

Policy Connection

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Editor

Policy Connection is a free quarterly publication provided by the KSBA Policy Service that is sent to all board members, superintendents, and others who request to receive it.

DATE MOVED UP FOR BACKGROUND/ABUSE CHECKS

School districts will have to comply sooner rather than later with a law that expands checks of criminal records and child abuse/neglect. Senate Bill 101, approved by the 2018 General Assembly, in part moves up the effective date of last year's amendment to KRS 160.380. We believe these new provisions now take effect as of April 4, 2018, instead of July 1, 2018.

The provisions state that superintendents shall not employ in any position in the district "any person who is a violent offender or has been convicted of a sex crime as defined by KRS 17.165, which is classified as a felony, or persons with a substantiated finding of child abuse or neglect in records maintained by the Cabinet for Health and Family Services." For the latter, a letter is required from the Cabinet verifying that the individual has no findings of substantiated child abuse or neglect in its records.

Details

The following generally must produce the referenced Cabinet for Health and Family Services letters: 1) certified new hires; 2) classified new hires; 3) contractors who work on school premises during school hours; and 4) SBDM parent members.

National criminal records checks will be required of all classified initial hires, which previously was optional.

The Superintendent shall require that a contractor who works on school premises during school hours to submit, at no expense to the district, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation and to provide a letter

from the Cabinet for Health and Family Services stating that there are no findings of substantiated child abuse or neglect on record in keeping with KRS 160.380. The statute provides that these background checks and the Cabinet letter are optional for contractors who "do not have contact with students."

A parent council member shall submit to a state and national fingerprint-supported criminal history background as required by KRS 160.380. In addition, the parent council member shall provide a letter from the Cabinet for Health and Family Services stating that there are no findings of substantiated child abuse or neglect on record.

The bill also accelerates the need to insert the conspicuous language set forth in KRS 160.380(9) in classified and certified "application or renewal" forms.

As of April 4, 2018, employees are required to notify the Superintendent if abuse or neglect is substantiated against them by the Cabinet in the event they have waived their right to appeal such a finding or if the finding is upheld on appeal.

Here is a link to more information on the required Cabinet Letter:

<https://tinyurl.com/CentralRegistryChecks>

Also, the DPP-156 Form is at that link. Your KSBA policies should already cover the Cabinet letter and application form requirements in classified and certified hiring policies, except it is preceded by language "beginning July 1, 2018" (Policies 03.11 / 03.21). Our thoughts are that the current hiring policy language will be sufficient by utilizing the applicable language on an "accelerated" basis. We will remove the superseded "July 1, 2018" language in the policy update submitted in May.

Under the amended KRS 160.380 a Superintendent may require volunteers to provide a Cabinet letter and submit to national criminal record check over and above the mandated AOC or KSP



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state criminal records checks for volunteers who supervise or are in regular contact with students per KRS 161.148. In addition, the Superintendent may require background checks and Cabinet letters for other volunteers or visitors.

Thank you to staff attorney John Fogle III for assistance with this section.

Policy References 02.421, 03.11, 03.21, 03.6, 04.32

CIVICS TEST

KRS 158.141 requires that beginning July 1, 2018, students must pass a civics test to receive a regular diploma. The test must consist of 100 questions selected from the civics test administered to persons seeking to become naturalized citizens and prepared or approved by the Board. A minimum score of 60 percent is required to pass the test and students may take the test as many times as needed to pass. Students who passed a similar test within the previous five years are exempt from this civics test. This is subject to the requirements and accommodations of a student's individualized education program or a Section 504 Plan.

Policy Reference 08.113

SCHOOL BOARD/SCHOOL COUNCIL POLICIES

The school board sets policy on graduation requirements while the school council sets the curriculum within the district graduation requirements and state standards.

Policy References 02.4241, 08.113

INSTRUCTIONAL ORGANIZATION

If your district makes changes to the instructional organization and/or moves student grade levels from one school to another in the district, please notify your policy consultant to create a draft policy for the board's approval. Additionally, KRS 158.110 requires that the board receive permission from the Kentucky Board of Education to change the current grade level structure.

Policy Reference 8.12

POLITICAL ACTIVITIES/ADVERTISING ON CAMPUS

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.

Policy References 03.1324/03.2324

MILEAGE RATE UPDATE

If your district reimburses for mileage at the state rate, be advised that the rate per mile effective April 1 through June 30, 2018, is 41 cents per mile. This information can be reviewed quarterly via this link:

<http://finance.ky.gov/services/statewideacct/Pages/travel.aspx>

Policy References 03.125/03.225

SAVE THE DATE – UPCOMING KSBA CONFERENCES:

April 16-17, 2018

School Energy Summit (Embassy Suites, Lexington)

June 7-8, 2018

Federal and State Law Update (Marriott Griffin Gate, Lexington)

July 13, 2018

KOSAA Summer Meeting (Marriott Griffin Gate, Lexington)

July 13-14, 2018

Summer Leadership Institute (Marriott Griffin Gate, Lexington)

Your online connection

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