time, the Board reluctantly implements Senate Bill 150 (2023 RS) via the following policy.

DISCRIMINATION PROHIBITED

No student shall be subject to unlawful discrimination because of race, color, national origin, age, religion, marital or parental status, political affiliations or beliefs, sex (including sexual orientation or gender identity), gender expression, veteran status or disability or limitations related to pregnancy, childbirth or related medical conditions.²

As required by Title IX, the District does not discriminate on the basis of sex regarding admission to the District or in the educational programs or activities operated by the District. Inquiries regarding Title IX Sexual Harassment may be referred to the District Title IX Coordinator (TIXC), the Assistant Secretary for the Office of Civil Rights, or both.¹

~~No student shall be subject to unlawful discrimination because of race, color, national origin, age, religion, marital or parental status, political affiliations or beliefs, sex (including sexual orientation or gender identity), gender expression, veteran status or disability.~~²

Equal Educational Opportunity^{yies}**DISCRIMINATION PROHIBITED (CONTINUED)**

The District shall comply with all applicable provisions of the Civil Rights Act of 1964; the Equal Educational Opportunities Act of 1974; Title IX of the Education Amendments of 1972; the Individuals with Disabilities Education Act of 1990; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; and the Age Discrimination Act of 1975.

STUDENTS WITH DISABILITIES

The District shall provide a free, appropriate public education to each qualified student with a disability, as defined by law, within its jurisdiction.

The District shall operate its programs in accordance with the procedures addressing requirements of the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2009, and Section 504 of the Rehabilitation Act of 1973.

Parents of students who have a temporary or permanent disability may request the District supervisor to provide appropriate accommodations necessary for them to participate in instructional and extracurricular activities, as required by law. Students who are at least eighteen (18) years of age may submit their own requests.

STUDENT RELIGIOUS ACTIVITIES OR POLITICAL EXPRESSION

The District shall observe the rights of students to voluntarily engage in religious activities. Students may express religious or political viewpoints while at school to the same extent and under the same circumstances as other permitted activities or expression consistent with the Constitutions of the United States and the Commonwealth of Kentucky and law, students shall be permitted to engage in these activities and express these viewpoints, provided they do not:

1. Infringe on the rights of the school to:
 - a. Maintain order and discipline;
 - b. Prevent disruption of the educational process; and
 - c. Determine education curriculum;
2. Harass other persons or coerce other persons to participate in the activity; or
3. Otherwise infringe on the rights of other persons.

Student complaints concerning possible violations of their rights of religious or political expression shall be addressed in keeping with legal requirements. Their complaints shall be directed to the Principal, who shall investigate and take appropriate action within thirty (30) days of receipt of the written notification.

Equal Educational Opportunities**CERTIFIED EMPLOYEE ETHICAL OBLIGATIONS TO STUDENTS**

As set forth Board Policy 03.17 Discipline/Nonrenewal/Resignation by Employee (Certified), a certified employee shall comply with 16 KAR 1:020 Professional Code of Ethics for Kentucky School Certified Personnel, which requires that:

Certified personnel in the Commonwealth...shall strive to uphold the responsibilities of the education profession, including the following obligations to students:

1. Shall provide students with professional education services in a nondiscriminatory manner and in consonance with accepted best practice known to the educator;
2. Shall respect the constitutional rights of all students;
3. Shall take reasonable measures to protect the health, safety, and emotional well-being of students;
4. Shall not use professional relationships or authority with students for personal advantage;
5. Shall keep in confidence information about students which has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;
6. Shall not knowingly make false or malicious statements about students or colleagues;
7. Shall refrain from subjecting students to embarrassment or disparagement; and
8. Shall not engage in any sexually related behavior with a student with or without consent but shall maintain a professional approach with students.³

An employee who violates provisions of the Professional Code of Ethics for Kentucky School Certified Personnel may be subject to disciplinary action, up to and including termination.

Violation of 16 KAR 1:020 Professional Code of Ethics for Kentucky School Certified Personnel may result in cause to initiate proceedings for revocation or suspension of Kentucky certification by the Education Professional Standards Board (EPSB).^{3, 4}

KRS 161.120 establishes the duty of the Superintendent/designee to report to the EPSB misconduct by a certified employee that “might reasonably be expected to warrant consideration for action” against the employee’s educator certificate. This includes violation of the Professional Code of Ethics for Kentucky School Certified Personnel.

The intentional, repeated, and ongoing misgendering or harassment of a student, including, but not limited to, the use of non-preferred pronouns of the student, may constitute a violation of the Professional Code of Ethics for Kentucky Certified Personnel and Board Policy 03.17 and may subject an employee to proceedings to revoke or suspend certification and disciplinary action by the District. Such conduct shall also be reported to the EPSB as required under KRS 161.120.

Equal Educational Opportunity^{ies}**DISRUPTING THE EDUCATIONAL PROCESS BY AN EMPLOYEE**

Board Policy 03.1325 (Certified) and 03.2325 (Classified) states that “any employee who participates in or encourages activities that disrupt the educational process...may be subject to disciplinary action, including termination.” Behavior that disrupts the educational process includes “conduct that interferes with a student's access to educational opportunities or programs, including ability to attend, participate in, and benefit from instructional and extracurricular activities.”

The intentional, repeated, and ongoing misgendering or harassment of a student, including, but not limited to, the use of non-preferred pronouns of the student, may constitute a violation of Board Policy 03.1325 or 03.2325 and may subject an employee to disciplinary action by the District, including termination.

SEXUAL HARASSMENT UNDER TITLE IX

As set forth in Board Policy 09.428111 and under the federal regulations implementing Title IX law, sexual harassment in educational programs or activities of the District is prohibited.^{6, 7}

The definition of sexual harassment under Title IX includes “unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity.”⁶

The intentional, repeated, and ongoing misgendering or harassment of a student, including, but not limited to, the use of non-preferred pronouns of the student, may constitute sexual harassment as defined in Title IX and may subject the teacher to formal grievance proceedings under federal law and set forth in Board Policy 09.42811 and may result disciplinary action by the District.

RESEARCH REGARDING GENDER-AFFIRMING PRACTICES AND ENVIRONMENTS TO SUPPORT STUDENT WELL-BEING

Every District student deserves fair treatment and equal access to a quality education regardless of sexual orientation, gender identity, or gender expression. The District shall strive to foster a healthy and positive school culture in every school in which every student can experience equally supportive learning environments and opportunities that help them learn and thrive.

As determined by the Superintendent/designee, the District shall distribute to all employees, on an annual basis, credible, peer-reviewed research, regarding the impact on the health and well-being of transgender, nonbinary, and gender-nonconforming children of gender-affirming practices and environments.

Equal Educational Opportunity^{ies}**REFERENCES:**

¹34 C.F.R. § 106.8

²Bd. of Educ., etc. v. Rowley 102 S.Ct. 3034 (1982)

³16 KAR 1:020

⁴KRS 161.120, 16 KAR 1:030

⁵Board Policy 03.17

⁶Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); § 34 C.F.R. 106.30

⁷Board Policy 09.428111

District special education policy and procedures manual; District 504 procedures

KRS 157.200; KRS 157.224; KRS 157.230; KRS 157.350; KRS 158.183

KRS 160.295; Age Discrimination Act of 1975

Section 504 of Rehabilitation Act of 1973, Americans with Disabilities Act

Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972

Vietnam Era Veterans Readjustment Assistance Act of 1974

Kentucky Education Technology System (KETS); 28 C.F.R. 35.101 et seq.

Bostock v. Clayton County, Georgia 140 S.Ct. 1731 (2020)

RELATED POLICIES:

03.113; 03.1621; 03.17; 03.212; 03.2621; 05.11; 08.131; 09.3211; 09.428111

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 bidding¹ 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).⁴

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.⁵

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 adhere to a policy of equal opportunity in all procurement matters. 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.

The District shall comply with all applicable provisions of the Civil Rights Act of 1964; the Title IX of the Education Amendments of 1972; the Americans with Disabilities Act of 1990; and the Age Discrimination Act of 1975 in the development and implementation of procedures under this policy.

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.

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

Goods means supplies, materials, and equipment.

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

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;

Model Procurement Code Purchasing**M/W/VBE GOALS AND GOOD FAITH EFFORT (CONTINUED)**

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.

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.

Model Procurement Code Purchasing**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.

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;

Model Procurement Code Purchasing**PROCEDURES SETTING FORTH ADDITIONAL REQUIREMENTS FOR BIDDERS (CONTINUED)**

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.

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.³

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.²

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.

Model Procurement Code Purchasing**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.³

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.”⁶

The form for requesting a CA/N check is available on the Cabinet for Health and Family Services website.

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:

¹Includes the State Bid List

²KRS 160.303; 200 KAR 5:400; KRS 45A.494

³2 C.F.R. 200.318

⁴KRS 45A.385;

⁵KRS 160.370

⁶KRS 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 65.028KRS 160.151; KRS 162.070; KRS 164A.575; KRS 176.080

200 KAR 5:355

OAG 79-501; OAG 82-170; OAG 82-407

Kentucky Educational Technology Systems (KETS)

RELATED POLICIES:

05.1; 06.4; 07.13

- CERTIFIED PERSONNEL -

Promotion

A position established by the Board that requires administrative or supervisory certification may be deemed as a promotional opportunity for a certified employee. A promotional opportunity shall also include an administrative position/job classification that is paid at a higher salary range than the one to which an employee is currently assigned.

The promotion of a certified employee shall be made by the Superintendent, who, at the first meeting following the promotion, shall notify the Board of the action, which shall be recorded in the Board meeting minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

After all administrative personnel in active status are assigned, vacancies shall be advertised and staffed in accordance with ~~affirmative action, equal employment opportunity, and~~ state and federal laws regarding equal employment opportunity.

The Superintendent shall not promote a personal relative or the relative of a Board member who continues employment in the District under provisions of KRS 160.380.

The promotion of personnel shall be based on qualifications, success in past assignments, and potential for success in the new position. In addition, attendance data shall be considered in the promotion of employees. References and job attendance data are required of all applicants and these will be carefully considered in making decisions on promotions.

REFERENCES:

KRS 160.380
OAG 76-360
OAG 91-149
OAG 92-1

RELATED POLICY:

02.4244

- CLASSIFIED PERSONNEL -

Promotion

A position established by the Board that requires administrative or supervisory responsibilities may be deemed as a promotional opportunity. A promotional opportunity shall also include an administrative position/job classification that is paid at a higher salary range than the one to which currently assigned.

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The Superintendent shall not promote a personal relative or the relative of a Board member who continues employment in the District under the provisions of KRS 160.380.

REFERENCES:

KRS 160.380
OAG 92-1