

Recommendations from JCPS Divisions

**Note: Text highlighted in blue reflect edits made after KSBA
formatted these policies.**

Contracts and Purchases Using Noncompetitive Negotiation**DEFINITION**

As used in this Administrative Procedure, “noncompetitive negotiation” means informal negotiation with one (1) or more vendors, contractors, or individuals without advertisement or notice.¹

ACCEPTABLE REASONS FOR THE USE OF NONCOMPETITIVE NEGOTIATION

The District may contract or purchase through noncompetitive negotiation only when a written determination is made that competition is not feasible, and it is further determined in writing by the Chief Financial Officer(CFO)/designee that one or more of the criteria for noncompetitive purchase or contract set forth in the JCPS Model Procurement Regulations and Procedures has been met.²

The JCPS Model Procurement Regulations and Procedures, in accordance with KRS 45A.380, sets forth the following reasons for the use of noncompetitive negotiation in the procurement of goods or services:

- 1) An emergency, as defined in paragraph 1.5.29 of the JCPS Model Procurement Regulations and Procedures, exists which will cause harm to the Board as a result of delay in competitive procedures;
- 2) There is a single source within a reasonable geographical area of the products or services to be procured;
- 3) The contract is for the services of a licensed professional, such as attorney, physician, psychiatrist, psychologist, certified public accountant, registered nurse or educational specialist; a technician such as a plumber, electrician, carpenter or mechanic; or an artist such as a sculptor, aesthetic painter, or musician, provided, however, that this provision shall not apply to architects or engineers providing construction management services rather than professional architectural or engineering services;
- 4) The contract is for the purchase of perishable items purchased on a weekly or more frequent basis, such as fresh fruits, fresh vegetables, fresh fish, or fresh meat;
- 5) The contract is for replacement parts where the need cannot be reasonably anticipated and stockpiling is not feasible;
- 6) The contract is for proprietary items for resale;
- 7) The contract relates to an enterprise in which the buying or selling by students is a part of the educational experience;
- 8) The contract or purchase is for expenditures made on authorized trips outside of Jefferson County;
- 9) The contract is for the purchase of supplies which are sold at public auction or by receiving sealed bids;
- 4)10) The contract is for group life insurance, group health and accident insurance, group professional liability insurance, Worker’s Compensation insurance and unemployment insurance;

Contracts and Purchases Using Noncompetitive Negotiation**ACCEPTABLE REASONS FOR THE USE OF NONCOMPETITIVE NEGOTIATION (CONTINUED)**

- 2)11) The contract is for a sale of supplies at reduced prices that will afford a purchase at savings to the Board;
- 12) The contract is with a private real estate developer and contains a requirement:
- a) That the developer increase the size or otherwise improve the collection capacity of the sanitary sewer or storm water pipe serving the affected private real estate development; and
 - b) That the local public agency pay only the proportional cost of increasing the size, or otherwise improving the collection capacity, of the sanitary sewer or storm water pipe over the original collection capacity;
- 13) An invitation for bids has been made in accordance with KRS 45A.365 as implemented by these regulations and no bids have been received from responsive and responsible bidders.

PROCEDURES FOR THE USE OF NONCOMPETITIVE NEGOTIATION

A Cost Center Head wishing to use noncompetitive negotiation for a contract or purchase of goods or services ~~greater in an aggregate amount of \$20,000 or more~~ shall complete the Noncompetitive Determination and Single Source Explanation Form on the District Purchasing Department website.

The Cost Center Head shall provide the following information on the online Noncompetitive Determination and Single Source Explanation Form:

- 1) A description of the specific product or service being purchased;
- 2) The cost of the purchase or contract;
- 3) If it is a contract for professional services, the term of the contract;
- 4) The reason or reasons that noncompetitive negotiation is being used, with an accompanying detailed explanation of the context, which may include, for example:
 - a) Only one known source can meet the district's needs (e.g. ~~compatibility of technology due to timing~~, capacity needs). Lack of proper planning or delaying a purchase/contract request is not a justification for the use of noncompetitive procurement;
 - b) A unique requirement (the commodity or services is unique or special in nature);
 - c) Compatibility requirements with existing equipment or technology;
 - d) Augmentation of proprietary systems (e.g. additional licenses, updates, specialized replacement parts); or
 - e) An emergency declaration with rationale;
- 5) Documentation of ~~due diligence in conducting~~ research ~~conducted~~ to verify that the vendor is the only ~~known~~ source ~~identified~~ for the product or service (e.g. screenshots of vendor searches; comparisons of product specifications from different vendors)
- 6) Documentation of the results of at least three reference checks for ~~an individual contract for~~ professional services ~~in excess of \$20,000 or more~~.

Contracts and Purchases Using Noncompetitive Negotiation**SUBMISSION OF DOCUMENTATION**

If the purchase is being executed using a purchase order or contract is for something other than professional services, all documentation shall be summarized and attached to the requisition in MUNIS.

If the purchase is being executed using a contract or agreement, the documentation shall be summarized and ~~is for professional services, the form shall be~~ attached to the routing form Professional Services Contract Routing Form prior to routing for approvals from the Area Assistant Superintendent, Cabinet Member, General Counsel, and the Chief Financial Officer, as appropriate.

REVIEW OF DOCUMENTATION

If the Chief Financial Officer/designee determines that the documentation provided is insufficient to justify the use of noncompetitive negotiation, the Chief Financial Officer/designee shall request additional documentation from the submitting Cost Center Head. If the revised documentation remains insufficient, the Chief Financial Officer/designee shall require the administrator to use the standard competitive procurement process in accordance with the JCPS Model Procurement Regulations and Procedures and KRS Chapter 45A.

REFERENCES:

¹KRS 45A.345

²JCPS Model Procurement Regulations and Procedures, adopted by the Board August 2023

KRS 45A.343

KRS 45A.380

(Vacant)

Budget Planning and Adoption

ANNUAL OPERATING BUDGET

The annual operating budget of the District is a plan that defines the allocation of resources to support costs of the program of public education approved by the Board.

No later than the second board meeting in September, the Superintendent shall present for Board approval the planning/budgeting checklist/calendar for the next fiscal year. Members of the Board shall have an opportunity to review the recommended budget during its development.

The Superintendent shall present an educational plan outlining the programs necessary to achieve the broad objectives established by the Board. This plan shall lead to successful implementation of curriculum-based budgeting and shall describe each program, give the estimated cost, the timeline for implementation, and the methods that will be used for evaluation.

Based upon this plan, the Superintendent shall have the annual budget prepared and presented to the Board for review and adoption. The preparation of the budget shall be delegated to the Financial Services Division under the supervision of the Chief Financial Officer, who will coordinate the compilation of the total budget in order to meet the objectives and policies of the Board within the limits of available resources.

Each year, school councils shall review the budgets for all categorical programs and, as appropriate, provide comments to the Board, through submissions to the Chief Financial Officer, prior to the adoption of the budgets.

The fiscal year shall begin on July 1 and end on June 30.

TIMELINE

On or before January 31, the Board shall formally and publicly examine a detailed estimate of revenues and proposed expenditures by line item for the following fiscal year. A budget known as the "Tentative Working Budget", must be approved by the Board on or before May 30, to include no less than a minimum reserve of two percent (2%) of the total budget.

The Superintendent shall submit a "Working Budget" for Board approval no later than the last board meeting in September. The Working Budget shall then be submitted to the Kentucky Board of Education by September 30.

After the Working Budget is approved by the Board, an item submitted to the Board for approval that requires a new budget allocation beyond that which was approved in the Working Budget shall specify the amount of the additional budget allocation required. The item shall also specify whether the new budget allocation is a one-time or an annually recurring allocation.

Budget Planning and Adoption**BUDGET CONTROL RESPONSIBILITY**

Budgeted funds will be expended to meet the Board's goals and objectives. Appropriate and adequate budget controls shall be devised and implemented and deviations promptly reported, together with plans for correction, to the appropriate cost center head.

Responsibility for control of the annual budget shall be delegated to the appropriate cabinet member and school principals with additional responsibility for controlling the total budget to the Chief Financial Officer.

PUBLICATION

At the same time that copies of the budget of the District are filed with the clerk of the tax levying authority for the District, as provided in KRS 160.470, the Board shall cause the budget to be advertised in a newspaper and on the district's website.

REFERENCES:

KRS 156.160; KRS 157.330; KRS 157.350; KRS 157.360
KRS 157.440; KRS 160.370; KRS 160.390
KRS 160.460; KRS 160.470; KRS 160.530; KRS 424.145; KRS 424.250
702 KAR 3:100; 702 KAR 3:110; 702 KAR 3:246; OAG 67-510

RELATED POLICIES:

01.11; 02.4242; 02.4331; 04.91

**Considerations for Recommended Changes to 01.421 Public Participation in Open Meetings
Based on MOMS FOR LIBERTY - BREVARD COUNTY, FL, 10/08/2024**

The U.S. Court of Appeals for the Eleventh Circuit reversed a district court's judgment in favor of Moms for Liberty against Brevard Public Schools after a dispute over how it handled critics attending its meetings.

- Moms for Liberty sued Brevard Public Schools claiming that their speech was chilled and silenced.
- The district court concluded that Moms for Liberty did not have standing.
- The court reversed the judgment writing that 'the government has relatively broad power to restrict speech in limited public forums—but that power is not unlimited.'

**Comments for Items Under Public Comment Period in
Board Policy 01.421 Public Participation in Open Meetings**

“On any subject” seems like it permits the limitation of speech based on viewpoint, which is not permitted in a limited public forum like a school board meeting. Maintaining order and safety are reasonable and viewpoint neutral reasons for a Chair’s decision.

The prohibition of “discussion of personnel matters” seems sufficiently narrowly tailored to be permissible. Since the Board is prohibited by law to interfere in personnel matters, discussion of personnel matters is not within the scope of the meeting’s purpose.

The 11th Circuit held that a Board policy against “personally directed” speech violated the First Amendment, both as it was applied in the case (inconsistently) and also facially (the policy itself).

Opinion of the Court: “Not only does this policy...not advance the goals that the Board claims it serves, it actively obstructs a core purpose of the Board’s meetings – educating the Board and community about a community member’s concerns...Such communications are at the heart of a school board’s business, and the ill-defined and inconsistently enforced policy barring personally directed speech fundamentally impedes [the board’s business] without any coherent justification.”

A dissenting opinion, however, supports the argument that JCBE can retain this language. “Government restrictions on speech in a limited public forum must be (1) ‘viewpoint neutral’ and (2) ‘reasonable in light of the forum’s purpose.’...Reasonable restrictions do not need to be the most reasonable or the only reasonable limitation. One circuit recognized ‘a significant governmental interest in conducting orderly, efficient meetings of public bodies.’ ” (the quotes in the opinion come from three relatively recent 11th Circuit decisions).

Jon’s recommendation:

1. Retain language which meets the standards of viewpoint neutrality and reasonableness.
2. Add language to assist a person to submit a complaint to management, which handles such things.

11th Circuit found that the prohibition of “abusive” to be unconstitutional because it is viewpoint discrimination. That position can reasonably be extended to “defamatory.” “Restrictions that bar offensive or otherwise unwelcome speech are impermissible, regardless of the forum in which the government seeks to impose them. A prohibition on all offensive – as “unacceptable, as the [board chair] put it -speech may appear to be neutral...But ‘giving offense is a viewpoint.” *Matal v. Tam*, 582 US 218, 243 (2017).

The court stated such a prohibition could be Constitutional , if the term “abusive is explicitly and narrowly defined. Rather than doing that, which would be unwieldy for the Chair to enforce with consistency, I think JCBE could rely upon disruptive or disorderly conduct as the mechanism of control.

Public Participation in Open Meetings

The Board shall conduct its meetings in a manner which engenders public confidence and provides for full discussion of the issues and for the input and exchange of ideas in a reasonable manner to the end that appropriate decisions will be reached.

PUBLIC ATTENDANCE

The Board shall comply with the Kentucky Revised Statutes in the conduct of its meetings. All regular and special Board meetings shall be open to the public and the news media. The public shall be given notice of the time and place of Board meetings via the news media. No person may be required to identify himself or herself in order to attend any such meeting.¹

EXCEPTION

The Chairperson shall be responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion, the appropriateness of the subject being presented, and the suitability of the time for such presentation. The Board, as a whole, shall have the final decision in determining the appropriateness of all such rulings. The Chairperson may impose conditions upon attendance at a given meeting only if such conditions are required for the maintenance of order.¹

PUBLIC COMMENT PERIOD

Each regular meeting shall include a public comment period of at least fifteen (15) minutes. Any Board rules and policies regarding conduct during school board meetings shall apply during the public comment period.²

Members of the public shall be given the opportunity to share opinions or express concerns at every Board meeting, either through comments addressed to the Board during a meeting or through written comments shared with Board members and the public. The Superintendent/designee shall establish administrative procedures for the process to submit written comments. The procedures shall be made available to the public on the District website.

Recognizing its responsibility to conduct the business of the District in an orderly and efficient manner, the Board shall require reasonable controls for public presentations to the Board. If necessary to permit the Board to conduct its business in an orderly and efficient manner, the Chairperson may, prior to publication of the meeting notice required under KRS 61.823:

1. Remove Agenda Item VII and/or Agenda Item XIV permitting persons to address the Board from a Board Business Meeting agenda; or
2. Remove Agenda Item IV and/or Agenda Item VI permitting persons to address the Board from a Board Work Session Meeting agenda.

Persons wishing to address the Board must first be recognized by the Chairperson. The Chairperson may require the name and address of the speaker to be provided.

Public viewpoint shall be recorded in the minutes if the speaker provides the Board secretary with a copy of his or her remarks.

Public Participation in Open Meetings**PUBLIC COMMENT PERIOD (CONTINUED)**

1. Any person wishing to present a matter to the Board shall register with the secretary of the Board at least fifteen (15) minutes prior to the start of the meeting. The speaker's name, contact information, and subject of the presentation shall be stated at that time.
2. Any materials presented to the Board shall be forwarded prior to or following ~~the~~all Board meetings to the Assistant Secretary to the Board for dissemination purposes.
3. Speakers shall be limited to a maximum of three (3) minutes each and may not share these minutes with any other speaker; however, a person with a medically recognized disability who is entitled to a reasonable accommodation under the Americans with Disabilities Act (ADA) shall be given an additional minute to speak. The Chairperson shall reserve the right to limit, extend or terminate discussion in order to ensure the orderly conduct of the meeting and maintain the safety of Board members, staff, and other attendees on any subject.
4. Discussion of personnel matters is not permitted, as the Board has no legal authority regarding such matters, and such discussion is not appropriate. If a person begins to discuss a personnel matter, the Chairperson shall immediately terminate the speaker's remarks.
5. At a public Board meeting, no person may orally initiate charges or complaints against an individual District employee. Discussion of a District employee by name or position is not permitted, in order to ensure confidentiality and fairness for the employee. If a person discusses a District employee by name or position in their remarks to the Board, the Chairperson shall immediately terminate the speaker's remarks. The Chairperson shall provide information to the person regarding the process for submitting a complaint to the Superintendent/designee.
6. Undue interruption or other interference with the orderly conduct of Board business shall ~~cannot~~ be allowed. ~~Defamatory or abusive remarks are always out of order.~~ The Chairperson may terminate the speaker's participation if, after being called to order, the speaker persists in disruptiveimproper ~~conduct or remarks.~~
7. Speakers before the entire Board are not allowed to use props, displays, or any other objects during their presentations. However, informational handouts may be given to the Assistant Secretary to the Board and distributed in accordance with Board Policy.
8. Persons within the audience are allowed to have signs in the Board chambers that are no larger than 8 ½ x 11 inches. However, such signs may not be attached to any sort of stick and must be displayed in a manner that does not inhibit others from viewing the Board meeting.
9. Speakers may not engage in electioneering or the endorsement of any commercial product or service.

Public Participation in Open Meetings**NEWS MEDIA REPRESENTATIVES**

All news media representatives will be encouraged to attend Board meetings. Prior to each meeting, the Superintendent shall notify the media as to the major business to be conducted and the time and place of the meeting. News media coverage, including but not limited to recording and broadcasting, shall be permitted and encouraged at all regular and special Board meetings. In accordance with Kentucky open meetings laws, news media shall not be permitted to attend executive sessions of the board. The Board, through the Superintendent/designee, shall make available meeting announcements and reports to keep the public informed as to the plans and activities of the school system.

REFERENCE:

¹KRS 61.840

²KRS 160.270

Ison v. Madison Local School District BoE, 3 F.4th 887, (6th Cir., 2021)

RELATED POLICIES:

01.42; 01.45; 10.2

Duties of Superintendent

EXECUTIVE OFFICER

The administration of the school system in all of its aspects shall be delegated by the Board to the Superintendent, who shall carry out his/her administrative functions in accordance with the policies adopted by the Board. The execution of all decisions made by the Board concerning the internal operation of the school system shall be delegated to the Superintendent.

SPECIFIC DUTIES

The Superintendent shall:

1. Serve as chief executive officer of the Board, attend all meetings, act as secretary, and make recommendations to the Board;
2. See that the laws relating to the schools, the administrative regulations of the Kentucky Board of Education, and the policies of the Board are carried into effect;¹
3. Prepare, under the direction of the Board, all rules, bylaws, and statements of policy for review, approval and/or adoption by the Board;¹
4. Administer the planning, development, coordination, and evaluation of the total operation of the system;
5. Assume general supervision over the school system and over all personnel as provided by the Kentucky Revised Statutes;
6. Develop and implement programs to support and achieve the goals and objectives of the District for adoption by the Board;
7. Exercise general supervision of the schools, examine their condition and progress, and keep informed of the progress in other Districts;²
8. Determine which curriculum, textbooks, instructional materials, and student support services shall be provided in schools after consulting with the Board, school principals, and school councils and after a reasonable review and response period for stakeholders in accordance with Board policy. 3
9. Approve the principal elected by a majority vote of a School-Based Decision-Making Council. If the Superintendent does not approve the principal selected by the council, the Superintendent may select the principal. 3
- ~~7.~~10. Delegate responsibility for various administrative functions to Assistant Superintendents or other administrators, but be responsible to the Board for the results produced;
- ~~8.~~11. Prepare the annual budget in accordance with the Kentucky Revised Statutes and regulations of the Kentucky Board of Education;
- ~~9.~~12. Assume responsibility for the hiring and dismissal of all personnel in the District;
- ~~10.~~13. Continually assess the professional training needs of the administrative staff of the District and provide professional staff development programs;
- ~~11.~~14. Keep the Board and the general public informed on the progress and activities of the educational program;

Duties of Superintendent**SPECIFIC DUTIES (CONTINUED)**

15. When, in the judgment of the Superintendent, an emergency exists, close the schools or reduce the hours of the school day as appropriate in the interest of the health and safety of the students or when weather or other emergency conditions would make operating the school bus fleet unsafe; and devise a system for notifying parents, pupils, teachers and other employees when it is necessary to close schools due to emergency conditions; and

~~12.~~16. Work to foster a culture within the District that values and promotes authentic and forthright communication among employees, administrators, and Board members to better meet the needs of students, promote fairness, and improve organizational efficiency and performance; and

~~13.~~17. Perform other duties assigned by the Board.

In the absence of a policy relating to the efficient operation of the District, the Superintendent shall be responsible for the development, publication, and dissemination of administrative rules, regulations, directives, and procedures until such time as a policy is adopted by the Board.

The Superintendent or designee may direct staff to implement state or federal rules and/or regulations which may violate Board policy while reviewing and preparing new policy to be considered by the Board.

ADMINISTRATIVE REPORTS AND INFORMATION REQUESTS

The Superintendent shall establish and periodically review procedures for preparation of administrative reports submitted for approval to the Superintendent. The procedure shall include, but not be restricted to, the channels for involvement in the development, review, and approval of reports.

Recommendations sent to the Board for approval and reports sent to the Board for information only shall be submitted by the Superintendent.

Requests by the Board or by outside agencies for the development of reports shall be submitted to the Superintendent. Individual Board members may request routine or urgent information necessary for the effective execution of the governance and oversight duties of the Board via email to the Superintendent, with copy to the Assistant Secretary to the Board who shall log all such requests and keep record of all responses. In general, information shared with one Board member shall be shared with all.

If the Superintendent determines that a Board member request, as submitted, would require significant staff time, he or she may contact the requesting Board member to determine whether the request may be altered to be responsive to the needs of the Board member, while reducing the amount of staff time needed to produce the response. If the Superintendent determines that an information request is unreasonable, he or she may ask the Board member to submit the request to the Board Chairperson for inclusion as an agenda item for consideration by the full Board.

Duties of Superintendent**ADMINISTRATIVE REPORTS AND INFORMATION REQUESTS(CONTINUED)**

Reports which become administrative directives shall be distributed using an established distribution system.

REFERENCES:

¹KRS 160.370; OAG 78-274; OAG 82-604

²KRS 160.390

KRS 160.380; KRS 156.111; 704 KAR 3:406

KRS 15.257; KRS 160.395

Combining Middle School Athletics Teams

A middle school interscholastic team may be sponsored by a single school or a combined group of schools.¹ Two or more middle schools may field a combined team for the purpose of increasing student participation in interscholastic athletics when one or more of the schools has an insufficient number of students to field an independent team or lacks coaching staff. The combining of teams under this policy shall not be used to intentionally and unfairly create a team that might reasonably be expected to dominate opponents in athletic competitions.

ADMINISTRATIVE PROCEDURES FOR COMBINING MIDDLE SCHOOL TEAMS

The Superintendent/designee shall create procedures to govern the combining of middle school teams, which shall address all necessary issues, including, but not limited to:

1. The establishment of regions of teams that can be combined based on school proximity;
2. The signed completion of a Combining School Participation Agreement by the parent/guardian, sending school administrators, and receiving school administrators;
3. The establishment of responsibility for the supervision of athletes on a combined team for practices, games, and other team activities;
4. The conducting of tryouts and rostering of students who attend the tryouts among schools that have a coach and/or are unable to field a team in a particular sport and have the ability to take additional player(s). A receiving school cannot roster a student-athlete from a sending school if the receiving school made cuts during tryouts to form their team.
5. Uniform requirements;
6. Paying of fees;
7. Transporting student-athletes; and
8. Handling parent/guardian concerns.

REFERENCES:

¹702 KAR 7:065

- CERTIFIED PERSONNEL -**Harassment/Discrimination****DEFINITION**

Harassment/Discrimination is unlawful behavior based on ~~the~~ 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 ~~of an employee involving intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. It is intimidation that is sufficiently severe, pervasive, or objectively offensive so as to adversely affect an employee's ability to do their job or create a hostile or abusive work environment. It may involve threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, including racial slurs or hate speech, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual.~~

The provisions of this policy shall not be interpreted as applying to speech otherwise protected under the state or federal constitutions where the speech does not otherwise materially or substantially disrupt the educational process, as defined by policy 03.1325, or where it does not violate provisions of policy 09.422, relating to Bullying/Hazing.

PROHIBITION

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or other sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

DISCIPLINARY ACTION

Employees who engage in harassment/discrimination of another employee or a student on the basis of any of the areas mentioned above shall be subject to disciplinary action including, but not limited to, termination of employment.

Failure by employees, to report, notify, and/or initiate an investigation of alleged harassment/discrimination, to follow approved procedures, or to take corrective action shall be cause for disciplinary action.

PROCEDURES

Employees who believe they or any other employee, student, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be reported directly to the District's Office of Compliance and Investigations.

Harassment/Discrimination**PROCEDURES (CONTINUED)**

If an employee is not assigned to a particular school, a report of harassment/discrimination may be made to the employee's immediate supervisor or to the District Office of Compliance and Investigations. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator in the District Office of Compliance and Investigations. Complaints of harassment/discrimination, shall be resolved either through an optional informal resolution process or a formal written complaint, investigation, and resolution process, as set forth *JCPS Discrimination Grievance Procedure Handbook*. Amicable resolution is encouraged at any stage of proceedings where such resolution is consistent with the provisions and objectives of this policy and related procedures with the exception of Title IX investigations, where a student is the Complainant Complainant and the Respondent is an employee.

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.¹

The Superintendent shall develop grievance/complaint procedures:

1. For Title IX Sexual Harassment, as defined in Board Policy 03.1621, separate procedures in conformity with requirements of Board Policy 03.1621 and federal Title IX regulations; and
2. For all other types of harassment/discrimination to be made available in the *JCPS Discrimination Grievance Procedure Handbook*, providing for:
 - a. Investigation of allegations of harassment/discrimination ~~to include the submission of a written report of all findings of an investigation~~, regardless of the manner in which the complaint is communicated to a District administrator;
 - b. Establishment of measures to provide confidentiality ~~during~~ the complaint process;
 - c. A process to identify and employ methods to correct and prevent recurrence of the harassment/discrimination;
 - d. A process to address the complaint to a higher level of authority if a supervisory staff member is an alleged party in the harassment/discrimination;
 - e. A process where the provisions of this policy are disseminated in writing annually to all staff and students;
 - f. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination;
 - g. Alternate methods of filing complaints for individuals with disabilities and others who may need accommodation; and
 - h. An appeal of the findings and corrective action to the Superintendent or their designee.

Harassment/Discrimination**PROHIBITED CONDUCT**

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Title IX Sexual Harassment, as defined in Board Policy 03.1621;
2. Any nicknames, slurs, stories, jokes, written materials, or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
3. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
4. Instances involving sexual violence;
5. Seeking to involve individuals with disabilities in antisocial, dangerous, or criminal activity where they, because of disability, are unable to comprehend fully or consent to the activity; and
6. Destroying or damaging an individual's property based on any of the protected categories.

Sexual harassment shall include, but not be limited to:

1. Title IX Sexual Harassment, as defined in Board Policy 03.1621, and
2. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because she/he submits a grievance which she/he believes to be true, assists or participates in an investigation, proceeding, or hearing, regarding a charge of harassment/discrimination or opposes language or conduct that violates this policy.

Upon the resolution of allegations, the Superintendent or their designee shall take steps to protect employees and students against retaliation.

Harassment/Discrimination**OTHER CLAIMS**

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 03.113, 03.1325 and/or 09.422.

REFERENCES:

¹KRS 158.156; KRS Chapter 344; 42 USC 2000e, Civil Rights Act of 1964, Title VII
29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations
Implementing Title VII
20 U.S.C. 1681, Education Amendments of 1972, Title IX
34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights
Regulations Implementing Title IX
Genetic Information Nondiscrimination Act of 2008
Age Discrimination Act, 42 U.S.C. 6101-6107; 34 C.F.R. 110.25
Bostock v. Clayton County, Georgia 140 S.Ct. 1731 (2020)
H.R. 1065 (EH) - Pregnant Workers Fairness Act

RELATED POLICIES:

03.113; 03.1325; 03.16; 03.1621; 09.2211; 09.422; 09.42811

- CLASSIFIED PERSONNEL -**Harassment/Discrimination****DEFINITION**

Harassment/Discrimination is unlawful behavior based on ~~the~~ 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 ~~of an employee involving intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. It is intimidation that is sufficiently severe, pervasive, or objectively offensive so as to adversely affect an employee's ability to do their job or create a hostile or abusive work environment. It may involve threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, including racial slurs or hate speech, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual.~~

The provisions of this policy shall not be interpreted as applying to speech otherwise protected under the state or federal constitutions where the speech does not otherwise materially or substantially disrupt the educational process, as defined by policy 03.1325, or where it does not violate provisions of policy 09.422, relating to Bullying/Hazing.

PROHIBITION

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or other sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

DISCIPLINARY ACTION

Employees who engage in harassment/discrimination of another employee or a student on the basis of any of the areas mentioned above shall be subject to disciplinary action including, but not limited to, termination of employment.

Failure of employees to report, notify, and/or initiate an investigation of alleged harassment/discrimination, to follow approved procedures, or to take corrective action shall be cause for disciplinary action.

PROCEDURES

Employees who believe they or any other employee, student, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made to the District's Office of Compliance and Investigations.

Harassment/Discrimination

PROCEDURES (CONTINUED)

If an employee is not assigned to a particular school, a report of harassment/discrimination may be made to the employee's immediate supervisor or to the District Office of Compliance and Investigations. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator in the Office of Compliance and Investigations. Complaints of harassment/discrimination be resolved either through an optional informal resolution process or a formal written complaint, investigation, and resolution process, as set forth *JCPS Discrimination Grievance Procedure Handbook*.

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.¹

The Superintendent shall develop grievance/complaint procedures:

1. For Title IX Sexual Harassment, as defined in Board Policy 03.2621, separate procedures in conformity with requirements of Board Policy 03.2621 and federal Title IX regulations; and
2. For all other types of harassment/discrimination, to be made available in the *JCPS Discrimination Grievance Procedure Handbook*, providing for:
 - a. Investigation of allegations of harassment/discrimination; ~~to include the submission of a written report of all findings of an investigation~~, regardless of the manner in which the complaint is communicated to a District administrator;
 - b. Establishment of measures to provide confidentiality in the complaint process;
 - c. A process to identify and employ methods to correct and prevent recurrence of the harassment/discrimination;
 - d. A process to address the complaint to a higher level of authority if a supervisory staff member is an alleged party in the harassment/discrimination;
 - e. A process where the provisions of this policy are disseminated in writing annually to all staff and students;
 - f. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination;
 - g. Alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.; and
 - h. An appeal of the findings and corrective action to the Superintendent or their designee.

PROHIBITED CONDUCT

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

Harassment/Discrimination**PROHIBITED CONDUCT (CONTINUED)**

1. Title IX Sexual Harassment, as defined in Board Policy 03.2621;
2. Any nicknames, slurs, stories, jokes, written materials, or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
3. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
4. Instances involving sexual violence;
5. Seeking to involve individuals with disabilities in antisocial, dangerous, or criminal activity where they, because of disability, are unable to comprehend fully or consent to the activity; and
6. Destroying or damaging an individual's property based on any of the protected categories.

Sexual harassment shall include, but not be limited to:

1. Title IX Sexual Harassment, as defined in Board Policy 03.2621; and
2. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because she/he submits a grievance which she/he believes to be true, assists or participates in an investigation, proceeding, or hearing regarding a charge of harassment/discrimination or opposes language or conduct that violates this policy.

Upon the resolution of allegations, the Superintendent or their designee shall take steps to protect employees and students against retaliation.

OTHER CLAIMS

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 03.212, 03.2325 and/or 09.422.

Harassment/Discrimination

REFERENCES:

¹KRS 158.156; KRS Chapter 344; 42 USC 2000e, Civil Rights Act of 1964, Title VII
29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations
Implementing Title VII
20 U.S.C. 1681, Education Amendments of 1972, Title IX
34 C.F.R. 106.1-106.71, U. S. Department of Education Office for Civil Rights
Regulations Implementing Title IX
Genetic Information Nondiscrimination Act of 2008
Age Discrimination Act, 42 U.S.C. 6101-6107; 34 C.F.R. 110.25
Bostock v. Clayton County, Georgia 140 S.Ct. 1731 (2020)
H.R. 1065 (EH) - Pregnant Workers Fairness Act

RELATED POLICIES:

03.212; 03.2325; 03.26; 03.2621; 09.2211; 09.422; 09.42811

Harassment/Discrimination Reporting Form

The form that provides the opportunity for an employee to report alleged incidents of discrimination and to secure an equitable, prompt, and appropriate resolution is available in the Discrimination Grievance [Procedure](#) Manual which can be found on the District website. The form is available electronically on the [Compliance & Investigations webpage](#) and may be submitted virtually. Additionally, the [form](#) may be ~~should be completed and~~ mailed to:

[Assistant General Counsel](#) ~~Director of~~ Compliance and Investigations

Jefferson County Public Schools
C.B. Young Jr. Service Center
3001 Crittenden Drive
Louisville, KY 40209-1104
(502) 485-3341

Resolution Response

The Assistant General Counsel~~Director of~~ Compliance and Investigations/designee has the authority to investigate all written grievances. The Assistant General Counsel~~Director of~~ Compliance and Investigations/designee ~~shall~~ will prepare a written report of the investigation, which shall include the following:

- a. A clear statement of the allegations of the grievance and remedy sought by the grievant.
- b. A signed statement of the facts, as contended by the grievant~~party~~, certifying that the grievant~~party~~ has read the document.
- c. A statement of the facts, as found by the Assistant General Counsel~~Director of~~ Compliance and Investigations/designee, and identification of evidence to support each fact.
- d. A list of all witnesses interviewed and relevant documents reviewed during the investigation.
- e. A narrative describing attempts, if any, to resolve the grievance.
- f. A state of conclusion as to whether the allegations in the grievance are meritorious and explicitly state if discrimination occurred.
- g. A preponderance of the evidence will be the standard used in investigating a complaint.

- CERTIFIED PERSONNEL -**Title IX Sexual Harassment****INTRODUCTION AND SCOPE**

A United States Department of Education regulation published on May 19, 2020 defines sexual harassment for purposes of Title IX (sometimes referred to in policy and procedure as “Title IX Sexual Harassment”). In addition to numerous other matters, the regulation sets forth grievance procedure requirements that apply (including the initiation of a “formal complaint”) before there is a determination that an employee is responsible for Title IX Sexual Harassment. The applicable definition of sexual harassment describes serious sexual misconduct. If the alleged actions that are the subject of a formal complaint do not meet the level of conduct described in the definition of Title IX Sexual Harassment; do not take place in a “program or activity” of the school District within the meaning of Title IX; or do not take place in the United States, the formal complaint must be dismissed.

Such a dismissal does not mean that the alleged offending party cannot be the subject of investigation or discipline on grounds other than “Title IX Sexual Harassment” as addressed in Board policy or law, including conduct allegedly constituting sexual harassment or other sexual misconduct that does not fall within the definition of “Title IX Sexual Harassment.”¹

PROHIBITION

Title IX Sexual Harassment in educational programs or activities of the District is prohibited.

GRIEVANCE PROCEDURE

The District shall provide a Title IX Sexual Harassment grievance procedure that treats complainants and respondents equitably as required by Federal Regulation.²

DEFINITIONS**Title IX Sexual Harassment**

“Title IX Sexual Harassment” means conduct on the basis of sex that satisfies one or more of the following:

- 1) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
- 2) 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;
- 3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(128), or “stalking” as defined in 34 U.S.C. 12291(a)(369). For purposes of this definition, “sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is an act directed against another person, without the consent of the second person, including instances where the second person is incapable of giving consent.³

Title IX Sexual Harassment**DEFINITIONS (CONTINUED)****Title IX Sexual Harassment (continued)**

The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be based on the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

Consent

“Consent” means a voluntary expression of willingness, permission, or agreement to engage in sexual activity throughout a sexual encounter. Consent cannot be granted by an individual: who is less than the statutory age of consent under Kentucky criminal law, has a mental or physical condition or incapacity that prevents the giving of consent; or from whom ostensible “consent” is extracted through threat, coercion, or forcible compulsion.

Complainant

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. This applies to such individual even if no formal complaint is filed. Only a complainant who is participating or attempting to participate in the District’s educational programs or activities may file a formal complaint.

Respondent

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. This applies to such individual even if no formal complaint is filed. Only a person in his or her individual capacity is subject to a Title IX investigation.

Title IX Coordinator (TIXC)

The TIXC is the individual or individuals designated and authorized to coordinate District Title IX programs. The TIXC is expected to engage in activities intended to provide a fair and neutral process for all parties, including implementation of supportive measures and remedies where appropriate. The District may use co-coordinators and/or deputy coordinators.

Title IX Sexual Harassment**DEFINITIONS (CONTINUED)****Formal Complaint**

“Formal complaint” means a document filed by a complainant or signed by the TIXC alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. A formal complaint may be filed with the TIXC in person, by mail, or by electronic mail, by using the contact information provided by the District. The complaint document may be physical or electronic, shall contain the complainant’s physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint. Where the TIXC signs a formal complaint, the TIXC is not “the complainant” or otherwise considered a party, but is to comply with applicable procedures.

Supportive Measures

“Supportive measures” mean nondisciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, unilateral restrictions on contact that are not unreasonably burdensome on a respondent, changes in work or housing locations, authorized leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Supportive measures shall be confidential, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The TIXC is responsible for coordinating the effective implementation of supportive measures.

Education Program or Activity

“Education program or activity” means District operations and includes locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

Preponderance of the Evidence

“Preponderance of evidence” means evidence that is of greater weight or more convincing than ~~an asserted fact or facts occurred than~~ evidence in opposition to such facts. It is evidence which, as a whole, shows that an assertion to be proven is more likely than not.

REGULATION AND POLICY DOES NOT AFFECT PARENT RIGHTS

Absent a court order or other legal requirement to the contrary, a parent or guardian is authorized to act on behalf of a minor student regarding decision-making and the exercise of rights under the Title IX Sexual Harassment policy and procedure, including the opportunity to accompany a minor student to meetings and interviews.

SEGREGATION OF FUNCTIONS / CONFLICT OF INTEREST

The TIXC, investigator, decisionmaker(s), and any informal resolution facilitator shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. These individuals are to serve impartially without prejudgment of the facts at issue. The investigative, initial decision-making, appellate decision-making, and resolution

Title IX Sexual Harassment**SEGREGATION OF FUNCTIONS / CONFLICT OF INTEREST (CONTINUED)**

functions must be performed by different trained individuals, who may be District employees or contractors.

CONFIDENTIALITY

With respect to its administration of Title IX Sexual Harassment policies and corresponding procedures, the District must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted under FERPA⁵, required by law, or to carry out Title IX purposes, including the conduct of any investigation, hearing or Title IX judicial proceedings.

Investigative evidence directly related to the allegations of a formal complaint gathered by the District is subject to inspection and review by the parties but is not to be disseminated to the public. The United States Department of Education rule commentary provides that under the applicable FERPA definition of “education records” a parent of a complainant or respondent (or eligible student) has a right to inspect and review any witness statement that is directly related to the student, even if that statement contains information that is also directly related to another student, if the information cannot be segregated or redacted without destroying its meaning.⁴

EMPLOYEES SHALL REPORT

Employees who believe or have been made aware that they or any other employee, student, or visitor has been subject to Title IX Sexual Harassment shall report it to the TIXC. Failure to make such a report shall be grounds for discipline up to and including termination. If the knowledge of the reporting party gives rise to reasonable cause to believe that the reported conduct constitutes child abuse under Policy 09.227 or a reportable criminal offense under Policy 09.2211, notification of state officials shall be made as required by law.⁶

FALSE REPORTS PROHIBITED

Employees or students who intentionally make false reports related to the District’s administration of this policy and the corresponding procedures, are subject to disciplinary sanctions under applicable District policy, law, or the [Student Support and Behavior Intervention Handbook](#) ~~Code of Acceptable Behavior and Discipline~~.

RELATED EVIDENCE RULES SUMMARY

The following rules apply to the District’s investigation and grievance process under the Title IX Sexual Harassment regulation:

- a) The District shall not require, allow, rely upon, or otherwise use questions or evidence that constitutes or seeks disclosure of information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.
- b) The District cannot access, consider, disclose, or otherwise use a party’s records made or maintained in connection with provision of treatment to the party by medical or mental health professionals or paraprofessionals unless the District obtains written consent from the party.

Title IX Sexual Harassment

- c) Questions and evidence about the complainant's sexual predisposition or prior behavior are not relevant unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct or, such questions or evidence are offered to prove consent.

RETALIATION PROHIBITED

No District or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any Title IX investigation, proceeding, or hearing.

REFERENCES:

²34 C.F.R. § 106.45

³KRS 510.020

⁴85 Fed. Reg. 30433 (May 19, 2020)

Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107)
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)

Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106
Clery Act (20 U.S.C. §1092(f)(6)(A)(v))

Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v))

Tennessee v. Cardona, 737 F.Supp.3d 510 (E.D. Ky., 2024)

34 U.S.C. § 12291(a)(10)

34 U.S.C. §12291(a)(3)

34 U.S.C. §12291(a)(8)

RELATED POLICIES:

¹03.162; 03.262; 09.42811

⁵09.14

⁶09.227; 09.2211

03.2621; 09.428111

- CLASSIFIED PERSONNEL -

Title IX Sexual Harassment**INTRODUCTION AND SCOPE**

A United States Department of Education regulation published on May 19, 2020 defines sexual harassment for purposes of Title IX (sometimes referred to in policy and procedure as “Title IX Sexual Harassment”). In addition to numerous other matters, the regulation sets forth grievance procedure requirements that apply (including the initiation of a “formal complaint”) before there is a determination that an employee is responsible for Title IX Sexual Harassment. The applicable definition of sexual harassment describes serious sexual misconduct. If the alleged actions that are the subject of a formal complaint do not meet the level of conduct described in the definition of Title IX Sexual Harassment; do not take place in a “program or activity” of the school District within the meaning of Title IX; or do not take place in the United States, the formal complaint must be dismissed.

Such a dismissal does not mean that the alleged offending party cannot be the subject of investigation or discipline on grounds other than “Title IX Sexual Harassment” as addressed in Board policy or law, including conduct allegedly constituting sexual harassment or other sexual misconduct that does not fall within the definition of “Title IX Sexual Harassment.”¹

PROHIBITION

Title IX Sexual Harassment in educational programs or activities of the District is prohibited.

GRIEVANCE PROCEDURE

The District shall provide a Title IX Sexual Harassment grievance procedure that treats complainants and respondents equitably as required by Federal Regulation.²

DEFINITIONS**Title IX Sexual Harassment**

“Title IX Sexual Harassment” means conduct on the basis of sex that satisfies one or more of the following:

- 4) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
- 5) 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) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(128), or “stalking” as defined in 34 U.S.C. 12291(a)(369). For purposes of this definition, “sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is an act directed against another person, without the consent of the second person, including instances where the second person is incapable of giving consent.³

Title IX Sexual Harassment**DEFINITIONS (CONTINUED)****Title IX Sexual Harassment (continued)**

The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be based on the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

Consent

“Consent” means a voluntary expression of willingness, permission, or agreement to engage in sexual activity throughout a sexual encounter. Consent cannot be granted by an individual: who is less than the statutory age of consent under Kentucky criminal law, has a mental or physical condition or incapacity that prevents the giving of consent; or from whom ostensible “consent” is extracted through threat, coercion, or forcible compulsion.

Complainant

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. This applies to such individual even if no formal complaint is filed. Only a complainant who is participating or attempting to participate in the District’s educational programs or activities may file a formal complaint.

Respondent

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. This applies to such individual even if no formal complaint is filed. Only a person in his or her individual capacity is subject to a Title IX investigation.

Title IX Coordinator (TIXC)

The TIXC is the individual or individuals designated and authorized to coordinate District Title IX programs. The TIXC is expected to engage in activities intended to provide a fair and neutral process for all parties, including implementation of supportive measures and remedies where appropriate. The District may use co-coordinators and/or deputy coordinators.

Title IX Sexual Harassment**DEFINITIONS (CONTINUED)****Formal Complaint**

“Formal complaint” means a document filed by a complainant or signed by the TIXC alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. A formal complaint may be filed with the TIXC in person, by mail, or by electronic mail, by using the contact information provided by the District. The complaint document may be physical or electronic, shall contain the complainant’s physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint. Where the TIXC signs a formal complaint, the TIXC is not “the complainant” or otherwise considered a party, but is to comply with applicable procedures.

Supportive Measures

“Supportive measures” mean nondisciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, unilateral restrictions on contact that are not unreasonably burdensome on a respondent, changes in work or housing locations, authorized leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Supportive measures shall be confidential, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The TIXC is responsible for coordinating the effective implementation of supportive measures.

Education Program or Activity

“Education program or activity” means District operations and includes locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

Preponderance of the Evidence

“Preponderance of evidence” means evidence that is of greater weight or more convincing ~~that an asserted fact or facts occurred~~ than evidence in opposition to such facts. It is evidence which, as a whole, shows that an assertion to be proven is more likely than not.

REGULATION AND POLICY DOES NOT AFFECT PARENT RIGHTS

Absent a court order or other legal requirement to the contrary, a parent or guardian is authorized to act on behalf of a minor student regarding decision-making and the exercise of rights under the Title IX Sexual Harassment policy and procedure, including the opportunity to accompany a minor student to meetings and interviews.

SEGREGATION OF FUNCTIONS / CONFLICT OF INTEREST

The TIXC, investigator, decisionmaker(s), and any informal resolution facilitator shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. These individuals are to serve impartially without prejudgment of the facts at issue. The investigative, initial decision-making, appellate decision-making, and resolution

Title IX Sexual Harassment**SEGREGATION OF FUNCTIONS / CONFLICT OF INTEREST (CONTINUED)**

functions must be performed by different trained individuals, who may be District employees or contractors.

CONFIDENTIALITY

With respect to its administration of Title IX Sexual Harassment policies and corresponding procedures, the District must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted under FERPA³, required by law, or to carry out Title IX purposes, including the conduct of any investigation, hearing or Title IX judicial proceedings.

Investigative evidence directly related to the allegations of a formal complaint gathered by the District is subject to inspection and review by the parties but is not to be disseminated to the public. The United States Department of Education rule commentary provides that under the applicable FERPA definition of “education records” a parent of a complainant or respondent (or eligible student) has a right to inspect and review any witness statement that is directly related to the student, even if that statement contains information that is also directly related to another student, if the information cannot be segregated or redacted without destroying its meaning.⁴

EMPLOYEES SHALL REPORT

Employees who believe or have been made aware that they or any other employee, student, or visitor has been subject to Title IX Sexual Harassment shall report it to the TIXC. Failure to make such a report shall be grounds for discipline, up to and including termination. If the knowledge of the reporting party gives rise to reasonable cause to believe that the reported conduct constitutes child abuse under Policy 09.227 or a reportable criminal offense under Policy 09.2211, notification to state officials shall be made as required by law.⁶

FALSE REPORTS PROHIBITED

Employees or students who intentionally make false reports related to the District’s administration of this policy and the corresponding procedures, are subject to disciplinary sanctions under applicable District policy, law, or the [Student Support and Behavior Intervention Handbook Code of Acceptable Behavior and Discipline](#), as applicable.

RELATED EVIDENCE RULES SUMMARY

The following rules apply to the District’s investigation and grievance process under the Title IX Sexual Harassment regulation:

- a) The District shall not require, allow, rely upon, or otherwise use questions or evidence that constitutes or seeks disclosure of information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.
- b) The District cannot access, consider, disclose, or otherwise use a party’s records made or maintained in connection with provision of treatment to the party by medical or mental health professionals or paraprofessionals unless the District obtains written consent from the party.

Title IX Sexual Harassment**RELATED EVIDENCE RULES SUMMARY (CONTINUED)**

- c) Questions and evidence about the complainant's sexual predisposition or prior behavior are not relevant unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct or, such questions or evidence are offered to prove consent.

RETALIATION PROHIBITED

No District or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any Title IX investigation, proceeding, or hearing.

REFERENCES:

²34 C.F.R. § 106.45

³KRS 510.020

⁴85 Fed. Reg. 30433 (May 19, 2020)

Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107)
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)

Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106
Clery Act (20 U.S.C. §1092(f)(6)(A)(v))

Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v))

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34 U.S.C. § 12291(a)(10)

34 U.S.C. §12291(a)(3)

34 U.S.C. §12291(a)(8)

RELATED POLICIES:

¹03.162; 03.262; 09.42811

⁵09.14

⁶09.227; 09.2211

03.1621; 09.428111

- CERTIFIED PERSONNEL -

Title IX Sexual Harassment Grievance Procedures

Refer to Procedure 09.428111-~~area~~ for Title IX Sexual Harassment Notices, Grievance Procedures, and Reporting Forms.

RELATED PROCEDURES:

03.2621 AP.2; 09.428111 (all procedures)

Harassment/Discrimination

DEFINITION

Harassment/Discrimination is unlawful behavior based on ~~a student's~~ 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 genetic information,~~ disability, or limitations related to pregnancy, childbirth, or related to medical conditions. It is intimidation that is sufficiently severe, pervasive, or objectively offensive so as to adversely affect a student's education or create a hostile or abusive educational environment. It may involve threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, including racial slurs or hate speech, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual.

The provisions of this policy shall not be interpreted as applying to speech otherwise protected under the state or federal constitutions where the speech does not otherwise materially or substantially disrupt the educational process, as defined by policy 09.426, or where it does not violate provisions of policy 09.422, relating to Bullying/Hazing.

PROHIBITION

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to **a visitor** to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

DISCIPLINARY ACTION

A student who engages in harassment/discrimination of an employee or another student shall be subject to disciplinary action including, but not limited to suspension or placement in an alternative program or setting in lieu of expulsion.

GUIDELINES

A student who believes he/she/they **or** any other student, employee, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Students may also file a report of harassment/discrimination using the District Compliance Hotline, online at <https://jcps.callsplus.net/>, or by telephone at 1-800-393-6780. Otherwise, a report of harassment/discrimination may be made directly to the Superintendent/designee. Additionally, if sexual discrimination or harassment is being alleged, **a report** may be made directly to the District Title IX Coordinator. ~~A complaint of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.~~

An employee who **believes** prohibited behavior is occurring or has occurred shall notify the victim's Principal, who shall immediately forward the information to the Superintendent/designee.

Harassment/Discrimination**GUIDELINES (CONTINUED)**

The Superintendent shall develop grievance/complaint procedures:

1. For Title IX Sexual Harassment, as defined in Board Policy 09.428111, separate procedures in conformity with requirements of Board Policy 09.428111 and federal Title IX regulations;
2. For all other prohibited types of harassment/discrimination, providing for:
 - a. Investigation of allegations of harassment/discrimination ~~to include the submission of a written report of all findings of an investigation~~, regardless of the manner in which the complaint is communicated to a District administrator;
 - b. Establishment of measures to provide confidentiality ~~during~~ the complaint process;
 - c. A process to identify and employ methods to correct and prevent recurrence of the harassment/discrimination;
 - d. A process where the provisions of this policy are disseminated in writing annually to all staff and students;
 - e. Age-appropriate training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination; and
 - f. Alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

PROHIBITED CONDUCT

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. **Title IX Sexual Harassment, as defined in Board Policy 09.428111;**
2. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
3. Instances involving sexual violence;
4. Implied or overt threats of physical violence, ~~or~~ acts of aggression, or assault based on any of the protected categories;
5. Seeking to involve **a student with a disability** in antisocial, dangerous or criminal activity where the **student**, because of disability, **is** unable to comprehend fully or consent to the activity;
6. Destroying or damaging an individual's property based on any of the protected categories; and
7. Unwanted touching, sexual advances, requests for sexual favors, ~~and~~ spreading sexual rumors.

Harassment/Discrimination**PROHIBITED CONDUCT (CONTINUED)**

Sexual harassment shall include, but not be limited to:

1. Title IX Sexual Harassment, as defined in Board Policy 09.428111; and
2. An unwelcome sexual advance, request for a sexual favor ~~and~~ other verbal or physical sexual conduct and submission to such conduct is made either explicitly or implicitly a term or condition of a student's academic advancement or participation in school programs or activities; or
 - a. Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student; or
 - b. Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating, hostile, or offensive learning environment.

When sexual harassment is alleged, the District's Title IX Coordinator, as designated in the Student Support and Behavior Intervention Handbook, shall be notified.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because the employee or student submits a grievance which he/she/they believes to be true, assists or participates in an investigation, proceeding, or hearing, ~~regarding a charge of harassment/discrimination~~ or opposes language or conduct that violates this policy.

NOTIFICATIONS

Within twenty-four (24) hours of receiving a serious allegation of harassment/discrimination, District personnel shall attempt to notify the parent/guardian of both a student victim and a student who has been accused of harassment/discrimination.

In circumstances also involving suspected child abuse, additional notification shall be required by law. (See Policy 09.227.)

In applicable cases, an employee must report harassment/discrimination to appropriate law enforcement authorities in accordance with [the](#) law.¹

CONFIDENTIALITY

A District employee involved in the investigation of a complaint shall respect, as much as possible, the privacy and anonymity of both a victim and a person accused of a violation.

APPEAL

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal any part of the findings and corrective actions to the Superintendent/designee.

If a supervisor is an alleged party in the harassment/discrimination complaint, procedures shall also provide for addressing the complaint to a higher level of authority.

Harassment/Discrimination**APPEAL (CONTINUED)**

Failure by an employee to initiate an investigation of alleged harassment/discrimination, to follow approved procedures, or to take corrective action shall be cause for disciplinary action.

FALSE COMPLAINT

A deliberately false or malicious complaint of harassment/discrimination may result in disciplinary action taken against the complainant.

OTHER CLAIMS

When a complaint is received that does not appear to be covered by this policy, an administrator shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 09.426.

REFERENCES:

¹KRS 158.156

KRS 158.150

42 USC 2000e, Civil Rights Act of 1964, Title VII

Racial Incidents and Harassment Against Students at Educational Institutions:

Investigative Guidance (U.S. Department of Education)

Franklin vs. Gwinnett County. Public Schools, 503 U.S. 60 (1992)

29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC)

Regulations Implementing Title VII

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

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

Regulations Implementing Title IX

Gebser v. Lago Vista Independent School Dist., 524 U.S. 274 (1998)

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999)

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

RELATED POLICIES:

03.162; 03.262

09.13; 09.2211; 09.227; 09.422; 09.426; **09.428111**; 09.438

Notice to Individuals Complaining of Harassment/Discrimination

The District shall provide a learning environment free from harassment/discrimination. A parent or student with a complaint may choose to first discuss the grievance with the school Principal/designee involved to resolve with the objective of resolving the matter promptly and informally. The parent or student should expect a decision at the end of the informal meeting or at a reasonable time thereafter from the Principal/designee (five [5] school days). If the matter is not voluntarily resolved to the satisfaction of the grievant, the grievant may file a formal written complaint, and submit it to the District's Title IX/Equity Coordinator:

The form that provides the opportunity to report alleged incidents of discrimination and to secure an equitable, prompt, and appropriate resolution is available in the Discrimination Grievance Procedure Manual, which can be found on the District website. The form is available electronically on the Compliance & Investigations webpage and may be submitted virtually. Additionally, the form may be mailed to

Assistant General Counsel~~Director of~~ Compliance and Investigations
Jefferson County Public Schools
C.B. Young Jr. Service Center
3001 Crittenden Drive
Louisville, KY 40209-1104

~~Procedures for the submission, investigation, resolution, and appeal of an allegation of harassment/discrimination are set forth in the JCPS Discrimination Grievance Procedure Handbook, which is available on the Department of Compliance and Investigations webpage on the District website.~~

Retaliation against an individual who has reported improper conduct by faculty, staff or students, including sexual harassment/discrimination, is strictly forbidden. If you believe that any of those parties is retaliating against you in any way, please notify the Title IX/Equity Coordinator~~Assistant General Counsel Compliance and Investigations~~ and/or a District administrator immediately. If you are not satisfied with the District's response, you have the right to file a complaint with the Office of Civil Rights at the following address:

U.S. Department of Education
Office of Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
~~Wanamaker Building, Suite 515~~
~~400 Penn Square East~~
~~Philadelphia, PA 19107~~

Harassment/Discrimination Reporting Form

The form that provides the opportunity for a student or parent/guardian to report alleged incidents of discrimination and to secure an equitable, prompt, and appropriate resolution is available in the Discrimination Grievance [Procedure](#) Manual which can be found on the District website. The form [is available electronically on the Compliance & Investigations webpage and may be submitted virtually. Additionally, the form may be](#)~~should be completed and~~ mailed to:

[Assistant General Counsel](#) ~~Director of~~ Compliance and Investigations

Jefferson County Public Schools

C.B. Young Jr. Service Center

3001 Crittenden Drive

Louisville, KY 40209-1104

(502) 485-3341

Technical Amendments

Public Sales on School Premises

SCHOOL-RELATED PURPOSE

In compliance with the Board's prohibition on the use of school property for commercial activities that do not serve or benefit the school program, [as set forth in Board Policies 04.312, 04.3123, 04.3125, and 05.3](#), all sales activity on school premises must have a clear school-related purpose and must be approved by the Principal/building supervisor. Groups renting school facilities must indicate in their applications the nature of any sales to be conducted.

To promote good nutritional habits for our students and families, non-profit community organizations, government agencies and groups that benefit the school program shall be permitted to conduct farmers markets on Board property with the approval of the Principal/building supervisor. The sponsor of any farmers market held on Board property must provide evidence of compliance with all applicable state and local laws, regulations, and ordinances regarding the operation of a farmers market.

The Superintendent or designee shall develop administrative procedures governing the time, place and manner of any public sales on Board property.

RELATED POLICIES:

[04.312; 04.3123; 04.3125; 05.3](#)

Student Dress Code

A student may choose his/her/their manner of dress and personal appearance subject to the school's dress code. However, the wearing of any item that materially or significantly disrupts the educational process or threatens the health or safety of other students or staff members is prohibited. If a school/council chooses to adopt a dress code, it shall be consistent with Board standards set forth~~out~~ in the District's Student Support and Behavior Intervention Handbook and the Student Bill of Rights.

Board Policy 09.13 requires that all students be afforded equal educational opportunities. Board Policy 03.131 sets forth the District's commitment to racial educational equity. In accordance with those policies, a school dress code:

1. Shall not include prohibitions of specific hair textures or hairstyles traditionally associated with a student's race or ethnicity;
2. Shall not include prohibitions of appropriate attire or hair style, including length of hair, that discriminate against a student on the basis of sex, (including sexual orientation or, gender identity), or gender expression; and
3. Shall allow a student to dress in a manner in accordance with his/her/their gender identity, notwithstanding traditional gender norms of masculinity and femininity.

REFERENCES:

Tinker v. Des Moines Independent School District, 393 U.S. 502 (1969)

Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986)

KRS 158.183

KRS 160.345

OAG 73-233

OAG 73-284

RELATED POLICIES:

09.13; 09.131; 09.426

Medicinal Cannabis

~~Effective January 1, 2025, T~~he use of medicinal cannabis on school property shall be permitted by a student who is a registered qualified patient as deemed necessary by the pupil's parent or legal guardian.

Medicinal cannabis shall be administered:

1. a. By a school nurse, State Registered Nurse Aide, or under the supervision of appropriate trained school staff; or
b. By the parent or legal guardian of the pupil who is a registered qualified patient;
and
2. Out of view of other students.

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

REFERENCE:

KRS 218B.045

Student Behavior

The Board requires high standards of personal conduct from all pupils and embraces the concept that each pupil shall respect the rights of others and abide by the administrative procedures of the school district and the laws of the community and state.¹

The Superintendent/designee shall be responsible for overall implementation and supervision of the ~~Board's~~ Student Support and Behavior Intervention Handbook, and each Principal shall be responsible for administration and implementation of the handbook within each school. The Principal shall apply the handbook uniformly and fairly to each student without partiality or discrimination.

The Principal of each school, or school council in schools with SBDM, shall set school policy, consistent with Board policy, concerning the selection and implementation of appropriate discipline and classroom management techniques necessary to support appropriate student behavior in accordance with the Student Support and Behavior Intervention Handbook.

REFERENCES:

¹KRS 160.290
KRS 158.148
KRS 161.180
KRS 160.290

RELATED POLICY:

09.438

Copyrighted Materials

The use of copyrighted material for educational purposes, by school personnel, shall be within the generally accepted uses delineated by applicable law. District personnel and volunteers are authorized to observe federal "fair use" guidelines.

The Superintendent shall develop procedures for informing appropriate personnel of the fair use of copyrighted material for educational purposes.

The District assumes no liability for intentional infringement of copyright by individual employees and volunteers.

ELECTRONIC MATERIALS

All employees shall use electronic materials only in accordance with the license agreement under which the electronic materials were purchased or otherwise procured. Electronic materials are defined as computer software, online recorded or live-streamed content, databases, video tapes, compact and laser disks, electronic textbooks or any other copyrighted material distributed in electronic form.

Any duplication of copyrighted electronic materials, except for backup and archival purposes, is a violation of the law, unless the license agreement explicitly grants duplication rights. The archival copy is not to be used on a second computer at the same time the original is in use. In addition, illegal copies of copyrighted software shall not be used on District-owned-Board equipment.

Through appropriate professional development activities, the Chief Information Officer/designee shall inform all employees of their compliance responsibilities with electronic materials licensing agreements and of the penalties for violating those agreements.

The Superintendent/designee shall sign all District software license agreements and any related data sharing agreements that are needed. Each school using licensed software shall have on file a copy of the executed agreement, the original disk, or the original documentation.

REFERENCES:

Kentucky Educational Technology System (KETS)
17 U.S.C. §106, 107, 110

RELATED POLICY:

08.2323

Energy Management

In order to use energy resources in a safe and efficient manner with an on-going focus on identifying and implementing cost saving measures and developing staff and student commitment to identified energy management practices, the [District Board](#) may participate in energy-saving measures to implement an effective energy management program.

Food/School Nutrition Services

The Board shall provide a District-wide school nutrition program in compliance with applicable state and federal statutes and regulations.

It is the intent of the Board that school nutrition services be a self-supporting program.

MEALS

Lunchrooms shall serve meals that meet or exceed the requirements specified by state and federal regulations.

MEAL CHARGE POLICY

Every student's parent/guardian shall be provided the written meal charge policy at the beginning of each school year or upon enrollment in the District for a student transferring in mid-year. In addition, the parent/guardian shall be advised of the available payment systems and meal prices.

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

SCHOOL AND COMMUNITY NUTRITION SERVICES EXECUTIVE ADMINISTRATOR

The District shall appoint/select an Executive Administrator for School and Community Nutrition Services to oversee and manage the school nutrition service program. The Executive Administrator for School and Community Nutrition Services shall meet minimum educational requirements and annual training requirements in accordance with federal and state law.

DISCRIMINATION COMPLAINTS

Consistent with federal regulations, the District does not discriminate on the basis of race, color, national origin, sex, age, or disability in its school nutrition program.

Anyone wishing to initiate a complaint concerning discrimination in the delivery of benefits or services in the District's school nutrition program should go to the link below or mail a written complaint to the U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington D.C. 20250-9410, or email, program.intake@usda.gov.

http://www.ascr.usda.gov/complaint_filing_cust.html

District personnel shall assist a parent/guardian or student wishing to file a complaint.

Additionally, consistent with Board Policies 01.1 and 09.13, the District shall 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, or veteran status, genetic information, [disability](#) or limitations related to pregnancy, childbirth, or related medical conditions in its school nutrition program.

Food/School Nutrition Services**SPECIAL DIETARY NEEDS**

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

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

FOOD SANITATION PROGRAM

The School and Community Nutrition Services Unit shall organize and administer a sanitary program in each school location and retain a Retail Food Establishment permit as detailed by the Kentucky Cabinet for Health and Family Services, Division of Local Health for each location.

REFERENCES:

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

RELATED POLICIES:

01.1; 09.13