

BRECKINRIDGE COUNTY SCHOOLS



CLASSIFIED HANDBOOK

I, _____
(Print Name)

verify that I have received a copy of the Breckinridge County School District's Certified Staff Handbook. I also understand that I can access this handbook online at the Breckinridge County district website.

Signature (Date)

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Classified

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Updated 1/17/2008

Our mission is to provide equitable opportunities that inspire all students to achieve success and become productive citizens

Breckinridge County Board of Education

Janet L. Meeks, Superintendent

86 Airport Road

Assistant Superintendent Hardinsburg, KY 40143 Assistant Superintendent

Glenda Dowell

Phone: 270-756-30000

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Our vision is for performance to be “proficient and beyond” for each student

Dear Classified Employee,

This handbook, concerning the fundamental principles under which the Breckinridge County School System must operate, has been prepared to provide basic information for personnel of the district. In order for district personnel to function effectively and efficiently, they must have a general knowledge of the various aspects involved in the operation of the system. They must also realize the importance of their roles in this operation.

Furthermore, in order to interpret the activities of the school and to appreciate the needs of the district, employees of the school community must be informed as to state requirements, local rules and regulations, the philosophy of the school, and the function of the Board of Education pertaining to personnel procedures.

This publication supersedes and replaces all previous employee handbooks. It contains policies, rules, and regulations pertaining to the employees, the instructional program, and pupil activities. Although such a handbook cannot be all-inclusive, it can serve as a guide for the advancement of our educational program. The language used in the handbook should not be construed as creating a contract of employment between the district and any of its employees.

The policies stated in this handbook are subject to change at the sole discretion of the Breckinridge County Board of Education. From time to time, you may receive updated information concerning changes in policy or procedures. Should you have any questions regarding any policies or procedures, please ask your supervisor or contact the assistant superintendent in charge of personnel.

Sincerely,

Janet L. Meeks, Superintendent
Breckinridge County Schools

“Proficient & Beyond”

The Breckinridge County Board of Education Provides Equal Educational & Employment Opportunities

Breckinridge County Schools

District Mission Statement

The Breckinridge County Board of Education's mission is to provide equitable opportunities that inspire all students to achieve success and become productive citizens.

District Goals

1. To provide a secure financial future for Breckinridge County Schools while maintaining a high level of fiscal responsibility.
2. To provide a safe, inviting environment for students to learn.
3. To improve students' attitudes toward learning.
4. To promote internal communication and school/parent/community relations.
5. To promote and prepare students to be competitive in education and the job market and be lifelong learners.
6. To provide competent, ethical and motivated personnel.
7. To provide equal educational opportunities for all children in the district.

LIFE INSURANCE: As a full-time employee (20 hours or more) of the Breckinridge County Board of Education the Commonwealth of Kentucky provides at no cost to the employee a \$20,000 Term Life Insurance Policy. Optional life and accidental death and dismemberment plans may be purchased through payroll deduction.

HEALTH INSURANCE: Health insurance is offered for all full-time employees (20 hours or more) by the Commonwealth of Kentucky. Additional coverage for your family may be purchased through payroll deduction. The Commonwealth of Kentucky contributes toward the cost of the state mandated health insurance plans.

HEALTH REIMBURSEMENT ACCOUNT: (State): Employees waiving insurance coverage may place the state contribution into an account. This money may be used for unreimbursed medical expenses such as deductibles, co-pays, eyeglasses, dental services, etc.

RETIREMENT: Classified staff working a minimum of 80 hours or more per month must participate in the County Employees Retirement System (CERS). The employee contributes 5% of salary through payroll deduction. Contact CERS for individual retirement questions.

FAMILY AND MEDICAL LEAVE ACT OF 1993: FMLA requires employers to provide up to 12 weeks of job-protected leave to “eligible” employees for certain family and medical reasons. Employees are eligible if they have been employed by the district for at least one year and have worked 1,250 hours during the 12 months preceding start of leave.

UNEMPLOYMENT INSURANCE: Unemployment insurance provides temporary income if an employee is laid off from a regular job. All employees are subject to unemployment benefits with the local school district paying 100% of the cost. Employees are not eligible for payments during the summer if they have “reasonable assurance” of a position for the subsequent school year.

WORKERS’ COMPENSATION: All employees are covered by workers’ compensation benefits should he/she be injured on the job. Any job-related accident should be reported to the principal or supervisor immediately, and a written report filed at the Central Office. Accidents not causing serious injury should also be reported as complications may arise later.

LIABILITY INSURANCE: The district provides comprehensive general liability insurance, professional liability and errors and omissions for all employees. Any incident which may result in a claim should be reported to the Director of Personnel.

SICK LEAVE: Full time classified employees receive 10 sick and 3 personal days annually. Personal days not used within a school year are converted to sick leave. Sick leave shall accumulate with the actual days posted annually on the first check of each new school year.

Continuation of:

SUMMARY OF FRINGE BENEFITS FOR CLASSIFIED PERSONNEL

PERSONAL DAYS: Full time classified employees shall be entitled to three days of personal leave with pay each school year. No reason shall be required for the leave but must be approved by the superintendent or designee. Days not used are added to cumulative sick leave.

PAYROLL DEDUCTIONS: Besides the services already listed, membership in additional insurance programs may be available through payroll deductions.

CAFETERIA PLAN OF FRINGE BENEFITS: Under this provision, employees are allowed to deduct the premiums for certain approved insurance programs from their gross income before taxes are calculated. This is a significant tax benefit.

DEFERRED COMPENSATION: Staff can begin saving toward retirement and financial security by setting aside dollars on a tax-deferred basis. Contributions and the earnings are tax-deferred until withdrawn.

COUNTY EMPLOYEE RETIREMENT SYSTEM (CERS)

MEMBERSHIP

Membership in the County Employee's Retirement System is required of all qualified regularly employed classified personnel whose official duties require an average of at least 80 hours of work per month on a fiscal, calendar, or school year basis. Eligible classified personnel are automatically enrolled in the retirement system on the first day of employment and the employee contributions are withheld through payroll deduction.

CONTRIBUTION RATE

The rate of contribution for each employee is 5.00% of the gross salary. Federal income taxes on the amount of contributions by the employee to the retirement system are deferred until such time the contributions are received by the employee. Contributions by the employee are currently exempt from state income taxes and social security.

SERVICE RETIREMENT

A member with 27 years of service credit is eligible to receive monthly benefits regardless of age, without a reduction in benefits.

RETIREMENT FOR UNUSED SICK LEAVE

Classified employees may be eligible to receive additional retirement service credit for unused sick leave days at the time of retirement.

SOCIAL SECURITY BENEFITS

If you will be eligible for Social Security at the time you retire, you may want to contact your local Social Security Administration office 90 days before your anticipated retirement date. Social Security benefits and requirements differ from those of the retirement system.

SERVICE RETIREMENT

A member with 27 years of service credit is eligible to receive monthly benefits regardless of age, without a reduction in benefits. Other retirement options are available such as Early Retirement and Disability Retirement. Kentucky Retirement Systems also offer the option of purchasing service credit under certain conditions. You may contact Kentucky Retirement Systems at 1-800-928-4646 for any questions you have regarding retirement issues.

CONTINUATION OF COVERAGE UNDER FEDERAL LAW (COBRA/S.B. 274)

Federal law provides an employee the option to continue group health coverage beyond the date on which their coverage would terminate (formerly S B 270). Also, the new continuation laws provide coverage continuation rights for spouses and dependents.

Individuals eligible for continuation of coverage are as follows:

- 1) Loss of coverage as a result of termination of employment.
- 2) Loss of coverage as a result of a reduction of hours worked by the employee (including employees on official LWOP status).
- 3) Death of the employee.
- 4) Divorce or legal separation of the employee.
- 5) The employee becoming eligible for Medicare coverage.
- 6) Loss of coverage as a result of a dependent child reaching the limiting age designated in the group contract.

Duration of Coverage:

- 1) For employee (termination or reduction in hours) – 18 months from date of qualifying event
- 2) For spouse and dependents – 36 months from date of qualifying event
- 3) Disabled may apply for an 11-month extension.

Termination of Coverage:

- 1) Exhaustion of 18 or 36 month time period
- 2) Group health plan terminated by employer
- 3) Failure to pay in a timely manner
- 4) Eligible for Medicare or another group health plan
- 5) Covered by another group health plan

NOTE: It is the employee's responsibility to inform the school district of a divorce, separation, or dependent child losing coverage.

Continuation of Coverage Under Federal Law
(COBRA / S.B. 274)

To be eligible for continuation of coverage, the following requirements must be met:

- 1) Must be actively working and covered by a health plan
- 2) If spouse or dependent, you must be under plan at time of termination or reduction in hours.
- 3) Must notify appropriate person within 60 days of termination or hourly reduction that he/she wants to continue coverage
- 4) Cannot be eligible for other group coverage (includes cross reference contracts)
- 5) Cannot be entitled to Medicare

Cobra Time Frames:

- 1) Must respond within 60 days of the coverage termination date of notification, whichever is later. The coverage termination date is the date the state sponsored coverage ends.
- 2) Coverage must be paid retroactively. The qualified beneficiary has 45 days after election to pay premiums.

PAYROLL INFORMATION

Classified Staff

1. **BASE PAY CALCULATION:**

Base Pay will be calculated yearly for every employee. The purpose of Base Pay is to provide the employee with 12 consecutive monthly checks of the same Base Pay regardless of the number of days actually worked in a pay period.

Base Pay is calculated as follows:

ANNUAL SALARY divided by 12 pay periods = **BASE PAY**

2. **PAYROLL DISTRIBUTION:**

Salary is divided into twelve equal monthly checks and distributed on the 5th of each month for all classified employees.

3. **TIME SHEETS:**

Time sheets are due in the Central Office on the 25th of each month. This is necessary to properly process the time sheets and to proof for accuracy.

All time sheets should be sent to the Central Office (payroll department).

Properly completed time sheets (including supervisor's signature), submitted on time, provides the needed information for the payroll department to issue checks. Time sheets are much like statements. Bills cannot be paid without a statement – payroll checks cannot be issued without documented evidence that an employee has performed his/her duties during a given time period.

4. **SICK/PERSONAL DAYS:**

Full time classified employees receive 10 sick and 3 personal days annually. Personal days not used within a school year are converted to sick leave. Sick leave shall accumulate with the actual days posted annually on the first check of each new school year.

5. **ABSENCES:**

Absences are reported on the Classified Absence Form and noted on the time sheet. Classified employees should complete the top portion of the form. The principal will sign the Classified Absence Form and forward it to payroll at the end of each pay period. Signatures are required on all forms.

Continuation of:
Payroll Information – Classified Staff

6. WORK WEEK:

Each work week will be from 12:01 Saturday until midnight Friday.

7. OVERTIME CALCULATIONS:

Classified non-exempt employees will be paid 1 ½ times normal hourly rate for all hours worked over 40 hours per week. Vacation, sick and personal leave days are excluded from the calculation of overtime. Working over 8 hours in a day does not constitute overtime pay. Overtime must be authorized by the Superintendent **before** it is performed.

8. PAYROLL CHECKS:

If you have a question regarding your pay check stub, contact the Payroll Department at 756-3124 (Tracy Mattingly).

9. DOCKING RATES:

Employees are docked pay if they have missed more days than they have accrued through sick or personal leave time. Docks are taken at the employee's actual daily rate rather than the base pay rate. This may result in the dock being more than the amount earned on Base Pay.

EXAMPLE: An employee misses ten docked days in the pay period and has the following Base Pay calculation.

$\$12,000 \text{ divided by } 12 \text{ pays} = \$1,000 \text{ Base Pay}$

The dock is calculated as follows:

$\$12,000 \text{ divided by } 181 \text{ days} = \$66.30/\text{day} \times 10 \text{ days} = \663.00 Dock

If the dock exceeds the monthly Base Pay then the employee would not receive a check for that pay period. The excess dock would be deducted from the check the employee received in a subsequent pay period.

**NOTE: Individuals being docked days should contact CERS to determine impact on individual retirement account.*

Continuation of:
Payroll Information – Classified Staff

10. TIME SHEETS FOR SUBSTITUTE CLASSIFIED EMPLOYEES:

A time sheet must be completed showing date substituted, name of person subbing for, time per day, and the name of the calendar month.

11. NEW EMPLOYEES AND EMPLOYEE CHANGES:

All new employees must turn in a W-4 (Federal Tax Withholding Form) and a K-4 (State Tax Withholding Form) to the Payroll Department. Employees are required to complete forms prior to being paid. The forms provide the necessary information for accurate processing of earnings and tax deductions in a timely manner.

Any employee desiring to change withholding allowances claimed may complete a new W-4 or K-4 Form at any time during the year. The changes will take effect on the next scheduled payroll after the forms have been processed in the Payroll Department.

New employees have thirty (30) days to enroll in the Cafeteria Plan, health care plan, and other benefit plans provided by the board. If benefits are not selected within the thirty days after employment, the employee will not be permitted to elect coverage until the next open enrollment period. If an Insurance Option is not selected or waived within the 30 days then the lowest available option will be assigned. All other employees must make decisions during the open enrollment periods.

12. EXPERIENCE/YEARS:

For Salary Purposes A full time (20 hours or more per week) classified staff member who is employed by a board for at least one hundred forty (140) days of a school year and who performs duties, regardless of the schedule on which those duties were performed, shall be credited with one (1) year of experience.

13. VACATION:

Only 261 day classified employees are afforded 10 days annual vacation time after being employed in a district for one year. After completing 5 years in a 261 day contract the employee will be afforded 15 days.

14. CLASSIFIED CONTRACT:

At the beginning of each year, or any time there is an hourly rate change, a change in status, or a change in hours worked, each employee will be sent two copies of a contract. One copy is to be signed and returned to the Central Office and the other copy is for the employee's records. The contract indicates the total hours to be worked per day, the location assignment, total days to be worked, and the regular hourly wage to be paid.

Continuation of:
Payroll Information – Classified Staff

15. CHECK-IN AND CHECK-OUT TIMES:

Unless work is involved, the employee is not to report for duty nor check in prior to the regular starting time, and the employee is to go off duty and check out at the end of the regular schedule.

**16. DRIVING RECORD:
Bus Drivers**

Prior to the employee's initial employment or upon return from any break in service (excluding summers), the Superintendent or designee shall perform a criminal records and driving history check on all school bus drivers. No person shall be employed as a school bus driver who has been convicted of driving any motor vehicle under the influence of alcohol or any illegal drug within the last five (5) years.

Current school bus drivers shall immediately report to the local Superintendent or designee any revocation of a driving license or conviction for DUI or reckless driving.

Other Personnel

As a condition of employment, and/or when requested, personnel other than bus driver who regularly drives a Board-owned vehicle and/or regularly transports students shall provide the Superintendent with a copy of their driving records from the Kentucky Department of Transportation.

17. VERIFICATION OF EXPERIENCE:

New employees may bring in years of verified experience from prior employers if experience was in a similar position. Any employee who resigns or is terminated from a position and is later rehired in a same type of position will be paid at the same step on the classified salary schedule as when they resigned or terminated if the employee is rehired within (2) calendar years after the resignation or termination for economic reasons.

18. VERIFICATION OF EMPLOYMENT ELIGIBILITY FORM:

All new employees are required to produce documents that establish their identity and employment eligibility.

19. FORM W-4:

An Employer's Withholding Allowance Certificate is required for all employees.

Continuation of:
Payroll Information – Classified Staff

20. LUNCH BREAK:

Hourly employees are to notify their supervisor when leaving for and returning from lunch.

21. ASSURANCE OF EMPLOYMENT:

Unemployment compensation benefits are not available during periods of scheduled breaks in the work calendar. Employees who meet the eligibility requirements under unemployment regulations are covered by unemployment insurance.

PERSONNEL

03.2

-CLASSIFIED PERSONNEL-

Classified Personnel

DEFINITION

Classified personnel are all those employees who hold positions not requiring teacher certification.¹

SUBSTITUTE EMPLOYEES

Solely for purposes of the County Employees Retirement System, substitute employees shall serve a probationary period not to exceed twelve (12) months during which they shall not participate in CERS.

REFERENCES:

- ¹[KRS 161.011](#) (1)
- [KRS 78.510](#)
- [KRS 78.615](#)
- [702 KAR 001:035](#)

RELATED POLICY:

03.273

Adopted/Amended: 07/10/2007

Order #: 014

PERSONNEL

03.21

- CLASSIFIED PERSONNEL -

Hiring

SUPERINTENDENT'S RESPONSIBILITIES

ALL APPOINTMENTS, PROMOTIONS, AND TRANSFERS OF CLASSIFIED PERSONNEL FOR POSITIONS AUTHORIZED BY THE BOARD SHALL BE MADE BY THE SUPERINTENDENT WHO, AT THE FIRST MEETING FOLLOWING THE ACTIONS, SHALL NOTIFY THE BOARD OF SAME. SUCH NOTIFICATION SHALL BE RECORDED IN THE BOARD MINUTES.

EFFECTIVE DATE

Personnel actions shall not be effective until the Board receives notification of same.

CRIMINAL BACKGROUND CHECK AND TESTING

Applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations.¹ & ²

Each application or renewal form provided applicants for a classified position shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A STATE CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT. UNDER CERTAIN CIRCUMSTANCES, A NATIONAL CRIMINAL HISTORY BACKGROUND CHECK MAY BE REQUIRED AS A CONDITION OF EMPLOYMENT".¹

As permitted by [KRS 160.380](#), employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a felony sex crime or as a violent offender as defined in [KRS 17.165](#) or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Probationary employment shall terminate on receipt of a criminal history background check documenting a conviction for a felony sex crime or as a violent offender.

EDUCATIONAL REQUIREMENTS

No person shall be initially hired unless s/he holds at least a high school diploma or high school certificate of completion or GED certificate or unless s/he shows progress, as defined by Administrative Regulations of the State Board for Adult, and Technical Education, toward obtaining a certificate of high school equivalency. Employees shall hold the qualifications for the position as established by the Commissioner of Education.³

Existing and new paraprofessionals who provide instructional service or support in programs supported by Title I funds shall satisfy educational requirements specified by federal law.⁴

QUALIFICATIONS

Employees who are terminated and/or nonrenewed for cause by the District shall not be considered for any future employment by the District.

Employees who are nonrenewed for reasons other than cause may be considered for employment only if approved by the Superintendent.

JOB REGISTER

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

PERSONNEL

(Continued)

03.21

Hiring Vacancies Posted

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted in the Central Office and in each school building on a timely basis and shall refer interested persons to the Central Office job register for additional information.

REVIEW OF APPLICATIONS

Under procedures developed by the Superintendent, each application shall be reviewed and each applicant so notified. Applications for candidates not employed shall be retained for two (2) years.

RELATIONSHIPS

The Superintendent shall not employ a relative of a member of the Board unless the relative was initially employed by the District prior to the tenure of the Board member and the member was seated on the Board prior to July 13, 1990.

EMERGENCY HIRING

During emergency situations, job openings may be filled without listing in the job register or posting in District buildings.

JOB DESCRIPTION

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

CONTRACT

All regular full-time and part-time employees shall receive a contract.

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT

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

Classified employees assigned extra duties such as coaching shall be notified in writing by the last day of that assigned duty if they have reasonable assurance of continued employment in that or a similar capacity for the following school year.

REFERENCES:

¹[KRS 160.380](#)

²[702 KAR 005:080](#)

³[KRS 161.011](#)

⁴P. L. 107-110 (No Child Left Behind Act of 2001)

34 CFR 200.58-200.59; [KRS 17.160](#), [KRS 17.165](#); [KRS 156.070](#)

[KRS 160.345](#), [KRS 160.390](#); [KRS 335B.020](#), [KRS 405.435](#)

[OAG 91-10](#), [OAG 91-149](#), [OAG 91-206](#)

[OAG 92-1](#), [OAG 92-59](#), [OAG 92-78](#), [OAG 92-131](#)

Kentucky Local District Classification Plan; [785 KAR 001:110](#)

[Records Retention Schedule, Public School District](#)

RELATED POLICIES:

01.11, 02.4244, 03.232, 03.27, 03.5, 06.221

Adopted/Amended: 07/13/2011

Order #: 9

PERSONNEL

03.21 AP.1

- CLASSIFIED PERSONNEL -

Hiring

VACANCY

Any classified position opening created by the resignation, dismissal, non-renewal of contract, transfer, death of a classified staff member or new position created by the Board.

POSTING

- Central Office Posting: The Central Office shall maintain a listing of all classified vacancies occurring with the school district. All openings shall be posted for public viewing.
- Optional School Notice: A notice of classified position openings shall be forwarded to each school for posting for staff viewing.
- Optional Staff Notice: A notice of classified position openings shall be forwarded to all certified staff via E-mail Internet.

APPLICATIONS

An application packet will be prepared which will include a job description, application form and notice of application deadline. Applications must be requested from the Central Office. Completed applications should be returned to the Central Office accompanied by applicable certification(s). Applications will be maintained on file for a minimum of two (2) years. Thereafter, individuals wishing to be considered for a position must submit a new application or provide written request to update the application currently on file.

SCREENING AND SELECTION PROCESS

- Applications will be screened and preliminary interviews completed by the Superintendent/designee to determine eligibility for the position.
- The Superintendent shall prepare and forward to the school Principal or program director a listing of qualified candidates.
- The school or program may interview one or all candidates on the list.
- If a suitable, qualified applicant is not on the list, additional names may be requested from the Superintendent. Additional applicants must be provided if qualified for the position.
- School Principals must consult with the school council prior to recommending a candidate for employment.
- Once an applicant has been selected for the position, the Principal or program director advises the Superintendent/designee by phone of the recommendation so employment proceedings can be initiated as soon as possible after the selection.
- The Principal/program director shall advise the applicant that s/he is being recommended for the position pending completion of employment procedures at the Board Office.
- The Principal/program director shall advise by phone or mail those applicants interviewed who were not selected for the position.
- The Principal/program director shall follow up verbal notification with written recommendation to the Superintendent referencing the date of the council meeting to validate consultation.

PERSONNEL (Continued)

03.21 AP.1

Hiring

EMPLOYMENT

The selected applicant must complete an employment conference at the Central Office prior to being approved to begin work. This will include a required conference with the Superintendent.

Terms of employment shall be discussed which will include the following:

number of days employed	salary
number of years experience	sick and personal days
introductory training period	health and life insurance
retirement	criminal records check
driving records check	medical exam
contract	beginning date of employment
tax withholding (W4-K4)	evaluation
employment eligibility verification (Form I-9)	workers' compensation
COBRA notification	pay schedule
school calendar	holidays
overtime	vacation time
employee handbook	professional development
workdays	time sheet
Job description	

The Superintendent will confirm the appointment and notify the new employee of his/her contractual obligations by letter. The contract must be signed and returned to the Personnel Office. If not returned, the contract may be considered null and void. The Superintendent will place the employee's name on the Board agenda to finalize the employment process.

PERSONNEL FILE

A personnel file will be initiated on each new employee with a checklist of forms/procedures to be included in the file.

RELATED PROCEDURE

03.11 AP.1

Review/Revised:7/9/02

PERSONNEL

03.211

- CLASSIFIED PERSONNEL -

Medical Examination

BUS DRIVERS

As a condition of employment, each school bus driver, including substitute drivers, shall pass a medical examination on initial employment and each year thereafter in accordance with [702 KAR 005:080](#).

The Board shall pay the approved amount toward the cost of the bus driver's annual medical exam if done by a Board-approved practitioner. Any charges in excess of the approved amount must be paid by the driver.

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

OTHER NEWLY EMPLOYED CLASSIFIED PERSONNEL

As a condition of initial employment, all classified employees (except bus drivers), including substitute employees, shall pass a medical examination as indicated in [704 KAR 004:020](#). The examination shall be provided by a licensed physician, physician assistant (PA), or advanced registered nurse practitioner designated by the Board. If the employee elects to be examined by a private practitioner, the cost of examination shall be borne by the employee.¹

REPORT REQUIREMENTS

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

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

The medical examination shall be reported on the form required by Kentucky Administrative Regulation. A copy of the form and a statement indicating the employee's medical status must be filed with the Superintendent prior to assuming assigned duties.

TUBERCULOSIS SCREENING/TESTING

Upon initial employment, the medical examination shall include a risk assessment for tuberculosis as required by Kentucky Administrative Regulation. Individuals identified by that assessment as being at high risk for TB shall be required to undergo a tuberculin skin test as required by [704 KAR 004:020](#). A person who tests positive for TB shall be required to comply with the directives of the local board of health and the Kentucky Department for Public Health, Cabinet for Health and Family Services, for further evaluation and treatment of the tuberculosis infection.^{1, 2 & 3}

REQUIRED EXAMINATION FOR PRESENT PERSONNEL

When, in the opinion of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties because of health problems or when the employee poses a health threat to students or other employees, the Superintendent may require the employee to provide evidence of fitness in the form of an examination and report by a physician of the Superintendent's choosing. The Board shall bear the cost of this examination.³

PERSONNEL (Continued)

03.211

Medical Examination

SCHOOL TO REPORT

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

MEDICAL CONFIDENTIALITY

Signed consent of the employee designating personnel to be informed shall be required before the Superintendent advises personnel of the employee's medical condition.

The Superintendent shall determine which employees are to have access to medical information. This determination shall be made on a need-to-know basis.

REFERENCES:

¹[KRS 161.145](#); [702 KAR 005:080](#)

²[704 KAR 004:020](#), [902 KAR 002:020](#)

[OAG 91-1](#); [OAG 92-131](#)

Genetic Information Nondiscrimination Act of 2008

RELATED POLICIES:

³03.2234

03.24

Adopted/Amended: 08/12/2008

Order #: 043

PERSONNEL

03.212

- CLASSIFIED PERSONNEL -

Equal Employment Opportunity

NONDISCRIMINATION

The Superintendent shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, color, religion, sex, genetic information, national or ethnic origin, political affiliation, age, or disabling condition.¹

INDIVIDUALS WITH DISABILITIES

No qualified person with a disability, as defined by law, shall, on the basis of the disability, be subject to discrimination in employment.²

District employment practices shall be in accordance with the Board-approved procedures addressing requirements of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

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

REASONABLE ACCOMMODATION

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

Reasonable accommodation shall be provided as required by law.

ADVISING EMPLOYEES

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

REFERENCES:

¹[KRS 161.164](#)

²29 U.S.C.A. 794

[KRS 207.135](#)

34 C.F.R. 104.3 - 104.14

42 U.S.C. 200e, Civil Rights Act of 1964, Title VII, KRS Chapter 344

Americans with Disabilities Act of 1990 (ADA)

Kentucky Education Technology System (KETS)

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

Genetic Information Nondiscrimination Act of 2008

RELATED POLICIES:

03.233, 05.11

Adopted/Amended: 06/29/2010

Order #: 294

PERSONNEL

03.22

-CLASSIFIED PERSONNEL-

Compensation and Benefits

ESTABLISHMENT

The Board shall annually establish schedules for salaries and benefits for all classified personnel.

COBRA

At the time of initial employment an employee shall be given the first COBRA notification. Second notification and continuation of benefits shall be contingent upon the employee's notifying the district of a qualifying event.¹

REFERENCES:

¹Consolidated Omnibus Budget Reconciliation Act

26 CFR Part 1

[KRS 160.290](#) (1)

[KRS 160.390](#) (2)

Adopted/Amended: 07/19/1994

Order #: 10

PERSONNEL

03.221

- CLASSIFIED PERSONNEL -

Salaries

HOURLY OR SALARY BASIS

All regular and substitute classified personnel shall be employed and paid on an hourly or salary basis as established by the Board.

WORK DAY/WORK WEEK

The length of the work day shall be established for each position by the Board. The work week for hourly (non-exempt) employees shall not exceed forty (40) hours per week, unless overtime is authorized as provided by this policy.

QUALIFICATIONS

All employees shall be responsible for providing the Superintendent with all required certificates, other credentials, health examinations, and verifications of experience prior to beginning work.

LIST OF SALARIES

The Board shall maintain for public scrutiny a factual list of individual salaries of its employees for the fiscal year just closed and shall furnish that list by mail to a newspaper qualified under [KRS 424.220](#) to publish advertisements for the District.

PAYROLL DISTRIBUTION

Checks will be annualized over a 12-month period and issued according to a schedule approved annually by the Board.

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

PAYROLL DEDUCTION

The Board shall approve all payroll deductions as specified by specified by [KRS 161.158](#) and Board policy 03.2211.

OVERTIME

Overtime work shall be approved in advance by the Superintendent or designee. Hourly employees required to work in excess of forty (40) hours per week will be paid at the rate of 1-1/2 times the regular rate for all hours beyond 40 as provided by the Fair Labor Standards Act for overtime work.

REFERENCES:

[KRS 78.615](#); [KRS 161.158](#); [KRS 160.291](#); [KRS 161.011](#)

Fair Labor Standards Act

[Garcia v. San Antonio Metropolitan Transit Authority](#), 105 S.Ct. 1005 (1985)

[KRS 337.285](#); [KRS 424.220](#)

[702 KAR 003:060](#); [803 KAR 001:060](#), [803 KAR 001:070](#)

RELATED POLICY:

03.2211

Adopted/Amended: 04/08/2008

Order #: 275

PERSONNEL

03.221 AP.22

- CLASSIFIED PERSONNEL -

Personnel Documents

EMPLOYEE'S NAME _____ POSITION/WORK SITE _____

REQUIREMENTS

Employment shall be contingent upon meeting all requirements (state and local) for the position. Employees shall provide the following documents to the Central Office.

- HIGH SCHOOL DIPLOMA (OR GED OR PROOF OR PROGRESS TOWARD GED FOR STAFF EMPLOYED AFTER 7/31/90)**
- APPLICATION (INCLUDING REFERENCES, A LIST OF STATES OF FORMER RESIDENCE AND DATES OF RESIDENCY, AND PICTURE IDENTIFICATION)**
- CERTIFICATION (I.E., CDL FOR BUS DRIVERS) OR LICENSURE, WHERE APPLICABLE**
- SIGNED CONTRACT (WITH LETTER OF NOTIFICATION OF EMPLOYMENT)**
- VERIFICATION OF EXPERIENCE:** Verification from each school district or the Kentucky Department of Education for which there is experience. (This must be on file before salary can be received based on that experience). Central Office personnel will write for verification after the names of the school districts have been provided.
- HEALTH CERTIFICATION:** Each regular or substitute employee must have a medical examination, which shall include a tuberculin risk assessment, prior to initial employment, and proof shall be filed with the Central Office. Individuals identified as being at high risk for TB shall be required to undergo a tuberculin skin test as required by 704 KAR 4:020. This form is required annually for school bus drivers, as are required drug testing results. Health certification records shall also include results from Hepatitis B vaccinations, if the position so requires.
- MEMBERSHIP APPLICATION TO THE COUNTY EMPLOYEES' RETIREMENT SYSTEM:** Each regular full time classified employee must file a membership application with the County Employees' Retirement System if they are not already a member or if they have previously withdrawn their account.
- TAX WITHHOLDING EXEMPTION CERTIFICATES:** Each employee is to complete a copy of Form K-4 (State) and Form W-4 (Federal) for their file. (New certificates must be completed any time the employee makes a change in the number of exemptions claimed or the amount to be deducted.)
- CRIMINAL RECORDS CHECK FORM:** Required by state. Form will be mailed to the State Police by Central Office personnel. New classified employees must be fingerprinted at the Central Office.
- DRIVING RECORDS CHECK FORM:** Required by state for all bus drivers and by the District, if applicable, for other classified personnel.
- I-9 FORM:** Required by federal law to determine eligibility for employment in the United States.

PERSONNEL (Continued)

03.221 AP.22

Personnel Documents

REQUIREMENTS (CONTINUED)

- ❑ **COMMERCIAL DRIVER'S LICENSE:** Must be presented to the Superintendent's designee by each regular or substitute bus driver employed by the District prior to assuming the duties of the position.
- ❑ **CAFETERIA BENEFIT PLAN APPLICATION, if applicable:** Must be completed by every full-time employee of the School District. (This is usually done shortly after the opening of school by a person who visits each school to have the forms completed.)
- ❑ **FOOD SAFETY TRAINING CERTIFICATE, if applicable:** Must be presented to the Superintendent's designee by each regular or substitute food service employee of the School District prior to assuming the duties of the position, if required by the county/district Health Department.

Personnel records also may include the following: evaluation documents; documentation of personnel actions (promotions, transfers, demotions, disciplinary actions, nonrenewals, terminations); record of professional development activities, and other payroll-related information (insurance forms/deductions and direct deposit authorizations).

Review/Revised:7/8/08

PERSONNEL

03.2211

- CLASSIFIED PERSONNEL -

Salary Deductions

MANDATORY DEDUCTIONS

Mandatory payroll deductions made by the Board include:

1. State and federal income taxes;
2. Occupational tax, when applicable;
3. Social Security, when applicable;
4. County Employees' Retirement System of the State of Kentucky, when applicable;
5. Any deductions required as a result of judicial process, e.g., salary attachments, etc.; and
6. Medicare (FICA).

OPTIONAL DEDUCTIONS

Pursuant to the provisions of [KRS 161.158](#), the following optional payroll deductions are authorized by the Board for those employees who choose to participate:

1. Board approved health/life insurance program;
2. Board approved Tax Sheltered Annuity program;
3. Other state approved deferred compensation plan;
4. Board approved credit union;
5. United Way;
6. State-designated Flexible Spending Account (FSA) and Health Reimbursement Account (HRA) plans;
7. Membership dues for job-related organizations when thirty percent (30%) or more eligible members request the deduction(s). Such deductions may include a life insurance plan and an income protection plan associated therewith.

Additional payroll deductions requested by employee shall be made only with the Superintendent's approval. A minimum of fifteen (15) participants shall be required before additional programs are approved.

REFERENCES:

[KRS 160.291](#); [KRS 161.158](#); [702 KAR 001:035](#); [OAG 72-802](#)

Adopted/Amended: 08/12/2008

Order #: 043

PERSONNEL

03.2212

- CLASSIFIED PERSONNEL -

Cafeteria Plan

Classified personnel shall be eligible to participate in a cafeteria plan of benefits.

The Superintendent shall develop and make available to employees a list of benefits and procedures consistent with the regulations as listed in 26 C.F.R., Part I, 1.125.1. This listing, or any amendments thereto, shall be subject to review and final approval by the Board.

REFERENCE:

26 C.F.R. Part I, 1.125.1

Adopted/Amended: 07/19/1994

Order #: 10

PERSONNEL

03.222

- CLASSIFIED PERSONNEL -

Holidays and Vacations

All classified personnel who qualify shall be eligible for the four (4) holidays designated in the official school calendar.¹ These are part of the school year required by state law.²

Two hundred sixty-one (261) day classified employees shall be paid for the following additional holidays: Memorial Day (when school is not in session), Independence Day, Martin Luther King Day and Christmas Eve (if Christmas Eve falls on a Saturday or Sunday it will be substituted with the day after Thanksgiving).

EXCEPTION

The Superintendent may require, for security or other reasons, certain classified personnel to work on holidays. In this case, the employee shall be granted the holiday on another day.

VACATIONS

Two hundred sixty-one (261)-day classified employees shall be entitled to two (2) weeks (10 days) vacation annually after being employed in the District for one (1) year.

After being employed in the District in a 261 day position for a minimum of five (5) years, classified employees will be eligible for a total of three (3) weeks/fifteen (15) days of vacation annually.

Vacation time shall be approved in advance by the immediate supervisor and must be taken no later than June 30 of each year.

NONCUMULATIVE

Unused vacation days shall not accumulate.

REFERENCES:

¹[702 KAR 007:125](#)

²[KRS 158.070](#)

[KRS 160.291](#)

[KRS 2.110](#)

[KRS 2.190](#)

Adopted/Amended: 08/17/2006

Order #: 043

- CLASSIFIED PERSONNEL -

Leaves and Absences

REQUESTS FOR UNPAID LEAVE

To minimize disruption of the educational program, the Board strongly discourages employees from requesting unpaid leave for extended periods during the regular school term for vacation and other similar reasons. The Superintendent may approve such requests only under extraordinary circumstances. The Superintendent shall utilize standards in determining what constitutes an extraordinary circumstance to include, but not be limited to, the following:

1. Could this activity have been scheduled to take place outside the instructional calendar?
2. Will the absence of the employee disrupt educational services?
3. Will approval of this request mean that the employee will be unable to fulfill critical portions of his/her contractual obligations?

Leave without pay, not to exceed five (5) days per request, may be granted by the Superintendent. Requests shall be made in writing and shall be submitted to the immediate supervisor and to the Superintendent for approval.

Authorization of leave and time taken off from one's job shall be in accordance with specific leave policy. Absence from work that is not based on appropriate leave for which the employee is qualified may lead to disciplinary consequences, up to and including termination of employment.

NOTIFICATION OF RETURN

Employees on leave covered by the related policies listed below shall notify the Superintendent in writing by April 1 of the year the leave terminates of the date of their intent to return to the school system. Failure to do so will render the position vacant.

LEAVE FOLLOWING ASSAULT

The District shall provide leave with pay for employees assaulted while performing their assigned duties when the assault results in injuries that qualify the employee for workers' compensation benefits. The period of leave shall not exceed one (1) calendar year following the assault. During that period, the employee shall not experience loss of income or benefits, including sick leave, under the terms and conditions set forth in [KRS 161.155](#).

FMLA

Eligible employees may apply for leave under the provisions of the Family and Medical Leave Act of 1993.

REFERENCES:

[KRS 161.155](#); [KRS 161.770](#)
Family and Medical Leave Act of 1993

RELATED POLICIES:

03.2232, 03.22322, 03.2233, 03.2234, 03.224

Adopted/Amended: 07/13/2011

Order #: 9

PERSONNEL

03.2231

- CLASSIFIED PERSONNEL -

Personal Leave

NUMBER OF DAYS

Full-time classified employees shall be entitled to three (3) days of personal leave with pay each school year.

Persons employed for less than a full year contract shall receive a prorata part of the authorized personal leave days calculated to the nearest 1/2 day.

Persons employed on a full year contract but scheduled for less than a full work day shall receive the authorized personal leave days equivalent to their normal working day.

APPROVAL

The Superintendent or designee must approve the leave date, but no reasons shall be required for the leave.

AFFIDAVIT

Employees taking personal leave must file a personal affidavit stating that the leave is personal in nature.

ACCUMULATION

On June 30, personal leave days not taken during the current school year shall be transferred and credited to the employee's accumulated sick leave account.

REFERENCE:

[OAG 77-115](#)

Adopted/Amended: 09/14/1999

Order #: 50

- CLASSIFIED PERSONNEL -

Sick Leave

NUMBER OF DAYS

All full-time, classified personnel shall be entitled to ten (10) days of sick leave with pay per year.

Persons employed on a full year contract but scheduled for less than a full work day shall receive the authorized sick leave days equivalent to their normal working day. However, sick leave is not granted to personnel working less than four (4) hours per day.

ACCUMULATION

Sick leave days not taken during the school year in which they were granted shall accumulate without limitation to the credit of the classified employee to whom they were granted.

DEFINITION

Sickness shall mean personal illness, including illness or temporary disabilities arising from pregnancy.

FAMILY ILLNESS/MOURNING

Sick leave can also be taken for illness in the immediate family or for the purpose of mourning a member of the employee's immediate family. Immediate family shall mean the employee's spouse, children (including stepchildren and foster children), parents, spouse's parents, grandparents, spouse's grandparents, son-in-law or daughter in-law, grandchildren, brother, sister, niece and nephew without reference to the location or residence of said relative and any other blood relative who resides in the employee's home.

TRANSFER OF SICK LEAVE

Classified employees coming to the District from another Kentucky school district or from the Kentucky Department of Education shall transfer accumulated sick leave to the District.

SICK LEAVE DONATION PROGRAM

Under procedures developed by the Superintendent, classified employees who have accrued more than fifteen (15) days of sick leave may request to transfer sick leave days to another employee who is authorized to receive the donation. The number of days donated shall not reduce the employee's sick leave balance to less than fifteen (15) days.

Classified employees are eligible to receive donated days if they meet the criteria established in statute.

Any sick leave not used shall be returned on a proportionate/pro-rated basis to employees who donated days.

AFFIDAVIT

Upon return to work, an employee claiming sick leave must file a personal affidavit or a certificate of a physician stating that the employee was ill or that the employee was absent to attend a member of the immediate family who was ill.

**PERSONNEL
(Continued)**

03.2232

Sick Leave

BEREAVEMENT LEAVE

Employees may use up to three (3) days of sick leave for bereavement leave purposes in accordance with policy 03.2236.

REFERENCES:

[KRS 161.155](#)

[OAG 93-39](#), [OAG 79-148](#)

Family & Medical Leave Act of 1993

RELATED POLICIES:

03.22322

03.2233

03.2236

03.224

Adopted/Amended: 08/10/2004

Order #: 45

Request to Donate Sick Leave

AN EMPLOYEE WISHING TO DONATE SICK LEAVE DAYS TO ANOTHER DISTRICT EMPLOYEE SHALL SUBMIT THIS COMPLETED FORM TO THE SUPERINTENDENT/DESIGNEE.

DONOR'S NAME: _____ **SCHOOL/WORK SITE:** _____

EMPLOYEE IDENTIFICATION NUMBER: _____

NUMBER OF SICK LEAVE DAYS I WISH TO DONATE: _____

NOTE: The number of days donated may not reduce the donor's accumulated sick leave balance to less than fifteen (15) days.

NAME OF DISTRICT EMPLOYEE TO WHOM I WISH TO DONATE DAYS: _____

_____	_____	_____
<i>Donor's Signature</i>	<i>Date</i>	<i>Time</i>

TO BE COMPLETED BY SUPERINTENDENT/DESIGNEE

- The employee to whom sick leave days are to be donated
 - is eligible
 - is not eligible to receive the donated days (explain) _____.
- The donating employee's sick leave balance will fall below fifteen (15) days.
 - YES
 - NO
- The receiving employee suffers from a catastrophic loss to his/her personnel or real property due to either a natural disaster or fire that either has caused or will likely cause the employee to be absent for at least 10 (ten) consecutive working days.
 - YES
 - NO
- All donated days remaining
 - after the need has been met
 - at the conclusion of the current school year
 - after the need has been met and/or at the conclusion of the current school
 - other _____
 shall be returned to the donor(s) on a
 - proportionate/pro-rated basis
 - on a first-in/first-out basis
 - other (explain) _____.

_____	_____
<i>Signature of Superintendent/designee</i>	<i>Date</i>

PERSONNEL

03.1232 AP.22

Request to Receive Donated Sick Leave

AN EMPLOYEE REQUESTING TO RECEIVE DONATED SICK LEAVE MUST MEET ALL OF THE ELIGIBILITY CRITERIA LISTED BELOW AND MUST FILE THIS FORM WITH THE SUPERINTENDENT/DESIGNEE.

Name of Receiving Employee _____

School/Work Site _____

Social Security/Employee Identification Number _____

ELIGIBILITY CRITERIA TO BE VERIFIED BY SUPERINTENDENT/DESIGNEE

- The receiving employee suffers from a catastrophic loss to his/her personal or real property, due to either a natural disaster or fire, that either has caused or will likely cause the employee to be absent for at least ten (10) consecutive working days; and/or
- The employee or a member of his/her immediate family suffers from a medically certified illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the employee to be absent for at least ten (10) days.
- The employee has completed and returned the "Request to Receive Donated Sick Leave" form and, when the reason can be certified medically, attached to this form a statement from a licensed physician certifying the need for the absence and use of leave.
- The employee has exhausted his/her accumulated sick leave, personal leave, emergency leave, and any other paid leave granted by the Board.
- The employee has complied with the District's policies governing the use of sick leave.

I hereby give my permission to the Superintendent/designee to notify District employees of my need for the use of donated sick leave days, including a general description of the reason for the need.

Employee's Signature

Date

I certify that the above-mentioned criteria have been met by this employee and that his/her name and a general description of the reason for need will be given to supervising administrators for circulation to District employees.

Superintendent/designee's Signature

Date

TO BE COMPLETED BY SUPERINTENDENT/DESIGNEE

Leave shall be granted as follows:

- Entire/successive days
- Partial/successive days
- Intermittent leave
- Entire days, intermittent leave
- Partial days, intermittent leave
- Other (explain) _____

Review/Revised:8/8/2000

- CLASSIFIED PERSONNEL -

Family and Medical Leave

REASONS

In compliance with the Family and Medical Leave Act of 1993 and under procedures developed by the Superintendent, leave shall be granted to eligible employees for the following reasons:

1. For the birth and care of an employee's newborn child or for placement of a child with the employee for adoption or foster care;
2. To care for the employee's spouse, child, or parent who has a serious health condition, as defined by federal law;
3. For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the employee's job;
4. To address a qualifying exigency (need) defined by federal regulation arising out of the active duty or call to active duty of a covered family member (spouse, son, daughter, parent or next of kin) who serves in a reserve component or as an active or retired member of the Regular Armed Forces or Reserve in support of a contingency operation; and
5. To care for a covered family member (spouse, son, daughter, parent or next of kin) who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces that has rendered or may render the family member medically unfit to perform duties of his/her office, grade, rank or rating.

NOTICES AND DEADLINES

- Employees who may be eligible for or who request leave for any of the above reasons shall be provided an FMLA notice of eligibility and rights and responsibilities. Requests for family and medical leave entitlement should be made in writing but verbal requests may be made to the immediate supervisor or other designated administrator who shall then document the request. The District may require that a request for leave be supported by a certification for health care or military-related situations as permitted by federal law, but such requirements must be set out in the required notice.

Deadline for Notice to be Provided: Absent extenuating circumstances, within five (5) business days of District receipt of a request or the District being made aware of a potentially qualifying reason.

- The District shall designate an employee's leave, paid or unpaid, as FMLA-qualifying and shall provide a designation notice indicating whether the request is approved or if additional information is needed. Leave may be delayed if the employee does not provide proper notice (30 days advance notice for a foreseeable leave; otherwise, notice as soon as the need becomes known).

Deadline for Notice to be Provided: Absent extenuating circumstances, within five (5) business days of learning that an FMLA reason supports the leave.

PERSONNEL

(Continued)

03.22322

Family and Medical Leave

ELIGIBILITY

Employees are eligible for up to twelve (12) workweeks of family and medical leave each school year, if they have been employed by the District for twelve (12) months, have worked at least 1,250 hours during the twelve (12) months preceding the start of the leave, and otherwise qualify for family and medical leave. When family and medical leave is taken to care for a service member's recovery from a serious illness or injury sustained in the line of duty, an eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve-month period. This provision also applies to covered service members/veterans that have been on active duty within the past five (5) years.

In determining whether returning veterans meet the minimum 1,250 hour standard, hours actually worked for the District during the twelve-month period are to be combined with hours they would have worked for the District had they not been called for military service.

In situations involving both the Americans with Disabilities Act (ADA) and FMLA, the District shall apply the law affording the employee the greater benefit.

RESTRICTIONS

To the extent that an employee is entitled to any paid leave, such leave shall be taken and it shall run concurrently with family and medical leave, except that the employee may request to reserve ten (10) days of sick leave. (This requirement shall not apply to employees taking workers' compensation leave.) However, when an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with the twelve (12) workweek entitlement.

Paid leave used by the employee as required under this policy shall count, as applicable, against the twelve (12) or twenty-six (26) FMLA workweek entitlement.

Entitlement to family and medical leave for the birth and care of a newborn child or placement of a child shall expire twelve (12) months after the date of such birth or placement.

When both husband and wife are employed by the District, the combined amount of family and medical leave for reasons other than personal illness or illness of a child shall be limited to twelve (12) workweeks. In cases of personal illness or illness of a child, each spouse is entitled to twelve (12) workweeks of family and medical leave.

Exception: The limit on the combined amount of family and medical leave shall be twenty-six (26) workweeks when both an eligible husband and wife are employed by the District and are eligible for leave that involves a covered Armed Forces service member.

Unused family and medical leave shall not accumulate from year to year.

INTERMITTENT LEAVE/REDUCED HOURS

Family and medical leave may be taken intermittently (when medically necessary) or on a reduced hours basis.

**PERSONNEL
(Continued)**

03.22322

Family and Medical Leave

CONTINUATION OF BENEFITS

While on family and medical leave, employees shall be entitled to all employment benefits accrued prior to the date on which the leave commenced. Health insurance for an employee on family and medical leave shall continue to be provided by the state on the same basis had the employee not taken leave. Other employment benefits and seniority shall not accrue during unpaid family and medical leave.

RETURN TO WORK

As noted by the required notice of eligibility and rights and responsibilities, when family and medical leave is taken due to an employee's own serious health condition, the employee shall provide fitness-for-duty certification before returning to work. This may include certification by the health care provider that the employee is able to perform essential functions specific to the job, as noted by the District in a list attached to the certification form.

Upon return to work, the employee shall be entitled to his/her same position (or an equivalent position with equivalent pay) with corresponding benefits and other terms and conditions of employment.

NOTICE

The District shall notify employees of family and medical leave provisions by posting appropriate notices in conspicuous places in the Central Office and each worksite and distributing notices as required by law.

REFERENCES:

Family and Medical Leave Act of 1993, 29 U.S.C. 2601-2654
Title I of the FMLA, as amended by the National Defense Authorization Act
Code of Federal Regulations, Title 29, Part 825

RELATED POLICIES:

03.223
03.2232
03.2233
03.2234
03.2238
03.224

Adopted/Amended: 06/29/2010
Order #: 294

PERSONNEL

03.12322 AP. 21

Request for Family and Medical Leave of Absence

FAMILY AND MEDICAL LEAVE SHALL BE GRANTED UNDER THE TERMS OF POLICIES 03.12322/03.22322.

Name _____ Position/School _____ Hire Date _____

I request Family and Medical Leave for the following reason:

- | | |
|--|---|
| <input type="checkbox"/> My personal serious health condition | <input type="checkbox"/> Covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan: |
| <input type="checkbox"/> Serious health condition of my parent | <input type="checkbox"/> spouse <input type="checkbox"/> child <input type="checkbox"/> parent <input type="checkbox"/> next-of-kin |
| <input type="checkbox"/> Birth and care of my newborn child | <input type="checkbox"/> Covered family member has incurred an injury or illness in the line of duty while on active duty in the Armed Forces that has rendered or may render the family member medically unfit to perform duties of his/her office, grade, rank or rating: |
| <input type="checkbox"/> Placement by the state of a child with me for foster care | <input type="checkbox"/> spouse <input type="checkbox"/> child <input type="checkbox"/> parent <input type="checkbox"/> next-of-kin |
| <input type="checkbox"/> Serious health condition of my child | |
| <input type="checkbox"/> Serious health condition of my spouse | |
| <input type="checkbox"/> Adoption of a child(ren) | |

Extension of leave requested earlier on _____

The leave/extension requested will begin on _____ *Date* and end on _____ *Date*.

If the request is for Family and Medical Leave on a reduced or intermittent basis for recurring medical treatments for a child, parent, spouse, or yourself, specify dates requested. _____

Employee's Signature *Date*

IF YOUR SPOUSE IS EMPLOYED BY THE DISTRICT AND ALSO IS REQUESTING FMLA LEAVE CONCURRENT WITH YOURS FOR THE SAME REASON, PLEASE COMPLETE THE FOLLOWING INFORMATION.

Spouse's Name _____ Position/School _____ Hire Date _____

S/he has requested Family and Medical Leave for the following reason: Birth/care of child
 Illness of child Adoption/foster care of a child(ren) Military service injury/illness

Spouse's Signature *Date*

This form was received by the following person:

Superintendent's/designee's Signature *Date*

Attach completed copy of certification required by notice of eligibility and rights and responsibilities.

NOTES

- FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement that provides greater family or medical leave rights.
- Employees may file a complaint with the U.S. Department of Labor concerning an FMLA issue.

Review/Revised:6/29/10

- CLASSIFIED PERSONNEL -

Maternity Leave

PAID SICK LEAVE

Childbirth and recovery therefrom, which prevent the employee from performing assigned duties, shall entitle the employee to sick leave benefits as provided in Board Policy 03.2232.

An illness of the newborn shall entitle the employee to sick leave benefits as provided in Board Policy 03.2232.

An employee may use up to thirty (30) days of sick leave immediately following the birth or adoption of a child or children. Additional sick leave days may be used when the need is verified by a physician's statement.

UNPAID MATERNITY LEAVE

On written request, the parent of a newborn or the employee who adopts a child or children shall be granted unpaid leave of absence not to exceed the remainder of the school year in which the birth or placement occurs. Thereafter, leave may be extended in increments of no more than one (1) year.

Employees on maternity leave shall notify the Superintendent in writing of their intent to return to the school system on or before the date prescribed in Policy 03.223. Failure to do so will render the position vacant.

Employees taking a maternity leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position or the same school cannot be guaranteed.

FMLA

In compliance with the Family and Medical Leave Act of 1993, eligible employees are entitled to up to twelve (12) workweeks of unpaid leave to care for the employee's child after birth or placement of a child with the employee for adoption or foster care. Leave to care for an employee's healthy newborn baby or minor child who is adopted or accepted for foster care must be taken within twelve (12) months of the birth or placement of the child.

REFERENCE:

Family & Medical Leave Act of 1993

RELATED POLICIES:

- 03.223
- 03.2232
- 03.22322

Adopted/Amended: 06/29/2010
Order #: 294

PERSONNEL

03.2234

- CLASSIFIED PERSONNEL -

Extended Disability Leave

This policy shall be applied in a manner consistent with policy 03.212 and the Americans with Disabilities Act (ADA), when those provisions are applicable.

UNPAID LEAVE

Unpaid disability leave may be granted by the Board, upon written request, for the remainder of the contract year. Thereafter, leave may be extended by the Board in one (1) year periods.

FMLA

In compliance with the Family and Medical Leave Act of 1993, leave shall be granted in accordance with Board Policy 03.22322.

VERIFICATION

The Superintendent may require the employee to secure a licensed physician's verification of disability.

NOTIFICATION OF RETURN

Employees on extended disability leave shall notify the Superintendent in writing of their intent to return to the school system on or before the date prescribed in Policy 03.223. Failure to do so will render the position vacant.

PLACEMENT UPON RETURN

Employees taking disability leave will, on return, be entitled to a comparable position for which they are qualified. Placement in the same position or the same building cannot be guaranteed.

INVOLUNTARY DISABILITY LEAVE

When, on advice of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties, the Board may require the employee to provide evidence of ability to perform the essential functions of the position in the form of an examination and report by a physician of the Board's choosing. The Board shall bear the cost of this examination.

REFERENCES:

Consolidated Omnibus Budget Reconciliation Act
Family & Medical Leave Act of 1993
Americans with Disabilities Act of 1990

RELATED POLICIES:

03.211
03.212
03.223
03.22322

Adopted/Amended: 02/11/1997
Order #: 224

PERSONNEL

03.2235

- CLASSIFIED PERSONNEL -

Educational Leave

Upon recommendation of the Superintendent, the Board may grant classified personnel short-term leave with pay for the purpose of obtaining training to enhance the skills required in performing their job or to obtain training in anticipation of a different position with the school system.

REFERENCE:

[OAG 84-43](#)

Adopted/Amended: 07/19/1994

Order #: 10

PERSONNEL

03.2235 AP.2

- CLASSIFIED PERSONNEL -

Educational Leave Request

CLASSIFIED EMPLOYEES MAY BE GRANTED A SHORT-TERM LEAVE OF ABSENCE FROM THE DISTRICT, PURSUANT TO THE TERMS OF POLICY 03.2235. THIS COMPLETED FORM MUST BE RECEIVED AND ACTED UPON PRIOR TO THE EDUCATIONAL OPPORTUNITY/TRAINING EVENT.

Employee's Name _____

Position/School _____

Length of leave requested? _____

Number of years employed in the District? _____

Previously received educational leave in this District? No Yes, when _____

If granted, what will be the purpose of this leave? _____

How will the granting of this leave enhance your professional skills to the benefit of the District?

If this leave request is approved by the Board, I understand that my return to employment in the District is subject to the provisions of Policies 03.223 and 03.2235 and to the terms of my employment contract.

Employee's Signature

Date

Supervisor's Signature

Date

Superintendent's/designee's Signature

Date

LEAVE REQUEST WAS APPROVED DENIED BY BOARD AT ITS _____ MEETING

Date

Review/Revised:5/12/1998

- CLASSIFIED PERSONNEL -

Bereavement Leave

NUMBER OF DAYS

Full-time classified employees may use up to three (3) days of days of sick leave for bereavement leave each year.

Persons employed for less than a full year contract shall receive a prorata part of the authorized bereavement leave days calculated to the nearest 1/2 day.

Persons employed on a full year contract but scheduled for less than a full work day shall receive the authorized bereavement leave days equivalent to their normal working day.

Bereavement leave shall be granted for the death of the following relatives: employee's spouse, children (including stepchildren), parents, spouse's parents, grandparents, spouse's grandparents, son or daughter in-law, grandchildren, brother, sister, niece, nephew, aunt, uncle, brother-in-law, sister-in-law and cousin.

AFFIDAVIT

Persons taking bereavement leave must file a personal affidavit on their return to work stating the specific reasons for their absence.

REFERENCES:

- [KRS 161.152](#)
- [KRS 161.155](#)
- [OAG 76-427](#)
- [OAG 72-348](#)
- [OAG 74-770](#)

Adopted/Amended: 08/09/2005

Order #: 027

PERSONNEL

03.2237

- CLASSIFIED PERSONNEL -

Jury Leave

SALARY

Any employee who serves on a jury in a duly constituted local, state, or federal court shall be granted leave with full compensation, less any compensation received as jury pay (except expense monies), for the period of his actual jury service.

NOTICE

Persons who will be absent from work to serve on juries must give advance notice to their immediate supervisors.

REFERENCES:

[KRS 161.153](#)

[OAG 78-696](#)

Adopted/Amended: 07/19/1994

Order #: 10

-CLASSIFIED PERSONNEL-

Military/Disaster Services Leave

Military leave will be granted to classified personnel under the provisions and conditions specified in law.

Employees who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or of the reserve corps of the United States Public Health Service shall be entitled to military leave, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled. In any one (1) federal fiscal year, employees, while on military leave, shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued. Determination of the period of military leave to be granted shall be made according to statutory requirements.

The employee is responsible for notifying his/her immediate supervisor as soon as s/he is notified of an impending military-related absence.¹

The Board may grant disaster services leave to requesting eligible employees. An “eligible employee” means one who is a certified disaster services volunteer of the American Red Cross. Disaster services leave shall be with pay and shall not exceed thirty (30) work days in any twelve (12)-month period.²

REFERENCES:

¹[KRS 61.373](#), [KRS 61.375](#), [KRS 61.377](#), [KRS 61.394](#), [KRS 61.396](#)

²[KRS 61.395](#)

[KRS 161.740](#) (3)

[702 KAR 003:070](#)

[OAG 76-316](#)

[OAG 74-258](#)

[OAG 82-305](#)

Adopted/Amended: 08/17/2006

Order #: 043

PERSONNEL

03.224

- CLASSIFIED PERSONNEL -

Insurance

INSURANCE

The Board shall provide unemployment insurance, workers' compensation, and liability insurance for all classified personnel. In addition, the State provides group health and life insurance to employees who are eligible as determined by Kentucky Administrative Regulation.¹

WORKERS' COMPENSATION

Employees who qualify for workers' compensation benefits following an assault and injury, while performing assigned duties, should refer to policy 03.223.

Employees who qualify for Workers' Compensation may be offered the opportunity to participate in an Early Return to Work Program. Transition employment need not be in the same job classification or location, but must comply with the treating physician's restrictions and amendments until the participating employee achieves maximum medical recovery.

REFERENCES:

¹[702 KAR 001:035](#)

Consolidated Omnibus Budget Reconciliation Act

Kentucky Constitution (Section 3); [KRS 161.155](#); [KRS 342.730](#)(6)

RELATED POLICIES:

03.2211, 03.223, 03.22322, 03.2241, 03.24

Adopted/Amended: 07/13/2011

Order #: 9

PERSONNEL

03.225

- CLASSIFIED PERSONNEL -

Expense Reimbursement

Provided the Superintendent/designee has given prior approval to incur the expense, the Board shall reimburse classified employees for job-related travel when such travel is a required part of the duties of the employee or for job-related activities approved by the Superintendent and, when appropriate, the School Council. Travel expenses of school-based personnel in SBDM schools shall be paid from Council funds. In the case of expenses reimbursed from internal accounts, the Principal shall be the authority for approving reimbursement. The Board will reimburse only actual expenses. Allowable expenses are:

MILEAGE

Actual mileage between official work stations within the district and actual mileage for trips outside the district which have been approved by the Superintendent and the Council in SBDM schools will be reimbursed at the rate determined by the Board when the employee uses his/her own vehicle.

GASOLINE

Actual costs of gasoline and oil purchased and placed in a Board-owned vehicle by an employee while engaged in job-related travel. Purchase must be substantiated by a receipt showing total gallons and total charges.

TOLLS AND FEES

All tolls and parking fees incurred in job-related travel. Parking fees must be substantiated by a ticket or receipt. (Tolls are not to be charged for District vehicles being operated in state in an official capacity.)

CAR RENTAL

Car rental charges when approved by the Superintendent and the Council in SBDM schools. Charges must be substantiated by a receipt.

COMMON CARRIERS

All charges or fares for necessary travel on common carriers (plane, bus, train, subway, taxi, ferry, etc.). Sight-seeing and pleasure tours are not reimbursable.

OUT-OF-STATE TRAVEL

Reimbursement for out-of-state travel by privately owned vehicles shall be made on the basis of airplane coach fare or mileage rate, whichever is the lesser amount.

FOOD

If an employee is out of the District on District business, s/he shall be entitled to reimbursement for meals as follows:

Travel Time	Meal Reimbursement
travel before 6:30 AM	breakfast
travel between 11:00 AM and 2:00 PM	lunch
travel after 6:00 PM	dinner

PERSONNEL (Continued)

03.225

Expense Reimbursement

FOOD (CONTINUED)

The Board shall establish the rate of reimbursement for meals which shall be recorded in Board minutes. Employees traveling to high-cost areas may request consideration for reimbursement in excess of the per diem from the Superintendent.

LODGING

Hotel or motel charges (not including food or other charges) incurred in school-related travel. Charges must be substantiated by a receipt.

EMERGENCY REPAIRS TO VEHICLES

Reimbursement will be made for emergency repairs or road service to Board-owned vehicles if incapacitated while out-of-District. Drivers may not obligate the Board for major repairs without the permission of the Director of Transportation or Superintendent.

REIMBURSEMENT FORMS

No request for travel reimbursement will be considered unless filed on the proper form and accompanied by the proper receipts and submitted within thirty (30) days of the incurred expense.

REFERENCES:

[KRS 160.290](#); [KRS 160.410](#); [KRS 175.525](#)

[OAG 80-395](#)

United States v. Correll, 389 U.S. 299 (1967)

Accounting Procedures for Kentucky School Activity Funds

Adopted/Amended: 08/12/2008

Order #: 043

Travel Request Form

Employee Name _____

School/Work Site _____ Conference/Workshop _____

Date(s) _____ Departure Time _____ Return Time _____

Rationale for Attendance: _____

Expenses to be paid by: Special Education School SBDM
 General Fund Reading First Title II School Activity Fund
 FRYSC District PD School PD Other, please list _____

Substitute Needed? No Yes Number of Days _____

Does registration fee include meals? Yes No

If "YES" how many? ___ breakfast ___ lunch ___ dinner.

Estimated Mileage to be reimbursed: _____

Mileage will be reimbursed at the rate established by the Board.

Lodging Reimbursement Requested No Yes

Estimated cost per night _____ Number of nights: _____

The District will not reimburse for lodging expenses without an itemized receipt nor for guests/traveling companions.

Meals Reimbursement Requested: No Yes If yes, how many?

____ Breakfast Travel before 6:30 a.m.

____ Lunch Travel between 11:00 a.m. and 2:00 p.m.

____ Dinner Travel after 6:00 p.m.

After Conference/Workshop, you must turn in expenses for Registration, Lodging, Meals, and mileage on a Travel Voucher within thirty (30) days of the incurred expense and attach applicable receipts.

Signature of Employee *Date*

Signature of Superintendent/Designee *Date*

RELATED PROCEDURES:

03.125 AP.22

04.31 AP.2 (District procurement cards)

Review/Revised:7/8/08

PERSONNEL

03.125 AP.22

Travel Expense Voucher

EMPLOYEE NAME _____

EMPLOYEE ADDRESS _____

DATE	TIME OF		LOCATION		# MILES	TOLLS*/ PARKING	LODGING	SUBSISTENCE	TOTALS
	Departure	Return	From	To					
								B _____ L _____ D _____	
Purpose									
								B _____ L _____ D _____	
Purpose									
								B _____ L _____ D _____	
Purpose									
								B _____ L _____ D _____	
Purpose									
								B _____ L _____ D _____	
Purpose									
								B _____ L _____ D _____	
Purpose									

<p>I hereby certify, subject to the provisions of KRS 523.100 (unsworn falsification to authorities), that the above are proper charges by a statutory employee of the Board of</p>	ENTER MILEAGE FROM ALL PAGES _____ MILES _____ CENTS PER MILE	
	OTHER EXPENSES (From Reverse Side)	
	GRAND TOTAL	
Tolls (none for District vehicles being operated in state in an official capacity)		

EMPLOYEE'S SIGNATURE _____

DATE _____

SUPERVISOR'S SIGNATURE _____

DATE _____

**PERSONNEL
(Continued)**

03.125 AP.22

Travel Expense Voucher

INCLUDE AIRFARE, CAR RENTAL, TAXI, REGISTRATION FEES, ETC.

DATE	ITEM OF EXPENSE (ATTACH RECEIPT)	EXPLANATION	AMOUNT

PER DIEM RATE
(RATE INCLUDES MEALS, TAXES AND TIPS)

TRAVEL TIME	MEAL REIMBURSEMENT	MEAL LIMIT
travel before 6:30 AM	breakfast	\$5.00
travel between 11:00 AM and 2:00 PM	lunch	\$8.00
travel after 6:00 PM	dinner	\$15.00

Per Diem cannot be claimed for meals included in registration fees.

Review/Revised:8/8/06

PERSONNEL

03.231

- CLASSIFIED PERSONNEL -

Assignment

The assignment of classified personnel shall be made by the Superintendent, who, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

The Superintendent shall assign personnel only in positions for which they are qualified.

The Superintendent shall not assign the relative of a school Principal to the school where the Principal is assigned unless the relative is not the spouse and was employed in that school during the 1989-90 school year. No spouse of a Principal shall be assigned to the school where the Principal is assigned unless the spouse was employed in the 1989-1990 school year and the District has no more than one (1) elementary school, one (1) middle school, and one (1) high school. A Principal's spouse employed in the Principal's school shall be evaluated by another school administrator.¹

REFERENCES:

- ¹[KRS 160.380](#)
- [OAG 91-28](#)
- [OAG 92-1](#)
- [OAG 92-135](#)
- [KRS 160.390](#)

Adopted/Amended: 07/23/1998

Order #: 23

PERSONNEL

03.2311

- CLASSIFIED PERSONNEL -

Transfer

The transfer of classified personnel shall be made by the Superintendent who, at the first meeting following the transfer, shall notify the Board of same. Such notification shall be recorded in the Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

TRANSFER OF EMPLOYEES CHARGED WITH A FELONY

Notwithstanding any other policy provision, the Superintendent may transfer an employee charged with a felony offense as permitted under [KRS 160.380](#).

REFERENCES:

[KRS 160.380](#)

[KRS 160.390](#)

[OAG 92-135](#)

[OAG 92-1](#)

Adopted/Amended: 08/17/2006

Order #: 043

- CLASSIFIED PERSONNEL -

Voluntary Transfer Request Form

This form must be submitted to the Superintendent/designee by May 1 for the coming school year. This transfer request form must be renewed annually if the employee still requests a transfer to another location within the District.

Name _____

Current Position/Location _____

Transfer requested to position/location _____

State below your reason for requesting this transfer. _____

Employee's Signature

Date

Supervisor's Signature

Date

Review/Revised:5/12/1998

PERSONNEL

03.2312

- CLASSIFIED PERSONNEL -

Promotion

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

The promotion of personnel shall be based on qualifications, success in past assignments, and potential for success in the new position.

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

REFERENCE:

[KRS 160.380](#)

[OAG 92-1](#)

Adopted/Amended: 07/19/1994

Order #: 10

PERSONNEL

03.2313

- CLASSIFIED PERSONNEL -

Demotion

The demotion of classified personnel shall be made by the Superintendent, who at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

REFERENCES:

[KRS 161.164](#)

[OAG 92-1](#)

[OAG 92-135](#)

Adopted/Amended: 07/19/1994

Order #: 10

PERSONNEL

03.232

- CLASSIFIED PERSONNEL -

Supervision

SUPERVISION

Supervision shall be provided for all classified employees. Each employee shall be informed as to whom his/her immediate supervisor is and to whom s/he will be responsible.

JOB DESCRIPTION

Each employee shall be provided a job description which shall delineate all essential functions and the general duties and responsibilities of the position. Job descriptions shall not be considered all-inclusive descriptions of the job but shall indicate the general parameters of the duties and responsibilities of the position. The immediate supervisor may, as needed, assign other reasonable duties to the employee.

REFERENCE:

[KRS 160.290](#)

RELATED POLICY:

03.233

Adopted/Amended: 07/19/1994

Order #: 10

- CLASSIFIED PERSONNEL -

Use of School Property

OUTSIDE WORK

An employee shall not use any District facility, vehicle, electronic communication system, equipment, or materials in performing outside work. These items (including security codes and electronic records, such as E-mail) are property of the District and shall be used solely for job-related purposes.

ELECTRONIC COMMUNICATIONS

Employees shall not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. Employees cannot expect confidentiality or privacy as to information entered or stored in their E-mail accounts. Authorized District personnel may monitor the use of electronic equipment from time to time.

DRIVING RECORD

Upon request, employees who have occasion to drive a Board-owned vehicle and/or transport students, may be required to provide to the Superintendent a copy of their driving records from the Kentucky Department of Transportation. Any traffic citation received during the year shall be reported to the Superintendent prior to driving a Board-owned vehicle or transporting students.

REFERENCES:

[KRS 160.290](#); [KRS 189.292](#); [KRS 189.294](#); [KRS 281A.205](#)
[702 KAR 005:080](#)

RELATED POLICIES:

03.21
06.221

Adopted/Amended: 08/17/2006

Order #: 043

PERSONNEL

03.2322

- CLASSIFIED PERSONNEL -

Gifts

APPROVAL FOR GIFTS TO SCHOOLS

Any gift presented to a school employee for the use of the school must have the prior approval of the Superintendent or his designee. Any gift so approved and accepted on behalf of the school becomes the property of the Board of Education.

GIFTS TO EMPLOYEES

No school employees shall accept, for personal use, cash in any amount or gifts that exceed \$25.00 from current or potential supply vendors.¹

REFERENCE:

¹[KRS 156.480](#)

[KRS 160.580](#)

Adopted/Amended: 07/19/1994

Order #: 10

PERSONNEL

03.2324

- CLASSIFIED PERSONNEL -

Political Activities

No District employee shall promote, organize, or engage in political activities while performing his/her duties or during the work day. Promoting or engaging in political activities shall include, but not be limited to, the following:

1. Encouraging students to adopt or support a particular political position, party, or candidate; or
2. Using school property or materials to advance the support of a particular political position, party, or candidate.

"Political positions" shall not be defined to include communications approved by the Superintendent to be distributed to parents or the community concerning District needs or proposed actions by the Board. Examples of such communications may include, but not be limited to, those addressing designation of attendance zones/areas and District facility and financial needs.

SCHOOL BOARD ELECTIONS

The Superintendent shall inform all District employees of the provisions of [KRS 161.164](#).

REFERENCES:

[KRS 161.164](#); [KRS 161.990](#)
[OAG 72-700](#); [OAG 63-572](#)
[OAG 92-145](#)

RELATED POLICY:

03.212

Adopted/Amended: 08/14/2001
Order #: 031

- CLASSIFIED PERSONNEL -

Disrupting the Educational Process

Any employee who, while under the authority of the Superintendent, participates in or encourages activities that disrupt the educational process, whether on school property or at school-sponsored events and activities, may be subject to disciplinary action, including termination of contract.

For purposes of this section, behavior which disrupts the educational process shall include, but not be limited to:

1. Conduct that threatens the health, safety, or welfare of others;
2. Conduct that may damage public or private property, including property of students or staff;
3. Illegal activity;
4. Conduct that interferes with a student's access to educational opportunities or programs, including ability to attend, participate in, and benefit from instructional and extracurricular activities; or
5. Conduct that disrupts delivery of instructional services or interferes with the orderly administration of the school and school-related activities or District operations.

OTHER CLAIMS

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 03.262, which addresses harassment/discrimination allegations.

REFERENCES:

[KRS 160.290](#)

[KRS 161.790](#)

RELATED POLICIES:

03.212, 03.262, 03.27, 09.422, 10.21

Adopted/Amended: 08/14/2001

Order #: 031

- CLASSIFIED PERSONNEL -

Drug-Free/Alcohol-Free Schools

DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES

District employees shall not manufacture, distribute, dispense, be under the influence of, purchase, possess, use or attempt to purchase or obtain, sell or transfer any of the following in the workplace or in the performance of duties:

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

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

DEFINITIONS

Controlled substance shall mean any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to [KRS 218A.020](#).

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

Prohibited substances include:

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

AUTHORIZED DRUGS

Employees who personally use or who are designated to administer to a student a drug authorized by and administered in accordance with a prescription from a health professional shall not be considered in violation of this policy.

WORKPLACE DEFINED

Workplace shall mean the site for the performance of work done for the District including any place where work on a District program, project or activity is performed, including, but not limited to, a school building or other school premises and any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities. "Workplace" shall also include school-sponsored or school-approved activities, events or functions which are held off school property and in which students are under District jurisdiction including, but not limited to, field trips and athletic events.

REASONABLE SUSPICION SCREENING

When an administrator has reasonable suspicion that an employee's work performance or on-the-job behavior may have been affected by alcohol or illegal drug use, the employee shall be required to submit to a drug and/or alcohol screening at District expense. Refusal to submit to such a test at the time the employee is asked to do so by an authorized administrator will be grounds for dismissal.

Drug-Free/Alcohol-Free Schools

REASONABLE SUSPICION SCREENING (CONTINUED)

“Reasonable suspicion” shall refer to any of the following:

1. Observed use, purchase, possession, attempt to purchase or obtain, or sale of illegal drugs and/or use, possession, sale, or abuse of alcohol and/or the illegal use or sale of prescription drugs;
2. Apparent physical state of impairment of motor functions;
3. Marked changes in personal behavior not attributable to other factors;
4. Involvement in, or contribution to, an accident where the use of alcohol or drugs is reasonably suspected or employee involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury; or
5. Violations of criminal drug law statutes involving the use of illegal drugs, alcohol, or prescription drugs and/or violation of drug statutes.

The Superintendent shall develop a process to reasonably ensure employee privacy during the taking of samples, security of samples once obtained, and designation of laboratory services that are accurate and reliable. Appropriate measures shall be taken to protect confidentiality throughout the testing process and in the handling of test results. Access to drug testing results shall be restricted on a need-to-know basis to those persons in positions designated by the Superintendent.

Employees who test positive on a confirmation alcohol test or whose drug screening indicates use of illegal drugs shall be subject to disciplinary action.

SUSPENSION/TERMINATION/NON-RENEWAL

Any employee who violates the terms of this policy may be suspended, non-renewed or terminated. In addition, violations may result in notification of appropriate legal officials.

ALTERNATIVE

As an alternative, the Superintendent may choose that an employee who violates the terms of the District's drug-free/alcohol-free workplace policies shall satisfactorily participate in a Board-approved drug/alcohol abuse assistance or rehabilitation program. If the employee fails to satisfactorily participate in such a program, the employee may be suspended, non-renewed or terminated.

REPORTING

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.

NOTIFICATION BY EMPLOYEE

Any employee convicted of a workplace violation of criminal drug statutes shall, within five (5) working days, provide notification of the conviction to the Superintendent.

**PERSONNEL
(Continued)**

03.23251

Drug-Free/Alcohol-Free Schools

POST-DISCIPLINE DRUG TESTING

Following determination by an administrative or judicial proceeding that s/he engaged in misconduct involving the illegal use of controlled substances, a staff member who has been reprimanded or disciplined for misconduct involving illegal use of controlled substances shall submit to random or periodic drug testing in accordance with applicable Kentucky Administrative Regulation for a period not to exceed twelve (12) months from the date of such reprimand or disciplinary action.

PREVENTION PROGRAM

The Superintendent shall establish a prevention program for all employees which shall include the following:

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

REFERENCES:

[KRS 160.290](#); [KRS 217.900](#)

34 CFR Part 85

P. L. 101-226 (Improving America's Schools Act of 1994 (Title IV): Safe and Drug-Free Schools and Communities)

RELATED POLICIES:

03.2325; 08.1345; 09.2241

Adopted/Amended: 07/10/2007

Order #: 014

PERSONNEL

03.2327

- CLASSIFIED PERSONNEL -

Use of Tobacco

USE OF TOBACCO PROHIBITED

The use of any tobacco product is prohibited in any building owned or operated by the Board.

REFERENCES:

[KRS 438.050](#)

[OAG 81-295](#)

[702 KAR 005:080](#) (32)

[OAG 91-137](#)

[KRS 160.290](#)

[KRS 160.340](#)

P. L. 107-110 (No Child Left Behind Act of 2001)

RELATED POLICY:

09.4232

Adopted/Amended: 08/17/2006

Order #: 043

PERSONNEL

03.233

- CLASSIFIED PERSONNEL -

Duties

All employees are expected to use sound judgment in the performance of their duties and take reasonable measures to protect the health, safety, and well-being of others, as well as District property.

JOB DESCRIPTION

Prior to the authorization of any personnel position in the District budget, the Superintendent, collaborating with other District authorities with personnel assignment responsibilities, shall develop, for Board approval, job descriptions which establish all essential functions of each position. The description shall encompass job responsibilities, completion of records and reports, and achievement of goals identified to enhance student achievement and help the school and/or District meet goals established by statute and/or Board policy.

ACCOMMODATION

Reasonable accommodation shall be provided each qualifying employee with a disability to comply with the requirements of law and regulation.¹

REFERENCES:

¹Americans With Disabilities Act (ADA)

¹Rehabilitation Act of 1973

P. L. 93-12 Sec. 504; P. L. 101-336

[KRS 158.645](#)

[KRS 158.6451](#)

[OAG 91-10](#)

RELATED POLICY:

03.212

Adopted/Amended: 08/12/2008

Order #: 043

PERSONNEL

03.2331

- CLASSIFIED PERSONNEL -

Outside Employment or Activities

OUTSIDE EMPLOYMENT

Classified employees shall not accept outside employment or activities which will prevent them from fulfilling regularly assigned school duties and obligations.

Employees shall not perform any duties related to an outside job during their regular working hours.

EXCEPTION

While performing service or undergoing training, employees who are members of the National Guard, any reserve component of the U.S. armed forces, or reserve corps of the U.S. Public Health Service shall be entitled to leave of absence from their respective duties.¹

REFERENCES:

¹[KRS 61.394](#), [KRS 61.396](#)
[KRS 160.290](#)
[KRS 160.291](#) (4)

RELATED POLICY:

03.222
03.2238

Adopted/Amended: 10/11/1994

Order #: 99

- CLASSIFIED PERSONNEL -

HEALTH AND SAFETY

Safety

It is the intent of the Board to provide a safe and healthful working environment for all employees. Employees shall report any conditions they believe to be unsafe to their immediate supervisor, who shall examine the situation and take appropriate action.

The District shall develop, maintain and implement health and safety plans in compliance with state and federal law.

HAZARD COMMUNICATION PLAN

The Superintendent/designee shall develop a District Hazard Communication Plan. The plan shall include:

1. The assignment of a District employee to be responsible for the implementation and coordination of the Hazard Communication Plan;
2. The inventory of all chemicals used at each school and worksite;
3. The identification of each chemical in the inventory that is covered by the OSHA Hazard Communication Standard;
4. Maintenance of a Material Safety Data Sheet (MSDS) for each substance on the chemical inventory list for as long as the District uses the substance, plus thirty (30) years;
5. Labeling of all containers of each chemical identified as required by the Hazard Communication Standard;
6. The development of an employee Hazard Communication Information and Training Program; and
7. The development, implementation and maintenance of a written Hazard Communication Program.

BLOODBORNE PATHOGEN CONTROL

The Superintendent/designee shall develop an Exposure Control Plan to eliminate or minimize District occupational exposure to bloodborne pathogens. The plan shall address:

1. Identification of employees at-risk of occupational exposure and their assigned tasks and procedures which could lead to such exposure;
2. Communication of hazards to employees;
3. Vaccinations of at-risk employees for Hepatitis B at no cost to these employees;
4. Determination of universal precautions to be observed, including adequate engineering controls and housekeeping procedures;
5. Appropriate training of employees;
6. Provision of personal protective equipment including an opportunity provided annually for employees who use medical sharps in performance of their duties to identify, evaluate and select engineering and work practice controls to be implemented by the District, as appropriate;
7. Maintenance of a sharps injury log;
8. Medical follow-up and counseling for employees after a work-site exposure;

(Continued)**Health and Safety****BLOODBORNE PATHOGEN CONTROL (CONTINUED)**

9. Maintenance of confidential records of each exposure incident; and
10. A schedule for implementing all provisions required by the OSHA standard.

The Superintendent or designee shall review and update the Exposure Control Plan at least once each year and when needed to reflect new or modified tasks and procedures that affect occupational exposure or new or revised employee positions with occupational exposure. The review and update shall also address:

1. Changes in technology that eliminate or reduce exposure to bloodborne pathogens; and
2. Annual documentation that appropriate, commercially available and effective safer medical devices that are designed to eliminate or minimize occupational exposure have been obtained and are now in use.

LOCKOUT/TAGOUT

The Superintendent/designee shall develop a lockout/tagout program to eliminate or minimize the unexpected startup or release of stored energy in mechanical or electrically powered equipment. The plan shall address:

1. Assignment of a District employee to be responsible for implementation and coordination of the lockout/tagout program;
2. A written program consisting of energy control procedures;
3. Development, documentation and utilization of energy control procedures for the control of potentially hazardous energy when employees are engaged in servicing and maintaining equipment;
4. Periodic review of the lockout/tagout program to assure authorized employees are properly controlling unexpected startup or release of stored energy; and
5. Annual training of employees authorized to use lockout/tagout to emphasize program procedures and retraining whenever a periodic review reveals deficiencies in employee performance.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

The Superintendent/designee shall conduct a hazard assessment to determine when and where the use of personal protective equipment (PPE) is necessary. The hazard assessment shall address:

1. Assignment of a District employee responsible for assessing the workplace for hazards;
2. Selection of appropriate PPE to safeguard employees from hazards that cannot be eliminated;
3. A training program to be conducted to educate employees about the need for PPE and when it must be worn;
4. Training of employees on the use and care of PPE, how to recognize deterioration and failure and the need for replacement; and
5. Requiring employees to wear designated PPE as deemed necessary by the hazard assessment.

PERSONNEL (Continued)

03.24

Health and Safety

ASBESTOS MANAGEMENT

The District shall conduct school inspection and re-inspection activities as required by state and federal law¹ to identify the status of asbestos. The District shall maintain an updated asbestos management plan that shall include, but not be limited to, applicable current and/or future inspection activities, response actions and surveillance activities and a description of steps taken to inform staff and parents about any such activities. Annual written notice of the availability of the plan shall be provided to parent, teacher, and employee organizations. In the absence of any such organizations, the District shall provide written notice of plan availability to parents, teachers, or employees, as applicable.

REFERENCES:

- ¹[401 KAR 058:010](#), 40 C.F.R. Part 763
- Kentucky Department for Public Health
- Centers for Disease Control and Prevention
- Kentucky Labor Cabinet, [803 KAR 002:308](#), [803 KAR 002:404](#), [803 KAR 002:500](#)
- OSHA 29 CFR 1910
- 132 PPE Hazard Assessment
- 147 Lockout/Tagout
- 1200 Hazard Communication
- 1030 Bloodborne Pathogens

Adopted/Amended: 06/29/2010
Order #: 294

Health and Safety - Contagious Diseases**POST IN APPROPRIATE LOCATIONS THROUGHOUT THE SCHOOL BUILDING OR WORKSITE.**

In order to reduce the risk of the transmission of infectious diseases the following procedures will be followed in cleaning up body fluids. Body fluids include: blood, drainage from scrapes and cuts, feces, respiratory secretions, saliva, semen, urine, and vomit us.

1. Avoid direct skin contact with body fluids, when possible. Disposable gloves should be worn when direct hand contact with body fluids is anticipated (e.g. treating bloody noses, handling clothes soiled by bodily discharges, cleaning up small spills by hand).
2. When direct skin contact occurs, vigorously wash hands and other affected skin areas with soap under a stream of water for at least ten (10) seconds.
3. Contaminated disposable items such as paper towels, tissues, plastic gloves, and diapers should be secured in plastic bags and placed in the garbage.
4. A custodian should be called to clean and disinfect all soiled surfaces.
5. The spilled body fluids and accompanying material should be cleaned up by:
 - a) Using sanitary absorbent agents specifically intended for cleaning body fluid spills or using a wet mop with proper disinfectant.
 - b) Placing the contaminated material in a plastic bag and putting it in the garbage or, if suitable flushing it down the drain.
 - c) Vacuuming or sweeping up the dry absorbent material that was applied to the area. The vacuum bag or sweepings should be disposed of in a plastic bag. The broom, dust pan and/or mop should be rinsed in a disinfectant. No special handling is required for vacuuming equipment.
 - d) Promptly applying a disinfectant such as household bleach (diluted 1 part bleach and 10 parts water) to hard surfaces that have to be disinfected.
 - e) Applying a sanitary absorbent agent to carpets that are to be disinfected and vacuumed after the carpet has been allowed to dry. A germicidal rug shampoo should be applied with a brush and the carpet revacuumed.
6. Food that may be contaminated with body fluids shall be discarded.
7. Nondisposable cleaning equipment (dust pans, mops, buckets, brushes etc.) should be thoroughly rinsed in the disinfectant (see 5-d). Clothing, towels and other launderable items may be secured in plastic bags until items can be washed in the hot water cycle in the washing machine.
8. Disposable gloves and plastic bags are available in elementary classrooms, the Principal's office, the food service office, or the custodian's storage area.

THIS INFORMATION AND THESE RECOMMENDED PROCEDURES WERE ADAPTED FROM THOSE DEVELOPED AND COMPILED BY THE CENTER FOR DISEASE CONTROL, THE U.S. PUBLIC HEALTH SERVICE, AND THE KENTUCKY CABINET FOR HEALTH SERVICES.

Review/Revised:5/12/1998

PERSONNEL

03.25

- CLASSIFIED PERSONNEL -

Personnel Records

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

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

1. Items used as reference and not forwarded to the master personnel file in the Central Office,
2. The employee's evaluation and other school-related correspondence to or from the employee, and
3. Other informational items that may or may not be maintained in the Central Office master personnel file.

PUBLIC INSPECTION

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

MEDICAL INFORMATION

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

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

REFERENCES:

¹[KRS 61.884](#)

²[KRS 61.876](#)

³[KRS 61.878](#)

⁴Genetic Information Nondiscrimination Act of 2008

[KRS 61.870](#), [KRS 61.872](#), [KRS 61.874](#); [KRS 161.151](#), [704 KAR 003:345](#)

[OAG 77-394](#), [OAG 85-109](#), [OAG 86-15](#), [OAG 89-90](#)

[OAG 91-161](#), [OAG 91-176](#)

Kentucky Education Technology System (KETS)

Records Retention/Public School District Schedule

Americans with Disabilities Act of 1990 (P.L. 101-336), 42 U.S.C. 12112

RELATED POLICIES:

03.211, 10.11

Adopted/Amended: 06/29/2010

Order #: 294

PERSONNEL

03.26

- CLASSIFIED PERSONNEL -

Grievances

PROCEDURES

The Superintendent shall develop specific grievance procedures to include, but not be limited to, the opportunity for grievances to be addressed and resolved at each level of the chain of command from the point of origin, time limitations for the filing and the appeal of a grievance, and procedures for the orderly review and appeal of each individual grievance.

Grievances are individual in nature and must be brought by the individual grievant.

GENERAL GRIEVANCES

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

PERSONNEL ISSUES

The Board will not hear any grievance concerning personnel actions taken by the Superintendent/designee, unless the issue of the grievance concerns constitutional, statutory, regulatory, or policy application. Otherwise, personnel grievances will be appealed only to the level of Superintendent who shall have the final decision.

EXCEPTION

Harassment/Discrimination allegations shall be governed by policy 03.262.

REFERENCE:

[OAG 78-204](#)

RELATED POLICY:

03.262

Adopted/Amended: 09/14/1999

Order #: 50

PERSONNEL

03.16 AP.1

Grievance Procedures

Employees wishing to initiate a formal grievance about the application of a Board policy, administrative rule, or procedure shall use a Grievance Initiation Form (03.16 AP.2).

CONDITIONS

1. All grievances are individual in nature and must be brought by the individual grievant.
2. All grievance proceedings shall be conducted outside the regular school day and at a time and place mutually agreed upon.
3. The grievant shall be permitted to have one (1) representative.
4. To the extent possible, all attendant records shall be filed in the office of the immediate supervisor and/or Superintendent and shall be considered private information and separate from the individual employee's folder. All records will be kept for a minimum of three (3) years.
5. No reprisal shall be taken against any aggrieved person because of the filing of a grievance.

TIME LIMITS

1. Employees must file their grievance within fifteen (15) working days following the alleged violation. However, depending on the nature of the grievance, the Superintendent may recommend an extension of the filing deadline to twenty (20) working days if the grievance is based on an alleged violation of constitutional, statutory, regulatory, or policy provisions.
2. Days referred to in the grievance initiation form shall be working days, except for any days which are designated as holidays, professional meeting days, national, state, or local disaster or mourning days and any days during the school term on which schools are closed.
3. The time limits stated in various sections of these procedures may be extended by mutual consent of the Board, its authorized agents, and the grievant.
4. If no extension occurs and the grievant does not file an appeal to the next level within ten (10) working days of receiving a response, the grievance shall be considered to have been settled and terminated at the previous level, and the answer given at that level shall stand.

SUPERINTENDENT'S/DESIGNEE'S INVOLVEMENT

1. When appropriate, the grievant shall give his/her communication directly to the Superintendent, thus bypassing the immediate supervisor. This action shall be taken only in those instances where the matter communicated is of such a personal and private nature that it cannot be effectively communicated at a lower level or in those instances where the nature of the grievance would require the initial response of the Superintendent.
2. The Superintendent reserves the right to redirect the communicator to the appropriate level.

PERSONNEL (Continued)

03.16 AP.1

Grievance Procedures

BOARD OF EDUCATION'S INVOLVEMENT

1. If the employee, after reviewing the Superintendent's response, desires direct communication with the Board of Education, the employee may present his/her written communication to the Superintendent for transmittal to the Board of Education, or notify the Superintendent ten (10) working days prior to the meeting of the Board at which the employee wishes the grievance presented. Employees are not authorized to contact Board members individually about grievances.
2. If the Board decides to review the grievance, the employee will then be afforded an opportunity to appear before the Board at the next regular meeting for relevant discussion of the employee's communication. If the employee does not wish to make a verbal presentation, the employee's right to refrain from such activity will be respected.
3. The Superintendent or the grievant shall present the communication to the Board of Education at its next regularly scheduled meeting.
4. The Board of Education will consider the grievance, and will provide the employee a written response within ten (10) working days after the next regularly scheduled meeting of the Board, following the meeting of the Board at which the grievance was initially presented. The decision of the Board of Education shall be final.

RELATED PROCEDURE

03.16 AP.2

Review/Revised:7/13/2004

Grievance Initiation Form

This form provides the opportunity for an employee to question the application of a Board policy, or administrative rule or procedure and to secure at the lowest administrative level an equitable, prompt, and satisfactory solution.

GRIEVANT

Employee Name _____ Date _____

Home Address _____

Work Location _____ Title _____

GRIEVANCE

Identify the policy, rule, or procedure whose application is at issue. Use full names, dates, exact location, and specific occurrence, if appropriate. (Use additional sheet if necessary.)

What results are you seeking from this grievance initiation? (Use additional sheet if necessary)

Employee's Signature *Date*

LEVEL ONE: IMMEDIATE SUPERVISOR

Name: _____ Title: _____

Date grievance received at this level _____

IMMEDIATE SUPERVISOR'S RESPONSE. (USE ADDITIONAL SHEET IF NECESSARY.)

Supervisor's Signature *Date*

THIS RESPONSE SHALL BE PRESENTED TO THE GRIEVANT WITHIN TEN (10) WORKING DAYS OF RECEIPT OF THIS GRIEVANCE AT THIS LEVEL.

=====

**PERSONNEL
(Continued)**

03.16 AP.2

Grievance Initiation Form

BOARD POLICY ALLOWS FOR APPEAL OF THE IMMEDIATE SUPERVISOR'S DECISION AND THE OPPORTUNITY TO ADDRESS THE GRIEVANCE TO A HIGHER LEVEL OF AUTHORITY IF THE IMMEDIATE SUPERVISOR IS AN ALLEGED PARTY IN THE COMPLAINT.

LEVEL TWO: SUPERINTENDENT/DESIGNEE

Name: _____ Title: _____

Date grievance received at this level _____

SUPERINTENDENT'S/DESIGNEE'S RESPONSE (USE ADDITIONAL SHEET IF NECESSARY.)

Superintendent's/designee's Signature *Date*

THIS RESPONSE SHALL BE PRESENTED TO THE GRIEVANT WITHIN TEN (10) WORKING DAYS OF RECEIPT OF THIS GRIEVANCE AT THIS LEVEL.

=====

BOARD POLICY ALLOWS BOTH FOR APPEAL OF THE SUPERINTENDENT'S DECISION AND THE OPPORTUNITY TO ADDRESS THE GRIEVANCE TO A HIGHER LEVEL OF AUTHORITY IF THE SUPERINTENDENT IS AN ALLEGED PARTY IN THE COMPLAING.

THE BOARD WILL NOT HEAR ANY GRIEVANCE CONCERNING PERSONNEL ACTIONS UNLESS THE GRIEVANCE CONCERNS CONSTITUTIONAL, STATUTORY, REGULATORY, OR OTHER POLICY APPLICATION OR DEMOTION UNDER KRS 161.765.

LEVEL THREE: BOARD OF EDUCATION

Date grievance received at this level _____

BOARD OF EDUCATION'S RESPONSE (USE ADDITIONAL SHEET IF NECESSARY.)

Board Chairperson's Signature *Date*

THIS RESPONSE SHALL BE PRESENTED TO THE GRIEVANT WITHIN TEN (10) WORKING DAYS OF RECEIPT AFTER THE NEXT REGULARLY SCHEDULED BOARD MEETING.

Review/Revised:5/12/1998

- CLASSIFIED PERSONNEL -

Harassment/Discrimination

DEFINITION

Harassment/Discrimination of employees is unlawful behavior based on the race, color, national origin, age, religion, sex, genetic information or disability 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 or prejudice.

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 the opposite 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.

GUIDELINES

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 directly to the Superintendent. 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 Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report. Without a report being made to the Principal, Superintendent or Title IX/Equity Coordinator, the District shall not be deemed to have received a complaint of harassment/discrimination.

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

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) working days of receipt of the original complaint. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency;

The Superintendent/designee may take interim measures to protect complainants during the investigation.

PERSONNEL (Continued)

03.262

Harassment/Discrimination

Guidelines (continued)

2. A process to identify and implement, within three (3) working days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
3. A process to be developed and implemented to communicate requirements of this to all staff, which may include, but not be limited to, the following:
 - written notice provided in publications such as handbooks, staff memoranda, and/or pamphlets;
 - postings in the same location as are documents that must be posted according to state/federal law; and/or
 - such other measures as determined by the Superintendent/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District's complete policy.

4. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination; and
5. Development of 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. 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;
2. Unwanted touching, sexual advances, requests for sexual favors and spreading sexual rumors;
3. Instances involving sexual violence;
4. Causing an employee to believe that he or she must submit to unwelcome sexual conduct in order to maintain employment or that a personnel decision will be based on whether or not the employee submits to unwelcome sexual conduct;
5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
6. 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
7. Destroying or damaging an individual's property based on any of the protected categories.

CONFIDENTIALITY

District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of all parties involved.

PERSONNEL (Continued)

03.262

Harassment/Discrimination

APPEAL

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

If a supervisory staff member is an alleged party in the harassment/discrimination complaint, provision shall be made for addressing the complaint to a higher level of authority.

Failure by employees to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy, or to take corrective action shall be cause for disciplinary action.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because s/he submits a grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

Upon the resolution of allegations, the Superintendent 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.

REFERENCES:

¹[KRS 158.156](#)

42 USC 2000e, Civil Rights Act of 1964, Title VII; KRS Chapter 344

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

RELATED POLICIES:

03.212, 03.2325, 03.26, 09.2211, 09.422, 09.42811

Adopted/Amended: 07/13/2011

PERSONNEL

03.162 AP.2

Harassment/Discrimination Reporting Form

This form provides the opportunity for an employee to report violation(s) of Board Policy 03.162 or 03.262 and to secure an equitable, prompt, and satisfactory solution. This procedure shall be implemented in compliance with Board policy and shall be used to document all complaints, whether addressed informally or formally.

Employee's Name _____	_____	_____	_____
	<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>
Employee's Address _____	_____	_____	_____
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
Employee's Home Phone Number _____	_____	Daytime Phone # _____	_____
	<i>Work Site</i>	_____	_____

CONFIDENTIALITY

Information regarding an investigation of alleged harassment/discrimination shall be kept confidential to the extent possible. Individuals involved in the investigation shall not discuss information regarding the complaint outside of the investigation process.

HARASSMENT/DISCRIMINATION COMPLAINT (USE ADDITIONAL SHEETS IF NECESSARY.)

Date(s)/approximate time of the alleged incident(s): _____

Place alleged incident(s) occurred: _____

What type of harassment or discrimination was involved in the alleged incident?

sexual racial on the basis of national origin on the basis of disability

other type of harassment/discrimination? If other, specify: _____

Name of person you believe is guilty of harassment or discrimination: _____

Position: _____

If the alleged behavior was directed toward another person, name that person: _____

Describe the alleged incident as clearly as possible, including such information as verbal statements (i.e. slurs, threats, other verbal or physical abuse or prohibited requests), what physical contact, if any was involved, what force, if any was used. _____

List any witnesses to these events: _____

PLEASE ATTACH ANY EXHIBITS OR OTHER TANGIBLE EVIDENCE (I.E., NOTES).

WHAT RESULTS ARE YOU SEEKING BY FILING THIS FORM? _____

I agree that all information reported here is complete, accurate and true to the best of my knowledge and affirm that I honestly believe that the person named harassed or discriminated against me or another person.

Signature of Employee

Date

Received by

Date

PERSONNEL

03.162 AP.21

Harassment/Discrimination Investigation and Appeals

(FOR INTERNAL ADMINISTRATIVE TRACKING PURPOSES ONLY)

EMPLOYEE COMPLAINANT _____		
<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>
WORK SITE _____		

The Superintendent shall appoint an investigator who is not an alleged party in the complaint to investigate allegations of harassment/discrimination. The investigator shall be trained in this area, and her/his duties shall be assigned by the Superintendent/designee or, for contractors, set out in a contract, as appropriate. If the Superintendent is the alleged party, the Board shall designate an outside investigator. All instances involving suspected child abuse or criminal conduct shall be reported as required by law.

ALLEGED HARASSER/DISCRIMINATING PARTY: _____

Investigator: _____ Date Complaint Form is Received: _____

INFORMAL PROCEDURE

If both parties agree, prior to a formal grievance process an administrator may facilitate a conversation between the complainant and the party alleged to have harassed or discriminated against the complainant. Both the complainant and the accused party may be accompanied by a person of their choice. If both parties feel that a resolution has been achieved, no further action need be taken. The results of an informal resolution shall be reported by the facilitator, in writing, to the Principal/immediate supervisor, along with a signed agreement, if one is reached. If any of the interested parties choose not to utilize the informal procedure, or feel that it has been unsuccessful, s/he may opt to proceed to the formal grievance procedure. However, any complaints directed at school employees or alleging criminal acts must be formally investigated.

Was this complaint resolved informally, as indicated by an agreement signed by both parties?

Yes No Date: _____ Facilitator _____

FORMAL PROCEDURE

Employees should make their complaint to their Principal/immediate supervisor, who shall immediately, without screening or beginning an investigation, inform the Superintendent of receipt of the complaint. Otherwise, the complaint can be filed directly with the Superintendent or, in cases involving sexual harassment/discrimination, with the Title IX/Equity Coordinator. Employees who have knowledge of alleged or observed harassment/discrimination shall immediately notify their Principal, immediate supervisor, or the Superintendent. **Without a report being made to the Principal or immediate supervisor, Superintendent or Title IX/Equity Coordinator, the District shall not be deemed to have received a complaint of harassment/ discrimination.**

The Superintendent shall designate an individual to investigate the complaint. If necessary, the investigator will seek assistance from District administrators. In some instances it may be necessary to involve legal counsel, when authorized by the Superintendent, or by the Board if the Superintendent is the subject of the complaint.

TIMELINE

The investigator shall provide the complainant and the accused with a copy of the District's policy 03.162 or 03.262 and inform the complainant and the accused of required timelines that have been established for initiation and completion of an investigation.

**PERSONNEL
(Continued)**

03.162 AP.21

Harassment/Discrimination Investigation and Appeals

FORMAL PROCEDURE (CONTINUED)

CORRECTIVE ACTION

If corrective action is needed, the investigator shall recommend to the Superintendent/designee the type of corrective action and methods to prevent reoccurrence of the harassment/discrimination.

USING THE DESIGNATED FORM (03.162 AP.23), A RESPONSE SHALL BE PRESENTED TO THE COMPLAINANT WITHIN TEN (10) WORKING DAYS OF COMPLETION OF THIS LEVEL OF INVESTIGATION.

Board policy allows for appeal of the investigator’s decision and the opportunity to address the complaint to a higher level of authority. An appeal must be made within ten (10) working days of receipt of a response at this level.

Is this complaint to be referred/appealed to a higher level of authority? Yes No

If yes, to whom will the complaint be referred? _____ Date: _____

FIRST APPEAL LEVEL

EMPLOYEE COMPLAINANT _____ <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <i>Last Name</i> <i>First Name</i> <i>Middle Initial</i> </div> WORK SITE _____

ALLEGED HARASSER/DISCRIMINATING PARTY: _____

Superintendent/designee who will consider appeal: _____

Date appeal and related data received by Superintendent/designee: _____

In some instances it may be necessary to involve legal counsel at the appeal level, when authorized by the Superintendent, or by the Board if the Superintendent is the subject of the complaint.

CORRECTIVE ACTION

If corrective action is needed, the investigator shall recommend to the Superintendent/designee the type of corrective action and methods to prevent reoccurrence of the harassment/discrimination.

USING THE DESIGNATED FORM (03.162 AP.23), A RESPONSE SHALL BE PRESENTED TO THE COMPLAINANT WITHIN TEN (10) WORKING DAYS OF COMPLETION OF THIS LEVEL OF INVESTIGATION.

Board policy allows for appeal of the decision made at this level and the opportunity to address the complaint to the Board of Education. An appeal must be made within ten (10) working days of receipt of a response at this level.

Is this complaint to be referred/appealed to a higher level of authority? Yes No

If yes, to whom will the complaint be referred? _____ Date: _____

**PERSONNEL
(Continued)**

03.162 AP.21

Harassment/Discrimination Investigation and Appeals

SECOND APPEAL LEVEL

EMPLOYEE COMPLAINANT _____		
<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>
WORK SITE _____		

ALLEGED HARASSER/DISCRIMINATING PARTY: _____

Board Chairperson: _____

Date appeal and related data received by the Chairperson on behalf of the Board: _____

CORRECTIVE ACTION

If corrective action is needed, the investigator shall recommend to the Superintendent/designee the type of corrective action and methods to prevent reoccurrence of the harassment/discrimination.

USING THE DESIGNATED FORM (03.162 AP.23), A RESPONSE SHALL BE PRESENTED TO THE COMPLAINANT WITHIN TEN (10) WORKING DAYS OF COMPLETION OF THIS LEVEL OF INVESTIGATION.

GUIDELINES

1. The Board shall not hear grievances concerning personnel actions taken by the Superintendent/designee, unless the issue of the grievance concerns constitutional, statutory, regulatory, or policy application or demotion under KRS 161.765.
2. In some instances it may be necessary to involve legal counsel, when authorized by the Board.
3. The Superintendent/designee shall implement corrective action as determined by the Superintendent or by the Board, as appropriate under law, after appeal rights have been exhausted. If the Superintendent is subject to corrective action, the Board shall implement the action.
4. The District is prohibited from disclosing personally identifiable information contained in student discipline records under the Federal Educational Rights and Privacy Act and corresponding state law.
5. Employee evaluation and reprimand information generally is confidential and may require consent of the employee prior to release.

=====

RELATED POLICY:

09.227

RELATED PROCEDURES:

09.227 AP.1, 03.162 (all procedures)

Review/Revised:7/8/08

Witness Disclosure Form

Witness' Name _____			
<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>	
Witness' Address _____			
<i>City</i>	<i>State</i>	<i>ZIP Code</i>	
Witness' Phone Number _____			
Is witness a <input type="checkbox"/> student, <input type="checkbox"/> school employee, or <input type="checkbox"/> other? If other, specify _____			
School (if a student): _____		Grade _____	Homeroom/Classroom _____
Work Site (if an employee): _____			
Witness' relationship, if any, to the complainant: _____			
Witness' relationship, if any, to the accused: _____			

On the date(s) of _____, an employee has claimed to be the target of harassment or discrimination on the basis of _____. Did you observe or are you aware of such an incident? Yes No

If yes, describe the incident(s) that you witnessed as clearly as possible, including such information as the following:

- What verbal statements, if any, were made (i.e., slurs, threats, other verbal or physical abuse or prohibited requests)?
- What physical contact, if any, was involved?
- What force, if any, was used?
- Did other actions occur? If so, please describe.

(Use additional sheets if necessary.) _____

LIST ANY OTHER WITNESSES TO THESE EVENTS: _____

- *I understand that Board policy prohibits retaliation against witnesses who assist or participate in an investigation.*
- *I agree that all information reported here is accurate and true to the best of my knowledge and, by my signature, agree to its release.*

Signature of Witness *Date*

Received by *Date*

- CLASSIFIED PERSONNEL -

Discipline, Suspension and Dismissal of Classified Employees

DISCIPLINARY OPTIONS

Classified employees may be subject to the following actions, to include, but not limited to:

1. Verbal warning or reprimand by Superintendent/designee
2. Written warning or private reprimand by Superintendent/designee
3. Probation imposed by Superintendent/designee
4. Reassignment (temporary or permanent) by Superintendent
5. Public reprimand by Superintendent
6. Suspension without pay by Superintendent
7. Nonrenewal by Superintendent
8. Dismissal (termination of contract) by Superintendent

ACTIONS WHICH MAY REQUIRE HEARING PROCEDURES

Only the Superintendent may issue a reprimand, suspend without pay or terminate a classified employee. Subject to the employee's exercise of applicable hearing rights, these personnel actions shall be effective on the employee's receipt of written notice from the Superintendent. Subject to the completion of any pending administrative hearing procedure on the action, the Superintendent shall notify the Board at the first meeting following a public reprimand, suspension without pay, or termination and such notification shall be recorded in the Board minutes.

TEMPORARY SUSPENSION WITH PAY PENDING INVESTIGATION

An employee may be relieved from duty for the remainder of the work day (without loss of pay for the affected portion of the day) by the immediate supervisor, pending a review of the facts or allegations, when such time is needed to protect health or welfare of students or staff or to prevent disruption of the educational process.

An employee shall be suspended with pay only when the Superintendent determines there is a justifiable need to protect the health, safety, or welfare of students and staff or to prevent significant disruption of the workplace and/or educational process. The period of suspension with pay shall not exceed the time needed to conduct an investigation and to determine whether the employee is to return to active service or face disciplinary action. However, suspension with pay shall not exceed ten (10) working days. If circumstances arise that require an investigation or other proceedings that may extend beyond ten (10) days, the Superintendent may lengthen the period of suspension, not to exceed an additional fifteen (15) working days.

Employees suspended with pay shall remain available for immediate recall to active service.

CAUSES FOR ACTION

Any classified employee may be subject to appropriate disciplinary or job action for one (1) or more of the following reasons:

1. Dishonesty, neglect of duty, incompetence, inefficiency or insubordination.

PERSONNEL (Continued)

03.27

Discipline, Suspension and Dismissal of Classified Employees

CAUSES FOR ACTION (CONTINUED)

2. Reporting to work under the influence of or use or possession of alcohol or controlled substances while on duty, or the illegal use or possession of controlled substances at any time.
3. Unsatisfactory evaluation of any factor on the employee's performance evaluation report.
4. Repeated unexcused absence, tardiness, absence without notification or abuse of sick leave.
5. Violation of or refusal to obey local policies or state regulations adopted by the Kentucky Board of Education or by the Board.
6. Refusal to comply with safety directives.
7. Falsifying information supplied to the District including information on application forms, absence reports, or any other information.
8. Violation of local policy, state, or federal statutes or regulations that apply to assigned duties.
9. Being convicted of or entering an "Alford" plea or plea of nolo contendere to a felony or any crime (including misdemeanors) involving moral turpitude or illegal transactions with minors or students.
10. Immorality, misconduct, or conduct unbecoming a school employee.
11. Loss of licensure or certification required for the position.
12. Failure to maintain the confidentiality of information about students or staff obtained in the course of employment, unless disclosure serves a legitimate job-related purpose or is required by law.
13. Engaging in any sexually related behavior with a student with or without consent, including, but not limited to, behavior such as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape, threats of physical harm; and sexual assault.
14. Physical or mental disability, consistent with applicable laws protecting employees with disabilities.¹

DUE PROCESS PROVISIONS

The Superintendent shall develop/adopt procedures to provide adequate due process, covering matters that may result in public reprimand, suspension without pay or termination of classified employees. The procedures shall address, but are not limited to notice, opportunity to be heard, right to counsel, conducting a hearing (if requested), and the rendition of a decision or action.

PERSONNEL (Continued)

03.27

Discipline, Suspension and Dismissal of Classified Employees

DUE PROCESS PROVISIONS (CONTINUED)

Employees shall be provided written notification of the charges that may result in a public reprimand, suspension without pay or termination. The notification shall include a statement of the right to a hearing and a form, the signing and filing of which with the Superintendent shall constitute a demand for a hearing and a denial of the charges. If an employee wishes to request a hearing, the employee shall present the appropriate form to the Superintendent within ten (10) calendar days of the receipt of the written notification of the charges. If the employee does not file the demand for a hearing within the ten (10) day period, final personnel action may be taken or completed without a hearing or further proceedings.

OTHER DISCIPLINARY ACTIONS

When disciplinary actions other than public reprimand, suspension without pay or termination, are at issue, employees may submit a written response, which shall be placed in their file along with any documentation of the disciplinary action.

REFERENCES:

¹Americans with Disabilities Act of 1990 as amended by the ADA Amendments Act of 2008, 42 U.S.C. Section §12111 et seq.; KRS Chapter 344
[KRS 160.380](#); [KRS 160.390](#); [KRS 161.011](#)
[OAG 76-290](#); [OAG 92-135](#), [OAG 96-3](#), [OAG 05-006](#)
Consolidated Omnibus Budget Reconciliation Act

RELATED POLICIES:

03.212, 03.23251, 03.26, 03.271, 03.2711, 07.162, 09.14, 09.42811

Adopted/Amended: 07/13/2011

Order #: 9

PERSONNEL

03.27 AP.1

Classified Personnel

Personnel Action Procedures

The Superintendent shall provide written notification of personnel actions to an employee, including but not limited to, public reprimand, suspension without pay, and termination.

WARNING NOTICES

It is not necessary for warning notices to be given to an employee before s/he may be publicly reprimanded, suspended without pay, or terminated. Where a supervisor/Superintendent determines that a warning is the appropriate response to an individual instance of conduct, the supervisor/Superintendent may issue warning notices for reasons listed in Board Policy 03.27. Such notices shall be issued in accordance with the following provisions:

1. Prior to the issuance of a warning notice, the supervisor/Superintendent shall hold an informal conference with the employee.
2. The supervisor shall retain a copy and forward a copy to the Superintendent/designee, as appropriate.

PROCEDURE FOR PUBLIC REPRIMAND/SUSPENSION/DISMISSAL OF CLASSIFIED EMPLOYEES

When the Superintendent becomes aware of allegations that, if true, are believed to warrant public reprimand, suspension without pay, or termination of a classified employee, the Superintendent may seek advice of counsel as deemed appropriate and shall determine whether s/he is in a position to serve as an impartial hearing officer concerning the allegations. If the Superintendent determines that s/he is able to serve as an impartial hearing officer, s/he should follow Procedure A; if not, s/he shall follow Procedure B.

PROCEDURE A (TO BE UTILIZED WHEN SUPERINTENDENT SERVES AS HEARING AUTHORITY)

1. The Superintendent shall direct an administrator to investigate and make a written report to him/her as the designated "Investigator." The Superintendent will not conduct the investigation or prepare the report. The Superintendent will not be involved in the investigation except as may be necessary for procedural matters such as scheduling, facilities availability, etc.
2. The post-investigative report shall state whether the Investigator concludes in his or her professional judgment that the employee engaged in conduct in violation of one or more of the "Causes for Action" set forth in policy 03.27 and shall describe the facts in support of any violation in detail. The Investigator may include a recommendation for suspension without pay pending disposition of any employee request for a hearing in the report if s/he determines that the conduct at issue gives rise to the need to protect the health, welfare, or safety of staff and/or students or the orderly, efficient, and lawful operation of the educational process. If the Investigator recommends a suspension without pay pending disposition of any employee request for a hearing, the Investigator shall provide the employee an opportunity for a conference to discuss the allegations and potential suspension without pay.

This opportunity for a conference shall be provided before the Superintendent imposes a suspension without pay pending disposition of any employee request for a hearing. In the conference, the Investigator will provide oral or written notice of the violation of the "Causes for Action" constituting cause for the suspension without pay pending disposition of any employee request for a hearing, an explanation of the evidence supporting such violation if the employee denies it, and an opportunity for the employee to present his/her version of the facts relating to the violation.

PERSONNEL (Continued)

03.27 AP.1

Personnel Action Procedures

PROCEDURE A (CONTINUED)

3. The report shall not be binding on the Superintendent. Upon a determination that the report warrants initiation of hearing procedures on a potential public reprimand, suspension without pay or termination, the Superintendent shall provide written notice to the classified employee of the opportunity for a hearing. The notice may include a suspension without pay pending final administrative action on any classified employee-hearing request. If, after the hearing, the decision is against a suspension without pay or termination, the employee shall receive his/her full pay for any period of suspension. The notice will include a copy of the investigative report and will advise the employee of the sanctions the Superintendent may impose if the employee does not request a hearing.
4. The employee may request a hearing by filing the proper form with the Superintendent within ten (10) calendar days after receiving the notification of an opportunity for a hearing.
5. If the employee fails to file the hearing request form on time, the Superintendent will review the report and if s/he concludes further action is warranted, take final personnel action based on such report, which may include, but shall not be limited to, public reprimand, and/or suspension without pay and/or termination. Any such action shall be set forth in writing and shall be effective on the employee's receipt of the written notice.
6. If the employee files a timely request, a hearing shall be conducted at a time and place not less than twenty (20) and not more than forty-five (45) calendar days after the employee's receipt of the written notice of the opportunity for a hearing.
7. The employee shall be given the opportunity to hear evidence on the report and the alleged violations described in such report and shall be given the opportunity to cross-examine witnesses. No later than five (5) calendar days before the hearing is scheduled to commence, the following shall be exchanged:
 - a. A list of witnesses expected to testify and copies of exhibits to be submitted in support of the report on behalf of the District; and
 - b. A list of witnesses expected to testify and copies of exhibits to be submitted by the employee in defense of alleged violations.
8. The employee may be represented by counsel at his or her own expense. However, the hearing may be continued if the employee does not provide written notice of his or her intention to be represented by counsel to the Investigator and Superintendent at least seventy-two (72) hours before the hearing is scheduled to commence. The hearing shall be conducted by the Superintendent, who may utilize the assistance of an attorney as hearing advisor. Evidence and testimony shall be presented in support of the report first. The employee shall be given the opportunity to present evidence and testimony in his/her defense and the opportunity to present rebuttal evidence may be extended.
9. The Superintendent shall issue his/her written decision setting forth the reasons for the decision and describing the evidence relied upon within five (5) working days after the conclusion of the hearing. The Superintendent's decision shall be final, shall be effective on the employee's receipt of written notice of the decision and shall be maintained in the classified employee's file.

(Continued)**Personnel Action Procedures****PROCEDURE B (TO BE UTILIZED ONLY WHEN SUPERINTENDENT DOES NOT SERVE AS HEARING AUTHORITY)**

1. If the Superintendent determines, after consultation with counsel as is deemed necessary, that s/he may not be in a position to serve as an impartial Hearing Officer, s/he may delegate authority to hear a classified employee disciplinary matter to an independent hearing officer and may issue such delegation to a Hearing Officer appointed by the Kentucky Commissioner of Education (“Commissioner”). Any such delegation shall be in writing and shall be made as soon as reasonably possible after the Superintendent’s receipt of a classified employee’s request for a hearing under Policy 03.27.

If the Superintendent chooses to utilize a Hearing Officer made available by the Commissioner, s/he shall send a written request to the Commissioner. The request for the appointment shall be accompanied by copies of the charges and the employee’s request for a hearing. All costs associated with payment for services of the Hearing Officer shall be the responsibility of the District.

The Superintendent shall not utilize a Hearing Officer who is an employee of the Kentucky Department of Education or the District.

2. If the Superintendent determines s/he will not serve as Hearing Officer, s/he may investigate classified employee conduct or activities that may warrant a public reprimand, suspension without pay, or termination, and may cause charges to be brought against the employee setting forth the Superintendent’s intent to impose a public reprimand, suspension without pay, or termination, subject to the employee’s exercise of hearing rights under this policy. The charges shall describe conduct giving rise to a violation of one or more “Causes For Action” as set forth in detail in Policy 03.27 and may include a suspension without pay pending final administrative action on a classified employee hearing request.

If after the hearing the decision is against a suspension without pay or termination, the employee shall receive his/her full pay for any period of suspension. In determining to impose a suspension without pay pending disposition of any employee request for a hearing, the Superintendent shall review whether the conduct at issue gives rise to the need to protect the health, welfare, or safety of staff and/or students or the orderly, efficient, and lawful operation of the educational process. Prior to imposing a suspension without pay pending disposition of any employee hearing request, the Superintendent shall provide the employee an opportunity for a conference to discuss the allegations and potential suspension without pay. In the conference, the Superintendent will provide oral or written notice of violation of “Causes For Action” constituting cause for the suspension without pay pending any employee request for a hearing, an explanation of the evidence supporting such violation if the employee denies it, and an opportunity to the employee to present his version of the facts relating to the violation.

3. The employee may request a hearing by filing the proper form with the Superintendent within ten (10) calendar days after receiving notice of the charges. If the employee fails to request a hearing on time, the Superintendent’s action as set forth in the charges shall be final.
4. If the employee files a timely request, a hearing shall be conducted at a time and place not less than twenty (20) calendar days after the employee’s receipt of the charges.

Personnel Action Procedures

PROCEDURE B (CONTINUED)

5. The employee shall be given the opportunity to hear evidence on the charges and to cross-examine witnesses. No later than five (5) calendar days before the hearing is scheduled to commence, the following shall be exchanged:
 - a. A list of witnesses expected to testify and copies of exhibits to be submitted in support of the charges on behalf of the District; and
 - b. A list of witnesses expected to testify and copies of exhibits to be submitted by the employee in defense of charges.
6. The employee may be represented by counsel at his/her own expense. However, the hearing may be continued if the employee does not provide written notice of his/her intention to be represented by counsel to the Superintendent and Hearing Officer at least seventy-two (72) hours before the hearing is scheduled to commence.
7. Evidence and testimony shall be presented in support of the charges first. The employee shall be given the opportunity to present evidence and testimony in his/her defense and an opportunity to present rebuttal evidence may be provided.
8. The Hearing Officer shall issue his/her written decision setting forth the reasons for the decision and describing the evidence relied upon after conclusion of the hearing. Upon receipt of the Hearing Officer's decision, the Superintendent shall take action consistent with the decision by providing written notice to the classified employee and such action shall be effective upon the employee's receipt of such notice. The Superintendent may seek advice of counsel regarding the form and content of such notice. The Superintendent's written notice shall be maintained in the classified employee's file.

Review/Revised:7/8/08

PERSONNEL

03.27 AP.21

- CLASSIFIED PERSONNEL -

Employee Request for Hearing

EMPLOYEE'S NAME _____ POSITION _____ CURRENT WORK SITE _____

Having received notification of charges relative to my public reprimand suspension without pay termination and the statement of my right to meet to discuss the charges, I hereby deny the charge(s) listed below for the reason(s) noted:

CHARGE	REASON(S) FOR DENIAL (ATTACH ADDITIONAL SHEETS, IF NEEDED.)
1. _____ _____ _____	_____ _____ _____
2. _____ _____ _____	_____ _____ _____
3. _____ _____ _____	_____ _____ _____
4. _____ _____ _____	_____ _____ _____

Having denied the charge(s) as noted above, I request a hearing as permitted by policy. I understand that the decision rendered after that hearing shall be final.

Employee's Signature *Date*

THIS FORM MUST BE RETURNED TO THE SUPERINTENDENT WITHIN THE TIME FRAME SPECIFIED IN POLICY.

Review/Revised:12/13/2005

- CLASSIFIED PERSONNEL -**Personnel Reduction****PROCESS**

If it becomes necessary to reduce the number of classified employees within the budget year, the Superintendent may at any time make a reduction in the number of classified employees due to the following:

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

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

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

ORDER OF REDUCTION

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

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

1. Seniority in the District and qualifications required for the position, such as specialty license/training and whether the position is full-time or part-time, based on District needs.
2. Seniority and qualifications being equal, the classified employee who has the highest evaluation ratings will be retained.

RE-EMPLOYMENT

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

When employees with less than four (4) years of continuous service in the District are selected for reduction, they shall no longer be considered an employee and shall have no employee rights or benefits other than those granted under COBRA. These individuals may reapply for employment with the District if positions open in the future. However, a reduction in force does not guarantee future employment with the District or any preference or recall right in the employment process for employees with less than four (4) years of District experience.

**PERSONNEL
(CONTINUED)**

03.271

Personnel Reduction

REFERENCE:

[KRS 161.011](#)

RELATED POLICIES:

02.4331, 03.22, 03.224

Adopted/Amended: 08/08/2000

Order #: 020

PERSONNEL

03.2711

- CLASSIFIED PERSONNEL -

Nonrenewal

The Principal/immediate supervisor shall provide the Superintendent with notice of recommended nonrenewals by March 15.

Nonrenewal of contracts for classified personnel shall be made in compliance with the requirements of [KRS 161.011](#), with written notice being mailed or provided to the employee by the Superintendent no later than May 15.

BASIS FOR NONRENEWAL (LESS THAN FOUR YEARS OF SERVICE)

The Superintendent may nonrenew the contracts of classified employees with less than four (4) years of continuous active service in the District for any legal reason.

BASIS FOR NONRENEWAL (FOUR OR MORE YEARS OF SERVICE)

Classified employees with four (4) or more years of continuous active service in the District may be nonrenewed for the following reasons:

1. Incompetency,
2. Neglect of duty,
3. Insubordination,
4. Inefficiency,
5. Misconduct,
6. Immorality,
7. Other grounds contained in Board policy, including, but not limited to, causes for action set forth in Board policy 03.27,
8. Loss or reduction of funding, or
9. A position becomes obsolete or redundant due to program reorganization, changes to program requirements, elimination or reduction of a program, including a council decision that fewer employees are needed at the school, or any other change in District personnel staffing policies or guidelines.

REFERENCE:

[KRS 161.011](#)

RELATED POLICIES:

03.27
03.271

Adopted/Amended: 07/13/2011
Order #: 9

- CLASSIFIED PERSONNEL -

Conflict of Interests

PECUNIARY INTEREST PROHIBITED

No administrator or other employee of the District with decision-making authority over the financial position of the school District shall have any pecuniary interest, either directly or indirectly, in an amount exceeding twenty-five dollars (\$25.00) per year, at the time of or after appointment, in supplying any goods, services, property or merchandise for which school funds are expended. Nor shall any such person receive directly or indirectly any gift, reward, or promise of reward for goods, services, property, or merchandise of any kind for which school funds are expended.¹

No administrator or other employee shall solicit for personal financial gain from students, parents and other staff during the school day or during school events.

Unless prior arrangements are made with the Board, any device, publication or any other item to be copyrighted developed during the employee's paid time shall be District property.

Employees shall not profit monetarily through the use of confidential information gained in the course of or by reason of their position of employment with the District.

EXCEPTION

This policy shall not prohibit the Board from approving non-contracted personal services for the benefit of the District.

REFERENCES:

- [KRS 156.480](#)
- [KRS 45A.455](#)
- [OAG 77-228](#)
- [OAG 71-474](#)

Adopted/Amended: 10/11/1994
Order #: 99

- CLASSIFIED PERSONNEL -

Conflict of Interests

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REFERENCES:

- [KRS 156.480](#)
- [KRS 45A.455](#)
- [OAG 77-228](#)
- [OAG 71-474](#)

Adopted/Amended: 10/11/1994
Order #: 99

- CLASSIFIED PERSONNEL -

Retirement

Retirement means retirement from the County Employees' Retirement System.

NOTICE

Persons retiring should give the Superintendent notice as far in advance as possible but not less than two (2) weeks prior to retirement.

RETIREMENT ELIGIBILITY

Upon initial employment, all full-time classified personnel shall be declared eligible for entry into the County Employees' Retirement System.

RESPONSIBILITY

Retirement benefits shall be solely a matter of contract between the employee and the County Employees' Retirement System and shall not be the responsibility of the Board except that the Superintendent shall deduct and send to the County Employees' Retirement System, in the manner prescribed, those amounts required under law.

UNUSED SICK DAYS

At the time of initial retirement and under provisions of [KRS 161.155](#) (10), the Board shall compensate classified employees, or their estate, for each unused sick day at the rate of 30% of the daily salary. This calculation is based on the employee's last annual salary. For personnel who begin employment with a local school district on or after July 1, 2008, unused sick leave days to be recognized in calculating reimbursement under [KRS 161.155](#) shall not exceed 300 days.¹

Upon death of an employee in active contributing status who was eligible to retire by reason of service, the District shall compensate the estate of the employee. The District shall provide compensation for unused sick leave days when the employee provides proof s/he qualifies as an annuitant who will receive a retirement or disability allowance from the County Employees' Retirement System.

The Board authorizes the purchase of service credit for unused sick leave days as allowed under CERS options. Reimbursement shall be provided in accordance with applicable CERS guidelines. Service credit cannot be purchased for unused sick leave for which the employee receives compensation.

ESCROW ACCOUNT

The Board shall create an escrow account to maintain the funds necessary to reimburse employees who qualify for the retirement benefit.

REVIEW

This policy is subject to review and possible amendment annually.

REFERENCES:

¹[KRS 161.155](#)

29 U.S.C. 631; [KRS 61.545](#); [KRS 78.610](#); [KRS 78.616](#); [KRS 157.420](#); [OAG 83-191](#)

Adopted/Amended: 07/13/2011

Order #: 9

PERSONNEL

03.28

- CLASSIFIED PERSONNEL -

Evaluation

Each classified employee shall be evaluated at least once each year. This evaluation shall be performed by the immediate supervisor and building level administrator and/or program director where applicable and shall be based upon a formal procedure approved by the Superintendent for that specific position or class of positions. The administrator performing the evaluation shall share and discuss the evaluation report with the employee. The employee shall have the right to comment in writing on the evaluation report. The employee's written comments shall be attached to the evaluation report, and the report shall be filed with the Superintendent.

Adopted/Amended: 08/17/2006

Order #: 043

PERSONNEL

03.28 AP.1

- CLASSIFIED PERSONNEL -

Evaluation Process

FREQUENCY AND TIME

Each classified employee shall be evaluated at least once each year. This evaluation shall be performed by the Principal or the Immediate Supervisor by April 1.

EVALUATION PROCEDURE

The evaluations shall be made in writing, and the evaluator shall hold a conference with the evaluatee. The employer's written comments (if any) shall be attached to the report and the report filed with personnel records in the Central Office. An appeal process is available to employees who wish to appeal their evaluation.

EVALUATION APPEAL

An employee may appeal his/her evaluation as follows:

1. The employee may request a review of his/her evaluation with the immediate supervisor.
2. If a review is requested, the Superintendent/designee shall set the time and place of the review with the employee and immediate supervisor.
3. During the review process, the employee shall be given the opportunity to present any evidence or testimony supporting his/her position.
4. Within ten (10) working days of the hearing, the Superintendent/designee shall prepare and forward to the employee and the employee's supervisor a written response to the appeal.
5. All information relating to the employee's evaluation shall be placed in the employee's appropriate personnel file.
6. Time limits set forth in this section may be extended by the written mutual agreement of the employee and the Superintendent.

RELATED PROCEDURES:

03.28 AP.21

03.28 AP.22

Review/Revised:5/12/1998

PERSONNEL

03.28 AP.21

- CLASSIFIED PERSONNEL -

Classified Personnel Evaluation

EMPLOYEE'S NAME _____ SCHOOL YEAR _____

WORKSITE/SCHOOL _____ SUPERVISOR _____

EXPLANATION OF THE SCALE:

SATISFACTORY (S)
IMPROVEMENT NEEDED (IN)

UNSATISFACTORY (U)
NOT APPLICABLE (NA)

JOB KNOWLEDGE:

Evaluate skill/knowledge of the information, procedures, materials, equipment, techniques, etc., required for the position.

- (a) Has necessary skills to complete tasks required in current job.
- (b) Understands and completes all records, reports, and documents required.
- (c) Has working knowledge of equipment/material that is necessary for completion of assigned task.
- (d) Attends appropriate in-service programs.
- (e) Adheres to Board policies.

S	IN	U	NA

Comments: _____

PRODUCTIVITY AND QUALITY OF WORK:

Rate the completion, accuracy, timeliness, and volume of work.

- (a) Completes the required tasks.
- (b) Completes tasks accurately.
- (c) Completes tasks in a timely manner.
- (d) Uses proper safety measures when working.
- (e) Takes initiative in seeking and completing tasks without supervision.

S	IN	U	NA

Comments: _____

RESPONSIBILITY, DEPENDABILITY, AND ATTENDANCE:

Consider efforts to ensure the successful completion of tasks, extra efforts made to meet work demands, attendance, dependability, and general assistance.

- (a) Uses discretion with confidential or privileged information.
- (b) Follows directions.
- (c) Uses good judgment in performing responsibilities.
- (d) Organizes work responsibilities and sets priorities.
- (e) Has a good attendance record.
- (f) Reports to work punctually.
- (g) Returns to work from break and/or lunch punctually.

S	IN	U	NA

Comments: _____

**PERSONNEL
(Continued)**

03.28 AP.21

Classified Personnel Evaluation

INTERPERSONAL RELATIONS:

Consider relationships with other employees, students, and the community, and willingness to perform required duties and to help others accomplish tasks.

- (a) Deals with students and parents in a positive, constructive manner.
- (b) Deals with colleagues and supervisors in a positive, constructive manner.
- (c) Cooperates in accomplishing school and District goals and objectives.
- (d) Handles problems in a constructive and fair manner.
- (e) Works through line/staff relationships when addressing problems.
- (f) Offers differing opinions in a constructive and helpful manner
- (g) Demonstrates effective written and verbal communication skills.

S	IN	U	NA

Comments: _____

SUMMARY

Overall job performance on applicable items.

S	IN	U	NA

This review has been discussed with the employee who has been given a copy. Signatures acknowledge completion of the evaluation and not necessarily agreement. Written statement of disagreement may be attached to this form.

Overall, does the employee meet the designated performance standards? YES NO

Comment: _____

Growth and Development: Activities in which the employee has or will participate that could increase job effectiveness.

Improvement in the areas noted on this evaluation can be achieved by the following: _____

This review has been discussed with the employee who has been given a copy. Signatures acknowledge completion of the evaluation and not necessarily agreement. Written statement of disagreement may be attached to this form.

<i>Employee's Signature</i>	<i>Date</i>
<i>Supervisor's Signature</i>	<i>Date</i>

Employee's Comments: _____

NOTE: The staff member shall be provided a copy of this form upon completion of evaluation conference. The original evaluation shall be forwarded to Superintendent's Office and a copy maintained in the files of the evaluator.

**PERSONNEL
(Continued)**

03.28 AP.21

Classified Personnel Evaluation

Performance Improvement Plan

NOTE: A performance improvement plan shall be jointly developed by the supervisor and staff member for any area that needs improvement or for any unsatisfactory rating received on the classified personnel evaluation. A performance improvement plan may also be developed if immediate changes/actions are needed.

Name _____ Date _____

1. Identified Performance Concern(s) _____

2. Explanation of Concerns _____

3. Recommended Procedure for Performance Improvement _____

4. Assistance Procedure Provided by Immediate Supervisor _____

5. Time Frame for Performance Improvement _____

Planning Conference:

Evaluator's Signature Date Employee's Signature Date

Assessment Conference:

Performance Concern(s) have been met. YES NO

Comments _____

Evaluator's Signature Date Employee's Signature Date

RELATED PROCEDURE:

03.28 AP.22

Review/Revised:6/30/09

- CLASSIFIED PERSONNEL -

Evaluation Appeal Form

INSTRUCTIONS

This form is to be used by classified employees who wish to appeal their final summative evaluation. If you feel that you were not fairly evaluated you may submit an appeal to the Superintendent by completing this form and returning it to the Superintendent within five (5) working days of the receipt of your summative evaluation.

EMPLOYEE'S NAME _____

HOME ADDRESS _____ **ZIP CODE** _____

WORKSITE/SCHOOL _____

POSITION _____

WHAT SPECIFICALLY DO YOU OBJECT TO OR WHY DO YOU FEEL YOU WERE NOT FAIRLY EVALUATED? IF ADDITIONAL SPACE IS NEEDED, ATTACH ADDITIONAL SHEET.

DATE YOU RECEIVED THE EVALUATION _____

EVALUATOR'S NAME _____

Employee's Signature _____ *Date* _____

RELATED PROCEDURES:

- 03.28 AP.1
- 03.28 AP.21

Review/Revised:5/12/98

Paraprofessionals

SUPERINTENDENT MAY EMPLOY

The Superintendent may employ paraprofessionals for supplementary instructional and non-instructional duties in the education program in positions authorized by the Board.¹

DEFINITION

As used in this policy and in relation to required training and qualifications for instructional personnel, the term “paraprofessional” is interchangeable with the term “paraeducator,” which means an adult school employee who works under the direction of the professional administrative and teaching staff in performing, within the limitations of training and competency, certain instructional and non-instructional functions in the school program.²

EDUCATIONAL REQUIREMENTS

Existing and new paraprofessionals who provide instructional services or support in programs supported by Title I funds shall satisfy educational requirements specified by federal law.²

SUPERVISION

Paraprofessionals shall be under the direct supervision of certified teachers.^{1&2} Each paraprofessional shall have a job description which limits assigned duties to the scope of the individual's competencies.

ATHLETIC PROGRAM

When the Superintendent is unable to fully staff the athletic program with qualified personnel, as specified in [702 KAR 007:090](#), the Superintendent may employ personnel who will perform routine assignments under the direction of certified staff.

EVALUATION

The Superintendent shall develop and implement procedures for an annual evaluation and professional development of paraprofessionals. Evaluation results shall be a factor in future employment decisions.

REFERENCES:

¹[KRS 161.044](#); [OAG 76-555](#); [OAG 86-43](#)

²P. L. 107-110 (No Child Left Behind Act of 2001); [KRS 161.010](#)

34 CFR 200.58-200.59

Kentucky High School Athletic Association (KHSAA)

[KRS 17.160](#); [KRS 17.165](#); [KRS 156.095](#); [KRS 160.380](#); [KRS 161.180](#)

[OAG 73-206](#)

RELATED POLICIES:

03.21 (Hiring)

03.232 (Job Description)

03.28 (Evaluation)

03.6

Adopted/Amended: 03/08/2003

Order #: 010

Volunteers

DEFINITION

Volunteers are persons who do not receive compensation for assisting in school or District programs. Volunteers are encouraged to use their time and effort to support school and District programs. The Superintendent shall develop procedures that encourage volunteers to assist in school and/or District programs and to facilitate effective communication with persons who volunteer.

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

SUPERVISION

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

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

RECORDS CHECK

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

Pursuant to [KRS 160.380](#), the Superintendent/designee also may require volunteers to submit to a national criminal history background check for safety reasons. With prior approval of the Superintendent/designee, the background checks will be conducted at District expense. Otherwise, except as stated previously, the volunteer must pay for the background checks.

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

WORK-BASED SITE SUPERVISORS

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

ORIENTATION

The Superintendent/designee shall develop orientation materials to be provided to all volunteers who have contact with students on a regularly scheduled or continuing basis. These materials shall include, but not be limited to, pertinent policies and safety and emergency procedures.

**PERSONNEL
(Continued)**

03.6

Volunteers

REFERENCES:

- ¹[KRS 161.148](#)
- [KRS 160.380](#)
- [KRS 161.044](#)

RELATED POLICIES:

- 03.5
- 08.113; 08.1131

Adopted/Amended: 07/13/2011
Order #: 9

Fraud Prevention

All employees, Board members, consultants, vendors, contractors and other parties maintaining a business relationship with the District shall act with integrity and due diligence in matters involving District fiscal resources.

DEFINITION

As used in this policy, “fraud” refers to intentionally misrepresenting, concealing, or misusing information in an attempt to commit fiscal wrongdoing. Fraudulent actions include, but are not limited to:

- Behaving in a dishonest or false manner in relation to District assets, including theft of funds, securities, supplies, or other District properties.
- Forging or altering financial documents or accounts illegally or without proper authorization.
- Improper handling or reporting of financial transactions.
- Personally profiting as a result of insider knowledge.
- Disregarding confidentiality safeguards concerning financial information.
- Violating Board conflict of interest policies.
- Mishandling financial records or District assets (destroying, removing, or misusing).

STAFF RESPONSIBILITIES

Employees who suspect that financial fraud, impropriety or irregularity has occurred shall immediately report those suspicions to their immediate supervisor and/or the Superintendent/designee who shall have the primary responsibility for initiating necessary investigations. Investigations shall be conducted in coordination with legal counsel and other internal or external departments and agencies as appropriate.

The Superintendent/designee shall inform employees with financial/accounting responsibilities of the following anti-fraud standards established by the Board:

1. The District shall operate in a culture of honesty and ethical behavior with employees doing all within their power to further that goal.
2. Employees shall comply with all laws, rules, regulations and court orders of the Commonwealth of Kentucky and of the United States, as well as Board policy addressing fiscal matters.
3. Employees shall practice good stewardship of District financial resources, including timely reporting of fraudulent expenditures.
4. Employees with financial/accounting responsibilities shall support and follow sound business practices to the best of their ability and in keeping with their assigned responsibilities and job-related training by:
 - a. Maintaining and protecting District financial records;
 - b. Performing one’s job with the highest attention to detail to minimize and prevent error, falsification of accounting records, and omission of transactions;

FISCAL MANAGEMENT (Continued)

04.41

Fraud Prevention

STAFF RESPONSIBILITIES (CONTINUED)

- c. Reporting knowledge of fraud or suspected fraud, including intentional misstatements and omissions of amounts or disclosures;
- d. Guarding against misappropriation of assets;
- e. Refusing to reveal investment activities engaged in or contemplated by the District to unauthorized persons or agencies; and
- f. Resisting incentives, pressures, and negative attitudes that detract from performance of assigned responsibilities.

INTERNAL CONTROLS/INVESTIGATIONS

The Superintendent/designee shall be responsible for developing internal controls to aid in preventing and detecting fraud or financial impropriety or irregularity within the District. Reports of suspected fraudulent activities shall be investigated in a manner that protects the confidentiality of the parties and avoid unfounded accusations. Employees involved in the investigation shall be advised to keep information about the investigation confidential.

If an investigation substantiates occurrence of a fraudulent activity, the Superintendent/designee shall issue a report to appropriate personnel and to the Board of Education. Final disposition of the matter and any decision to file a criminal complaint or refer the matter to the appropriate law enforcement and/or regulatory agency for independent investigation shall be made in consultation with legal counsel. Results of the investigation shall not be disclosed to or discussed with anyone other than those individuals with a legitimate need to know.

REFERENCES:

Governmental Accounting Standards
[KRS 7.410](#); [KRS 158.155](#)
[725 KAR 001:030](#); [KRS 171.420](#)
Records Retention/Public School District Schedule

RELATED POLICIES:

01.61
03.17/03.27
03.1721/03.2721
04.8; 04.81

Adopted/Amended: 08/09/2005
Order #: 027

SCHOOL FACILITIES

Weapons

05.48

This policy applies to students, staff members, and visitors to the school.

WEAPONS PROHIBITED

Except where expressly and specifically permitted by Kentucky Revised Statute, the carrying, bringing, using, or possessing any weapon or dangerous instrument, including knives with folding blades that exceed four (4) inches in length, in any school building, on school grounds, in any school vehicle or at any school-sponsored activity is prohibited.³

Violation of this policy by staff members shall constitute reason for disciplinary action, including possible termination.

Violation of this policy by students shall require that the Principal immediately make a report to the Superintendent, who shall determine if charges for expulsion from the District schools should be filed under Policy 09.435. In addition, when they have reasonable belief that a violation has taken place, principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves student possession of a firearm in violation of the law or assault involving the use of a weapon.

Violations by visitors shall be reported to a law enforcement agency.

Exceptions:

- An exception may be made for students participating in an authorized curricular or extracurricular activity or team involving the use of firearms and to those persons listed in [KRS 527.070](#).
- Law enforcement officials are authorized to bring weapons onto school property in performance of their duties.

FEDERAL REQUIREMENTS REGARDING STUDENTS

The penalty for students possessing a firearm at school or bringing a firearm other deadly weapon, destructive device, or booby trap device¹ to school or onto the school campus/property under jurisdiction of the District shall be expulsion for a minimum of twelve (12) months under Policy 09.435. However, the Board may modify such expulsions on a case-by-case basis. Any case-by-case modification of the one (1)-year expulsion requirement, including those made for students with disabilities to meet the requirements of IDEA and Section 504, shall be in writing and may be based upon a recommendation of the Superintendent/designee.

Any student who possesses a firearm at school or brings to school a firearm or other deadly weapon, destructive device or booby trap device shall be referred to the criminal justice or juvenile delinquency system.²

Although students are subject to disciplinary action for violating any restriction in this policy, the twelve (12) month expulsion penalty mandated by the Federal Gun-Free Schools Act does not apply to a firearm lawfully stored in a locked vehicle on school property.

STATE POSTING REQUIREMENTS

The Superintendent shall post the following notice in prominent locations in the schools, including, but not limited to, sports arenas, gymnasiums, stadiums, and cafeterias. The notice shall be at least six (6) inches high and fourteen (14) inches wide and shall state:

UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL PROPERTY IN KENTUCKY IS A FELONY PUNISHABLE BY A MAXIMUM OF FIVE (5) YEARS IN PRISON AND A TEN THOUSAND DOLLAR (\$10,000) FINE.²

SCHOOL FACILITIES

05.48

(Continued)

Weapons

STATE POSTING REQUIREMENTS (CONTINUED)

The above criminal penalty shall not apply to those persons listed in [KRS 527.070](#) (3).

STATE REPORTING REQUIREMENTS

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the carrying, possession, or use of a deadly weapon on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.

For state reporting purposes, a deadly weapon shall be defined as:

1. a weapon of mass destruction;
2. any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged;
3. any knife other than an ordinary pocket knife;
4. billy, nightstick or club;
5. blackjack or slapjack;
6. nunchaku karate sticks;
7. shuriken or death star; or
8. artificial knuckles made from metal, plastic, or other similar hard material.

Employees who receive information from a student or other person regarding conduct required to be reported shall report the conduct in the same manner as stated above.

ENFORCEMENT

In the enforcement of this policy, principals may authorize, if they have reasonable suspicion, searches in compliance with applicable Board policies.

REFERENCES:

¹[KRS 527.020](#); 20 U.S.C. §7141; (Gun-Free Schools Act); 18 U.S.C. §921(a)

²[KRS 527.070](#), [KRS 500.080](#)

³[KRS 237.106](#)

[KRS 158.150](#), [KRS 158.154](#), [KRS 158.155](#)

[KRS 160.290](#), [KRS 160.340](#); [KRS 161.790](#)

[KRS 237.110](#), [KRS 508.075](#), [KRS 508.078](#)

Individuals with Disabilities Education Improvement Act (IDEA)

Section 504 of the Rehabilitation Act of 1973, as amended

RELATED POLICIES:

09.435, 09.436, 09.4361

Adopted/Amended: 06/29/2010

Order #: 294

115

Bus Drivers' Use of Tobacco and Other Substances

Tobacco Products

While on the bus, bus drivers shall not use tobacco products and shall not permit students to use them.

DEFINITIONS

The following definitions apply for purposes of drug and alcohol testing required by federal and state law:

"Drugs" refers to controlled substances as prohibited by the Omnibus Act, including but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

"Alcohol" refers to the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including but not limited to, methyl and isopropyl. Alcohol use includes the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

USE PROHIBITED

All employees subject to commercial driver's license (CDL) requirements shall be prohibited from:

1. The use of any drugs, that may affect the employee's ability to safely drive a school bus or perform other job responsibilities;
2. The use of alcohol:
 - a. While on duty;
 - b. Four (4) hours before driving;
 - c. Eight (8) hours following an accident; or
 - d. Consumption resulting in prohibited levels of alcohol in the system.

REQUIRED REPORTS

- Drivers taking medication either by prescription or without prescription shall report to the immediate supervisor and shall not drive if that medication may affect the driver's ability to safely drive a school bus or perform other driver responsibilities.²
- Drivers shall immediately report to the Superintendent or designee any traffic violation specified in Kentucky Administration Regulation.²

TESTING

All covered applicants and employees shall be subject to pre-employment testing (controlled substances only), and reasonable suspicion, random and post-accident testing for drugs and alcohol. Return-to-duty and follow-up testing shall also be required.

All offers of employment with the District shall be made contingent upon testing results. An applicant who tests positive shall not be employed.

TRANSPORTATION 06.221

(CONTINUED)

Bus Drivers' Use of Tobacco and Other Substances

TESTING (CONTINUED)

Current employees who test positive shall be subject to immediate disciplinary action up to and including dismissal in accordance with Board policy and administrative procedures. A school bus driver, substitute driver, school bus mechanic or anyone performing safety-sensitive pupil transportation duties who tests 0.02 percent or higher on the confirmation alcohol test immediately before, during, or immediately following the performance of these duties shall be relieved of these duties immediately. (Drivers found under the influence of alcohol or any illegal drugs while on duty or with remaining driving responsibilities that same day shall be dismissed from employment in accordance with Kentucky Administrative Regulation and Board policy and shall not be eligible for reemployment for five [5] years.)

Employees who test positive shall be notified of referral services. Additionally, employees shall be subject to CDL prohibitions and penalties under the Omnibus Act and applicable Federal Motor Carrier Safety Regulations.

Applicants who refuse drug testing shall be eliminated immediately from employment consideration. Current employees who refuse to comply with testing requirements will be regarded as insubordinate and shall be subject to disciplinary action, up to and including dismissal.

Refusal to submit to an alcohol or controlled substance test means that the individual demonstrated noncompliance, including but not limited to the following actions:

- Failed to appear for any test within a reasonable period of time as determined by the employer and consistent with applicable Department of Transportation agency regulation;
- Failed to remain at the testing site until the testing process was completed;
- Failed to provide a sample specimen for any required test;
- Failed to provide a sample in an amount sufficient for testing without an adequate medical reason for the failure;
- Failed to undergo a medical examination as directed by the Medical Review Officer as part of the verification process for the previous listed reason;
- Failed or declined to submit to a second test that the employer or collector has directed the driver to take;
- Failed to cooperate with any of the testing process; and/or
- Adulterated or substituted a test result as reported by the Medical Review Officer.

TESTING COSTS

Pre-employment drug testing costs with Board approved vendor shall be paid for by the District. All current employee drug and alcohol testing including reasonable suspicion, random and post-accident testing costs with Board approved vendor shall be paid for by the District.

Bus Drivers' Use of Tobacco and Other Substances**MATERIALS TO BE PROVIDED**

The Superintendent/designee shall distribute educational materials to explain state and federal legal requirements for alcohol and controlled substance testing of CDL drivers and the district's policies and procedures to implement it and answer questions about the materials. Materials shall meet content requirements of state and federal regulations and shall be distributed to each driver prior to the start of alcohol and controlled substances testing each year and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle. Each employee is required to sign a statement certifying that s/he has received a copy of these materials. If the District recognizes an organization to represent bus drivers, the District shall provide written notice to representatives of the organization of the availability of this information.¹

REFERENCES:

¹49 C.F.R. Part 382

²[702 KAR 005:080](#)

[KRS 438.050](#)

Omnibus Employee Testing Act of 1991, Public Law 102-143, Title V

RELATED POLICIES:

03.11; 03.13251; 03.17

03.21; 03.23251; 03.27

Adopted/Amended: 07/13/2011

Order #: 9

Access to Electronic Media

(Acceptable Use Policy)

The Board supports reasonable access to various information formats for students, employees and the community and believes it is incumbent upon users to utilize this privilege in an appropriate and responsible manner.

SAFETY PROCEDURES AND GUIDELINES

The Superintendent shall develop and implement appropriate procedures to provide guidance for access to electronic media. Guidelines shall address teacher supervision of student computer use, ethical use of electronic media (including, but not limited to, the Internet, e-mail, and other District technological resources), and issues of privacy versus administrative review of electronic files and communications. In addition, guidelines shall prohibit utilization of networks for prohibited or illegal activities, the intentional spreading of embedded messages, or the use of other programs with the potential of damaging or destroying programs or data.

Students shall be provided instruction about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms and cyberbullying awareness and response.

Internet safety measures shall be implemented that effectively address the following:

- Controlling access by minors to inappropriate matter on the Internet and World Wide Web;
- Safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
- Preventing unauthorized access, including “hacking” and other unlawful activities by minors online;
- Unauthorized disclosure, use and dissemination of personal information regarding minors; and
- Restricting minor’s access to materials harmful to them.

The District shall provide reasonable public notice of, and at least one (1) public hearing or meeting to address and communicate its Internet safety measures.

Specific expectations for appropriate Internet use shall be reflected in the District’s code of acceptable behavior and discipline including appropriate orientation for staff and students.

PERMISSION/AGREEMENT FORM

A written parental request shall be required prior to the student being granted independent access to electronic media involving District technological resources.

The required permission/agreement form, which shall specify acceptable uses, rules of on-line behavior, access privileges, and penalties for policy/procedural violations, must be signed by the parent or legal guardian of minor students (those under 18 years of age) and also by the student. This document shall be kept on file as a legal, binding document. In order to modify or rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the Superintendent with a written request.

EMPLOYEE USE

Employees shall not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. (Authorization is not required each time the electronic media is accessed in performance of one’s duties.) Each employee is responsible for the security of his/her own password.

Access to Electronic Media

(Acceptable Use Policy)

EMPLOYEE USE (CONTINUED)

Employees are encouraged to use electronic mail and other District technology resources to promote student learning and communication with the home and education-related entities. If those resources are used, they shall be used for purposes directly related to work-related activities.

Technology-based materials, activities and communication tools shall be appropriate for and within the range of the knowledge, understanding, age and maturity of students with whom they are used.

District employees and activity sponsors may set up blogs and other social networking accounts using District resources and following District guidelines to promote communications with students, parents, and the community concerning school-related activities and for the purpose of supplementing classroom instruction.

Networking, communication, Live@edu and other options offering instructional benefits may be used for the purpose of supplementing classroom instruction and to promote communications with students and parents concerning school-related activities.

In order for District employees and activity sponsors to utilize a social networking site for instructional, administrative or other work-related communication purposes, they shall comply with the following:

1. They shall request prior permission from the Superintendent/designee.
2. If permission is granted, staff members will set up the site following any District guidelines developed by the Superintendent's designee.
3. Guidelines may specify whether access to the site must be given to school/District technology staff.
4. If written parental consent is not otherwise granted through AUP forms provided by the District, staff shall notify parents of the site and obtain written permission for students to become "friends" prior to the students being granted access. This permission shall be kept on file at the school as determined by the Principal.
5. Once the site has been created, the sponsoring staff member is responsible for the following:
 - a. Monitoring and managing the site to promote safe and acceptable use; and
 - b. Observing confidentiality restrictions concerning release of student information under state and federal law.

Staff members are discouraged from creating personal social networking sites to which they invite students to be friends. Employees taking such action do so at their own risk.

CURRICULUM AND INSTRUCTION

(Continued)

08.2323

Access to Electronic Media

(Acceptable Use Policy)

EMPLOYEE USE (CONTINUED)

All employees shall be subject to disciplinary action if their conduct relating to use of technology or online resources violates this policy or other applicable policy, statutory or regulatory provisions governing employee conduct. The Professional Code of Ethics for Kentucky School Certified Personnel requires certified staff to protect the health, safety, and emotional well-being of students and confidentiality of student information. Conduct in violation of this Code, including, but not limited to, such conduct relating to the use of technology or online resources, must be reported to Education Professional Standards Board (EPSB) as required by law and may form the basis for disciplinary action up to and including termination.

COMMUNITY USE

On recommendation of the Superintendent/designee, the Board shall determine when and which computer equipment, software, and information access systems will be available to the community.

Upon request to the Principal/designee, community members may have access to the Internet and other electronic information sources and programs available through the District's technology system, provided they attend any required training and abide by the rules of usage established by the Superintendent/designee.

DISREGARD OF RULES

Individuals who refuse to sign required acceptable use documents or who violate District rules governing the use of District technology shall be subject to loss or restriction of the privilege of using equipment, software, information access systems, or other computing and telecommunications technologies.

Employees and students shall be subject to disciplinary action, up to and including termination (employees) and expulsion (students) for violating this policy and acceptable use rules and regulations established by the school or District.

RESPONSIBILITY FOR DAMAGES

Individuals shall reimburse the Board for repair or replacement of District property lost, stolen, damaged, or vandalized while under their care. Students or staff members who deface a District web site or otherwise make unauthorized changes to a web site shall be subject to disciplinary action, up to and including expulsion and termination, as appropriate.

RESPONDING TO CONCERNS

School officials shall apply the same criterion of educational suitability used to review other educational resources when questions arise concerning access to specific databases or other electronic media.

AUDIT OF USE

Users with network access shall not utilize District resources to establish electronic mail accounts through third-party providers or any other nonstandard electronic mail system.

CURRICULUM AND INSTRUCTION (Continued)

08.2323

Access to Electronic Media

(Acceptable Use Policy)

AUDIT OF USE (CONTINUED)

The Superintendent/designee shall establish a process to determine whether the District's education technology is being used for purposes prohibited by law or for accessing sexually explicit materials. The process shall include, but not be limited to:

1. Utilizing technology that meets requirements of Kentucky Administrative Regulations and that blocks or filters internet access for both minors and adults to certain visual depictions that are obscene, child pornography, or, with respect to computers with Internet access by minors, harmful to minors;
2. Maintaining and securing a usage log; and
3. Monitoring online activities of minors.

REFERENCES:

[KRS 156.675](#); 47.U.S.C. § 254; [701 KAR 005:120](#)
[16 KAR 1:020 KAR 001:020 \(Code of Ethics\)](#)

Public Law 110-385, Broadband Data Improvement Act/Protecting Children in the 21st Century Act.

Kentucky Education Technology System (KETS)

RELATED POLICIES:

03.1325/03.2325

03.17/03.27

08.1353; 08.2322

09.14; 09.421; 09.422; 09.425; 09.426

Adopted/Amended: 07/13/2011

Order #: 9

Child Abuse

REPORT REQUIRED

Any teacher, school administrator, or other school personnel who knows or has reasonable cause to believe that a child under age eighteen (18) is dependent, abused or neglected¹ shall immediately make a report to a local law enforcement agency or the Kentucky State Police, the Cabinet for Families and Children or its designated representative, the Commonwealth's Attorney or the County Attorney in accordance with [KRS 620.030](#).²

After making the report, the employee shall notify the Principal of the suspected abuse, who then shall also promptly make a report to the proper authorities for investigation. If the Principal is suspected of child abuse, the employee shall notify the Superintendent/designee who shall also promptly report to the proper authorities for investigation.

Only agencies designated by law are authorized to conduct an investigation of a report of alleged child abuse. Therefore, the District shall not first investigate a claim before an employee makes a report to the proper authorities. However, in certain situations, reports involving claims made under state and federal laws, such as Title IX, shall require the District, after making the required report, to conduct an independent investigation of the allegations in order to determine appropriate personnel action.

WRITTEN REPORT

The person reporting shall, if requested, in addition to the report required above, file with the local law enforcement agency or the Kentucky State Police or the Commonwealth's or County's Attorney or the Cabinet for Families and Children or its designated representative within forty-eight (48) hours of the original report a written report containing specific information regarding the child, the child's parents or guardians, and the person allegedly responsible for the abuse or neglect.

WRITTEN RECORDS

Copies of reports kept by the District that are submitted to authorities in compliance with the child abuse law are educational records and subject to inspection by the parents of the alleged victim of child abuse. Whether the records are considered "internal records", and not maintained with the students' "permanent records", is immaterial if such records are directly related to students and are maintained by the school or school District.

REFERENCES:

¹[KRS 600.020](#) (1)(15)

²[KRS 620.030](#), [KRS 620.040](#)

[KRS 17.160](#), [KRS 17.165](#), [KRS 17.545](#), [KRS 17.580](#); [KRS 199.990](#), [KRS 620.050](#)
[OAG 77-407](#), [OAG 77-506](#), [OAG 80-50](#), [OAG 85-134](#)

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

RELATED POLICIES:

09.42811; 10.5

Adopted/Amended: 07/16/2009

Order #: 6

Bullying/Hazing

In order to effectively participate in the democratic process as adults, students must learn to respect the rights of others and to interact with them in a civil manner. Therefore, students are required to speak and behave in a civil manner toward students, staff and visitors to the schools.

ACTIONS NOT TOLERATED

The use of lewd, profane or vulgar language is prohibited. In addition, students shall not engage in behaviors such as hazing, bullying, menacing, taunting, intimidating, verbal or physical abuse of others, or other threatening behavior.¹ This policy extends to any/all student language or behavior including, but not limited to, the use of electronic or online methods. Such behavior is disruptive of the educational process and interferes with the ability of other students to take advantage of the educational opportunities offered.

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

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

REPORTS

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

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

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

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

In applicable cases, employees must report bullying and hazing to appropriate law enforcement authorities and complete documentation as required by the District's harassment/discrimination policies covering federally protected areas.

OTHER CLAIMS

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

STUDENTS (Continued)

09.422

Bullying/Hazing

REFERENCES:

¹[KRS 158.150](#); [KRS 158.148](#); [KRS 158.156](#)
[KRS 160.290](#)

Bethel School District No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549
(1986)

Tinker v. Des Moines Independent School District, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731
(1969)

RELATED POLICIES:

03.162; 03.262; 09.13; 09.421; 09.425; 09.426; 09.4281; 09.42811; 09.438
09.2211 (re reports required by law)

Adopted/Amended: 07/13/2011

Order #: 9

Assault and Threats of Violence

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

PUPILS

Any pupil who threatens, assaults, batters or abuses another pupil shall be subject to appropriate disciplinary action, including suspension or expulsion.¹

SCHOOL PERSONNEL

Any pupil who threatens, assaults, batters or physically or verbally abuses a teacher or other school personnel shall be subject to appropriate disciplinary action¹ up to and including expulsion from school and/or legal action.

REMOVAL OF STUDENTS

School administrators, teachers, or other school personnel may immediately remove or cause to be removed threatening or violent students from a classroom setting or from the District's transportation system pending any further disciplinary action that may occur. Threatening or violent behavior shall include, but not be limited to:

1. Verbal or written statements or gestures by students indicating intent to harm themselves, others or property.
2. Physical attack by students so as to intentionally inflict harm to themselves, others or property.

Removal of students from a bus shall be made in compliance with [702 KAR 005:080](#).

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

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

REPORT TO LAW ENFORCEMENT AGENCY

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

NOTIFICATION

Any District employee assigned to work directly with, or who comes in contact with, a student with a documented history of physical abuse of a school employee or of carrying a concealed weapon on school property or at a school function, shall be notified in writing of the student's history by the Principal or designee prior to the assignment or contact.

**STUDENTS
(Continued)**

09.425

Assault and Threats of Violence

REFERENCES:

¹[KRS 158.150](#)

[KRS 158.154](#); [KRS 160.290](#); [KRS 161.155](#); [KRS 161.190](#)

[KRS 161.195](#); [KRS 508.025](#); [KRS 508.075](#); [KRS 508.078](#); [702 KAR 005:080](#)

RELATED POLICIES:

03.123, 03.223, 06.34

Adopted/Amended: 07/10/2007

Order #: 014